

**MINUTES OF BUNCOMBE COUNTY BOARD OF COMMISSIONERS'
REGULAR MEETING OF AUGUST 17, 2010 AT 4:30 P.M.**

BE IT REMEMBERED: That the Board of Commissioners met in regular session on August 17, 2010, 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; Donna Clark, Finance Director; Kathy Hughes, Clerk to the Board; Curt Euler, Assistant 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 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 August 3, 2010 Regular Meeting**
- **Ordinance Amending Section 38-27 of the Code of Ordinances Regarding the Historic Resources Commission**
- **Resolution Authorizing the Chairman to Execute a Non-Warranty Deed**
- **Resolution Authorizing the Chairman to Execute Grant Agreement for Project # 3-37-0005-038-2010 for the Asheville Airport**
- **Resolution Allowing the Register of Deeds Office to Move from the Courthouse to 35 Woodfin Street**
- **Resolution Authorizing the Submittal of the Sustainable Communities Challenge Planning Grant Application**
- **Resolution Authorizing the Execution of an Interlocal Agreement Between Buncombe County and the Town of Woodfin**
- **Resolution Authorizing Acceptance of Request from Blue Ridge Community Health Services Inc. For Donation of a Pharmaceutical Scale**
- **Resolution Authorizing Acceptance of Request from the State Board of Elections for Donation of Ivotronic Communication Packs**
- **Ordinance Amending Section 30-26 Fire Prevention of the Buncombe County Code of Ordinances**
- **Grant Projects Ordinance**
- **Budget Amendments**

- **Fund 77 – BCAT Forfeiture Funds (\$230,646)**
- **Fund 70 – BCAT Forfeiture Funds (\$279,410)**
- **Fund 10 – Health Care for Children with Special Needs (\$250,000)**

- **Release Report**

Commissioner Bailey seconded and the motion passed 5-0.

GOOD NEWS

- **Christmas in July for the Troops**

Kathy Hughes, Clerk and PR Director reported on the County's campaign stating that during July, the County collected items for troops that will be shipped to Operation Care Package in Illinois and from there to troops overseas. Area restaurants, businesses and citizens from Buncombe and surrounding counties participated resulting in 112 boxes filled with supplies. She thanked Old Dominion Freight Lines for transporting the supplies to Illinois; Custom Packaging for the boxes; WNC Pallet for the pallets; Lowes and Staples supplies; Manna Food Bank for the collection barrels; Clear Channel Radio for promotion; Two Men and A Truck who helped pick up all the donations and to Stacey Keith with Buncombe County who coordinated the effort. She also thanked the citizens who supported the effort with their donations.

- **Buncombe Green Awards**

- **FLS Energy**

Mr. Dale Freudenberger, partner with FLS Energy, said that this company was started in a basement in Black Mountain making solar panels. The company has grown into a solar-thermal leader in the country with 65 employees. They recycle 94 percent of their waste company wide. The Chairman presented Mr. Freudenberger with the Buncombe Green award.

- **Rosetta's Kitchen**

The Chairman said that Rosetta's Kitchen was located at 111 Broadway and chosen to receive the Buncombe Green award for the way they recycle, compost and donate their used kitchen grease for a vegetable powered car. A representative from Rosetta's could not be present at the meeting.

- **Crisis Intervention Training (CIT) Program**

Mandy Stone, Assistant County Manager, thanked the County Manager and Board members for the support and funding for this program. She thanked Van Duncan, Sheriff for his dedication and willingness to participate and Dr. Rich Munger and Lt. Dale Den Ouden for their work on the program design.

Mona Cornwell, NAMI member and employee with Asheville Buncombe Technical Community College, said that the CIT training program is making a difference for families and individuals. She read a letter from a Mom that received help from a CIT officer who was able to defuse a potentially violent situation. Ms. Cornwell said that they have received feedback like this from families all around the County. She presented a copy of her son's comments at a recent CIT graduation.

Charlie Sheighnight, CFO of Western Highlands, shared the training program outline stating that all the teachers and participants presenting the training believe in the program and love being a part. He said that the major goal is to help law enforcement identify and deal with mental illness.

Van Duncan, Sheriff, said that at the beginning he had reservations about the program due to

the huge training commitment and the feeling that empathy might negate the safety of the officers; now, however, the opposite is true. He said that the decrease in jail population is a reflection of the success of the program. It has improved the safety of the officers and established the reputation that the department has officers that will listen to the problem before acting. The school resource officers, crisis responders and detention officers are being trained. He recognized Dale Den Ouden , Glen Matayabas, David Jordan, Jason Sayles, John Cade who have all had the training and are a part of training others officers.

