

**MINUTES OF BUNCOMBE COUNTY BOARD OF COMMISSIONERS'
REGULAR MEETING OF OCTOBER 21, 2014 AT 4:30 P.M.**

BE IT REMEMBERED: That the Board of Commissioners met in regular session on October 21, 2014, 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
Ellen Frost, Vice Chair
Joe Belcher, Commissioner
Mike Fryar, Commissioner
Holly Jones, Commissioner
David King, Commissioner

Brownie Newman, Commissioner, was out of town and absent from the meeting.

Staff present was: Wanda Greene, County Manager; Mandy Stone, Assistant County Manager/HHS Director; Donna Clark, Finance Director; Mike Frue, Senior Staff Attorney; 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 mentioned.

PUBLIC COMMENT

Katie Hicks, Assistant Director of Clean Water for North Carolina who was joined by residents that live near the CTS site, recognized the County's work to help the residents of the area by installing waterlines and demolishing the old CTS plant building. She thanked them for seeking reimbursement and holding responsible parties accountable. They presented the County with the "Extra Mile to Protect Water Award."

Jerry Rice said he felt non-profits were being given money outside for the budget and some were being favored such as Pisgah Legal Services and the Enka Partners group. He suggested getting rid of all elected commissioners and having the County Manager manage the County.

DISCUSSION/ADJUSTMENT/APPROVAL TO FOLLOW AGENDA

Vice Chairman Frost moved to approve the consent agenda as presented. Commissioner Jones seconded the motion and it passed 6-0.

- **Approval of September 16 Regular Meeting**
- **Resolution Authorizing Assignment of Bids (Detiberus and Harris)**
- **Resolution Approving Easement for Duke Energy for Asheville Middle School Construction**
- **Road Petition: Treetop Drive**
- **Release Report**
- **Approval Position Classification Title Local Public Health Director I Grade 83 (no money)**
- **Resolution Authorizing to Transfer of Certain Properties to the Town of Black Mountain**
- **Resolution Authorizing the Acceptance of Applications and Approval of Housing Projects for the Affordable Housing Service Program**
- **Budget Amendments: Fund 10 (\$561,857); Fund 77 (\$5,266); Fund 66 (\$300,000); Fund 78 (\$1,201); Fund 71 (\$118,232)**
- **School Capital Commission Fund Project Ordinance**
- **Grant Projects Ordinance**
- **Special Projects Ordinance**
- **Approval of Juvenile Crime Prevention Council Funding Allocation**

GOOD NEWS

- **Adoption Awareness Month**

Commissioner Belcher read the proclamation and moved for its adoption. The proclamation was presented to Tammy Shook with County Health and Human Services. She invited citizens to sponsoring a foster child for Christmas.

PUBLIC HEARINGS

- **Rezoning: Edwards & McIntosh – R-2 to CS**

Josh O'Connor, Zoning Administrator, explained this rezoning as outlined in the maps attached to the minutes. He said that a public hearing was held by the Planning Board and they along with Planning staff found the request was consistent with the land use plan and suggested approval.

The Chairman opened the public hearing at 4:50 p.m.

There were no comments and the hearing was closed at 4:51 p.m.

Commissioner King moved to approve the resolution. Commissioner Jones seconded and the motion passed 6-0.

- **Rezoning: Keith Roberts (Weaverville ETJ R3 to EMP)**

Josh O'Connor, Zoning Administrator, said that this was heard as a part of the Weaverville ETJ hearing but had to be reconsidered by the Planning Board. This application asked to have the approximately 31 acre property be rezoned from R-3 to EMP. Portions of this property were commercially zoned when they were in the Weaverville ETJ. The staff and Planning Board recommend approval of the rezoning.

The Chairman opened the public hearing at 4:53 p.m.

No comments were taken. The hearing was closed at 4:54 p.m.

Commissioner Belcher moved to approve this rezoning as suggested. Commissioner Jones seconded. The motion passed 6-0.

- **Resolution Approving the Issuance of Not to Exceed \$10,300,000 of Public Finance Authority Recreation Facilities Revenue Bonds to Finance Certain Costs of Various Projects on Behalf of the YMCA of WNC**

Mike Frue, Senior Staff Attorney, explained the financing and that the bond structure did not involve taxpayer dollars and did not bind the County. It was a technical requirement that the elected board at the location of the original projects financed be required to approve the bonds.

Paul Vess, Chair of the YMCA said that this was a refinancing package and was part of the overnight resident camp in Swain County.

The Chairman opened the hearing at 5:01 p.m.

Jerry Rice asked if there was any way to collaborate with them.

Mr. Vess said that Buncombe County kids would be able to use the Swain County camp.

The Chairman closed the hearing at 5:02 p.m.

Vice Chairman Frost moved to approve the resolution. Commissioner Jones seconded and the motion passed 6-0.

- **Rural Operating Assistance Program Funding 15**

Denise Braine, County Planner, explained the annual grant application to the North Carolina Department of Transportation for rural operation assistance program funds for disabled and elderly citizens. She said that the funding available for this year had been reduced as part of the overall state funding cuts. The funding would provide transportation for daily independent living. The funding agencies were reviewed as in the documents attached to the minutes.

The Chairman opened the hearing at 5:11 p.m.

Jerry Rice said that transportation would be key to the future of long term care. He felt that federal and state governments would not be of any financial help in the future.

Christina Merrill said this was a great partnership for the senior population.

The Chairman closed the hearing at 5:15 p.m.

Commissioner Jones said she had faith that the staff would be able to address the 14 percent decrease in funds and help people get the transportation they need and moved to approve the resolution as presented. Vice Chair Frost seconded and the motion passed 6-0.

