

**MINUTES OF BUNCOMBE COUNTY BOARD OF COMMISSIONERS'
REGULAR MEETING OF FEBRUARY 17, 2009 AT 4:30 P.M.**

BE IT REMEMBERED: That the Board of Commissioners met in regular session on February 17, 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:

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

David Gantt, Chairman was out of the Country.

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

Chaplain Richard Baird gave the invocation.

DISCUSSION/ADJUSTMENT/APPROVAL TO FOLLOW AGENDA

The Vice 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.

Commissioner Peterson moved to approve the consent agenda as presented.

- Approval of Minutes of February 3, 2009 Regular Meeting
- Resolution Requesting NC Department of Transportation to Abandon a Portion of SR 1637
- Road Petition: Founders Way, Zacks Place and Pickers Court
- Release Report
- Budget Amendment: Fund 10 - Social Services Child Care Subsidy (\$436,732)
- Special Revenue Capital Projects Ordinance
- Grant Project Ordinance

Commissioner Jones seconded and the motion passed 4-0.

Good News

- **Introduction of Gibbie Harris, County Health Director**

Mandy Stone, Assistant County Manager, introduced the new County Health Director Gibbie Harris. Ms. Harris was the Health Director in Wake County before coming to Buncombe. She had worked in public health for 24 years. Ms. Stone thanked Sharon West for her work as Interim Health Director.

Ms. Harris said that it was a privilege to be in Buncombe and that she had always been impressed with the work coming from Buncombe and she was pleased to be a part of the County.

- **Airport Grants**

Kevin Helms with the Airport Authority asked the Board to approve an airport grant as attached to the minutes. He said no County money was requested—the grant was totally federally funded.

Commissioner Jones moved to approve the grant as presented. Commissioner Bailey seconded and the motion passed 4-0.

Public Hearing

- **Rezoning Request of Myron Gottfried to Rezone Property from Commercial Services to R-1**

The Vice Chairman opened the public hearing at 4:38 p.m. Debbie Truempy, County Planner, explained the zoning request as outlined in the minutes. She said that this request was approved by the staff and the Planning Board in their February 2, 2009 meeting.

The applicant's property adjoins property already zoned commercial service and he has a commercial facility on the adjoining property. There were no neighbors opposed to the application.

Commissioner Jones asked about the Planning Board concerns. Ms. Truempy said that the surrounding property is residential and they were concerned with future development.

No comments were taken and the public hearing was closed at 4:40

Commissioner Peterson moved to approve the request to rezone as presented on all three parcels. Commissioner Bailey seconded and the motion passed 4-0.

New Business

- **Resolution to Reimburse the County for Capital Expenditures Incurred in Connection with the Acquisition, Construction and Equipping of an Emergency Services Training Facility from the Proceeds of Certain Tax Exempt Obligations to be Executed and Delivered in 2009.**

Donna Clark, Finance Director, said that this resolution would allow the County to be paid back for expenses incurred before the debt on the construction of the Emergency Services Training Facility was financed.

Commissioner Peterson moved to approve this resolution as presented. Commissioner Jones seconded and the motion passed 4-0.

- **Resolution Authorizing the Execution of a Contract for Architectural Services for the Construction of a Public Safety Training Facility**

Jon Creighton, Planning Director, said that the architectural services are for the design of a public safety training center which has been a need for a long time. This has been in planning stages for about 3.5 years and was on a 30 acre site on the old landfill. This location is located on part of the old landfill where no waste was deposited. The project is budgeted at \$15 million. Jim Stumbo, an architect who has designed many facilities, will be working with a local architect to design the facility. Asheville Buncombe Technical Community College will run the facility as a training center.

Chief Pressley from the Skyland Fire Department said that the facility was much needed and would be a crucial part of the training for fire fighters and law enforcement.

Sheriff Van Duncan said that this center would be important for Western North Carolina and it would be an asset to have AB Tech running this center. He said that within 3 years the firing range used today would not be accessible and that it was essential for proper training.

Scott Bissinger, Deputy Sheriff, said that emergency services personnel have needed a driving track for many years. He said that the track would serve fire, police and sheriff and possibly be used to teach younger drivers. It would be constructed for all emergency vehicles.

Commissioner Bailey said that this would be a great advantage for emergency personnel and is something that has been discussed for many years. He said that having this facility in Buncombe would save money and lives for professionals and for the public.

