

**MINUTES OF BUNCOMBE COUNTY BOARD OF COMMISSIONERS'
REGULAR MEETING OF MAY 3, 2011 AT 4:30 P.M.**

BE IT REMEMBERED: That the Board of Commissioners met in regular session on May 3, 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

Commissioner Bailey 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.
(The Board agreed to move Approval of Social Media Policy to New Business, it was later moved to the May 17 meeting by motion recorded in the minutes)

- **Approval of Minutes of April 19, 2011 Regular Meeting**
- **Resolution Extending Closing Deadline for Sale to Mountain Housing Opportunities**
- **Approval of Juvenile Crime Prevention Council Allocations**
- **Resolution Approving Pyrotechnic Experts for Fireworks Display**
- **Budget Amendment:**
 - **Fund 12 – Air Quality (\$12,500)**
- **Special Revenue Capital Project Ordinance**
- **Grant Projects Ordinance**
- **Capital Projects Ordinance**

Vice Chairman Stanley seconded the motion passed 5-0.

GOOD NEWS

- **Appalachian Sustainable Agriculture Project**

Charlie Jackson with the Appalachian Sustainable Agriculture Project, reported on their work to support local farms and farmers. He said that Buncombe is the center of the agri-revitalization. He showed two of the commercials produced for the local mountain farmers

markets stating that the County had 12 tailgate markets that are doing \$2 million business every year and that the County is leading the state in production at these markets.

Asheville City Farmer's Market now takes EBT cards for their locally grown food. The Charlotte Street Market that is open on Saturday morning had been very successful. Restaurants and county schools are also buying from local farms promoting healthier eating. He said that with the estimated \$450 million worth of demand for food in our local area and the farmers have great local potential.

The Chairman and Board members thanked ASAP for their work in helping them meet one of the County's goals to keep local farms working.

PROCLAMATIONS

- **Special Olympics Day in Buncombe County**

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 Grace Young and several Special Olympians present.

- **Motorcycle Awareness Week**

Vice Chairman Stanley read the proclamation and moved for its approval. Commissioner Peterson seconded the motion and it passed 5-0. Vice Chairman Stanley presented the proclamation to Roger Williams with Concerned Bikers Awareness Group.

Mr. Williams thanked the Board for the proclamation stating that it was the 10th year they had received the designation and had not given up on getting it as a Statewide proclamation. He said that the Concerned Bikers Awareness group will continue teaching the motorcycle safety program in the high schools as part of the driver's education program and will continue to push for the program to be a statewide initiative.

- **Arson Awareness Week**

Commissioner Bailey read the proclamation and moved for its approval. Commissioner Stanley seconded and the motion passed 5-0.

- **Foster Care Month**

Commissioner Jones read the proclamation and moved for its approval. Commissioner Bailey seconded the motion and it passed 5-0. Commissioner Jones presented the proclamation to Heather Sellers, with the Department of Social Services, who thanked the Board for the recognition.

PUBLIC HEARING

- **Zoning Request – State of North Carolina PIN 0609-24-8868 to PS**
- **Zoning Request – Ingles Markets PIN 0609-14-5017 to EMP**

Debbie Truempy, County Planner, said that both properties were part of a larger tract located in Black Mountain. She said that the properties were not zoned initially because they were designated as part of the Town of Black Mountain; however, they were not located within the town limits and need a zoning designation. The Planning Board held a public hearing on April 18 where no public comment was made on either property. The Planning Board voted unanimously to approve the State property designation as Public Service and the Ingles Markets property as employment. They found that both zoning designations were consistent with the land use plan.

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

Jerry Rice asked if these lots were missed in the initially zoning maps in the beginning.

Mike Frue, County Attorney, said that this property was not in the Town of Black Mountain and needed to have a zoning designation.

Don Yelton said that the Board should read the communist manifesto.

The Chairman closed the hearing at 5:11 p.m.

Commissioner Bailey moved to approve the zoning of property known as PIN 0609-24-8868 as Public Service. Commissioner Peterson seconded the motion and it passed 5-0. Commissioner Jones said that this request was consistent with the land use plan.

Vice Chairman Stanley moved to approve the zoning of property known as PIN 0609-14-5017 as Employment. Commissioner Peterson seconded the motion and it passed 5-0. Commissioner Jones said that this request was consistent with the land use plan. The motion passed 5-0.

