

**MINUTES OF BUNCOMBE COUNTY BOARD OF COMMISSIONERS'
REGULAR MEETING OF MARCH 1, 2011 AT 4:30 P.M.**

BE IT REMEMBERED: That the Board of Commissioners met in regular session on March 1, 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:

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

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

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

Commissioner Peterson 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.

Vice Chairman Stanley moved to approve the consent agenda as presented.

- **Approval of Minutes of February 15, 2011 Regular Meeting**
- **Resolution Donating a Surplus Vehicle to Barnardsville Volunteer Fire Department**
- **Resolution Authorizing the County Manager to Execute an Agreement with the City of Asheville for Transportation Funding under the Job Access Reverse Commute Program**

Commissioner Peterson seconded the motion passed 5-0.

GOOD NEWS

- **GrowBC Together – Kinder**

Kathy Hughes, Clerk/Public Relations Director, reminded the Board that in 2011 the County was focusing each month on a core service through the County's GrowBC Together campaign. In January the County focused on the environment, encouraging everyone to recycle and conserve; in February the focus was on becoming healthier including a video from Chairman Gantt on his struggle to lose weight. In the month of March, the County would focus on becoming kinder. Ms. Hughes introduced Tim Rhodes from Economic Services in the Department of Social Services who shared how five employees in his department had been commended for showing kindness. An excerpt of his comments is attached to the minutes. He recognized Brenda Gregory, Virginia Hall, Sue Emelio, Kathy Courtney and Lisa Beasley.

Commissioner Bailey moved to change the order of the agenda and move the item appointing the Register of Deeds as the next item of business. Commissioner Peterson seconded and the motion passed 5-0.

- **Resolution Appointing the Register of Deeds for Buncombe County**

Vice Chairman Stanley said that the Human Resources Director, in studying other County salary grade plans for the Register of Deeds, recommended that the Board start this positions at a salary of \$78,497 annually. The Vice Chairman moved to set the salary at that amount.

Commissioner Peterson seconded the motion and it passed 5-0.

Commissioner Jones said that this was a good entry level salary. She said that the County had a 6 month waiting period for the health insurance benefit of new employees (including elected officials) and she requested that the Commissioners review this policy in the future for all new employees. Chairman Gantt moved to waive the 6 month waiting period for health insurance for Register of Deeds. Vice Chairman Stanley seconded the motion and it passed 5-0.

Commissioner Jones restated her request to revisit this for all new county employees.

Commissioner Jones moved to approve the resolution appointing Drew Reisinger as the Register of Deeds. Vice Chairman Stanley second and the motion passed 5-0.

Chairman Gantt swore in the Register of Deeds. A copy of the oath is attached to the minutes.

Drew Reisinger, Register of Deeds, thanked the executive committee of the Democratic Party for allowing him to fill out the unexpired term of Otto DeBruhl. He said that he was honored to serve the County and to fulfill his campaign promise to cut the existing salary by 40%, he would donate the difference in the amount of the salary he will receive to the schools foundation.

PUBLIC HEARING

- **Re-Zoning Request R-1 to R-3**

Debbie Truempy, County Planner, said that the Planning Board had considered each of these lots for re-zoning from R-1 to R-3 (Allen, Bryant, Ellis and Riddle). The requested re-zoning is consistent with the Land Use plan and will not be detrimental to the area. The Planning Department recommended approval. The Planning Board held a public hearing and with the exception of one request that was later withdrawn, the re-zonings were approved unanimously.

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

Angela Allen said that she requested the rezoning in order to put a singlewide trailer on her property. The hearing was closed at 5:02 p.m.

Vice Chairman Stanley moved to approve the Statement of Consistency for the Allen rezoning request. Commissioner Jones seconded and the motion passed 5-0.

Commissioner Jones moved to approve the Allen re-zoning as requested. Commissioner Bailey seconded and the ordinance passed 5-0.

Commissioner Bailey moved to approve the State of Consistency for the Bryant re-zoning. Commissioner Peterson seconded and the motion passed 5-0.

Vice Chairman Stanley moved to approve the Bryant re-zoning as requested. Commissioner Bailey seconded and the motion passed 5-0.

Commissioner Peterson moved to approve the Statement of Consistency for the Ellis re-zoning. Commissioner Bailey seconded and the motion passed 5-0.

Commissioner Peterson moved to approve the Ellis re-zoning as requested. Commissioner Jones seconded and the motion passed 5-0.

Commissioner Bailey moved to approve the Statement of Consistency for the Riddle re-zoning. Vice Chairman Stanley seconded and the motion passed 5-0.

Commissioner Peterson moved to approve the Riddle rezoning as requested. Vice Chairman Stanley seconded and the motion passed 5-0.

- **Community Transportation Program Grant Application**

Lori Hembree, Mountain Mobility, said that the hearing was a requirement of the grant application for state funds for administration and capital needs. She said that the grant required a local match that would come from the transportation budget. The capital request included 6 desktop computers and 5 lift-equipped vehicles.

The Chairman opened the public hearing at 5:07 p.m.

Jerry Rice said that Mountain Mobility was a huge transportation department and he wanted a comprehensive review of the entire department because he had not heard anything about the workings of the department. The County Manager said that this department could be reviewed as part of the budget process.

The hearing was closed at 5:09 p.m.

Commissioner Bailey moved to approve the **Resolution Authorizing the Chairman to Execute an Application for Community Transportation Program Funding, Enter into an Agreement with NCDOT and Provide Necessary Assurances.** Commissioner Peterson seconded the motion and it passed 5-0.