- **Sheriff's Annual Report**

Van Duncan, Sheriff, gave a report on the first 8 months of 2010, stating that the Detention Facility had seen the average daily population drop and plans for a phase three construction are on hold. Patrol calls for service have leveled off with the average response time under 10 minutes. Criminal investigations have a closed case rate of 48 percent—the State average is 25 percent. He said that the gang task force has been successful and in partnership with Henderson County \$7.2 million in drugs are off the street. He thanked the Commissioners for their support in making this happen.

The Chairman recognized Asheville City Council member Gordon Smith who was attending the meeting.

PUBLIC HEARING

- **Rezoning Request**

- **Gerald Penland for Penland Furniture LLC – PIN 9699.60-8228 – R-3 to CS**

Debbie Truempy, County Planner, said that Mr. Penland wanted his property rezoned as outlined in the resolutions attached to the minutes. She said that the Planning staff and Planning Board agreed to approve the rezoning request as it was consistent with the land use plan and surrounding uses.

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

Jerry Rice questioned if anyone had checked the environmental impact of an automobile dealership. Mr. Truempy said no study was required or performed.

The hearing was closed at 5:08 p.m.

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

COUNTY MANAGER'S REPORT

The County Manager recognized Skyland Fire Chief Dennis Pressley who presented helmets on behalf of the Firemen's Association to Commissioner Jones, Assistant County Managers Stone and Creighton for their work on the safety training facility in North Buncombe. Helmets had previously been presented to Commissioners Bailey and Peterson and Chairman Gantt and Vice Chairman Stanley.

NEW BUSINESS

- **Child Fatality Protection Team Report**

Tammy Shook, member of the Child Fatality Protection Team, said that the Team was made up of 21 members and charged to review all child fatalities cases. Since last August there were

23 fatalities. She said that prescription drugs are a big problem and sexting is also a problem (sexual explicit messages texts over the phone) in children in the County. She said that they would be promoting information about the safe surrender law that allows parents to give up their child to a responsible adult within 7 days of birth and unharmed without prosecution for abandonment.

- **Resolution in Support of the Sustainable Communities Regional Planning Grant**

Joe McKinney, Director of the Land of Sky Regional Council, said that the Sustainable Communities Regional Planning Grant was offered through HUD federal initiative and they were applying for a five county region for \$25 million to coordinate planning.

Commissioner Bailey moved to approve the resolution as presented. Vice Chairman Stanley seconded and the motion passed 5-0.

- **Resolution Authorizing the Purchase of Real Property at 40 McCormick Place**

The County Manager said that this resolution would allow the purchase of a property at 40 McCormick Place that would house the County's General Services offices. The building is 11,700 square feet and will have an environmental assessment done prior to final purchase. The space that General Services now occupies will house Register of Deeds records when they relocate to 35 Woodfin Street early next year.

Commissioner Jones asked about the cost of the renovations needed for this building. The County Manager said that it would take approximately \$200,000 to renovate.

Commissioner Peterson moved to approve the resolution as presented. Vice Chairman Stanley seconded and the motion passed 5-0.

- **Resolution Restricting Certain Animals from Accessing the Buncombe County Courthouse**

Curt Euler, Assistant County Attorney, said that Commissioners, by statute, must establish policy for all courthouse and county buildings and the proposed policy would restrict or prohibit people from bringing their pets into the courthouse. No service animals or assistance animals would be restricted.

Commissioner Peterson moved to approve the resolution as presented. Vice Chairman Stanley seconded and the motion passed 5-0.

BOARD APPOINTMENTS

Commissioners Jones, Bailey, Peterson and Vice Chairman Stanley moved to appoint Martha Thompson to the **Asheville Regional Airport Authority**. Chairman Gantt moved to appoint Phil Kelley. **Martha Thompson** was appointed to serve a four year term on this Authority.

ANNOUNCEMENTS

- *The next meeting of the Board will be September 7, 2010*

PUBLIC COMMENT

Jerry Rice said that he was appalled at the money approved to be spent on the consent agenda in these hard times. He said that there were millions of dollars going out in capital expenditures that was never discussed in open session. He asked why there is no increase in jobs here. He questioned why courtrooms were being built with a decrease in jail population.

Commissioner Stanley moved to adjourn the meeting. Commissioner Peterson seconded and the motion passed 5-0. The meeting was adjourned at 5:40 p.m.

KATHY HUGHES, CLERK TO
THE BOARD OF COMMISSIONERS

DAVID GANTT, CHAIRMAN
BOARD OF COMMISSIONERS