

**MINUTES OF BUNCOMBE COUNTY BOARD OF COMMISSIONERS'
REGULAR MEETING OF JUNE 7, 2011 AT 4:30 P.M.**

BE IT REMEMBERED: That the Board of Commissioners met in regular session on June 7, 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 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.

Commissioner Peterson moved to approve the consent agenda as presented.

- **Approval of Minutes of May 17, 2011 Regular Meeting**
- **Approval of Department of Health Billing Guide Changes**
- **Resolution Authorizing the Chairman to Execute Documents Pertaining to the Workforce Investment Act**
- **Resolution Authorizing the Piggybacking on a Purchase Contract from Surry County for Electronic Document Management**
- **Resolution Donating Surplus Equipment to WNCCHS**
- **Approval of the Western Highlands Area Authority Fiscal Monitoring Report for 3rd Quarter FY 2011**
- **Resolution Authorizing the County Manager to Execute the Consortium Agreement for the Western North Carolina Livable Communities Initiative**
- **Resolution Authorizing Assignment of Lease Agreement to Handmade in America Foundation, Inc.**
- **Resolution Approving Pyrotechnic Experts for Firework Displays (Black Mtn and Indoor)**
- **Resolution Approving Pyrotechnic Experts for Firework Displays (Black Mtn Center)**
- **Resolution Authorizing Acceptance of Request from Buncombe County Rescue Squad for Donation of Surplus Vehicle**
- **Budget Amendment:**
 - **Fund 80 – Insurance Fund Revenues (\$1,027,899)**

- **Fund 21 – Capital Reserve Fund Transfer (\$1,927,756)**
 - **Fund 10 – Social Services Foster Care Fund (\$10,000), OPED Interfund Transfer (\$2,125,637); Energy Savings (\$78,068); Health Department Project Assist (\$6,460); Healthy Women Training Grant (\$3,000); Disease Control Funding (\$15,000)**
 - **Fund 22- WIA Funds (\$70,004)**
 - **Fund 70 – Law Enforcement BCAT Forfeiture Funds (\$200,000)**
- **Special Revenue Capital Projects Ordinance**
 - **Grant Project Ordinance**

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

PROCLAMATION

- **Vulnerable Adults and Elder Abuse Awareness Month**

Prior to reading the proclamation, Vice Chairman Stanley asked for a moment of silence in honor of Joe Connolly who was a long time advocate for the elderly community.

Vice Chairman Stanley read the proclamation and moved for its approval. Commissioner Peterson seconded the motion and it passed 5-0.

PUBLIC HEARINGS

- **Rezoning Request – EAL Holdings LLC – R-2 to EMP**

Debbie Truempy, County Planner, explained the request for rezoning by EAL Holdings LLC. She said that the request to rezone the property to EMP from R-2 was found to be consistent with the land use plan. The Planning Board voted to approve this request after a May 16 public hearing. The Planning staff also recommended the rezoning as requested.

The Chairman opened the public hearing at 4:42 p.m. No comment was made. The hearing was closed at 4:42 p.m.

Commissioner Bailey moved to approve the request. Commissioner Peterson seconded and the motion passed 5-0.

- **Ordinance Amending Chapter 14, Section IV of the County Code of Ordinances (Adult Establishments Fee Schedule)**
- **Ordinance Amending Chapter 26, Section V of the County Code of Ordinances (Soil Erosion & Sedimentation Control Fee Schedule)**
- **Ordinance Amending Chapter 46 of the County Code of Ordinances (Manufactured Home & Trailer Ordinance Fee Schedule)**
- **Ordinance Amending Chapter 72 of the County Code of Ordinances (Telecommunication Ordinance Fee Schedule)**

Debbie Truempy, County Planner, explained that the ordinance amendments would allow the Board to establish and amend fees as needed. She said that fees would be raised as part of the 2012 budget. The Chairman requested that the proposed fee changes be posted online.

The Chairman opened the public hearing for all four ordinances at 4:47 p.m.

Don Yelton said that he was upset that by allowing these amendments the Board would be taking away the public input on the fee schedule. He wanted the fees to be public and voted on by the Board.

Tom Crisp, with the Manufactured Housing Association, said that increased fees would increase pressure on those that need affordable housing. He was opposed to any fee increases.

Mike Fryer said that fee increases should only be allowed on a percentage basis. He said that raising fees was going after the little people to balance the budget.

Jerry Rice asked that this item be postponed and covered by the media. He felt it was a tax increase on the poor and discrimination.

Dr. Milton Byrd said that these changes were not be effective in building trust and should be handled in a more open matter.

Rev. Lisa Landis commented on fees and felt that these fees were discrimination. She felt these actions were perverted and she wanted more understanding.

The County Manager said that the new fee schedule would be on the agenda with the budget and everyone can see and comment at the next meeting.

