

**MINUTES OF BUNCOMBE COUNTY BOARD OF COMMISSIONERS'
REGULAR MEETING OF JUNE 21, 2011 AT 4:30 P.M.**

BE IT REMEMBERED: That the Board of Commissioners met in regular session on June 21, 2011, in the Commissioner Chambers, 30 Valley Street in downtown Asheville, North Carolina at 4:30 p.m. where and when the following business was transacted:

Chairman Gantt called the meeting to order with the following members present:

David Gantt, Chairman
Holly Jones, Commissioner
Carol Peterson, Commissioner
K. Ray Bailey, Commissioner
Bill Stanley, Vice Chairman

Staff present were: Wanda Greene, County Manager; Mandy Stone, Assistant County Manager/DSS Director; Jon Creighton, Assistant County Manager/Planning Director; Donna Clark, Finance Director; Kathy Hughes, Clerk to the Board; Mike Frue, County Attorney.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

Vice Chairman Stanley gave the invocation.

DISCUSSION/ADJUSTMENT/APPROVAL TO FOLLOW AGENDA

The Chairman reminded the Board that in accordance with the Code of Ethics as adopted by this Board, it is the duty of every Board member to avoid both conflicts of interest and appearances of conflict. He asked if any Board member had any known conflict of interest or appearance of conflict with respect to any matter coming before the Board. None were stated.

Commissioner Peterson moved to approve the consent agenda as presented and to add to the agenda the *Resolution Authorizing the County Manager to Enter into an Interlocal Agreement with the Buncombe county School Board for Use of Property on Lee's Creek Road for the Installation and Operation of a Public Safety Tower.*

- **Approval of Minutes of May 17, 2011 Regular Meeting**
- **Resolution Authorizing the Execution of Contracts and Related Documents for Construction of the New Public Safety Training Center**
- **Approval of Agreement Establishing Local Government Other-Post Employment Benefits Trust**
- **Resolution Granting the Chairman Authority to Deed a Parcel of Property on Jane Street and a Parcel of Property on Elizabeth Street to the City of Asheville**
- **Release Report**
- **Resolution Approving Pyrotechnic Experts for Fireworks Displays**
- **Grant Projects Ordinance FY 11**
- **Grant Projects Ordinance FY 12**
- **Special Revenue Capital Projects Ordinance**
- **Capital Projects Ordinances**
- **School Capital Commission Fund Project Ordinance FY 11**

- **School Capital Commission Fund Project Ordinance FY 12**
- **Solid Waste Capital Project Ordinance**
- **Budget Amendments**
 - **Fund 10 –Interfund Transfers IT(\$125,304); General Services (\$308,761)**
 - **Fund 12 – Air Quality (\$15,000)**
 - **Fund 23 – 911 Revenues Transfers (\$2,073,973)**
 - **Fund 30 – Transportation (\$209,584)**
 - **Fund 66 – Solid Waste Revenues Transfers (\$4,015,000)**

Vice Chairman Stanley seconded the motion and it passed 5-0.

GOOD NEWS

- **Special Presentation**

Little Joe Brown, former local radio personality, introduced the author of Look Up Asheville Laura Hope-Gill. Ms. Hope-Gill presented each Commissioner with a copy of the book that paid photographic tribute to the beauty of the City's architecture.

- **WNC Farmers Market**

Doug Sutton, Manager of the WNC Farmer's Market, gave a short power point presentation of the history and thriving business at the WNC Farmers Market. The market, originally located on Lexington Avenue in Asheville and now located on I-40 at exit 47 on 36 acres, has 14 buildings and meets the needs of individuals, restaurants and wholesale markets.

PROCLAMATION

- **HIV Testing Day (June 27)**

Commissioner Jones read the proclamation and moved for its approval. Vice Chairman Stanley seconded the motion and it passed 5-0. Jennifer Poore with the WNC Aids Project accepted the proclamation and asked that everyone be educated on the facts of HIV-AIDS. Michael Harney with WNCAP also encouraged everyone to know their status with free testing opportunities. Sue Ellen Morrison, Immunizations Director with the Department of Health, also encouraged citizens to take advantage of the testing.

- **Parks, Greenways and Recreation Month (July)**

Commissioner Peterson read the proclamation and moved for its approval. Commissioner Bailey seconded the motion and it passed 5-0. Commissioner Peterson presented the proclamation to Lynn Pegg and Jamie Sharpe with the County Parks, Greenways and Recreation Department. Jessica Stevemeyer, County Parks Planner, said that the County had recently begun the Greenways Master Plan update.

