

**MINUTES OF BUNCOMBE COUNTY BOARD OF COMMISSIONERS'
REGULAR MEETING OF AUGUST 21, 2012 AT 4:30 P.M.**

BE IT REMEMBERED: That the Board of Commissioners met in regular session on August 21, 2012, 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
K. Ray Bailey, Commissioner
Carol Peterson, Commissioner
Holly Jones, Commissioner

Bill Stanley, Vice Chairman, was present for part of the meeting by phone.

Staff present were: Wanda Greene, County Manager; Mandy Stone, Assistant County Manager; Jon Creighton, Assistant County Manager; Mike Frue, County Attorney; Donna Clark, Finance Director; Kathy Hughes, Clerk to the Board.

PLEDGE OF ALLEGIANCE

INVOCATION

Commissioner Jones 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 7, 2012 Regular Meeting**
- **Resolution Authorizing Continued Participation in the Land of Sky Rural Planning Organization**
- **Special Projects Ordinance**
- **Grant Projects Ordinance**
- **Capital Projects Ordinance**
- **Solid Waste Capital Project Ordinance**
- **Budget Amendments: Fund 10- Carry forward encumbrance reserve, restricted and grant balances \$141,163**
- **Resolution Authorizing Pyrotechnic Experts for Firework Displays (Biltmore Estate)**

Commissioner Bailey seconded and the motion passed 5-0.

PROCLAMATION

- **Soil and Water Conservation Update**

Commissioner Jones read a proclamation declaring soil and water conservation awareness month and moved for its approval. Commissioner Bailey seconded and the motion passed 5-0.

Jim Coman, Chairman of the Buncombe Soil and Water Conservation District, accepted the proclamation. He introduced Chase Hubbard, Soil and Water Board member and Maria Wise and Gary Higgins from the office of Soil and Water Conservation.

Gary Higgins, Soil and Water Conservation Director, gave a power point presentation outlining the history of conservation across the nation. The power point is attached to the minutes of the

meeting.

OLD BUSINESS

- **Adoption of County Personnel Ordinance (second reading)**

Commissioner Jones made a motion to suspend the Commissioners' rules of procedure and move to amend the ordinance to include gender identity and sexual orientation in the non-discrimination language of the policy.

The Chairman said that he did not support the suspension of the rules as there had been no change in the opinion of the Board since the last meeting. The motion failed for lack of a second.

Commissioner Jones said that the County, as an anchor institution, should include sexual orientation in the ordinance and she felt there would be no unnecessary legal exposure if this were included.

Commissioner Peterson said that every County employee was protected under the ordinance as presented.

Commissioner Bailey moved to adopt the ordinance as presented. Commissioner Peterson seconded and the motion passed 4-1 as follows:

YES: Chairman Gantt, Vice Chairman Stanley and Commissioners Peterson and Bailey

NOES: Commissioner Jones

NEW BUSINESS

- **Pisgah View Project Report**

Angie Pittman, Social Work Supervisor, introduced the Pisgah View Project. Rasheeda McDaniels, County Social Worker and leader of the initiative, gave the power point that is attached to the minutes.

(Vice Chairman Stanley left the meeting)

The Board heard from Keynan Lake and Zakaya Bell Rogers, County Social Workers, about their work with the project including how they have developed mentor groups within the community to build relationships with the people of Pisgah View.

- **Resolution Making Certain Statements of Fact Concerning a Proposed bond Issue AND Bond Order Authorizing the Issuance of Not to Exceed \$32,800,000 General Obligation Refunding Bonds**

Donna Clark, Finance Director, recommended that the County save on fees and take advantage of the extremely low fixed rates by issuing fixed rate bonds to pay off current variable rate bonds. She asked the Board to endorse both resolutions as presented.

The Finance Director filed with the minutes the sworn statement of debt.

Commissioner Peterson moved approve the resolutions as presented. Commissioner Jones seconded the motion and it passed 4-0.

BOARD APPOINTMENTS

Commissioner Peterson moved to appoint **Joanne Stephenson** and **David Carpenter** to serve on the **Historic Resources Commission**. *(following a motion by Commissioner Jones to nominate Karen Wallace Miegs and Catherine Mitchell, a poll of the Board resulting in a tie for David Carpenter and Karen Wallace Miegs, and a withdrawal of the nomination from Commissioners Jones)*

The motion to appoint Joanne Stephenson and David Carpenter passed 4-0.

ANNOUNCEMENTS

- *The next regular meeting of the Board will be September 4 at 4:30 p.m.*
- *Commission meetings can be seen on:*
 - *BCTV Charter Cable Channel 2*
 - *AT&T U-Verse Channel 99*
 - *Live on buncombecounty.org during the meetings or*
 - *Online anytime at buncombecounty.org*

PUBLIC COMMENT

The Chairman reviewed the rules for public comment.

The official business of the County has concluded and we will now hold 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.*

Gabe Dunsmith thanked the Board for the waterlines in for the community effected by the CTS plant. He expressed his opposition to fracking and asked the Board to pass a resolution against the fracking law passed by the legislature.

Lisa Landis expressed her dislike for the government and concern with solar flares.

Jerry Rice commented on fracking, mountain mobility boundaries and clearing of the power company right of way.

Joe Belcher spoke against the topless rally happening on August 26 saying that the display of nudity did not reflect the values of the county. He urged everyone to speak out against the event.

Commissioner Bailey moved to go into closed session per NCGS 143-318-11(3) for two attorney client matters involving a workers' compensation matter and a possible lawsuit involving Fannie Mae and Freddie Mac issue Commissioner Peterson seconded and the motion passed 4-0.

Closed Session

The County Attorney made recommendations to the Board regarding a worker's compensation settlement. No action was taken.

The County Attorney briefed the Board on the possibility of joining a lawsuit involving excise tax and Fannie Mae and Freddie Mac. No action was taken.

Commissioner Bailey moved to go back into open session. Commissioner Peterson seconded and the motion passed 4-0.

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

The meeting was adjourned at 6 p.m.

KATHY HUGHES, CLERK TO THE
BOARD OF COMMISSIONERS

DAVID GANTT, CHAIRMAN
BOARD OF COMMISSIONERS