

**MINUTES OF BUNCOMBE COUNTY BOARD OF COMMISSIONERS'
REGULAR MEETING OF JANUARY 15, 2019 AT 5 P.M.**

BE IT REMEMBERED: That the Board of Commissioners met in regular session on January 15, 2019, 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
Jasmine Beach-Ferrara, Vice Chair
Joe Belcher, Commissioner
Amanda Edwards, Commissioner
Mike Fryar, Commissioner
Robert Pressley, Commissioner
Al Whitesides, Commissioner

Staff present: George Wood, Interim County Manager; Donald Warn, Finance Director; Rachael Nygaard, Strategic Partnership Director; Keith Miller, Tax Assessor; Tim Love, Business Officer; Nathan Pennington, Planning Director; Dane Pederson, Solid Waste Director; Lamar Joyner, Clerk to the Board; Michael Frue, Staff Attorney; Brandon Freeman, Staff Attorney; Heather Hockaday, Attorney

PLEDGE OF ALLEGIANCE

INVOCATION

The Chairman noted the celebration of the Dr. Martin Luther King, Jr. Holiday and his contribution to our Country his peace and non-violent message to fight for Civil Rights.

Commissioner Whitesides motioned to add the following item below after East Haven Apartments presentation and to approve the Consent Agenda. Commissioner Edwards seconded and the motion passed 7-0.

- **Potential Consideration of a Legal Settlement with Attorney Ron Payne**

CONSENT AGENDA

- Approval of January 2, 2019 Regular Meeting Minutes
- Resolution Amending Resolution 18-08-01 Appointing Replacement Review Officers to Review Plats on Behalf of Buncombe County
- Notice to Call a Public Hearing for Economic Development Agreement with Burial Beer Co.
- Notice to Call a Public Hearing for Economic Development Agreement with Haakon
- Settlements Reports
 - FY18 Settlements
 - FY18 Outside Attorney
 - FY19 Settlements
 - FY19 Outside Attorney

PRESENTATIONS

- **East Haven Apartments - Mountain Housing Opportunities**

Cindy Weeks, MHO Community Investment Manager, presented a PowerPoint that requested funding for the East Haven Apartments project in the amount \$2.2 million of the total project budget of \$16.8 million. The planning of the project began in 2014 with assistance from the Buncombe County Planning Department staff. A homeownership program will allow citizens, on a first come basis, to take advantage of the new affordable housing.

Commissioner Belcher mentioned the balloon loan payment structure from past programs and suggested that other ways to structure the loans. He also stated the education should be a part of the homeownership program.

There was a lot of commissioner support for the project but they wanted to create a process around the funding request for all projects moving forward. A request was made for the Planning Department to review the project and report back to the Commission.

CLOSED SESSION

Commissioner Whitesides moved to go into closed session pursuant to NCGS 143-318.11(a) (3) to hear legal matters for the County of Buncombe vs. Wanda Skillington Greene, Amanda Louise Stone, Jon Creighton and Joe Wiseman as recorded in Buncombe County Superior Court File #: 18 CVS 4206. Commissioner Pressley seconded and the motion passed 7-0.

The Board heard the legal update and had discussion regarding the previous mentioned legal matter. No action was taken.

Commissioner Belcher moved to go back into open session. Commissioner Edwards seconded and the motion passed 7-0.

- **Potential Consideration of a Legal Settlement with Attorney Ron Payne**

Attorney Ron Payne stated that he had been in negotiations with the attorney of Jon Creighton and recommended approval of a settlement for a limited release of \$189,000 that would make the County whole. The funds from the Jon Creighton settlement and the funds from the Wanda Greene settlement should be received by the end of January. Including this settlement, the County will have recovered approximately \$3,067,000.

Commissioner Belcher moved to approve the settlement. Commissioner Fryar seconded and the motion passed 7-0.

- **Moose-Wilshire Stream Restoration Easement - Land Conservation Advisory Board & Planning Department**

Gillian Phillips, Planning Department, presented a PowerPoint explaining the easement and stated that the project will be an investment in the quality and quantity of our water supply. Landowners are donating property to help with the funding of the project. Garrett Artz, Executive Director of RiverLink, voiced his support for the project.

Commissioner Belcher moved to approve the easement. Commissioner Edwards seconded and the motion passed 7-0.

