

**MINUTES OF BUNCOMBE COUNTY BOARD OF COMMISSIONERS'
REGULAR MEETING OF MARCH 19, 2013 AT 4:30 P.M.**

BE IT REMEMBERED: That the Board of Commissioners met in regular session on March 19, 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: Jon Creighton, Assistant County Manager; Mandy Stone, Assistant County Manager; Donna Clark, Finance Director; Mike Frue, County Attorney; Stacey Woody, Deputy Clerk to the Board.

PLEDGE OF ALLEGIANCE

INVOCATION

The Chairman gave the 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.

Chairman Gantt asked the board if they would like to go ahead and vote on Commissioner Belcher's request to continue the diversity and inclusion committee report and the domestic partner policy, and they agreed. Commissioner Belcher said he would like to hear the respectful workplace policy but made a motion to delay action on the domestic partner policy to have more input from the community.

Commissioner Fryar seconded the motion.

The motion failed:

Ayes: Commissioners Belcher, King, and Fryar

Noes: Commissioners Gantt, Jones, Newman and Frost.

Chairman Gantt stated that there would be public comment for the respectful workplace policy and the domestic partner policy after the reports on each of these policies.

PUBLIC COMMENT

The Chairman reviewed the rules for public comment stating that the official business of the County had concluded and public comment would be taken under the following rules:

- *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.*

Public Comment

Fred English of East Asheville asked for permission to speak about the domestic partnership item. He didn't want tax money going for something like this. He had been a Buncombe County resident all his life,

and was almost ashamed to tell people where he is from and felt he shouldn't have to pay for what other people do.

Mary Standard of Montreat gave an update on the proposed solar farm on Ridgecrest property reporting that the application had not been withdrawn, and that an extension was given to thru April 8.

Don Yelton said he had mixed feelings about the public comment as he felt the Commissioners were telling people what they can talk about and what they can't. He feels he is discriminated against.

Alan Ditmore stated restroom proposed for Black Mountain Town Square should primarily serve the homeless and they need them at night. If they are going to be locked at night, don't build them.

Jerry Rice said he fights the discrimination of special needs kids. They finally have the right to be put in public schools, and now they have to fight discrimination there. He wants SRO's properly trained.

Lauren Beal lives in downtown Asheville and is a county employee. She felt that the domestic partnership rights were basic human rights. She felt that it would be in the county's best interest to care for the workforce and the individuals living in their homes.

DISCUSSION/ADJUSTMENT/APPROVAL TO FOLLOW AGENDA

Vice Chair Jones moved to approve the amended agenda and consent agenda as presented.

Commissioner Frost seconded and the motion passed 7-0.

- *Approval of Minutes of March 5, 2013 Regular Meeting*
- *Grant Projects Ordinance*
- *Capital Projects Ordinance*
- *Release Report*

GOOD NEWS

- **Jail Diversion Report**

Sheriff Duncan said the Detention Center Diversion Program had been implemented to deal with addiction issues, drug addiction, and to look for a better way to serve the people with mental illness. He went over the success of the program and how the program had diverted individuals to the proper treatment centers which has freed up bed space in the Detention Center.

Major Matayabas presented a power point to sum up the success of the Jail Diversion program. He noted that freeing up space in the jail had allowed them to sell bed space and they had generated \$1.9 million to help offset detention costs.

Amy Griffin, another member of the team, spoke about the number of arrests prevented by the program and the prevention of chronically mentally ill from being booked into jail.

Dr. Rich Munger of the Crisis Intervention team (CIT) – noted that they had been giving 40 hours of training to enforcement officers to aid them in spotting potential candidates for the jail diversion program. Buncombe was one of the first communities to implement CIT training with fire and rescue.

Commissioner Belcher said that several of the Commissioners were able to attend the Sheriff's awards banquet and he saluted them for what they are doing.

NEW BUSINESS

- **Black Mountain Town Square**

Don Collins, Black Mountain Alderman, and Tom Gill, Chair of the Black Mountain Town Square Project presented a PowerPoint about the Town Square project and requested \$50,000 to build restrooms.