The Chairman closed the hearing at 5:04 p.m.

- **Ordinance Amending Chapter 14, Section IV of the County Code of Ordinances (Adult Establishments Fee Schedule)**

Commissioner Jones moved to approve this ordinance as amended and to include a statement in each ordinance as follows: *"The County Board of Commissioners shall establish plan review fees, and may amend and update the fees annually during the budget process."*

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

- **Ordinance Amending Chapter 26, Section V of the County Code of Ordinances (Soil Erosion & Sedimentation Control Fee Schedule)**

Commissioner Jones moved to approve this ordinance as amended and to include a statement in each ordinance as follows: *"The County Board of Commissioners shall establish plan review fees, and may amend and update the fees annually during the budget process."*

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

- **Ordinance Amending Chapter 46 of the County Code of Ordinances (Manufactured Home & Trailer Ordinance Fee Schedule)**

Commissioner Jones moved to approve this ordinance as amended and to include a statement in each ordinance as follows: *"The County Board of Commissioners shall establish plan review fees, and may amend and update the fees annually during the budget process."*

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

- **Ordinance Amending Chapter 72 of the County Code of Ordinances (Telecommunication Ordinance Fee Schedule)**

Commissioner Jones moved to approve this ordinance as amended and to include a statement in each ordinance as follows: *"The County Board of Commissioners shall establish plan review fees, and may amend and update the fees annually during the budget process."*

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

NEW BUSINESS

- **Resolution Authorizing the Acceptance of a Complete P25 Complaint 700 MHZ Trunked Simulcast Radio System provided to Buncombe County at No Cost from Cassidian Communication Inc.**
 - **Resolution Authorizing the County Manager to Enter Into a 10 Year Maintenance Agreement with Cassidian Communication Inc.**

Bryan Dillingham, IT staff, gave an update on the work that the County had done to become compliant with new signal requirements. These mandates are being met by shrinking the

bandwidth and replacing equipment the County currently has. He said that the coverage will increase with the expansion of these systems and the change in technology.

Kim Pruett, IT Director, said that Cassidian Communication produces public safety radios and are willing to place a system here with a new frequency at no charge. She said the County already has an information technology based dispatch system that would sink with their technology. The County would have to manage the contract and increase sites and partner on a maintenance plan which was a percent of the cost of the hard and software. The system will provide 94 percent operational coverage and will enhance public safety.

Jerry VeHaun, EMS Director, said that this was a great opportunity to improve coverage and meet federal requirements to be on 700 mhz. He endorsed the approval of this system and hoped that eventually all agencies would join with the County.

Van Duncan, Sheriff, said this was an opportunity to meet the need for communication safety. He said that County IT staff had been working on the current system but it was losing ability to be safe. He felt this was an awesome opportunity to improve safety and be P25 compliant.

Commissioner Peterson moved to approve the **Resolution Authorizing the Acceptance of a Complete P25 Complaint 700 MHZ Trunked Simulcast Radio System provided to Buncombe County at No Cost from Cassidian Communication Inc.** as presented. Vice Chairman Stanley seconded and the motion passed 5-0.

Commissioner Stanley moved to approve the **Resolution Authorizing the County Manager to Enter Into a 10 Year Maintenance Agreement with Cassidian Communication Inc.** Commissioner Peterson seconded and the motion passed 5-0.

- **City School Budget Presentation**

Dr. Allen Johnson, Superintendent of City Schools, introduced Gene Bell and Peggy Dalman who were members of the City School Board. He presented the power point presentation that is attached to the minutes of this meeting. He reviewed the cuts that the City Schools had made in 2011. They are considering extending the school day to benefit students and bridge the learning gap and will be researching year round schools advantages and disadvantages. He said that the Asheville High school window and HVAC replacements had improved their energy bill.

- **County Schools Budget Presentation**

Dr. Tony Baldwin, County School Superintendent, thanked the Board for their support. He said that the two intermediate schools would open thanks to the Commissioners' support. He presented the power point presentation as attached to the minutes of this meeting. He reported that federal funding for title one programs was gone and that the schools would need the help of the community for instructional supplies again this fall. He cautioned that the 2013 budget could be extremely difficult with state and federal cuts. He said that increased instructional days would be a financial concern for the County's system.

Vice Chairman Stanley said that in light of the state impact. He was proud of the way the school systems had taken care of their budget issues this year.

- **Asheville Buncombe Technical Community College Budget Presentation**

Dr. Hank Dunn, President of Asheville Buncombe Technical Community College, gave a handout that is attached to the minutes of this meeting. He said that the college had a 10.7 percent reduction in state funding. He said that cuts had been made in off campus programs and

that they were reverting to their core needs. He said that staff would not receive a raise for the 4th year in a row and there would not be classes added as needed next year.

Commissioner Bailey commended the job done by the college.

