

**MINUTES OF BUNCOMBE COUNTY BOARD OF COMMISSIONERS'
REGULAR MEETING OF NOVEMBER 5, 2013 AT 4:30 P.M.**

BE IT REMEMBERED: That the Board of Commissioners met in regular session on November 5, 2013, in the Commissioner Chambers, 200 College Street, Room 326 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
Holly Jones, Vice Chair
Joe Belcher, Commissioner
Ellen Frost, Commissioner
Mike Fryar, Commissioner
David King, Commissioner
Brownie Newman, Commissioner

Staff present was: Wanda Greene, County Manager; Mandy Stone, Assistant County Manager/HHS Director; Donna Clark, Finance Director; Kathy Hughes, Clerk to the Board.

PLEDGE OF ALLEGIANCE

INVOCATION

The Chairman asked for a moment of silence in memory of Asheville Police Senior Officer Rob Bingaman who lost his life in the line of duty. The Chairman gave the invocation.

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.

PUBLIC COMMENT

The Chairman reviewed the rules for public comment:

The time limit for any comment to the Board is three minutes. If your time expires then you may leave any questions along with your name, address and phone number with the County Manager. Board members are not expected to comment on matters during public comment. Comments should be limited to subjects that are within the jurisdiction of this Commission or pertain to matters upon which it may act. Any individual speaking during public comment shall address the entire Board. Any polling of Board members is inappropriate. Persons addressing the Board are expected to observe the decorum of the Chamber, and to be respectful of everyone in the room. Any person who willfully interrupts, disturbs, or disrupts the session will be asked to leave the meeting. The Board reserves the right to deny public addresses on a subject previously presented to the Board.

Rev. Keith Ogden, Rev. Dan Gates and Rev. John Grant spoke representing the Ministerial Alliance and their opposition to the Register of Deeds allowing same sex couples to apply for marriage licenses. They requested that the Register of Deeds be reprimanded and required to apologize for his actions which they felt were a reflection of his opinion and did not reflect the law of the state.

Lisa Landis spoke about freedom of religion, being arrested and wrongfully charged and her civil rights.

Greg Brookshire from the Leicester Community Center spoke about the Culture and Recreation Authority (CRA) and the resulting possibility that the yearly recreational grant for the community center might no longer be in the budget.

Burt Abrams from Leicester Community Center was also concerned about losing the recreational grant funding and reviewed the work that the center does in the community.

Jerry Rice was concerned that the Culture and Recreation Authority would increase taxes and he said that the community was tired of being taxed. Commissioner Fryar said that he was opposed to the CRA.

Dave McMahon, President of the Buckeye Cove Community Club said that the community club needed their grant funds to keep operating.

Maria Horton from Spring Mountain Community Club said that they had applied for and received community recreation grants in the past and wanted to make sure those would remain available under the CRA.

DISCUSSION/ADJUSTMENT/APPROVAL TO FOLLOW AGENDA

Commissioner Frost moved to approve the consent agenda as presented. Commissioner King seconded and the motion passed 7-0. (The Grant Projects Ordinance was moved to new business)

- Approval of Minutes of October 15 Regular Meeting
- Resolution Amending the Occupancy and Tourism Development Tax
- Resolution Authorizing Assignment and Modification of Handmade in America Lease Agreement
- Budget Amendment: Fund 10-School Resource Officers \$291,667; JCPC Program \$508,064; NCAWARE \$205,500I; Fund 69 – Inmate Commissary \$6,283; Fund 60 CJIS \$149,000
- School Capital Commission Fund Project Ordinance
- Capital Project Ordinance
- Resolution Approving the Change of Maintenance for Certain Roads from NCDOT to City of Asheville
- Resolution Adopting Revisions to the System Safety Program Plan for Mountain Mobility

- **Appointment of County Attorney**

Commissioner Newman read the resolution appointing Robert Deutsch as County Attorney and moved for its approval (*salary for this position was set at \$4,000 per month*). Commissioner Frost seconded and the motion passed as follows:

AYES: Chairman Gantt; Vice Chair Jones; Commissioners Frost and Newman

NOES: Commissioner Belcher, King, Fryar

Commissioner Newman said that there were several great candidates who applied and he was excited to have Mr. Deutsch join the county in this position.

GOOD NEWS/PROCLAMATIONS

- **Primitive Quartet Day**

Commissioner Belcher read the proclamation and presented it to the Quartet.

- **Recognition of Caleb McMahon and Baker Lawrimore**

Vice Chair Jones and Commissioner Fryar presented certificates to the Reynolds High School students who were chosen to attend the Army All American Marching Band bowl.

- **Proclamation of Adoption Awareness Month**

Commissioner Newman read the proclamation. He presented the proclamation to Dawn Warren, Social Worker with Buncombe County. She invited everyone to join them at the Foster Adopt Fall Festival on November 16.

Commissioner Belcher moved to adopt the proclamations as read. Commissioner King seconded and the motion passed 7-0.

PUBLIC HEARING

- **Rezoning Request of Anthony Case 9639.24.8662**

Debbie Treumpy, County Planner, said that Mr. Case had applied to rezone his property, 1.96 acres on Adams Hill Road, from R-3 to Commercial Service. She said that the Planning Board held a public hearing on October 21 with no opposition to the rezoning. They found that the request was reasonable and in the public interest and consistent with the County Land Use plan and recommended approval of the rezoning. The Planning Department also recommended approval of the rezoning as it is consistent with the land use

plan.