COUNTY MANAGER'S REPORT

- **Adult Care Home Community Advisory Committee Report**

Donald Diebert, Chairman of the Adult Care Home Community Advisory Committee, gave a report that is attached to the minutes of this meeting. He said that the committee members visit 82 adult care homes with over 1,200 residents.

Barbara Hinshaw, Regional Ombudsman with Land of Sky Regional Council, said that when problems are found in an adult care home, the problem was reported to the home supervisor and made part of the public record. Ms. Hinshaw said she was part of a State task force reviewing the growing problem of mentally ill patients of all ages being placed in adult care homes. She said that there was progress but the problem continued to be a serious issue. She confirmed that Buncombe County had more homes than any other county in the state.

- **Western North Carolina Community Health Services Update**

Mandy Stone, Assistant County Manager/DSS Director, gave a power point presentation that is attached to the minutes of this meeting. She reviewed the successful partnership with Western North Carolina Community Health Services for services previously provided by the County Health Department. She thanked Minnie Jones for being at the meeting and Carlos Gomez, WNCCHS Director for attending.

Curtis Venable, WNCCHS Board Chairman, reviewed a power point attached to the minutes of the meeting. He reviewed the successful work of the staff at the Minnie Jones Clinic in addressing the needs of low income patients.

Dr. Polly Ross, Medical Director for WNCCHS, said that they were delivering quality care at lower than the national average costs. Mr. Venable said that there would be additional expansion on Biltmore Avenue as the transition of the prenatal health from Health Center to WNCCHS begins.

Dr. Richard Hudspeth, Medical Director with Community Care of WNC, gave an explanation of the organization stating that they were the health care delivery agency for Medicaid recipients in North Carolina. His report is attached to the minutes of the meeting.

Curtis Venable said that by federal mandate, a majority of the board of WNCCHS must be clients of the practice. The service is driven by the patients needs and run by the patients themselves.

Commissioner Jones expressed her concern for the transition of the Prenatal Services to WNCCHS as these services had been so successfully delivered by the County Department of Health. She said she looked forward to hearing more about this transition and being kept up to date on the program.

Dr. Ross said that it was an honor to take over the prenatal services at WNCCHS and that they would work to build the trust of the community in meeting those needs while enhancing the services to the population they serve. Minnie Jones said she was proud of the programs that were helping the people and the same would be the case for the prenatal clinic.

- **Legislative Update**

Wanda Greene, County Manager, said that the WNCCHS report reflects positively on the Board and how they have enabled growth of services to the community in the face of increased need, decreased funding and a complicated process.

Trena Parker, Elections Director, gave a report on the legislation impacting elections currently in the legislature. She gave a handout that is attached to the minutes. She reviewed the changes that include possible constitutional amendments; registration changes; voter identification and petition requirements; primary changes; campaign finance reform; early voting and absentee ballots changes.

Josh OConnor, County Planner, reviewed the proposed legislation that impacts planning and land use policies. He said bills regarding annexation reform --in particular HB 9 and SB 27 – involving an involuntary annexation moratorium until 2012, had passed the senate. He also mentioned other bills involved repeal of the Biltmore Lake annexation from the City maps and the zoning of bill boards and other zoning ordinance impacts.

Wanda Greene, County Manager, said that County staff was monitoring the changes that will impact the budget. She noted changes that will impact the county including the reduction in the share of lottery proceeds and school capital construction funds and an increase in the elderly exemption reducing the amount of property taxes the County would receive.

Commissioner Jones asked, *in the form of a motion*, that a letter be sent to the legislature requesting that the County have input into the congressional redistricting and not have it drawn or designated by people in Raleigh. Vice Chairman Stanley seconded the motion and it passed 5-0.

NEW BUSINESS

- **Update on Generator at the Landfill**
- **Approval of Social Media Policy for County Employees**

Commissioner Peterson moved to hold these two agenda items until a future meeting. Vice Chairman Stanley seconded and the motion passed 5-0.

BOARD APPOINTMENTS

Commissioner Peterson moved to reappoint **LC Ray** to the **Board of Health**. The motion passed 5-0.

Vice Chairman Stanley moved to appoint **Sabrina Stone** and **Dixie Barkdoll** to the **Adult Care Home Community Advisory Committee**. The motion passed 5-0.

ANNOUNCEMENTS

The Chairman made the following announcements:

- *The next meeting of the Board will be May 17, 2011.*
- *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

Don Yelton gave the definition of domicile as it relates to voting. He said that County citizens wanted a vote on zoning and had to beg in Raleigh. He said that the citizens have found someone to listen to them in Raleigh. He criticized the designated location for video cameras and the audio level in the Commissioners' Chambers as well as the handling of the URTV funding issue.