- **Designation of Voting Delegate to the National Association of Counties Conference**

Commissioner Peterson moved to appoint Vice Chairman Stanley as the voting delegate to the NACo conference in July in Multnomah County Oregon. Chairman Gantt seconded and the motion passed 5-0.

PUBLIC HEARING

- **County FY 2012 Budget**

The County Manager reviewed the budget message that is attached to the minutes of the meeting. She reviewed the contracts that would transition many of the County's services to outside providers; stated that the County's departments had cut 10 percent of their budgets and the budget did not include a cut in funding for education but increased the funding of new schools. She reviewed some of the changes made by the state budget impacts and stated that the fee changes would be published with the June 21 agenda. She thanked the Board for approving the radio system and the \$6 million gift.

The Chairman opened the public hearing at 6:36 p.m.

Jerry Rice said that he appreciated hearing from the schools. He thanked the legislators in Raleigh and said he was concerned about the tax rates staying the same which he felt was a tax increase. He said that the school fund balance comes from the teachers supplement. He did not want the schools to carry a fund balance which he said was a tax increase.

Don Yelton said that this Board ignores what the people want. He said that the County has had a 52 percent increase since 2000 and that the county's economy was just a tourism industry. He said that the people were broke and the Commissioners were increasing fees.

Dr. Hank Dunn, AB Tech President, thanked the Board for all their help with AB Tech in difficult times.

Rev. Lisa Landis said that she was upset that URTV was not funded and she wanted to know how much was designated for public television. She support House Bill 577 to legalize medical marijuana and she was in support of this bill.

Brother Christopher made comments about schools and URTV. He said the budget was too complicated for him to understand.

Mike Fryer asked about the sheriff's budget cuts and why he was not required to cut 10 percent. He does not want the County to construction additional offices for two new commissioners (to come on in 2012) or a new chambers—he felt it was a waste of money. He criticized the appointments to the city transit commission and the civic center commission as not ethical.

Dr. Milton Byrd said that budget issues are difficult and he would like to have public forums on the budget for next year. He wanted to allow the people to be part of the solution instead of the problem.

The Chairman closed the hearing at 6:55 p.m.

BOARD APPOINTMENTS

Commissioner Peterson moved to appoint **William Church to the Weaverville Zoning Board of Adjustment**. The motion passed 5-0.

Vice Chairman Stanley moved to appoint **Jeri Hahner** and **Kelly Stamey** 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 June 21, 2011—that meeting will be continued to June 28, 2011. The Board will also meet on July 26, 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

The County Manager said that funding for URTV was not in the County's budget. The County was working with the City of Asheville on a possible request for proposals for future public access possibilities. The Chairman said that the County asked URTV leadership to find alternative funding and did not.

Cheryl Freeman asked what happened with URTV and why it closed down. She wanted to understand the whole picture. She had several questions regarding URTV.

Rev Lisa Landis spoke for URTV and why she wanted it to continue. She wants money for public television.

Brother Christopher spoke about URTV and that he felt the County lied to the state and about the amount of what it took to run URTV

Chris Oakes thanked the Board for their work in running the County and making it a great place to live. He praised BCTV stating that it was a great channel and good, quality programming. He thanked them for all they do.

Don Yelton said that when URTV was active he didn't come to the meetings. He urged them to build more trust in the community. He asked that the budget be simplified so citizens can understand where the money goes.

Mike Fryer asked that the County cut salaries of people who make over \$100,000

Dr. Milton Byrd said that he worked at URTV and wanted money for public access reinstated. He wanted a solution that reestablished public access television by and with the citizens.

Terry Smith spoke about URTV and asked why Buncombe was are the only county not funded in the state.

Mark Dailey tried to submit programming to the County for public access. He asked where the money was going since the channel was closed.

Jerry Rice criticized the county's purchases and renovations as poor management. He said that the public should have been able to discuss contracted services. He wanted a committee to look into the issue of poverty in the county and city.

Commissioner Peterson moved to go into closed session pursuant to GS 143-318.11a (4) to consider one economic development issue and GS 143-318.11a(3) to consider 2 legal matters. Commissioner Bailey seconded and the motion passed 5-0.

CLOSED SESSION

The County Attorney reviewed a worker's compensation claim for a former county employee. The Board gave consensus for the attorneys to settle the claim.

The Board gave consensus for the County Attorney to file an amicus curiae brief on behalf of Buncombe County in reference to Supreme Court of North Carolina case No. 08 CVS 927.

The Board discussed a possible economic development incentive for a company locating to this area. The company would bring up to 400 jobs and make a \$125 million investment. The County, City and State would join the incentive. The Board gave consensus to pursue the company with an economic incentive.

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 7:45 p.m.

KATHY HUGHES, CLERK TO
THE BOARD OF COMMISSIONERS

DAVID GANTT, CHAIRMAN
BOARD OF COMMISSIONERS