The Chairman recognized Wanda Greene, County Manager, recounting the fact that during their recent ribbon cutting for the new GE Plant, GE officials named a part of their campus for Dr. Greene naming a walking trail the "Wanda Way". The Chairman explained the work that the Manager had done to save (GE) jobs, stating that she had devised a deal to save over 1,000 jobs and bring the state of the art plant to Buncombe.

NEW BUSINESS

- ~~**Funding Request from Pisgah Legal Services**~~ *this was withdrawn*
- **Approval of Extended Hours for Register of Deeds (October 10)**

The County Attorney explained the actions of the Register of Deeds on October 10. Drew Reisinger, Register of Deeds (ROD), emailed the Commissioners asking that he be allowed to keep his office open until 7 p.m. (*the ROD is required to have County Commission permission to change its office hours per state law.*) Mr. Deutsch said that after examining the emails, he had determined that what occurred on October 10 did not constitute an official meeting and the intention was to poll the Board for their opinion. He said that the traditional procedure for polling the Board was not followed; however, in this instance he suggested that the request for a change in office hours by the ROD be approved retroactive to October 10.

The Chairman allowed comment on this agenda item.

Eddie Harwood commented on what he felt was Mr. Reisinger's disregard for the law. He felt that the extended hours were unacceptable and not an emergency situation. He did not want the ROD to be allowed to break the law and asked that the Board not ignore his violation of the law. He said he would appeal to the bonding company and state auditor.

Craig White, a volunteer for the Southern Equality, said he was part of the events on October 10 and felt it was appropriate to keep the office open for extra hours.

Victoria Connelly said that as a taxpayer she was happy to see the ROD try and bring good service to the citizens and that any investigation into Mr. Reisinger's actions would be a waste of money.

Rev. Melissa Boekeeper supported Mr. Reisinger and his actions to keep the office open. She was pleased that the ROD was proactive and made plans ahead to stay open to meet the needs of the public.

Jerry Rice felt the Board was showing partiality to one segment of the public and everyone should procedurally be kept accountable. He did not like the special treatment that Mr. Reisinger received.

Commissioner Fryar recounted the happenings of October 10 and the conversation that he had with the Mr. Reisinger. He was opposed to how the ROD handled the polling of the Board and keeping the office open.

Commissioner Jones suggested there be a formal policy on how to poll the Commissioners. She said that the decision to allow the ROD to extend his hours was up to the Commissioners and she felt that Mr. Reisinger went above and beyond to help the public.

The Chairman gave an account of his conversation with Mr. Reisinger on October 10 and confirmed that the cost to keep the office open for additional hours would be covered by the ROD budget.

Commissioner King said that he gave his permission to stay open by email.

Commissioner Belcher said he did not reply to the email and would not support the extended hours.

Vice Chair Frost said she was in the ROD office on October 10 and was glad that the office was open and the citizens were served.

Drew Reisinger, Register of Deeds, said on October 10 he was hoping for an earlier decision; however, there were a large crowd of people waiting for service. He said that Dr. Greene gave him permission to check with the Commissioners.

Dr. Greene clarified that she asked Mr. Reisinger to send the request to her so the Clerk could poll the Board.

The Chairman moved to approve the Register of Deeds request for extended hours on October 10, 2014. Vice Chair Frost seconded and the motion passed as follows:

AYES: Chairman Gantt, Vice Chair Frost, Commissioners Jones and King

NOES: Commissioners Belcher and Fryar

BOARD APPOINTMENTS

Commissioner Belcher moved to appoint **Eleanor Lane, Kalindi Trietley, John Bernhardt and Linda Burrell** to the **Nursing Home Community Advisory Committee** for a term of one year. The motion passed 6-0.

Vice Chair Frost moved to appoint **Emily Scott, Donald Diebert, Mary Adami, Sarah Foster, Jerry Hahner, Marjorie Latta and Kathleen Tate** to the **Adult Care Home Community Advisory Committee**. The motion passed 6-0.

Chairman Gantt moved to appoint **Linda Biggers, Bob Kendrick, Lorraine Poe and Catherine Claussen** to the **Mountain Area Workforce Development Board**. The motion passed 6-0.

Commissioner Belcher moved to appoint **Sam Hollister and Dean Haney** to the **French Broad VFD Firemen's Relief Fund Board**. The motion passed 6-0.

Chairman Gantt moved to appoint **Donald Honeycutt** to the **Woodfin VFD Firemen's Relief Fund Board**. The motion passed 6-0.

Commissioner Belcher moved to appoint **Larry Dotson** to the **Fairview Fire Department Firemen's Relief Fund Board**. The motion passed 6-0.

Chairman Gantt moved to appoint **John Wilson** to the **Reems Creek Valley Fire Department Firemen's Relief Fund Board**; **Larry Morrow** to the **Beaverdam Fire District Firemen's Relief Fund Board**; and **Michelle Pace Wood** to the **Enka Candler Fire and Rescue Firemen's Relief Fund Board**. The motion passed 6-0.

ANNOUNCEMENTS

The Chairman made the following announcements:

- *The next regular meeting of the Board will be November 18 beginning at 4:30 p.m.*
- *Commission meetings can be seen on:*
 - *BCTV Charter Cable Channel 192*
 - *AT&T U-Verse Channel 99*
 - *Live on BCTV Channel 192 and on buncombcounty.org during the meetings or*
 - *Online anytime at buncombcounty.org*

Commissioner Belcher moved to adjourn the meeting. Vice Chair Frost seconded and the motion passed 6-0. The meeting was adjourned at 6:16 p.m.

KATHY HUGHES, CLERK TO THE
BOARD OF COMMISSIONERS

DAVID GANTT, CHAIRMAN
BOARD OF COMMISSIONERS