PUBLIC HEARINGS

- **Ordinance Adopting Chapter 26, Article VIII of the Buncombe County Code, The Retaining Wall Ordinance**

Jon Creighton, Planning Director/Assistant County Manager, said that the ordinance had been in development with the Planning Board since November. He gave a power point attached to the minutes of the meeting.

The Chairman opened the public hearing at 5:19 p.m.

Dr. Milton Byrd asked about ground water management and storm water redirection issues. He wanted any wall over 20 feet to include a water management plan.

Jerry Rice asked if the taxpayers of the County could be held responsible for the wall built on US 74. He criticized the Planning Board and their decisions on this issue.

There were no other comments and the hearing was closed at 5:22 p.m.

Mr. Creighton said that storm water management was required as part of the development of any site.

Commissioner Peterson moved to approve the ordinance as presented. Commissioner Bailey seconded the motion and it passed 5-0. Commissioner Peterson thanked the Planning Board for their work in bringing this ordinance forward.

NEW BUSINESS

- **Adoption of FY 2012 County Budget**

The County Manager reviewed the FY 12 County budget ordinance as presented. She reviewed the fee schedule that is attached to the minutes and asked for the Boards' approval.

Vice Chairman moved to approve the fee schedule as proposed. Commissioner Peterson seconded and the motion passed 5-0.

Commissioner Peterson moved to approve the budget as presented. She thanked the finance staff and departments that had worked hard to decrease their budget while providing quality service. She commended the budgeting of money to open the two new intermediate schools and to keep core services well provided for in the budget. Vice Chairman Stanley seconded the motion.

Commissioner Jones asked that the services that were contracted out as part of this budget be monitored, benchmarked and held accountable. The County Manager said that the contracts have performance measures and will be closely monitored. The motion passed 5-0.

- **Resolution Authorizing the County Manager to Execute an Interlocal Agreement with the City of Asheville for Construction of a Sidewalk on Emma Road**

Jon Creighton, Assistant County Manager, said that this had been a long time coming and he was happy to say that this interlocal agreement would allow construction of a sidewalk for Emma Elementary School. The Department of Transportation had issued grant funds that would allow the sidewalk to be constructed for this neighborhood. The County will share maintenance of the project.

Vice Chairman Stanley moved to approve the resolution as presented. Commissioner Jones seconded the resolution and it passed 5-0.

- **Resolution Authorizing the County Manager to Enter into an Interlocal Agreement with the Buncombe County School Board for Use of Property on Lee's Creek Road for the Installation and Operation of a Public Safety Tower**

Mike Frue, County Attorney, said that this lease would replace an expired lease for a public safety tower that the County needs in the Leicester area. The County School Board had agreed to lease property for \$1 a year for placement of the tower.

Commissioner Bailey moved to approve the resolution as presented. Commissioner Peterson seconded and the motion passed 5-0.

BOARD APPOINTMENTS

Commissioner Bailey moved to reappoint **David Bailey, Bryan Dover, Bill Maloney and Dusty Rhodes** to the **Mountain Area Workforce Development Board**. The motion passed 5-0.

Vice Chairman Stanley moved to reappoint **Ray Spells** to the **Asheville Buncombe Technical Community College Board of Trustees**. The motion passed 5-0.

Commissioner Jones moved to appoint **Miegan Gordon and Eleanor Johnson** to the **Library Board of Trustees**. The motion passed 5-0

Commissioner Peterson moved to appoint **Bill McElrath** to the **Board of Social Services**. The motion passed 5-0.

ANNOUNCEMENTS

The Chairman made the following announcements:

- *The next meeting of the Board will be June 28, 2011 at 5 p.m. The Board will also meet on July 26, 2011 at 5 p.m...*
- *Commission meetings can be seen on BCTV Charter Cable Channel 2 on Tuesday and Thursday at 8 p.m.; Wednesday at 3 p.m. and Saturday and Sunday at 9 a.m. or online at buncombecounty.org*

PUBLIC COMMENT

Hope Herrick had a concern about the purchase of the Volvo property and the amount of the economic development incentive. She was opposed to the purchase.

