

MINUTES OF BUNCOMBE COUNTY BOARD OF COMMISSIONERS' REGULAR MEETING OF JANUARY 3, 2012 AT 4:30 P.M.

BE IT REMEMBERED: That the Board of Commissioners met in regular session on January 3, 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:

Chairman Gantt called the meeting to order with the following members present:

David Gantt, Chairman
Holly Jones, Commissioner
Carol Peterson, Commissioner
K Ray Bailey, Commissioner

Bill Stanley, Vice Chairman, was absent from the meeting.

Staff present were: Wanda Greene, County Manager; 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

Chairman Gantt gave the invocation.

DISCUSSION/ADJUSTMENT/APPROVAL TO FOLLOW AGENDA

The Chairman reminded the Board that in accordance with the Code of Ethics as adopted by this Board, 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 December 6, 2011 Meeting**
- **Statement of Consistency Denying Zoning Amendment**
- **Release Report**
- **Resolution Authorizing Acquisition of Property**
- **Budget Amendment:**
 - **Fund 10—DSS \$42,911**
 - **Fund 70: BCAT Forfeiture Federal \$190,753**
 - **Fund 71: Sheriff Forfeiture \$29,554**
 - **Fund 77: BCAT Forfeiture State \$39,424**
- **Grant Projects Ordinance**
- **School Capital Commission Fund Project Ordinance**

Commissioner Jones seconded the motion and it passed 4-0.

GOOD NEWS

Congratulations to Ed Sheary, Library Director of the Year

The Chairman recognized Ed Sheary for being named the Library Director of the Year by the State Library Association. Kim McQueen, Chair of the Library Board, and library board members Bob Etter, Eleanor Johnson, Pat Whalen and Pat Gordon commended Mr. Sheary for his leadership during the changes and renovations that created a wonderful, efficient library system in Buncombe County. Mr. Sheary has been a Director for 33 years, spending 22 of those years with Buncombe County. He commended the County's genuine team spirit and thanked the Commissioners and the Library Board members for their support that helped make the County a fun place to work.

Mental Health Services Report

Sheriff Van Duncan said that prior to the implementation of jail diversion management, the detention center was the catch basin for folks with mental illness and was on track for a phase three expansion.

Amy Griffin, a licensed counselor with RHA Jail Diversion & Re-entry Services, gave a power point that is attached to the minutes of the meeting showing the success of the diversion work. She pointed out that most of the inmates with mental health issues also have substance abuse issues and many are homeless, all issues that must be addressed.

Glen Matayabas, Detention Center Manager, reviewed the results of the diversion work that have delayed the need to build a jail addition in the near future and had freed up space to house federal prisoners. Sheriff Duncan thanked Rich Munger for his work that directly contributed to the success of the with the Crisis Intervention Training and jail diversion.

PUBLIC HEARING

- **Rezoning Request – Norris Max Clubb (CS to R-1)**

Debbie Truempy, County Planner, said that Norris Clubb had petitioned to rezone his property to Commercial Service from R-1. Following the public hearing on December 19, the Planning Board found that the request was consistent with the Land Use Plan and surrounding area and approved the request.

The Chairman called the public hearing to order at 5:12 p.m.

Jerry Rice asked if the slides that were posted were correct. *Ms. Truempy confirmed they were as currently posted.*

Tim Clubb spoke on behalf of Max Clubb in favor of this rezoning.

Pam Clubb, daughter of Max Clubb also spoke in favor of this rezoning.

The Chairman closed the public hearing at 5:17.

Commissioner Bailey moved to approve the request. Commissioner Peterson seconded and the motion passed 4-0.

NEW BUSINESS

- **Resolution Requesting the NC Board of Transportation to Name Smoky Park Bridge in Memory of Captain Jeffrey Bowen**

The Chairman read the resolution and moved for its approval. Commissioner Peterson seconded the motion and it was approved 4-0.

- **Economic Development Report**

Ben Teague, Asheville Chamber of Commerce EDC Director, gave report on the work of the Economic Development Coalition (EDC). He reviewed the strategic plan and introduced Clark Duncan, the Marketing Director for the EDC.

Commissioner Bailey said that the County is very fortunate to have a group of people working to create jobs in the community. He said that the EDC continues to work with existing employers while recruiting new businesses and working with them through the incentive process.

BOARD APPOINTMENTS

Commissioner Jones moved to appoint **Gene Knoefel** to the **Nursing Home Community Advisory Committee**. Commissioner Bailey seconded and the motion passed 4-0.

ANNOUNCEMENTS

The Chairman made the following announcements:

- *The Board continued the meeting to January 10 at 4:30 p.m.*
- *The next regular meeting of the Board will be January 17, 2011 at 4:30 p.m.*

- County Offices will be closed January 16 for Martin Luther King Jr Day.
- Commission meetings can be seen on BCTV Charter Cable Channel 2; AT&T U-Verse Channel 99; live during the meetings and online at buncombcounty.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.*

The County Attorney announced that the Board would need a closed session pursuant to GS 143-31811a(3,5) attorney client privilege and property acquisition.

Don Yelton asked the definition of an actual, apparent or potential conflict of interest. He suggested that the job fair be put on the internet by the EDC and wanted to know the success of the hiring at the job fair.

Jerry Rice said jobs in the area did not pay enough and asked about rental versus sale of property. Commissioner Bailey moved to go into closed session for the reasons give by the County Attorney. Commissioner Peterson seconded and the motion passed 4-0.

CLOSED SESSION

Discussion was held concerning possible acquisition of property for a firing range for law enforcement use. Consensus was given for testing and further investigation. No action was taken.

Discussion was held regarding a possible legal action involving a development and the Town of Black Mountain. No action was taken.

Commissioner Bailey moved to return to open session and continue the meeting to January 10 at 4:30 p.m. Commissioner Peterson seconded and the motion and it passed 4-0.

Chairman Gantt called the continued meeting of January 10 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; Jon Creighton, Assistant County Manager/Planning Director; Donna Clark, Finance Director; Kathy Hughes, Clerk to the Board; Mike Frue, County Attorney.

CALL TO ORDER

KATHY HUGHES, CLERK TO
THE BOARD OF COMMISSIONERS

DAVID GANTT, CHAIRMAN
BOARD OF COMMISSIONERS