

**MINUTES OF BUNCOMBE COUNTY BOARD OF COMMISSIONERS'
REGULAR MEETING OF DECEMBER 3, 2013 AT 4:30 P.M.**

BE IT REMEMBERED: That the Board of Commissioners met in regular session on December 3, 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; Jon Creighton, Assistant County Manager/Planning Director; Donna Clark, Finance Director; Bob Deutsch, County Attorney; Kathy Hughes, Clerk to the Board.

PLEDGE OF ALLEGIANCE

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

Robert Stone, resident of 144 Black Oak Drive was concerned about future landslides around the home that was demolished in his neighborhood. He said the slope was not stable and the land was beginning to slide back onto the road. He was afraid that rain would cause more homes to slide and requested the Kessel Engineering firm be hired to assess the slope stability. *The Chairman stating that he and the Manager would be meeting with the community but it was not the County's responsibility to stabilize the slope.*

Paul Barrett lives on Black Oak Drive across from the home on that was demolished and agreed with Mr. Stone on the instability of the slope since the demolition of the home.

Mary Poulus also from Black Oak Drive said she felt the County was responsible for helping them because the County was responsible for erosion control and she felt that this qualified as an erosion problem. She said that on November 26 the rain caused more sliding and she felt there was going to be a catastrophic event.

Christina Merrill commented on county spending and the tax rate increase which she felt placed an undue burden on taxpayers. She was opposed to the person recently hired as the County Attorney because he had represented one of the commissioners in a legal matter regarding the last election.

Jerry Rice mentioned an agenda item funding an outdoor learning center and his opposition to giving money to one school and not another.

Don Yelton spoke to landslides, CTS and energy conservation. He felt the county had responsibility for many things that were done wrong. He was not happy with the sound and the layout of the commission chambers.

DISCUSSION/ADJUSTMENT/APPROVAL TO FOLLOW AGENDA

Commissioner Frost moved to approve the consent agenda as presented including adding to the agenda, to be considered under New Business, a Grant Projects Ordinance.

- Approval of Minutes of November 19, 2013 Regular Meeting
- Resolution Approving Pyrotechnic Experts for Firework Displays (Biltmore Estate)

- Special Projects ordinance
- Grant Projects Ordinance
- Resolution Authorizing Execution of Easement with Duke Energy

Commissioner King seconded and the motion passed 7-0.

NEW BUSINESS

- **Election of Vice Chair**

The Chairman nominated Commissioner Frost to serve as Vice Chair. Vice Chair Jones seconded the motion.

Commissioner Fryar nominated himself as Vice Chair. This motion failed for lack of a second.

The motion to elect Commissioner Frost as Vice Chair passed 6-1 as follows:

YEAS: Chairman Gantt, Vice Chair Jones, Commissioners Belcher, King, Frost and Newman

NOES: Commissioner Fryar.

- **Grant Project Ordinance**

Major Glen Matayabas briefly explained that the DWI grant funds would be used to cover two regular, full time positions. They plan to hire these positions as soon as possible.

He said that when the grant funds run out, the program would be assessed and if the program is not successful the positions would be abolished; however, if it is successful the positions would be kept and additional funding would be requested at that time.

Commissioner Belcher moved to accept the grant as presented and approve the Grant Projects Ordinance. Commissioner Frost seconded and the motion passed 7-0.

- **Energy Audit Report**

Greg Isreal, General Services Director, was introduced by the Chairman who praised Mr. Isreal for his work that had positioned the County ahead in the area of energy conservation. Mr. Isreal gave the report that is attached to the minutes. Shaw Engineering was chosen to do in depth energy audit to identify which County facilities were the biggest consumers of electricity and what measures could be implemented to continue lowering utility costs. Shaw Engineering found that the County was operating ahead of most local and state governments. Mr. Isreal suggested the County use the suggested 5 year, return on investment plan that could be done in a year and begin showing a payback in as little as 2.5 years.

Commissioner Fryar asked if the measures implemented would last long enough for the payback. Mr. Isreal said that the life of many of the measures might not last until the return on investment was realized.

Commissioner Belcher and Chairman Gantt liked the report stating that it was good to see what the county is already doing and a plan for what the County might want to do.

The Chairman moved to approve the Resolution Regarding County Energy Independence. Vice Chair Frost seconded.

Commissioner Newman said that the County had done a lot of work in the past toward energy conservation and the staff had taken it very seriously and the work by Shaw Environmental was excellent. He moved to amend the resolution, reading his version into the minutes. Vice Chair Frost seconded the amendment.

Commissioner Newman gave a power point presentation that is attached to the minutes of the meeting. He recommended that the five year measures be implemented to gain a savings of close to \$1 million. He wanted to help stop global warming and the impact of climate change for future generations.

Vice Chair Frost said the Board was committed to good stewardship of tax dollars and things that can't be completely valued and energy conservation is one of those things. She said that good stewardship of land and tax dollars is not a political issue.

