

**MINUTES OF BUNCOMBE COUNTY BOARD OF COMMISSIONERS'  
REGULAR MEETING OF JANUARY 16, 2018 AT 5 P.M.**

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**BE IT REMEMBERED:** That the Board of Commissioners met in regular session on January 16, 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: Mandy Stone, County Manager; Jim Holland, Assistant County Manager; Tim Flora, Finance Director; Kathy Hughes, Clerk to the Board; Mike Frue, Senior Staff Attorney.

## **PLEDGE OF ALLEGIANCE**

## **INVOCATION**

The Chairman asked Board members to remember that decisions that were made would affect the community including those who are in need of the most basic of necessities.

## **CONSENT AGENDA**

Commissioner Frost moved to follow the agenda and approve the items as listed. Commissioner Whitesides seconded and the motion passed 7-0.

- **Approval of Minutes of the January 9, 2018 Regular Meeting**
- **Resolution Approving Fee Penalty Waiver for Tourism Development Fee for AVL Property Management Request**
- **Resolution Ordering the Advertising of Delinquent Real Estate Property Tax Liens**

## **GOOD NEWS**

- **Festival of Lights Celebration Success**

Josh O'Connor, Parks and Recreation Director, thanked his staff for the success of the Festival of Lights event at Lake Julian that was in its 17<sup>th</sup> year. This year's event ran from December 2-23. Mr. O'Connor presented a power point that is attached to the minutes of this meeting detailing their success. Funds from the event helped to support the Special Olympics programs in the County. David Blynt, Lake Julian Supervisor, thanked his staff and the County's Grounds Maintenance staff who work very hard and for making the show successful. Commissioner Belcher commended the staff for a great event.

## **PUBLIC HEARING**

- ***Excise Tax Overpayment Refund (Sneed)***

Mike Frue, Senior Staff Attorney, explained this request from the Office of Ronald Sneed for a refund of excise tax that was paid to the Register of Deeds in error.

The Chairman opened the hearing at 5:11 p.m. There were no comments and the hearing was closed at 5:12 p.m.

Commissioner Belcher moved to approve the refund of the overpayment of the excise tax to the Law Firm of Ronald Sneed. Commissioner Whitesides seconded and the motion passed 7-0.

- ***Excise Tax Overpayment Refund (Best & Best)***

The Chairman opened the hearing at 5:12 p.m. The Senior Staff Attorney said that this request was from the firm of Best and Best for a refund because the deed was recorded in Buncombe County in error.

No comments were taken and the hearing was closed at 5:14 p.m.

Commissioner Frost moved to approve the request for a refund to the firm of Best and Best as outlined by the Senior Staff Attorney. Commissioner Whitesides seconded and the motion passed 7-0.

## COUNTY MANAGER'S REPORT

- **Instruction to the County Manager**

Commissioner Beach-Ferrara thanked County Manager and her staff for the reforms that have been put in place. She passed along several other recommendations as follow:

- 1) *If it is determined that public funds have been used for illegal or unethical purposes, the Board of Commissioners instruct the County Manger to continue efforts to recover funds, as legally permissible.*
- 2) *The Board of Commissioners shall provide a performance review of all appointed staff (County Manager, Chief Financial Officer, County Clerk, Board of Commissioners Attorney) in July of each year. Due to the special circumstances of FY 2018, the BOC will also conduct a mid-year goal-setting session and review with appointed staff to take place no later than February 2018.*
- 3) *The Chief Financial Officer will provide public budget to actual reports at the first Board of Commissioners meeting of each month; and*
- 4) *On a quarterly basis, the Internal Auditor shall report to the Board of Commissioners on the current priorities of the Internal Audit Committee.*

Commissioner Fryar said that many of these things have already been taken care of. He questioned the purpose of these instructions.

The County Manager said much of what was suggested had already been put in place and that the staff welcomed direction and would continue to keep the Board informed.

Commissioner Belcher felt that a 1 cent reduction in the FY19 tax rate should be considered and that there should be a gate keeper as a watchdog on County spending.

Commissioner Frost said that she would like to see less spending and explore every option for transparency with the public and the Commissioners.

Commissioner Whitesides suggested that the Board review the entire financial process and take a good look at the County's current financial structure.

Commissioner Pressley agreed that reducing the tax rate by 1 cent was something that he would also support.