Commissioner Frost said this project makes her really proud and that it was hard to envision how it

looked before they started. She made a motion to approve \$50,000 toward this project. Vice Chair Jones seconded.

Commissioner Belcher said that he and his family often go to Black Mountain on Sundays. He supports the project and likes that they're exploring funding through private donations.

Commissioner Newman asked how folks can make a contribution. Mr. Gill said just to go to Rusquare.com and it gives all information.

Commissioner Fryar appreciates that this is still money – but is very little for one small community.

Chairman Gantt restated that Commissioner Frost had made a motion to approve the \$50,000 request and that Commissioner Jones had seconded, and the motion passed 7-0.

- **Diversity & Inclusion Committee Report**

Lisa Eby introduced the Diversity and Inclusion Committee and noted that they were all were appointed from county departments and agreed to serve on the committee. It was a diverse group of employees who carefully answered the following two questions: 1) do we have sufficient safeguards in place that protect against discrimination and harassment in our organization; *and* 2) Is there equity in our benefit system? To answer these questions, the committee examined the Buncombe County Personnel Ordinance, policies, and practices across County departments. The committee found that the county, unlike many private employers, does have sufficient safeguards in place to ensure an equitable and fair personnel system with options for employees to access a grievance process. For example, employees cannot be fired for any reason other than "just cause" and just cause is defined as unsatisfactory job performance and unacceptable personal conduct. Employees who feel they have been dismissed for any reason other than "just cause" may appeal to the State court. Beyond that, they asked themselves how to create a safe, inclusive, and supportive work environment for all employees.

The committee recommended that supervisors have ongoing focused trainings and annual supervisor assessment surveys; the diversion and inclusion committee continue to meet, and the adoption of a Respectful Workplace policy. This policy sends a clear message to all employees that our organization does not tolerate any form of harassment; the policy provides steps for how to handle unacceptable personal conduct both for the employee and for management, provides a structured means for addressing problems and prohibits any form of retaliation for employees making a complaint.

In answer to a question from Commissioner Frost, Ms Eby said that the committee met over fifteen times, at one to two hours per meeting, and that several of the members spent a lot of time on it outside of work.

Chairman Gantt said that he likes the fact that the team is made up of county employees.

Commissioner Belcher thanked all of the employees for their participation and taking it very seriously, very heartfelt, and it took a lot of time. What he sees in the policy is how he was raised and how you are supposed to treat people. The group is amazingly dedicated. He saluted them for their work.

Alan Ditmore said he was putting to rest the idea that it will cost. A lot of employer cost is related to parenthood. It affects county if you hire gays - it positively affects school tax because they don't have kids. It will save him money and the Commissioner budget. Research shows that gay enclaves have no budget problems. This deserves more research.

Basil Sober had been a county resident for 6 years. She said she knows all of the Commissioners have different views and that she is an individual too. The transgender employee rate is high. Voting against this policy would be bad.

Commissioner Frost made a motion to approve the Respectful Workplace policy. She said this matter is dear to her heart and commends committee members. She appreciates the fact that the entire board respects each other.

Commissioner King seconded, and in doing so asked Chairman Gantt to clarify the issues. Chairman Gantt clarified that this vote was on a workplace policy, to make sure employees are free from offensive remarks, etc. and the policy shuts down disrespectful behavior.

Vice Chair Jones stated that this was a strong policy – it's an anti-harassment policy. It sets a tone for how we can help our children learn how to act.

Commissioner Fryar thanked the team stating that he would be happy to fight for anyone in the county who had not been respected.

Commissioner Belcher said he was in support of this policy because everyone is treated with respect. He wants to make it very clear that this is separate from the domestic partner policy.

Commissioner Newman said that the proposal is a broad policy and notes that the non-discrimination part of it will be talked about at the next Commission Meeting.

The policy was adopted by a vote of 7-0.

