

**MINUTES OF BUNCOMBE COUNTY BOARD OF COMMISSIONERS'  
REGULAR MEETING OF APRIL 2, 2013 AT 4:30 P.M.**

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**BE IT REMEMBERED:** That the Board of Commissioners met in regular session on April 2, 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: Wanda Greene, County Manager; Jon Creighton, Assistant County Manager; Mandy Stone, Assistant County Manager; Donna Clark, Finance Director; Mike Frue, County Attorney; Kathy Hughes, 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.*

### **DISCUSSION/ADJUSTMENT/APPROVAL TO FOLLOW AGENDA**

Commissioner Jones moved to approve the consent agenda as presented, adding the Days of Remembrance Proclamation to the agenda. Commissioner King seconded and the motion passed 7-0.

- *Approval of Minutes of March 19, 2013 Regular Meeting*
- *Budget Amendment: Fund 10 appropriated fund balance \$25,112*
- *Capital Projects Ordinance*
- *Grant Projects Ordinance*
- *School Capital Commission Fund Projects Ordinance*
- *Special Projects Ordinance*
- *Resolution Accepting an Offer to Purchase a Temporary Construction Easement Related to the McDowell Street tunnel Rehabilitation Project*
- *Road Petitions*
  - *South View Drive*
  - *Darcus Lane*

### **PUBLIC COMMENT**

*The Chairman reviewed the rules for 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.*

Fred English said he was upset with the Commissioners and read a statement defining a hypocrite.

Alan Ditmore commented on the budget amendment to bring the Ironman Competition to the County stating that he felt this was not a good use of county funds.

Jerry Rice thanked the Board for changing the BCTV schedule and putting the meetings back during the evening. He felt that Autism Awareness Month should be proclaimed by the Board.

## **GOOD NEWS**

- **Warren Wilson College Champions**

Commissioner Newman, a graduate of Warren Wilson College, presented the men's basketball team with a commemorative plaque for their 2013 National Championship. A member of the team spoke about their goals and how they achieved the national championship. Steve Selsnik, Chancellor of Warren Wilson, thanked the County for their recognition and invited the public to come and see the team play.

## **PROCLAMATIONS**

- **Days of Remembrance for the Victims of the Holocaust**

Commissioner King and Vice Chairman Jones would be presenting this proclamation at an event on April 7. Commissioner King moved to approve the proclamation. Vice Chair Jones seconded and the motion passed 7-0.

- **Child Abuse Prevention Month**

Commissioner King read the proclamation and moved for approval. Vice Chairman Jones seconded and it passed 7-0.

Roger McGuire of Child Abuse Prevention Services, thanked the Board for acknowledgement of the program and talked about the April program schedule.

Dawn Warren with County Health and Human Services spoke about the Community Child Protection Team work. She said that some of the issues facing the county this year include parent education and abuse of children under 6.

Becky Kessel with Health and Human Services gave a report on their work to get information to the community. She presented a power point that is attached to the minutes of this meeting. They received a grant to work on positive parenting of children under the age of six--half of all children abused are under the age of six. They will be presented posters to focus on this problem for children under six.

- **Smart Justice Month**

Commissioner Belcher read the proclamation and moved for its approval. Commissioner Frost seconded and the motion passed 7-0.

Kim Gordon with Pre-Trial Release talked about the events planned for the month of April to help educate citizens about the system.

## **PUBLIC HEARING**

- **Rezoning Request for PIN 8697.73.6467 & 4449**

Jon Creighton, Planning Director/Assistant County Manager, said that the rezoning, requested by Scott Rogers with ABCCM, would rezone two lots from R-1 to NS. These lots are outlined in the maps attached to the minutes. He said that the request was consistent with the land use plan and reasonable and in the public interest. The Planning Board held a public hearing with two citizens speaking in opposition. The Planning Board found it consistent reasonable and in the public interest and recommended the rezoning.

Scott Rogers, petitioner, said that the Hominy Valley Crisis Ministry, serving 1,800 families and 26 churches, raised \$126,000 toward the project scheduled for this property which would be a bigger facility to meet the needs of the Hominy Valley families including a medical clinic.

Dr. Joe Yelton from Hominy Baptist Church said that this ministry would help grow their ability to meet the needs of the valley. He said that there is a donation of \$500,000 for the opening the

medical clinic in his location.

The Chairman opened the public hearing at 5:33 p.m.

Alan Ditmore said that he didn't like a charity having to beg for the right to have the shelter. He said that they should not have to fight to help people. He was in favor of this request.

Patricia Coltran was opposed to the rezoning. She thought it would cause traffic congestion and she did not want it zoned commercial. She wants R-3 and not commercial.

Jerry Rice said that he was in favor of this request.

Bill Newel who lived close to the subject property was in favor of the rezoning which he felt would meet a desperate need in the community.

Matthew Coltran said that the kind of people who would visit the clinic would not be good for the neighborhood.

The Chairman closed the public hearing at 5:44 p.m.

Mr. Creighton said that R-3 zoning designation would not work on this property and neighborhood service would be less intense than commercial service.

Commissioner Belcher moved to approve the request finding it consistent with the land use plan, reasonable and in the public interest. Commissioner Frost seconded and the motion passed 7-0.

