

**MINUTES OF BUNCOMBE COUNTY BOARD OF COMMISSIONERS'  
REGULAR MEETING OF NOVEMBER 20, 2018 AT 5 P.M.**

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**BE IT REMEMBERED:** That the Board of Commissioners met in regular session on November 20, 2018, in the Commission Chambers, 200 College Street, Room 326 in downtown Asheville, North Carolina at 5 p.m. where and when the following business was transacted:

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

Brownie Newman, Chairman  
Mike Fryar, Vice Chair  
Joe Belcher, Commissioner  
Ellen Frost, Commissioner  
Jasmine Beach-Ferrara, Commissioner  
Robert Pressley, Commissioner  
Al Whitesides, Commissioner

Staff present: George Wood, Interim County Manager; Donald Warn, Finance Director; Eric Hardy, Performance Management Director; Rachael Nygaard, Strategic Partnership Director; Terri Orange, Internal Auditor; Jennifer Pike, Tax Collector; Keith Miller, Tax Assessor; Tim Love, Business Officer; Jennifer Chilton, Budget Director; Margaret Ellis, Interim HR Director; Lamar Joyner, Clerk to the Board; Michael Frue, Staff Attorney; Brandon Freeman, Staff Attorney; Heather Hockaday, Attorney

## **PLEDGE OF ALLEGIANCE**

## **INVOCATION**

The Chairman stated that the Thanksgiving Holiday is upon us and asked the Commissioners to share something that they are thankful for. All the Commissioners mentioned that they were thankful for their families, the community and people of Buncombe County. They also expressed other individual things that made them thankful.

## **CONSENT AGENDA**

Commissioner Frost moved to approve the consent agenda as presented. Commissioner Whitesides seconded and the motion passed 7-0.

- Approval of October 11, 2018 Special Meeting Minutes
- Approval of October 16, 2018 Regular Meeting Minutes
- Approval of October 30, 2018 Regular Meeting Minutes
- Notice to Call a Public Hearing for Economic Development Agreement with Burial Beer Co.
- Task Order 19-14 with SCS Engineers, P.C. in the Amount of \$32,400
- Task Order 19-15 with SCS Engineers, P.C. in the Amount of \$9,500

## **GOOD NEWS**

- Honoring Christy Cheek of Buncombe County Schools

Chairman Newman read the proclamation and Commissioner Belcher presented her with an award. The proclamation highlighted all the important and impactful work that Ms. Cheek accomplished during her career with Buncombe County Schools.

Ms. Cheek expressed her gratitude to the people that she teamed up with along the way.

## **PRESENTATIONS**

- Adoption Awareness Proclamation - Rebecca Smith, Social Work Director

Rebecca Smith and Amber Cook, Program Director, presented a PowerPoint that assisted in bringing attention to need for adoption in Buncombe County. There are different options in the adoption process that currently is at a rate of 43%. Two adoptive families were acknowledged at the end of the presentation.

## **PUBLIC HEARINGS**

- **Resolution Authorizing Refund of Overpayment of Taxes (Hamilton)**

Brandon Freeman, Senior Staff Attorney, explained the process of the refund of paying real estate taxes to the incorrect county.

The Chairman opened the hearing at 5:48 p.m.

The hearing was closed at 5:49 p.m.

Commissioner Frost moved to approve the resolution as presented. Vice Chair Fryar seconded the motion and it passed 7-0.

- **Personnel Ordinance Amendment on the Sale of Annual Leave; and the Date for Eligibility Determination for Longevity Pay**

Michael Frue, Senior Staff Attorney, read and explained the ordinance amendment that was previously discussed in detail during past meetings.

The Chairman opened the hearing at 5:53 p.m.

The hearing was closed at 5:54 p.m.

Commissioner Belcher moved to adopt the amended personnel ordinance and the longevity pay determination eligibility date. Commissioner Frost seconded and the motion passed 7-0.

## COUNTY MANAGER'S REPORT

- **Various Updates**

George Wood, Interim County Manager, updated the Board on the following items:

- Department Orientation session for the newly elected commissioner, Amanda Edwards, that will take place on December 3 -14. Cataldo Perrone, Communications Director, will organize the orientation and all commissioners are invited to attend.
- UNC School of Government will provide a newly elected official training in Asheville on January 17-18.
- North Carolina DOT will hold a public hearing for the I-26 Connector Project at 4:00 p.m. on December 4 in downtown Asheville.

## OLD BUSINESS

- **Motion to Approve a Resolution Adopting a New Procurement Manual for Buncombe County**

Dustin Clark and Ron Venturella, Finance Department, said that they had completed their period of feedback and review. No major changes were made, only corrections to typos and grammatical errors.