The Chairman opened the public hearing at 5:27 p.m.

Anthony Case, petitioner and owner of the Out and About Transportation Service planned to park vans on this property as part of his business expansion.

The Chairman closed the public hearing at 5:29 p.m.

Vice Chair Jones moved to approve the rezoning finding it consistent with the land use plan and reasonable and in the public interest. Commissioner Frost seconded and the motion passed 7-0.

- **Community Transportation Program Grant for Mountain Mobility**

Denise Braine, County Planner, presented the grant stating that the grant funds would be used for services for administrative and capital funds for Mountain Mobility.

The Chairman opened the public hearing at 5:37 p.m.

Lisa Landis spoke in favor of the funding commenting on how hard it was to find transportation into the city from the county.

Jerry Rice asked if there had been any savings from contracting the management of Mountain Mobility and if the grant applications could be consolidated.

The Chairman closed the hearing at 5:40 p.m.

Ms. Braine said that there had been cost savings through the use of alternative fuels. Laurie Hembree with Mountain Mobility, said that half the fleet was operating on alternative or bio-fuels and they were saving .32 per mile on the operation of these vehicles.

Commissioner King moved to approve the resolution as presented. Commissioner Newman seconded and the motion passed 7-0.

NEW BUSINESS

- **Resolution Regarding Board Structure of the Smoky Mountain LME**

Mandy Stone, Assistant County Manager/HHS Director, said that the general assembly had passed a law requiring a change in Board structure for the local management entity and mandating a slate of candidates for the Smoky Mountain Local Management Entity governing 23 counties. She requested that the Board support removing the cap allowing all counties to have a representative on this Board.

Commissioner Belcher moved to approve the resolution as presented. Commissioner Frost seconded and the motion passed 7-0.

- **Approval of Slate of Members for the Smoky Mountain Local Management Entity for Mental Health**

Ms. Stone said that the Board of Commissioners were required to approve a slate of members for the Smoky Mountain LME including four Buncombe County residents. She recommended Nancy Baker, Dr Jeff Heck, Carolyn Cowan, and herself as the four Buncombe County LME members and the list of members that is attached to the minutes of this meeting.

Commissioner Jones asked about the nominating process for this board and about the racial demographic and the possibility of more diverse representation in the future.

Commissioner Frost moved to adopt the slate of members and consider including a consideration for racial diversity in future nominees. Commissioner Belcher seconded and the motion passed 7-0.

Commissioner King moved to appoint Nancy Baker, Dr. Jeff Heck, Carolyn Cowan and Mandy Stone as the county's appointees to the Smoky Mountain LME Board. Vice Chair Jones seconded and the motion passed 7-0.

- **Resolution Declaring the County's Intent to Reimburse Itself for Capital Expenditures Incurred in Connection with Maintenance, Repair and Renovation of Certain County Facilities from the Proceeds of Certain Tax Exempt Obligations to be Executed and Delivered in FY14**

Donna Clark, Finance Director, said that this resolution was required by the IRS to allow the County to reimburse itself for financings that were included in the 2014 budget.

Commissioner Jones moved to approve this resolution as presented. Commissioner Frost seconded and the motion passed 7-0.

- **Grant Projects Ordinance**

Sheriff Van Duncan said that after the tragic Sandy Hook shootings, a problem solving group was formed to find the best approach for school safety. The group prepared a plan to address safety that included additional school resource officers. The comprehensive and collaborative planning efforts of this group resulted in the receipt of a grant for \$875,000 that will pay 75 percent of the cost of the school resource officers over the next three years. The plan includes counseling for students to help them address issues and prevent potential disaster. Problems include bullying, unresolved conflict and drug abuse.

Commissioner Frost moved to approve the Grant Project Ordinance as presented. Commissioner Fryar seconded the motion and it passed 7-0.

BOARD APPOINTMENTS

Vice Chair Jones moved to appoint Judy Olevnik and Paula Garber to the Adult Care Home Community Advisory Committee for one year terms. The motion passed 7-0.

Commissioner Frost moved to appoint Mike Fryar to the Asheville Buncombe Technical Community College Board of Trustees. The motion passed 7-0.

ANNOUNCEMENTS

- *The next meeting will be November 19 beginning at 4:30 p.m. in Room 326 at 200 College Street in downtown Asheville.*
- *A ribbon cutting on the Buncombe County Judicial Complex will be held on November 7 at 2 p.m. inside the complex*
- *Commission meetings can be seen on:*
 - *BCTV Charter Cable Channel 192*
 - *AT&T U-Verse Channel 99*
 - *Live on BCTV Channel 192 and on buncombecounty.org during the meetings or*
 - *Online anytime at buncombecounty.org*

Vice Chair Jones moved to adjourn the meeting. Commissioner Fryar seconded and the motion passed 7-0. The meeting was adjourned at 6:18 p.m.

KATHY HUGHES, CLERK TO THE
BOARD OF COMMISSIONERS

DAVID GANTT, CHAIRMAN
BOARD OF COMMISSIONERS