Ming Deal spoke about public access television saying that providing it was a moral obligation.

James Lattimore proposed that URTV get a second chance and that the discussion be on the business agenda and a final decision made. He requested a new CEO and new Board for URTV.

Christian McKinney said she was producing a film about sustainables and was in favor of keeping URTV going.

Steve Warshaw asked about the legality of requiring public access being funding at 2006 level. He asked about funding of the certified channels. *The Chairman asked him to leave his questions with the County Attorney.* He said he had asked State Representative Tim Moffit to review the URTV matter.

Dixie Barkdoll said she felt good about the county and their work with WNCCHS. She said she was proud of much of what she heard tonight. She wants URTV to be funded as it is a model in the state.

Johnny Cranzy, former operations manager for URTV, said he was a volunteer at the WNC Media Center and is not longer paid for his work. He believes in the station and the people who use the resources. He said that URTV was not required to be self sustaining in their contract and none of the channels in the country are self-sustaining.

Dale Joyner, Board member of URTV, read from the contract with URTV. She said that the county had put people out of a job. *Commissioner Jones said that she supported a 501c3 model for greater access and was offended to be accused of causing lost jobs. She said the management structure at URTV was broken.*

Reid Dodd thanked the board for being providing the access channel and he hoped to be able to continue sharing on the URTV channel.

Brother Christopher from URTV said that the County's commitment to public access was a sham. He wants the county to support the channel.

Marshall Kyle said he has worked at URTV and he appreciated the time he has had at the channel. He hoped to find a way to move forward and support public access.

Tosha Baxter thanked Jonathan Cranzy for his work at the channel. She said that losing URTV would be losing a free speech forum. She invited the Commissioners to come and be on the show.

Lisa Landis, Glo Lady, invented glow in the dark clothing and installed a glow in the dark escape route system. She's from Orlando Florida and walked away from a lot of money and produces at URTV. She works with energy and is a physic and wants to charge for her services.

Heidie Stalley works with URTV and wants the station to have money and stay open.

Dr. Milton Byrd said that the community needed to reestablish trust and he wanted communication rebuilt and a forum to continue because it was an important aspect of the community. Extremes are part of the American freedoms and he thanked the Board for their support.

Sharon Holloman with Crescent View Retirement home gave their yearly stewardship report that is attached to the minutes.

Debra Lee producer at URTV said that she was angry that public access was being murdered and stolen from the people by corporations and government. She said that they want the bandwidth and are stealing it from the people. The airwaves belong to the people and access is about allowing communication with each other. She felt the commissioners were throwing free speech under the bus.

Don Howard member of the Board of Directors for URTV said that the public access forum is more than crazy people with their own shows. He said it is important and he wants it to continue.

Bob Horn, member of the Board of URTV, said that this is the best spent money in the County. He said he was going to the SETOA meeting and get national attention.

Jerry Rice said that he had compassion for URTV and the volunteers and felt the Board should thank them for their service. He felt they were due an award.

John Blackwell said that he would like to see a new URTV Board and a whole new group to run the station. He wanted to see public access continue and have the problems resolved.

David Ireland said producers and programming is the best it has ever been at URTV.

Commissioner Bailey moved to go into closed session pursuant to GS 143-318.11a (4) to consider three economic development issues. Commissioner Peterson seconded and the motion passed 5-0.

CLOSED SESSION

The County Manager reported on a possible economic development incentive for a company bringing 350 jobs and making a \$100 million investment. She reported that the County would continue to negotiate for this industry.

Jon Creighton, Assistant County Manager, said that an existing industry would be adding 57 jobs at an average wage of \$50,000 and making a \$12.5 million investment. The Board gave consensus for an incentive of \$350,000 to be offered.

Mr. Creighton said that another existing industry would be adding 24 jobs paying an average of \$80,000 and making a \$12 million investment. The Board gave consensus to offer an incentive of \$350,000; he said that in addition this company could possible add 155 jobs paying an average salary of \$80,000 with the same investment. The Board gave consensus to offer an incentive of \$1.3 million for both expansions.

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

Commissioner Bailey moved to adjourn the meeting. Commissioner Peterson seconded and the motion passed 5-0.

The meeting was adjourned at 8:05 p.m.

KATHY HUGHES, CLERK TO
THE BOARD OF COMMISSIONERS

DAVID GANTT, CHAIRMAN
BOARD OF COMMISSIONERS