Leeann Smith a librarian with the County School system made a statement that is attached to the minutes. *The County Attorney said that he would investigate the condemnation of the CTS building and the safety issues.*

Rev. Lisa Landis (glolady) said that she was a religious teacher and from the safety and security industry. She had a show on URTV where she educated and entertained for 6 hours a month. She spoke about alcoholism. She wanted to know how much BCTV was funded and whether or not URTV was in the budget.

Barry Durrand spoke regarding EPA and the CTS plant.

Brother Christopher spoke about conspiracy and loss of freedom. He said that URTV was shot down because of him and others as part of a conspiracy.

The County Manager explained URTV funding. She said that the County's PEG funding had been reviewed by the state auditor and there was no indication that the county owed URTV any funding. *The Chairman asked that the report be made public when the auditors report is complete.*

Jerry Rice said that the taxpayers need a property tax decrease. He was concerned about spending money on capital purchases that is financed on the backs of the taxpayers. He criticized the newspaper for inaccurate reporting.

Mike Fryer said that he knew people that could not find a job and why fund schools that can't help people get a job. He criticized the proposed purchase of the Volvo plant and the amount of pay that certain county employees receive.

The Vice Chairman moved to continue the meeting to June 28 at 5 p.m. Commissioner Peterson seconded the motion and it passed 5-0.

The Board of Commissioners met in continued session on June 28, 2011, in the Commissioner Chambers, 30 Valley Street in downtown Asheville, North Carolina at 5 p.m. where and when the following business was transacted:

Chairman Gantt called the meeting to order with the following members present:

David Gantt, Chairman
Holly Jones, Commissioner
Carol Peterson, Commissioner
K. Ray Bailey, Commissioner
Bill Stanley, Vice Chairman

Staff present were: *Wanda Greene, County Manager (present by phone)*; Mandy Stone, Assistant County Manager/DSS Director; Jon Creighton, Assistant County Manager/Planning Director; Donna Clark, Finance Director; Kathy Hughes, Clerk to the Board; Mike Frue, County Attorney.

DISCUSSION/ADJUSTMENT/APPROVAL TO FOLLOW AGENDA

Vice Chairman Stanley moved to approve the consent agenda as follows:

- **Budget Amendment: Fund 10- Information Technology (\$259,410)**
- **Capital Projects Ordinance**
- **Resolution Approving Pyrotechnic Experts for Fireworks Displays**

Commissioner Peterson seconded and the motion passed 5-0.

PUBLIC HEARING

- **Resolution Authorizing the Purchase of Real Property and Buildings for Economic Development Activities**

Mike Frue, County Attorney, said that the Board had been working on securing the property owned by Volvo in order to preserve it for another manufacturing company. The purchase price would be \$7 million. He requested the Board approve the resolution after the public hearing.

The Chairman called the public hearing to order at 5:03 p.m.

Lisa Landis questioned how the County was able to purchase the property and if the County was interested in creating jobs. She asked if money would be set aside to allow people to start their own businesses and if any businesses had already looked at the property.

Jerry Rice thanked the Board for bringing jobs to the area. He asked how the State was connected with this purchase and expressed his concern about sustainable jobs in the County. He asked how much tax revenue would be lost by having the county purchase the property.

Jerry Sternberg said he was an investor and the purchase of this property was an excellent investment.

The County Attorney said that there was some risk as in all business decisions and that all perspective businesses would be required to meet the economic incentive wage, job and investment requirements.

Jon Creighton, Assistant County Manager, said that there was a "clawback" policy that legally required any company that did not meet the preset requirements to pay back the incentive.

The Chairman closed the public hearing at 5:15 p.m.

Vice Chairman Stanley moved to approve the resolution authorizing the purchase of the property. Commissioner Peterson seconded the motion and it passed 5-0.

Commissioner Peterson moved to go into closed session pursuant G.S.143-318-11a(3) for an attorney client matter. Commissioner Jones seconded and the motion passed 5-0.

Closed Session

Discussion was held regarding legal issues involved in the Volvo property acquisition. No action was taken.

Commissioner Bailey moved to return to open session. Vice Chairman Stanley seconded and the motion passed 5-0.

Vice Chairman Stanley moved to adjourn the meeting. Commissioner Peterson seconded and the motion passed 5-0.

The meeting was adjourned at 5:29 p.m.

KATHY HUGHES, CLERK TO
THE BOARD OF COMMISSIONERS

DAVID GANTT, CHAIRMAN
BOARD OF COMMISSIONERS