Commissioner Bailey moved to approve this resolution. Commissioner Peterson seconded the motion and it passed 4-0.

The Chairman pointed out that this would not interfere with the UNCA craft campus plans.

- **Strategic Plan update and Adoption**

Chris Aycock, The Aycock Group, presented the Strategic Plan—an outcome of the 2009 Commissioners' retreat. The plan is attached with the minutes of this meeting.

The Board reviewed the plan section by section. Vice Chairman Stanley highlighted the area of drop out prevention. Commissioner Peterson said that enhancing county core services is extremely important in the current economic climate.

Jerry Rice asked about the strategic plan and why the statements were so broad and not more specific to outcomes.

Wanda Greene, County Manager, said that goals and action steps to make these broad steps happen will be written now that the overall plan was finished.

Brian Festa asked how education was incorporated into the plan. Chris Aycock said that education is covered in several aspects of the plan including the goal to reduce high school drop out rate by 2020—he gave specifics as to how to meet this goal. He said that workforce development objectives were also included.

Commissioner Peterson moved to accept the strategic plan for adoption as submitted.

Commissioner Jones seconded the motion and it passed 4-0.

BOARD APPOINTMENTS

Commissioner Peterson moved to appoint **John Whitener** to the **Board of Health** to fill the Optometrist position. The motion passed 4-0.

Commissioner Bailey moved to appoint **Cathy Cody** to the **Community Action Opportunities**. The motion passed 4-0.

ANNOUNCEMENTS

- *The next regular meeting of the Board will be Tuesday, March 3, 2009 at 4:30 p.m. in Commission Chambers*

PUBLIC COMMENT

Gene Hampton gave a copy of his statement to the Board which is attached to the minutes.

Debbie Dial, Board member of the URTV Board, said that she had been dismissed from the URTV Board. She said that the URTV Board held a closed meeting on February 5 and that no one could make a statement to the press. She said that the county had in the management agreement a provision that would require someone knowledgeable of public access to audit URTV. She wants a performance review done of the URTV.

Brian Festel asked why public comment was at the end of the meeting. He wanted to invite the new Secretary of Education to Buncombe County to talk with the community and to encourage him to use a holistic approach to education.

Jerry Rice asked about the architectural agreement and the cost of the road to the proposed Public Safety facility. He was concerned about the drop out rate and wants the Board to have the Board of Education members required to come and speak to the Commissioners. He wants them to come and make a report to the Commissioners. Mandy Stone, Assistant County Manager, said that the County schools are scheduled to do an update on dropout prevention at a meeting in the near future. They will report that they have had a decline this year and partly because of the County's performance based agreements with them.

The County Attorney said that the Board would need a Closed Session pursuant to GS 143-318.11a(3) for a lawsuit Metcalf vs Blackdog Realty and the County (07cvs4887) and the lawsuit City vs Buncombe County filed in Wake County (05cvs10743); a potential legal matter and under (4) economic development and (6) a personnel matter. No action will be taken after closed session.

Commissioner Bailey moved to go into Closed Session for the reason stated by the County Attorney. Commissioner Jones seconded the motion and it passed 4-0.

CLOSED SESSION

Discussion was held with Bob Long and Scott Jones who represented the County in the City versus the State of North Carolina and Buncombe County. They explained that the County had been successful in the lawsuit but the City has 90 days to file an appeal.

Discussion was held regarding a potential lawsuit involving the provisions of the Hillside Ordinance. No action was taken.

The Assistant County Manager presented a potential economic development incentive involving a non-profit company wanting to locate to the County. He reported that they did not meet the County's incentive policy because they were a non-profit and tax exempt company. The Board agreed not to consider this incentive.

The Board discussed the lawsuit involving Metcalf vs. Blackdog Realty and Buncombe County and a possible property acquisition. No action was taken.

The Board discussed a personnel issue in the Governing Body. Commissioner Peterson moved to return to open session. Commissioner Bailey seconded and the motion passed 4-0.

Commissioner Peterson moved to adjourn the meeting. Commissioner Bailey seconded and the motion passed 4-0.

The meeting was adjourned at 6:45 p.m.

KATHY HUGHES, CLERK TO THE
BOARD OF COMMISSIONERS

WILLIAM STANLEY, VICE CHAIRMAN
BOARD OF COMMISSIONERS