- **Domestic Partner Policy**

Diane Price, a member of Buncombe County's Diversity Committee presented the Domestic Partner Policy. The committee was asked if the current benefits were equal for all employees and after consideration decided that they weren't. The Domestic Partner Policy would extend benefits to same and opposite sex domestic partners. Those benefits would be the same as the benefits offered to the families of other county employees who are married, as long as there is no state or federal law prohibiting it. The team worked to make sure the guidelines are fair and stringent; casual relationships are not eligible. To qualify, employees would have to complete an affidavit of domestic partnership, and a domestic partnership agreement. They have 30 days from the date their agreement is signed and notarized to enroll with Human Resources; otherwise they would have to wait until the County's open enrollment period. Ms. Price asked that the Commissioners adopt this policy with an effective date of April 1, 2013.

Commissioner Jones said that the average cost per person is \$7000 a year; the way a benefit package works for a family – it is a buy in, not free. She also thanks the committee for their work.

Commissioner Fryar wondered how much money we are holding aside to cover this – per employee. Ms. Price stated that she wasn't aware of those figures.

Commissioner Belcher asked if the committee explored other health care options for coverage. Ms. Price said that this committee didn't look at that. They thought it was most equitable to go with the current option.

Blanche Riley works part-time for the county and asked the Commissioners to vote in favor of the policy. She said they should be treated like any other family in Buncombe County.

Jerry Rice says that this is the first time he has seen the county present something like this without NCACC stats to back it up. He wonders how the other 100 counties are dealing with this.

Ronald Gates, a resident of Asheville and a pastor would like this proposal removed. He said this is not the principles the nation was founded on. He sees it as a ploy to adopt benefits of same sex marriage.

Robert Harris has lived in Buncombe County for 40 years; he pays taxes - as long as they are producing good results. He is totally against the domestic partner policy and did not support any advantages of that style of living, especially for those wanting to adopt children. He asked the Board not to approve the policy

Rev. Runion had been a resident Asheville most of his life. He said that the country had deep Christian roots, and he must encourage the Commissioners to vote against the policy. When he was a child he was taught to be respectful to everyone. He notes that if the domestic partner policy passes, the respectful work policy will be buried in the news. In 2010 the same voters in NC voted on the amendment that marriage is between one man and one woman. The vote was between 80 and 90%, which is a powerful mandate. He asked the Board to vote against this policy.

Cathy Rhodarmer said that this was proposed by an unelected committee, and this proposed policy affects all families. She objects to her tax dollars being used to further a social agenda. With Obamacare, this is redundant and a waste of time. This will mean that the government promotes that behavior.

Lauren Mason said she supervises 35 employees of all persuasions, and what she's hearing is fear of the unknown – she is a humanitarian. The others are in favor or something that restricts human rights, and rooted in hate. The ones in opposition because of religion are fighting for their own personal views and opinions. Please support this and take a stand.

Rev. Joe Hoffman said he grew up here and is at First Congregational United Church of Christ. He understands the scriptures in a different way than the others here tonight. To respect people you must offer the same benefits to everybody. It is not a religious issue. We are a community of diversity. We should honor all of the diversity in Buncombe County.

Jerry Goldberg of Asheville said she had been with her partner for 15 years and sometimes they had been without insurance. She now works for Mission and has benefits. She had a breast cancer scare a few years ago, and if she hadn't had Cobra Insurance she wouldn't have been able to pay. She urges the Commissioners to support the benefits.

TJ Amos, a Buncombe County resident said that hearing the Christians made her feel shame; and the Jesus she believes in would not walk away from someone in need. Please make this available to all employees. Don't discriminate, treat the employees equally and show the courage to support us all.

Demita Wilder is a resident and also a black female pastor. She wants to thank the Commissioners for allowing this to come forth, but felt that the County can honor people without funding their behavior. This has nothing to do with religion – we just cannot pay more taxes to fund this. She has been without benefits before, and that is just a part of life.

Mr. Chris Oates of Swannanoa urged the Commissioners to vote yes because all people should be treated the same. Some people have lived together for years and don't have benefits.

Steven Fox of Candler is the pastor of Maple Ridge Baptist Church. He said it is not a religious issue, it is biblical. The definition of marriage is between one man and one woman – there is purity within marriage. He believes the word of God, and asks the Commissioners to please vote against the domestic partner policy.