Vice Chair Fryar made comments that he thought the manual is too long as compared to North Carolina's one page of guidelines and it could be made simpler.

Chairman Newman said that NC sets minimum thresholds and we should have a more detailed policy, especially in terms of what the County has gone through most recently.

George Wood, Interim County Director, stated that he didn't see anything in the manual/policies that would interfere with the County conducting normal business.

Don Yelton stated that there was no previous policy and the board couldn't catch what was going wrong. It is up to the Board to make it work no matter how many pages are in the manual.

Tim Wallace said he thought that manual was good idea and it would protect the employees.

Commissioner Frost moved to approve the resolution adopting the manual. Commissioner Beach-Ferrara seconded the motion. The motion passed as follows:

AYES: Chairman Newman, Commissioners Beach-Ferrara, Frost, Pressley, Whitesides and Belcher

NOES: Vice Chair Fryar

## NEW BUSINESS

\*\*\*(The Board allowed the following item to be removed from the agenda and revisited later)\*\*\*

- ~~**Motion to Approve a Resolution to Formally Determine Eligibility of Local Officers for Special Separation Allowance Benefits**~~

- **Motion to Authorize Full Design, Plans, Specifications, and Contract Bid Documents for the East Asheville Branch Library, Based on the Schematic Design; and to Authorize the CMAR to Advertise for Bids**

George Wood, Interim County Director, presented the motion and stated that this project has been in development for several years. The project has come in at \$1.3 million more than the initial estimate.

Jim Holland, Assistant County Manager, stated that this is a great opportunity for East Asheville community and there was community input with the design process. He also introduced the new library director, Jim Blanton.

Jim Blanton, Library Director, stated that after reviewing the project that he was pleased with the design and that the new library will encourage people to stay and engage.

The Board was excited to see this project underway and several commissioners stated that this was long

overdue.

Amy Chilson stated that she comes from a library family and emphasized how important the new library will be to her and the community.

Ms. Palidino, student at Evergreen Community Charter School, expressed how excited she was about the new library and commented that the new library will create many opportunities.

Jerry Rice commented that the Board need to look at this a little closer because the funding will fall on the taxpayers and suggested that school libraries be available for community usage.

Commissioner Frost moved to authorize the motion as presented. Commissioner Whitesides seconded and the motion passed 7-0.

- **Motion to Approve a Resolution Adopting a New Personnel Position Classification and Pay Plan**

George Wood, Interim County Director, read his memo and mentioned the presentation that was made to the Board in August by Nancy Berkley, Evergreen Solutions Manager.

Commissioner Belcher stated that he wanted to see some different models of the pay plan that are flexible for the future.

Commissioner Whitesides suggested that the Board look at the living wage in the pay plan and was concerned that new businesses would have a problem with employees making below the living wage.

Tim Wallace commented on the lack of library positions and classifications referenced in the pay plan.

Commissioner Frost moved to approve the resolution with understanding that the Board will look at some of the lower paying positions. Vice Chair Fryar seconded the motion and it passed 7-0.

- **Motion to Create a Policy to Require a Public Comment Period at the Beginning of Each Meeting Held by One of Our Public Boards and Commissions (requested by Beach-Ferrara, Newman and Whitesides)**

Chairman Newman stated that public comments are valuable and this is a chance for the citizens to share their thoughts and be engaged.

Vice Chair Fryar suggested that each board should decide if they should have a public comment period.

Commissioner Beach-Ferrara stated that she supports adding a public comment period as a general policy across all public boards as it may create more opportunities for community connections.

Chairman Newman commented that his idea would be a public comment period at the beginning and end of each meeting for 3 minutes per person.

Michael Frue, Senior Staff Attorney, stated that the Board is allowed to set these parameters around public comment periods and should allow for flexibility by each board.

The discussion was had and no vote was taken.

- **Motion to Approve a Contract with Cadmus for up to \$100,000 to Develop a Renewable Energy Plan**

Jeremiah LeRoy, Sustainability Officer, presented the contract and stated that five qualified firms applied for the RFP, as Cadmus was selected to keep in line with reaching the 100% renewable goal.

Commissioner Belcher had concerns with the contract and thought the amounts looked excessive.

Mr. LeRoy explained the process of how the committee was formed and the dollar figures in the contract. He also mentioned that he would present recommendations to the Board throughout the process.

Commissioner Belcher moved to approve the contract as presented. Commissioner Frost seconded the motion and it passed 7-0.