## **NEW BUSINESS**

- **Ironman Competition in WNC**

Ben VanCamp, Director of the Asheville Sports Commission, gave a power point which is part of the minutes of this meeting. He said that the Ironman Organization approached the Asheville Sports Commission about hosting an ironman competition and the Commission is asking for a financial commitment of \$40,000 each year for five years. The Tourism Development Authority had pledged \$75,000 and matching funds for the County's portion. He estimated the economic impact of the 4 day event to be \$15 million.

Following further discussion, Commissioner Frost moved to approve the funding of this request. Commissioner Newman seconded the motion and it passed 7-0.

- **Resolution Adding Sexual Orientation and Gender Identify to the county Non-Discrimination Statement**
- **Ordinance Amending the County Personnel Ordinance**

Commissioner Belcher asked the County Attorney to share information that was recently received regarding pending legislation that could impact a decision made on this issue. The County Attorney said that there was a bill introduced that had language that would require any decision made by local government that was not consistent with State law to be made consistent. The resolution and ordinance being considered would be affected by this legislation.

Commissioner Belcher moved to defer consideration of the resolution and ordinance until June 18 allowing time for the legislature to complete action on the proposed bill. Commissioner King seconded the motion.

Commissioner King said that whatever is done should be done consistently with state and federal law. He said that he felt certain as to how he would move forward until the bill that the County Attorney mentioned.

The County Attorney said that adding additional protective classes that are not required by state or federal law was adding additional causes of action against the county. He said that the committee did not recommend the approval of this language.

Vice Chairman Jones called the question on the motion to delay.

The motion failed as follows:

AYES: Commissioner Belcher; King, Fryar

NOES: Chairman Gantt, Vice Chairman Jones, Commissioners Frost and Newman

Chairman Gantt moved to approve the resolution and ordinance. Commissioner Frost seconded.

*Public Comment was taken on this item.*

Alan Ditmore was in favor of the motion.

Alan Rosenthal was in favor of all language and lifestyles.

Megan Burke spoke in favor of the resolution. She referred to Title VII and read from the EEOC website. She said that Buncombe County is covered by Title VII and failure to pass the resolution would be in violation of the law.

Megan Sale said she was gay and a person of faith and that it was the Commissioners moral responsibility to pass the resolution as Buncombe has the highest number of same sex couples in the State.

Wendall Runion said that he was opposed to the resolution.

Chris Oaks quoted from the Bible.

Phillip Wilson felt the action was wrong and that God's umbrella of protection would be removed from our Nation.

RJ Harris said that the bible was the only truth and he was opposed to the resolution and felt that voting for the policy was wrong as a majority had voted for marriage between a man and women across the state.

Benjamin Sluder asked who the organizations were that had requested this action

Randy Kenner said that he was opposed to this language and he asked that the board reconsider.

Evan Cooke-Reiley, with the Blue Ridge Pride Organization and the transgendered community, said that these people are citizens and should be appreciated and that the language would be a comfort to this community.

Dan Taylor was opposed to the language.

Aaron Starbird mentioned HB 429 and SB 544 and that the counties of Durham, Guilford, Mecklenburg and Orange have this language included.

Nicole Alexander said that she has had no sexual relationship for 22 years because she is a Christ believer but still identifies with the LGBT community and was in favor of this policy.

Larry Smith former attorney who said that he represented a city employee who was fired for being gay and he quoted the 14<sup>th</sup> amendment.

Jerry Rice spoke against the policy and made reference to those crucifying Christ.

Following further discussion, the motion to approve the resolution passed as follows:

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

NOES: Commissioners Belcher, Fryar and King

The Ordinance passed as follows:

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

NOES: Commissioners Belcher, Fryar and King

## **BOARD APPOINTMENTS**

- **Adult Care Home Community Advisory Committee**

Chairman Gantt moved to appoint **Kermit Sprinkles** to the **Adult Care Home Community Advisory Committee** for a term of one year. Commissioner King seconded and the motion passed 7-0.

## **ANNOUNCEMENTS**

- *The next regular meeting of the Board will be April 16 at 4:30 p.m. in Chambers at 200 College Street, Room 326, 3<sup>rd</sup> Floor*
- *Commission meetings can be seen on:*
  - *BCTV Charter Cable Channel 2*
  - *AT&T U-Verse Channel 99*
  - *Live on [buncombecounty.org](http://buncombecounty.org) during the meetings or*
  - *Online anytime at [buncombecounty.org](http://buncombecounty.org)*

Vice Chair Jones moved to go into closed session pursuant to GS 143.318-11a(4) and (3) respectively for one economic development item and one attorney client matter with no action to be taken. Commissioner Belcher seconded and the motion passed 7-0.

**CLOSED SESSION**

The Board was briefed on a legal matter involving the Western Highlands Network. No action taken. The Board was updated on a potential economic development incentive. No action was taken.

Vice Chair Jones moved to return to open session. Commissioner Frost seconded and the motion passed 7-0.

Vice Chair Jones moved to adjourn the meeting and Commissioner Frost seconded. The motion passed 7-0 and the meeting was adjourned at 7:50 p.m.

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KATHY HUGHES, CLERK TO THE  
BOARD OF COMMISSIONERS

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DAVID GANTT, CHAIRMAN  
BOARD OF COMMISSIONERS