## NEW BUSINESS

- **FY-17 Audit Presentation**

Commissioner Whitesides, read a letter from the Audit Committee that is attached to the minutes regarding the Audit opinion.

Tim Flora, Finance Director, presented a power point that is attached to the minutes of this meeting. The information addressed the ongoing federal investigation of the former County Manager. He said that the financial impact is betrayal of public trust but the material impact did not impact the County's financial condition.

A representative of Gould Killian CPA firm who performed the outside audit, said that they take their responsibility very seriously including their obligation to make sure their role is performed correctly. He clarified the responsibilities of the audit firm and the clean opinion that the County received. He explained the sampling and review of transactions and minutes to assure correct systems within the County.

Commissioner Beach-Ferrara asked if there was a function that external auditors could perform to review County functions in a way that could have found flaws in the system. Mr. Flora said that purchase cards were randomly audited and that is how prior year misuse was missed.

Commissioner Frost asked for improved purchase card use and oversight. The Finance Director said that all transactions go through the approval process but it was the highest risk of misuse.

Commissioner Belcher asked that all transactions be reviewed.

- **Resolution Declaring Ambulance Vehicles as Surplus Property and Donating the Ambulance to Fairview**

Mike Frue, Senior Staff Attorney, presented the resolution explaining the donation of a surplus ambulance to Fairview Volunteer Fire Department. Chief Jones of the Fairview VFD said that this ambulance would allow the department to have an ambulance on the road at all times. No additional staff would be added. He said that the Department currently had two ambulances.

Mr. Frue said that the staff would work on a process for deciding who gets future ambulances.

Commissioner Frost moved to approve the resolution. Commissioner Belcher seconded the motion.

Jerry Rice asked what would declare an ambulance surplus and why these could not stay in action.

The motion passed 7-0.

- **Resolution Declaring Ambulance Vehicles as Surplus Property and Donating the Ambulance to County Rescue Squad**

Mike Frue, Senior Staff Attorney, presented the resolution explaining the request for a donation of a surplus ambulance to the County Rescue Squad.

Vice Chair Fryar questioned why one of these would go to Buncombe County Rescue Squad which was not part of the County. Rayan Jordan, Chief of the Buncombe Rescue Squad, said that the Rescue Squad was part of the County and assisted with search and rescue and provided ambulance services. This truck would be a backup for them.

Commissioner Frost moved to approve the ambulance to the rescue squad. Commissioner Whitesides seconded.

The County Manager said that the policy for donation of vehicles will be reviewed however; Mr. VeHaun, EMS Director and Mr. Isreal had recommended that these ambulances be declared surplus and donated.

The motion passed 7-0.

- **Amendment to County Employee Inclement Weather Policy**

Mandy Stone, County Manager, reviewed the proposed changes to the Inclement Weather Policy that would clarify language allowing employees who have to work during bad weather to be properly compensated.

Commissioner Frost moved to approve this amendment. Commissioner Pressley seconded and the motion passed 7-0.

## **BOARD APPOINTMENTS**

The Chairman announced the following vacancies:

**Library Board; Historic Resources Commission; Asheville Board of Adjustment and County Board of Adjustment.**

## **PUBLIC COMMENT**

Jerry Rice commented on the County's the amount of fund balance the County held and the amount required by the state. He felt the County schools fund balance was too high.

## **ANNOUNCEMENTS**

The Chairman made the following announcements:

- *January 30 @ 6 p.m. - Opioid Town Hall @ A-B Tech/Mission Conference Center hosted by Commissioners*
- *February 6 @ 5 p.m. – Next Regular Meeting of the Board of Commissioners in Room 326 @ 200 College Street in downtown Asheville*

Commissioner Frost moved to go into closed session per NCGS 143-318.11a(6) to discuss a personnel matter. No action would be taken in the session. Commissioner Whitesides seconded and the motion passed 7-0.

### **Closed Session**

Discussion was held regarding the contract and salary of the Finance Officer. No action was taken.

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

Commissioner Frost moved to adjourn the meeting. Commissioner Whitesides seconded the motion which passed 7-0. The meeting was adjourned at 8 p.m.

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KATHY HUGHES, CLERK  
BOARD OF COMMISSIONERS

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BROWNIE NEWMAN, CHAIRMAN  
BOARD OF COMMISSIONERS