Commissioner King said that the resolution presented by Commissioner Newman was a compromise and he was in support of the resolution as amended.

Commissioner Fryar said that he felt it was a partisan issue based on the climate change language included in the resolution and he and people from his district did not want to pass a resolution to restrict

what can and can't be done for energy efficiency. He felt the issue was political and should not be considered. He suggested that the Commissioners adopt the recommendations of Mr. Isreal.

The Board allowed public comment on this item.

Drew Jones of Linmar Avenue said he was a part of the climate tech culture working to reduce climate impact and that this issue was very important internationally. He said that action like this at the local government level would allow future sustainability

Drew Pitts, Rosscraggen Road and worker at Norvel Energy, works to develop clean energy projects. He said that he was a parent and citizen concerned about the reality of climate change and the impact on our environment. He encouraged the adoption of the policy.

Woody Eaton of 65 Huffman Road and owner and manager of Blue Ridge Biofuels said they produce 400,000 gallons of biodiesel per year and he was in favor of the resolution

Sam Modak from Saluda spoke in favor of the resolution and having Buncombe be an example to other counties.

Martin Strainer of Wellington Street in West Asheville works in the energy efficiency industry and spoke in favor of the resolution on behalf of the people who work in this industry as economic development.

Amy Jean Joyner with the WNC Alliance and resident of Sunrise Terrace in Black Mountain said she was in favor of the energy independence initiative and its work toward the end of climate change.

Ken Braine of Windstar Drive, speaking on behalf of the Sierra Club asked people who like the resolution to stand. He felt adoption of the resolution would help the county be a leader in recruiting businesses by protecting the environment in the long run.

Dee Eagers said she was from North Asheville and had a background in environmental health. She talked about the health impact of environmental factors such as asthma and respiratory problems that result from the use of coal fired plants.

Christina Kelly Merrill of Fairview praised the passion for working toward improvements but felt the resolution would not be fiscally responsible.

Sid Holback asked the definition of energy independence and then referred to cities as organisms and plants.

Linda Colbide, resident of Forest Hill Drive asked on what baseline the 2 percent reduction would be based.

Jennifer Rinnick from Kenilworth supported the resolution for the betterment and health of her children.

Don Yelton said he had no financial interest in energy conservation and had a master's degree in environmental systems engineering. He said that the climate was changing the globe was not warming.

Jerry Rice from Candler said he repairs household appliances. They don't last even 7 or 8 years in the house. He said that home appliances contain waste products that are harmful. He was opposed to the resolution.

Commissioner Belcher said he supports the staff's efforts and does not support the resolution as amended due to some of the language; however, he wants the County to continue working on the I-26 and 240 connectors as these efforts would have a huge environmental impact.

Commissioner Jones praised Greg Isreal for his work and getting the audit presented. She said that the audit would help him do his job. She thanked Commissioner Newman for his efforts and spoke in support of the resolution and the economic impact of clean energy.

Commissioner Newman acknowledged that he worked for an energy development company and stated that they would not conduct any business with the county to avoid any conflict of interest.

The motion to amend the original motion and resolution as suggested by Commissioner Newman passed as follows:

YEAS: Chairman Gantt; Vice Chair Frost; Commissioners King, Jones and Newman

NOES: Commissioners Fryar and Belcher

Commissioner Fryar proposed an amendment to the resolution adopted. The Chairman read the resolution (attached to the minutes). Commissioner Belcher seconded.

The motion failed as follows:

YEAS: Commissioners Fryar and Belcher

NOES: Chairman Gantt; Vice Chair Frost; Commissioners Jones, King and Newman

BOARD APPOINTMENTS

Commissioner King moved to appoint **Karl Koon** to the **Asheville Planning and Zoning Board**.
Commissioner Fryar seconded and the motion passed 7-0.

ANNOUNCEMENTS

- *The next meeting will be January 7, 2014 beginning at 4:30 p.m. in Room 326 at 200 College Street in downtown Asheville.*
- *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*

Commissioner Belcher moved to go into closed session at the request of the County Attorney and pursuant to NCGS 143-318.11a(4) to discuss two worker's compensation claims (*J Crisp v. Buncombe County and C. Sands v. Buncombe County*). Vice Chair Frost seconded and the motion passed 7-0.

CLOSED SESSION

Discussion was held concerning a worker's compensation claim regarding a Sheriff's Department employee. After hearing from the County Attorney, the Board gave consensus for settlement.

Discussion was held on a second worker's compensation claim on a former County employee. After hearing from the County Attorney, the Board gave consensus for settlement.

Commissioner Jones moved to return to open session. Commissioner Belcher seconded and the motion passed 7-0.

Vice Chair Frost moved to adjourn the meeting. Commissioner Jones seconded and the motion passed 7-0.

The meeting was adjourned at 7:30 p.m.

KATHY HUGHES, CLERK TO THE
BOARD OF COMMISSIONERS

DAVID GANTT, CHAIRMAN
BOARD OF COMMISSIONERS