Stan Taylor said that this policy appears to sidestep around the barred same sex marriage. He urged the Commissioners to consider the fiscal ramifications and vote against the domestic partnership policy.

Cody Sturgill, pastor of Boiling Springs Baptist Church said please vote against the policy. It will put the county at liability for lawsuit, and is a financial liability. Marriage is between one woman and one man. We are degrading the importance of marriage and family. He was in favor of the respectful workplace policy and was for the well being of all people; to give domestic partners the same benefits degrades marriage.

Patrick Summers of West Asheville says that when someone is saying no hate, it's like saying no offense. We have employees that are not getting same benefits as straight employees. Please vote for the domestic partner policy.

Rev. Jasmine Beach-Ferrara is for LGBT rights; she recognized and thanked the committee. She has heard stories of Buncombe County employees that have been living without these benefits. The county can now correct that. She is proud that the County Commissioners are considering this. If Buncombe County passes it, they will be the 4th county in NC. She proposed a minor revision regarding the agreement in the equal division of assets. She asked to Commissioners to please vote for the policy.

Gil Morgan has lived in Buncombe County for 31 years. His is a small business owner, and in 2006 had to let insurance go. Respectfully he has paid his taxes and hasn't had insurance. Domestic partners should not be entitled to same benefits as married couples. It has worked all these years, under God. They can make a choice. Go to another state to get married.

Randy Keener, pastor of Black Mountain Independent Baptist Church, has lived here all his life. He feels that the domestic partner benefits would increase the economic burden and encourage lawsuits. It would go against amendment 1 and seems like the county is trying to validate this kind of lifestyle and immorality. Please don't approve a policy that supports this.

Craig White of West Asheville is a small business owner. He worked as a facilitator and thinks it is obvious that there are divisions in our faith community. He would like to have a dialog around the differences. He appreciates the work of the committee. Applauds the Commissioners for the unanimous vote on the respectful workplace policy. He stated that our Buncombe County and North Carolina history is a history of inequity that we need to overcome, and that in essence taxpayers are funding discrimination.

Philip Wilson, a pastor in Weaverville quoted from the Bible. Blessed is the nation whose God is the Lord; the word of God is the final authority. Some say it is no one's business if someone wants to co-habitate. God calls it sin. God has already shown what he will do. Marriage is ordained and he alone has the authority to define it. It is a disease and diseases pour out in judgment. It should not be supported by tax dollars. Vote against it.

Andrew Sluder is a pastor, and has a ministry in Buncombe. He felt that the Commissioners were facing the same thing churches are facing – trying to be inclusive but not change our own beliefs. Just because he sees homosexuality as a sin, doesn't mean it is any worse than any other sin. He sees everyone for what they are - people. He does not want to compromise his convictions and realizes that people will hate him for his stance. Buncombe County is making a moral decision. Law prohibits same sex marriage. But if they approve this policy, they are saying it is okay. Please vote against.

Matthew Turpin lives in North Asheville and attends UNCA. He asked that Commissioners please vote in favor of the policy. People are uninsured and don't have access to basic health coverage.

Gillian Murphy Kerns of Asheville felt this was a civil rights issue. We can't have equality when some are more equal than others.

Don Yelton stated that this is not a religious issue; it's an issue of special rights, not equal rights. Please read what you have to give up to get the benefits. This will still discriminate. Why do you have to pick this out? The school board will do this now. Then teachers will be teaching the kids it is okay. The solution: employees get all insurance paid for, then they have to pay for anyone else - then there is no moral issue.

Robert Sprood of Asheville said it seems that we have an issue of hypocrisy. Commissioners unanimously voted to respect people at work; but they will not be respected for insurance reasons. These people can't get married. We're denying what's promised to married couples. It's hateful. Please vote for the policy.

Dennis Thurman of Candler thinks it is commendable that the county passed the respectful environment policy, but the domestic partners policy is a different threshold. The county can't continue to dole out dollars. This will raise taxes, and cause declining services. Who will oversee the additional details and handle the increased workload? Obama care has assured that everyone will have insurance anyway.

