

**MINUTES OF BUNCOMBE COUNTY BOARD OF COMMISSIONERS'  
REGULAR MEETING OF FEBRUARY 16, 2010 AT 4:30 P.M.**

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**BE IT REMEMBERED:** That the Board of Commissioners met in regular session on February 16, 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  
K. Ray Bailey, Commissioner  
Holly Jones, Commissioner  
Carol Peterson, Commissioner

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

### **CALL TO ORDER**

### **PLEDGE OF ALLEGIANCE**

### **INVOCATION**

Vice Chairman Stanley 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 Stanley moved to approve the consent agenda as presented.

*Mandy Stone, DSS Director, reviewed the Strength in Families funding included in the budget amendments under the consent agenda. She said that the funding would expand the existing program focusing on positive parent child relationships. She said that this had a positive impact on children and their success in school and life. All funding was federal pass through funds.*

- **Approval of Minutes of February 2 , 2009 Regular Meeting**
- **Resolution Approving Change of Maintenance from NC DOT to Town of Woodfin SR 2092**
- **Capital Projects Ordinance**
- **School Capital Commission Project Ordinance**
- **Budget Amendment: Fund 10 (\$15,713,579)**
- **Release Report**
- **Department of Health Billing Guide**
- **Resolution Designating Applicant's Agent (FEMA Emergency Funds)**
- **Road Petition: Woods Crossing Way and Old Farm House Road**

Commissioner Peterson seconded and the motion passed 5-0.

## **COUNTY MANAGER'S REPORT**

- **Nursing Home and Adult Care Home Community Advisory Committee Reports**

Barbara Hinshaw, Regional Ombudsman with Land of Sky Regional Council, introduced The Essential Guide for accessing care for nursing and adult care homes. She gave out copies of the new guide which was also made available on the County website. She reviewed the job of the Ombudsman through Land of Sky Council in regard to adult care homes in the County. She said that Buncombe County has more adult care homes than any other county in the state. Buncombe has 90 adult care homes and 19 nursing homes. She reviewed the advisory care committee's role and their volunteer training by the ombudsman.

Bob Tomasulo, Vice Chairman of the Adult Care Home Community Advisory Committee, reviewed the report that is attached to the minutes of this meeting. He said that adult care homes have had an influx of residents from South Carolina that drain the dollars available through Medicaid for Buncombe County.

Angie Pittman, County Department of Social Services, addressed the resources that are impacted by out of state residents in Buncombe care homes. She said that Senator Nesbitt had worked on new legislation that would address these challenges.

Mandy Stone, DSS Director, said that this is a state issue for Medicaid requirements and costs. She said that many of the adult care home beds are now for institutional care and that local departments have no authority for corrective action—that comes from the state level. She said that the Board of Commissioners should raise awareness in the statewide association as to the fiscal impact of out of state residents taking beds.

Commissioner Bailey asked that two Commissioners be asked to meet with Senator Nesbitt on the importance of this issue. The Board agreed and the Chairman asked Commissioners Bailey and Peterson to meet with the Senator.

Mary Fraiser, member of the Nursing Home Community Advisory Committee gave her report which is attached to the minutes of this meeting. She reported that the homes they visit are challenged to retain adequate care giving staff in the homes and with an increasing need for space for Alzheimer's patients. She said that they need more volunteers for their visits.

- The County Manager explained that as County Manager she is responsible for putting the agenda together for each meeting. In reviewing the practice of invocations given before Commissioner meetings, she has determined that it would be best to end the practice of inviting local clergy to give the invocation and instead each of the Commissioners would be asked to give the invocation at the beginning of each Commission meeting on a rotating basis. She also asked the Commissioners to consider making recommendations for the naming of County buildings.

## **NEW BUSINESS**

- **Land Conservation Advisory Board Report (Albert Sneed)**

Albert Sneed with Land Conservation Advisory Board, gave his fifth annual report on behalf of the Advisory Board. He thanked the Board members for working so hard on conservation. He reviewed the conservation process and gave a power point that is attached to the minutes.

## **BOARD APPOINTMENTS**

Commissioner Bailey moved to appoint **Josh Holmes** to the **Planning Board** as the Erwin District representative. Commissioner Jones seconded and the motion passed 5-0. Commissioner Jones nominated Marcia Szerlip to serve in the at large position on the **Planning Board**. Commissioner Peterson nominated **Bernie Kessel** to serve in the at large position. Chairman Gantt, Vice Chairman Stanley and Commissioners Bailey and Peterson voted for Mr. Kessel. Commissioner Jones voted for Ms. Szerlip. Mr. Kessel was appointed.

## **ANNOUNCEMENTS**

The Chairman announced that the next regular meeting of the Board would be March 2, 2010 at 4:30 p.m.

## **PUBLIC COMMENT**

Mike Fryer asked the County not to fund the City in order to help them balance their budget.

Aaron Penland asked for the Commissioners to recognize Larry Rice for his military service. He said that Congressman Shuler stated that the CTS site would not score high enough to be on the national priority list. He wanted to know where Congressman got his information. He said that NC pays a lot of taxes on gas and he wants some of that money to go toward cleaning up toxic sites in the state.

Jerry Rice spoke regarding the adult care home and nursing home committee reports. He spoke about Senator Nesbitt and his lack of action toward mental health issues in these homes.

The County Attorney said that the Board would need a closed session pursuant to NCGS 143-318.11a (4) involving one economic development incentive matter; and a(3) regarding two legal matters: Edith Johnson versus Buncombe County and Kenny Gates 10CV 00387 in which he would be seeking direction toward settlement and Walter Pittman versus numerous parties including the Buncombe County Sheriff and Asheville Police Chief in their official capacities as well as Buncombe County and the City of Asheville 9VC 07245. He said that no action would be needed in open session.

Vice Chairman Stanley moved to go into closed session for the purposes stated by the County Attorney. Commissioner Peterson seconded and the motion passed 5-0.

## **CLOSED SESSION**

The County Attorney gave an update on a lawsuit involving the Sheriff's Office, other local law enforcement and a citizen. No action was taken.

The County Attorney gave an update on a lawsuit involving a former Mountain Mobility driver and a resident. The Board gave consensus for settlement in this matter.

Jon Creighton, Assistant County Manager reported on a possible economic development incentive for an industry bringing 500 jobs (100 engineering) in a metal fabrication assembly plant in Henderson County at the border of Buncombe. The Board gave consensus to offer support in a pledge amount over time and to bring further updates to the Board.

Vice Chairman Stanley moved to return to open session. Commissioner Peterson seconded and the motion passed 5-0

Vice Chairman Stanley moved to adjourn the meeting. Commissioner Peterson seconded and the motion passed 5-0.

The meeting was adjourned at 6 p.m.

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KATHY HUGHES, CLERK TO THE  
BOARD OF COMMISSIONERS

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DAVID GANTT, CHAIRMAN  
BOARD OF COMMISSIONERS