

**MINUTES OF BUNCOMBE COUNTY BOARD OF COMMISSIONERS'  
REGULAR MEETING OF JANUARY 20, 2009 AT 4:30 P.M.**

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**BE IT REMEMBERED:** That the Board of Commissioners met in regular session on January 20, 2009, in the Commissioner Chambers, Room 204 of the Courthouse in downtown Asheville, North Carolina at 4:30 p.m. where and when the following business was transacted:

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

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

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

**CALL TO ORDER**

**PLEDGE OF ALEGIENCE**

**INVOCATION**

Pastor Emeritus Lewis Start, St. Marks Lutheran Church gave the invocation.

**DISCUSSION/ADJUSTMENT/APPROVAL TO FOLLOW AGENDA**

Commissioner Peterson moved to approve the consent agenda as presented.

- Approval of the Minutes of the January 6, 2009 Regular Meeting
- Resolution Authorizing the Acceptance of Applications and Approval of Housing Projects for the Affordable Housing Services Program
- Resolution Authorizing the Submission of An Application to the Asheville Regional Housing Consortium for HOME Funds and Approval of Housing Projects
- Parking Deck Capital Ordinance
- Grant Projects Ordinance
- PDF 2008 Debt Service Reserve Capital Projects Ordinance
- PDF Woodfin Downtown District Capital Projects Ordinance
- Budget Amendments:
  - Fund 22 - Workforce Investment Act (\$57,934)
  - Fund 10 - Social Services (\$34,091) Cover Sheet
- Release Report
- Resolution Accepting a Report from the County Purchasing Agent Concerning the Sale and Disposal of County Surplus Property
- Resolution Declaring the Broad River Cemetery An Abandoned Public Cemetery
- Resolution Approving Pyrotechnic Experts for Firework Display (Asheville Civic Center)

Commissioner Stanley seconded and the motion passed 5-0.

*The Chairman reminded the Board that in accordance with the State Government Ethics Act, 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.*

## **NEW BUSINESS**

- **Report on Tax Collections and Authorization to Advertise Unpaid Liens**

Gary Roberts, Tax Director, gave an update on collections stating that the collections division began calling large taxpayers on January 13 to set up payment agreements. He said that he is required by law to advertise tax liens between March and June. The number of liens to be advertised should be around 10,000 at an estimated advertising cost of \$20,000. The advertising costs are recovered in collections. Mr. Roberts requested approval to advertise on March 29. He said that he would bid out the advertisement for the best price.

Commissioner Peterson moved to approve the advertisement of liens as requested and outlined by the Tax Director. Commissioner Stanley seconded and the motion passed 5-0.

- **Amended Rules and Procedures for the Board of Commissioners**

Mike Frue, Assistant County Attorney, reviewed the changes that resulted from the Commissioners' planning retreat--attached to the minutes and reflected in red. Commissioner Peterson asked that Section 19 on absentee voting be struck from the draft. Commissioner Jones asked about the media designation area and if Mr. Rice could continue to film from his current location. Mr. Frue said that was the intent as the rules were currently written. Commissioner Jones questioned the need to keep paragraph "F" under public comment which would limit the number of speakers. Commissioner Stanley agreed stating that paragraph "F" should be struck from the draft.

Joe Connolly, County Attorney, suggested adding back to the rules the section allowing a speaker who represents at least 8 people in attendance during public comment to be allowed to have 10 minutes to speak if those 8 or more people decline to speak.

Commissioner Jones moved to approve the rules with the changes discussed making the changes effective February 3, 2009. Commissioner Bailey seconded the motion and it passed 5-0.

## **BOARD APPOINTMENTS**

Commissioner Peterson moved to appoint **Lisa Wells, Rose Garrison and Christopher Bradford** to the **Nursing Home Community Advisory Committee**. Commissioner Bailey seconded and the motion passed 5-0.

Vice Chairman Stanley moved to appoint **Matt Fusco** to the **Land Conservation Advisory Board**. Commissioner Bailey seconded and the motion passed 5-0.

## **ANNOUNCEMENTS**

- *The next regular meeting of the Board will be Tuesday, February 3, 2009 at 4:30 p.m. in Commission Chambers*
- *At least three members of the Board will be attending the intergovernmental relations meeting at the Chamber on February 17 at 8 a.m. at chamber of commerce*
- *At least three members of the Board will attend a Chamber event at the Doubletree Biltmore at 6 p.m. on January 22.*

- *Several members of the Board may attend the special meeting of the Planning Board on Thursday, January 22 at 5:30 in the Permits and Inspections Training Room on Valley Street*

#### **PUBLIC COMMENT**

Jerry Rice said he was concerned that the Board is considering the purchase of the Biltmore Square property. He thanked them for putting public comment on television.

The County Attorney said that the Board would need a closed session pursuant to GS 143-318-11(a)3 to consider a legal matter and (a)5 to discuss property acquisition.

Vice Chairman Stanley moved to go into closed session for the reasons cited by the County Attorney. Commissioner Peterson seconded and the motion passed 5-0.

#### **CLOSED SESSION**

The County Attorney reviewed the issue of confidentiality agreements with the Board regarding certain property acquisitions.

The Board reviewed over 30 parcels or property that may be available across the county. The Board agreed by consensus on three properties instructing the County Manager and staff to further investigate said properties and bring a recommendation to the Board in regular session.

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

The meeting was adjourned at 6:10 p.m.

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KATHY HUGHES, CLERK TO THE  
BOARD OF COMMISSIONERS

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DAVID GANTT, CHAIRMAN  
BOARD OF COMMISSIONERS