- **FY2019 Budget Amendment Summary 11-20-18**

Jennifer Chilton, Budget Director, explained each of the budget amendments outlined in the amendment summary and identified individually below.

- **FY2019 General Fund Budget Amendments**

- **Sustainability Office – Joint Energy Innovation Task Force with City of Asheville**
- **Pre-K – Children & Friends Enrichment Center**

- **Public Health – Opioid Mitigation**

Chairman Newman moved to approve the three budget amendments as presented. Commissioner Frost seconded and the motion passed 7-0.

- **FY2019 Public School Capital Project Needs Fund**

Jennifer Chilton mentioned that George Wood, Interim County Manager presented a memo on October 10 requesting these funds. She also detailed the breakdown for each of the line entries.

- **Engineering Studies, Security Assessment, and New Projects Recommended by School Capital Fund Commission**

Commissioner Belcher moved to approve the budget amendment as presented. Commissioner Whitesides seconded and the motion passed 7-0.

\*\*\* (The Board allowed the following item to be added to the agenda) \*\*\*

- **Consideration of a Financial Settlement with Michael Greene**

Attorney Ron Payne made a recommendation to a resolution of the civil lawsuit against Michael Greene. The tentative settlement agreement reached with his attorney is for \$40,000. Mr. Payne stated that this is a limited release of Michael Greene and that the other lawsuits are still being pursued.

Vice Chair Fryar moved to approve a financial settlement with Michael Greene. Commissioner Whitesides seconded and the motion passed 7-0.

## **BOARD APPOINTMENTS**

**Gail Lazaras** was appointed to the **Historic Resource Commission**.

Chairman Newman moved to appoint **Kristina White** to the **Asheville Board of Adjustment**. Commissioner Whitesides seconded and the motion passed 7-0.

Commissioner Frost moved to reappoint **Sasha Mitchell** and appoint **Lynn Smith** and **Catherine Mitchell** to the **African American Heritage Commission**. Commissioner Whitesides seconded and the motion passed 7-0.

**Joshua Holmes** was appointed to the **County Board of Adjustment**.

Commissioner Belcher moved to appoint **Shelby Clark** to the **Juvenile Crime Prevention Council**. Commissioner Pressley seconded and the motion passed 7-0.

Commissioner Frost moved to appoint **Joe Hanlon** to the **Juvenile Crime Prevention Council**. Commissioner Beach-Ferrara seconded and the motion passed 7-0.

Commissioner Belcher moved to appoint **Kendra Queen-Taylor** to the **Juvenile Crime Prevention Council**. Commissioner Whitesides seconded and the motion passed 7-0.

Chairman Newman moved to reappoint **April Burgess-Johnson** and **Rachael Nygaard** to the **Homeless Initiative**. Commissioner Frost seconded and the motion passed 7-0. **Eileen McMinn** was also appointed to the **Homeless Initiative**.

Chairman Newman moved to reappoint **Sharon White** to the **Adult Care Home Community Advisory Committee**. Commissioner Belcher seconded and the motion passed 7-0.

## **PUBLIC COMMENT**

Don Yelton stated that all boards and commissions should operate like Board of Commissioners and take meeting minutes. He also stated that the Board needed to read the steep slope agenda item that was removed.

Jerry Rice thanked the Board for their support during the passing of his wife. He also stressed the importance of a public comment period at meetings for the people to voice their opinions and to be heard.

Tim Wallace stated that boards and commissions are a direct reflection of the Board of Commissioners and he was frustrated that some of them don't have public comment periods.

## **ANNOUNCEMENTS**

The Chairman made the following announcements:

- *December 3 @ 5 p.m. - Swearing in of New Commissioner at 200 College Street, Room 326 in downtown Asheville*
- *December 4 @ 5 p.m. - Commissioners' Regular Meeting at 200 College Street, Room 326 in downtown Asheville*

Commissioner Belcher moved to go into closed session pursuant to NCGS 143-318.11(a)(3) for a legal matter with no possible action to be taken following the closed session. Commissioner Whitesides seconded and the motion passed 7-0.

## **CLOSED SESSION**

The Board heard an update and discussion of pending legal matter involving a former county employee's worker compensation claim. No action was taken.

Commissioner Beach-Ferrara moved to go back into open session. Commissioner Pressley seconded and the motion passed 7-0.

Commissioner Beach-Ferrara moved to adjourn the meeting. Commissioner Pressley seconded and the motion passed 7-0. The meeting was adjourned at 8:33 p.m.

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LAMAR JOYNER, CLERK  
BOARD OF COMMISSIONERS

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BROWNIE NEWMAN, CHAIRMAN  
BOARD OF COMMISSIONERS