NEW BUSINESS

- **Resolution Regarding the Western Highlands Area Authority Medicaid 1915b/c Waiver**

Mandy Stone, Assistant County Manager, gave a power point presentation that is attached to the minutes. She said that the waiver would not require new funding or expand Medicaid entitlements and would increase flexibility by using existing funds locally.

The Board took public comment on this item.

David King said that bringing the control back home was a good idea, but he asked if this would expand services to those that don't really need them. He wanted leadership from the Board.

Kristine Smith of NAMI said that the people needing services were from this area and there needed to be flexibility for those that require services. She spoke in favor of the waiver.

Dr. Pitt of NAMI said that he was in support of the waiver and that the investment was not a waste of money but meeting the needs of the community. He spoke in favor of the waiver.

Jim Duffy, member of NAMI, spoke in favor of the waiver, stating that dealing with the value center was very difficult and he wanted local management of these resources.

Jenna Price Farral, parent of a child with disabilities, felt that that the number of consumers would not increase, but the same people would be better served locally.

Nancy Baker, NAMI member, said that her son had a disability but was not one of "those people." She said that people with disabilities work and are part of the community.

Chris Stone said that he received services for autism on Medicaid and he was in favor of the waiver.

Jerry Rice said he wanted to make sure that the services were good and did not show favoritism. He said that services are not being granted to all consumers and that substance abuse is one of the worst problems and should be considered part of the issue.

Commissioner Peterson moved to approve the **Resolution Regarding the Western Highlands Authority Medicaid 1951 b/c Waiver Project**. Vice Chairman Stanley seconded the motion.

Commissioner Jones said that she was glad the Board held action on this resolution allowing time for more citizens to get information and comment on the topic. She thanked Mandy Stone for her work on the resolution that protected the County and the project.

The motion passed 5-0.

- **Resolution Delegation Authority to Execute Estoppel Agreement with the City of Asheville to the County Manager**

The County Attorney said that this resolution would simplify the process of construction for the County's projects within the City of Asheville. Commissioner Bailey moved to approve this resolution. Commissioner Peterson seconded and the motion passed 5-0.

BOARD APPOINTMENTS

Commissioner Peterson moved to appoint **Denise Smith** and **Jesse Horner** to the **Adult Care Home Community Advisory Committee**. The motion passed 5-0.

Vice Chairman Stanley moved to appoint **Lana Wilde** to the **Nursing Home Community Advisory Committee**. The motion passed 5-0.

ANNOUNCEMENTS

The Chairman made the following announcements:

- *The next meeting of the Board will be April 5, 2011.*
- *Members of the Board will attend the National Association of Counties Legislative conference in Washington DC on March 4-9*

PUBLIC COMMENT

Chris Duct of Weaverville said that he was retired from the military, had worked in the business world and was opposed to the travel and technology supplement the commissioners received. He said that he was opposed to the salaries given to some county employees as well.

Kevin Tipton, Barnardsville Volunteer Fireman, thanked the Board and the Sheriff for the resolution approving the donation of a vehicle to the volunteer fire department.

Peggy Bennett of Leicester wanted the Commissioners to be paid only for the travel expense they actually incurred. She suggested that the Board post all their business meetings on the website. She said that Citizens for Change would be reviewing all Commission credit card receipts for their travel.

Mike Fryar asked the Board not to take any more travel money. He spoke about the increases in the Sheriff's Office and positions in that office.

Gail Joyner from URTV asked for more funding for URTV and that the County was not giving the funding they were required to provide. She said that URTV will need more funding to continue.

Debra Williams a producer from URTV asked why URTV was not getting adequate funding. *The Chairman asked that the County Manager answer the funding questions regarding URTV at a future meeting.*

Duane Whitmore, spoke in favor of URTV ability to change lives. She felt URTV helped people get jobs and get off the street.

Bob Horn, member of URTV, said that URTV had been cut drastically and should be funded from franchise fees and was entitled to sales tax revenues.

Jeff Turner wanted to keep URTV on the air. He felt URTV was generating capital revenue and should be considered economic development.

Linda Gantz spoke regarding vacation rentals.

Lisa Landis from URTV said that she wanted people to be valued and URTV to be funded. She said the planets would not allow URTV to be closed.

Van Duncan, Sheriff, spoke to Mike Fryar's comments stating that Commissioner Jones has been asked to negotiate budget and personnel matters and had looked at the Sheriff's budget to find ways to cut. He asked that the Board recognize the role of Commissioner Jones as his liaison.

Jerry Rice said that there were comparisons of salaries presented at the last meeting that he questioned. He said that the counties mentioned were no comparable. He did not want a third party hired to look at the County salaries. He also questioned the number of deputies that were in the room during the meeting.

Commissioner Bailey moved to go into closed session pursuant to GS 143.318-11a (4) for a possible economic development incentive. Commissioner Peterson seconded and the motion passed 5-0.

Closed Session

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

Commissioner Bailey moved to go into closed session pursuant to GS 143.318-11a (4) to consider 2 economic development incentives and for (6) a personnel matter. Vice Chairman Stanley seconded and the motion passed 5-0.

Closed Session

The Board discussed a personnel matter with the Sheriff. No action was taken.

Jon Creighton, Assistant County Manager, presented a possible economic development incentive regarding an existing business. The business would make a \$50 million investment bringing 41 jobs and a new product line. The Board gave consensus to offer a \$1 million incentive paid out over 5 years.

Mr. Creighton presented an additional economic development incentive for an existing company that would make a \$7.2 million expansion investment bringing 26 jobs. The Board gave consensus to offer \$200,000 incentive.

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

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

The meeting was adjourned at 7:05 p.m.