- **Wells-King Bottomlands Conservation Easement - Land Conservation Advisory Board & Planning Department**

Gillian Phillips, Planning Department, presented a PowerPoint explaining the easement and fielded questions that commissioners had. Landowners are donating property to help with the funding of the project.

Vice Chair Beach-Ferrara moved to approve the easement. Commissioner Whitesides seconded and the motion passed 7-0.

NEW BUSINESS

- **Resolution to Approve an Interlocal Agreement with Town of Black Mountain for Funding of Riverwalk Greenway Federal Highway Administration Surface Transportation Block Grant Match**

Josh O'Connor, explained the resolution and stated that the \$400,000 would be spread out over a three year period. The funds have already been committed and this would guarantee the County's return on its investment.

Commissioner Fryar moved to approve the resolution as presented. Commissioner Pressley seconded and the motion passed 7-0.

- **Resolution Declining to Purchase Surplus Property from the Buncombe County Board of Education and Approving a Sublease of that Property**

Mike Frue, Senior Staff Attorney, presented the resolution and provided maps to locate the property in question. The Enka Fire Station will use the property for a new sub-station through a long-term lease from the Buncombe County Board of Education.

Commissioner Whitesides moved to approve the resolution as presented. Vice Chair Beach-Ferrara seconded and the motion passed 7-0.

- **Resolution Approving the Release of a Request for Proposals for the next Residential Solid Waste and Recyclables Collection Franchise**

Dane Pederson, Solid Waste Director, stated the current contract started in 2010 and the department was looking to move forward with a new agreement. The contract is for five years and would cause a lapse in service. The proposal provided two models; subscriber and comprehensive, to promote satisfactory service by performance being held at effort.

Chairman Newman proposed the option of using more than one franchise to conduct the service would be a viable.

Commissioner Pressley moved to approve the resolution as presented. Commissioner Edwards seconded and the motion passed 7-0.

BOARD APPOINTMENTS

Commissioner Whitesides moved to reappoint **Danny Yelton, Mike Knepshield** and **Larry Harris** to the **Audit Committee**. Commissioner Pressley seconded and the motion passed 7-0.

Commissioner Belcher moved to reappoint **Commissioner Whitesides** to the **Economic Development Coalition**. Commissioner Edwards seconded and the motion passed 7-0.

Commissioner Whitesides moved to reappoint **Chairman Newman** to the **Energy Innovation Task Force**. Vice Chair Beach-Ferrara seconded and the motion passed 7-0.

Commissioner Belcher moved to appoint **Commissioner Edwards** to the **Health and Human Services Board**. Chairman Newman seconded and the motion passed 7-0.

Commissioner Fryar moved to reappoint **Commissioner Whitesides** to the **Riverfront Redevelopment Commission**. Commissioner Belcher seconded and the motion passed 7-0.

PUBLIC COMMENT

Michael Harney, Western NC AIDS Project, stated that the needle exchange program provided 470,000 needles last year and suggested that the County look at using solar panels on businesses in the area.

ANNOUNCEMENTS

The Chairman made the following announcements:

- *January 21 - County Offices will be closed for Martin Luther King, Jr. Birthday*
- *February 5 @ 5 p.m. - Commissioners' Regular Meeting at 200 College Street, Room 326 in downtown Asheville.*
- *February 19 @ 5 p.m. - Commissioners' Regular Meeting at 200 College Street, Room 326 in downtown Asheville.*

Commissioner Edwards moved to go into closed session pursuant to consider the qualifications, competence, performance, character, fitness, conditions of initial employment of prospective public officers pursuant to NCGS §143-318.11(a)(6) with no possible action to be taken following the closed session. Commissioner Whitesides seconded and the motion passed 7-0.

CLOSED SESSION

The Board discussed the candidates for the position of County Manager. No action was taken.

Commissioner Whitesides moved to go back into open session. Commissioner Edwards seconded and the motion passed 7-0.

Chairman Newman moved to adjourn the meeting. Commissioner Belcher seconded and the motion passed 7-0. The meeting was adjourned at 8:30 p.m.

LAMAR JOYNER, CLERK
BOARD OF COMMISSIONERS

BROWNIE NEWMAN, CHAIRMAN
BOARD OF COMMISSIONERS