Aaron Server of Asheville thanked the committee for their hard work. He said that the county needs to pass this to attract best employees.

Lindsey Crumbly stated that she is queer, 24 years old, and works in mental health. She said she often faces discrimination. She believes in a god of love, and the county should pass the policy.

Chase Koon of East Asheville said that this is a civil rights issue. She has never been insured and will be paying off bills the rest of her life. She is a taxpayer.

Rev. Kathryn Cartledge is a minister who has lived in Buncombe since 1982. She and her partner had been together over 31 years. Their oldest daughter is a doctor, and the other is teacher. There are thousands of same sex partners – it makes sense that they can get insurance. They live here and pay taxes, raised children, and grandchildren. They just want to be treated the same. They are human beings and citizens asking for equal treatment.

Alan Ditmore suggested a third option - no benefits, and maybe raise pay. The current policy is discriminatory. He is single and childless and will still be discriminated against. He urged the county to vote yes.

Susan Wilson lives north of Weaverville and has paid Buncombe County taxes since 1991. She and her partner have two children and four adopted grandchildren. Through the years she has had broken bones and cancer scares. If it had been cancer, they would've been unable to pay for them. She has been an employee of this county, but could not add her partner because same sex marriage is not considered legal. Please vote yes.

Commissioner Newman made a motion for adoption of the domestic partner policy, as recommended by committee. He thinks the work on the policy was commendable and well thought out. He thanked all of the speakers, and said that he supports it because he thinks equal work should receive equal benefits. He wants the United States and North Carolina to allow same sex marriage, so

local governments don't have make specific policies like this.

Commissioner King said he heard passionate comments from both sides and that he knows and respects people on both sides of the issue. He stated that none of the Commissioners judge anyone, but each one has a responsibility in their district.

Vice Chair Jones seconded the motion. She thought the committee did a great service and thanked them. She said she believes every one of the Commissioners cares deeply about all employees. She thanked the Commissioners for the way they have engaged all opinions and have been respectful. As an employer she thinks it is smart and right to attract employees, and that the compensation makes us competitive. She thinks it will also improve economic development. She is thankful for the people who shared their personal experiences.

Commissioner Fryar stated that he is a little different. He said that the county is not a business, we don't sell anything. We take tax money to run this county. His brother is gay - he owned Scandals nightclub. Commissioner Fryar said he was in business for 34 years and he paid for everyone's insurance and benefits. He doesn't want to go up on taxes and until the budget retreat, he just can't support it.

Commissioner Frost commended the committee and said that she thinks employee benefits should be equal.

Commissioner Belcher thanked everyone from both sides for coming. He said, for him, this is about those he was elected to represent and he was concerned about the speed at which this is being done in light of other difficult decisions about schools. He had some concerns about the language of the policy and will vote no.

Chairman Gantt said that he is proud of the workplace policy and appreciates the committee's hard work. It's the right time to do right thing.

Chairman Gantt called for a vote, and the motion passed 4 to 3.

Ayes: Commissioners Frost, Gantt, Jones, and Newman.

Noes: Commissioners Belcher, King, and Fryar

• **Diversity Workshop**

Lisa Eby discussed the Diversity Workshop to be held on April 25 Wilma Sherrill Center at UNCA, and invited everyone to come.

BOARD APPOINTMENTS

Chairman Gantt announced that the following boards have vacancies:

- *Asheville Buncombe Community Relations Council – 1 vacancy*
- *Montreat Board of Adjustment - 1 vacancy must be ETJ*
- *Montreat Planning and Zoning – 1 vacancy must be ETJ*

ANNOUNCEMENTS

- *The next regular meeting of the Board will be April 2 at 4:30 p.m. in Chambers at 200 College Street, Room 326, 3rd Floor*
- *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*

Commissioner Jones moved to adjourn the meeting. Commissioner Belcher seconded and the motion passed 7-0. The meeting was adjourned at 7:35 p.m.

STACEY WOODY, DEPUTY CLERK
BOARD OF COMMISSIONERS

DAVID GANTT, CHAIRMAN
BOARD OF COMMISSIONERS