

**MINUTES OF BUNCOMBE COUNTY BOARD OF COMMISSIONERS'  
REGULAR MEETING OF APRIL 10, 2018 AT 5 P.M.**

---

**BE IT REMEMBERED:** That the Board of Commissioners met in regular session on April 10, 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; Rachael Nygaard, Strategic Partnership Director; Diane Price, Administrative Services Director; Kathy Hughes, Clerk to the Board; Mike Frue, Senior Staff Attorney.

## **PLEDGE OF ALLEGIANCE**

## **INVOCATION**

The Chairman asked for a moment of silence to remember the lives of Johnny Wilson, EMS 911 Supervisor and Richard Sales, Reynolds Volunteer Fire Chief who recently passed away.

## **CONSENT AGENDA**

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

- **Approval of Minutes of the March 6, 2018 Regular Meeting**
- **Approval of Minutes of the March 13, 2018 Joint Meeting with Asheville City Council**
- **Approval of Minutes of March 27, 2018 Special Meeting**
- **Resolution Approving Pyrotechnic Experts for Firework Displays**
- **Release Report**
- **Budget Amendments**
  - **Small Business Development Transfer**
  - **Sustainability - Clean Energy Initiative**
  - **Phase 6A Construction & Demolition Landfill**
- **Grant Projects Ordinance - Greenway Contingency PARTF Grant Match**
- **Grant Projects Ordinance - Emergency Services USAR Training**
- **Grant Projects Ordinance – Enviro-thon & Camp Wild**
- **Capital Projects Ordinance - ADA Accessible Playground**
- **Capital Projects Ordinance - Interfund Transfer for Lee Walker Heights Project**
- **Special Projects Ordinance - Lee Walker Heights Redevelopment Funding**
- **Special Projects Ordinance - Small Business Development**
- **Solid Waste Capital Projects Ordinance**
- **Article 46 Sales Tax Capital Fund Project Ordinance - Professional Services for Classroom Utilization Study**
- **FY17-18 Cross Functional Budget Transfers**

## **PUBLIC HEARING**

- **TEFRA Hearing – Charter School Financing**
  - Resolution Approving the Issuance by the Public Finance Authority of its Charter School Revenue Bonds (IC Imagine Project) Series 2018 in an Aggregate Principal Amount Not to Exceed \$27,245,000

Mike Frue, Senior Staff Attorney, explained the process allowing a local Charter School to request approval of the project as outlined in the resolution attached to the minutes. He said that no tax money or County funds would be used to finance the project and the hearing was required as part of that financing.

Jen Townley, Head of the Charter School, said that the school was 4 years old and was currently serving 850 students. They are a public school and want to construct a 115,000 square foot building with a theater to serve grades Kindergarten through Grade 12.

The Chairman opened the hearing at 5:13 p.m.

Jerry Rice questioned the authority for this for a charter school and what impact this could have on local public schools.

The hearing was closed at 5:15 p.m.

Mr. Frue said that the statute authorizing the financing had been used before and was simply a different way to borrow funds at a better interest rate.

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

## **COUNTY MANAGER'S REPORT**

Van Duncan, Sheriff, thanked the Board for allowing him to address the recent proposals made by several Commissioners. He said that he was shocked by the statements comparing racial bias to the opioid epidemic which he felt was an overstatement. He addressed the other proposals in a manner which he wanted to be seen as the beginning of an ongoing conversation. He used examples of policies that could impact law enforcement in negative ways and would prevent them from being able to successfully protect the public. He pointed out that the Commissioners have no statutory authority over the Sheriff's office. He endorsed the re-establishment of a human relations council and how that council could assist with policy change from the community to the Sheriff's Office. He felt that collaboration was the most positive way to make change. He said that he had seven months left in office and was willing to begin the conversation including the creation of a human relations council.

Commissioner Fryar thanked the Sheriff for his comments and said that he appreciated law enforcement and the hard job that they have to do every day.

Commissioner Whitesides said that he cared about everyone and did not want the County to end up like the City of Asheville. He said that he and the other Commissioners wanted to make sure that the conversation continued. He said that he hoped a new human relations council could be created.

Commissioner Belcher said that he appreciated the Sheriff's and the job that he has done.

Commissioner Frost said that the comments were made with the best of intentions and endorsed the Sheriff's office.

Commissioner Beach-Ferrara wanted to continue the conversation and said that the statement was not to cast blame. She urged continued policy work and did not think her policy comments were overreach.

The Sheriff said that he or whoever was elected Sheriff would be responsible for the outcomes of that department and urged further understanding of the statutes with no political agendas used within law enforcement.

Commissioner Pressley thanked the Sheriff for his work and for coming to make comments publically.

The Chairman thanked the Sheriff and Commissioners for their comments on this important issue.

## **OLD BUSINESS**

- **Financial Accountability Framework - Review & Update of Systems & Policies**

The County Manager said that the policies presented were for all County employees and would replace some existing policies to give better management oversight and to include the County Manager position. She said that the County's 1,500 employees act with integrity and responsibility and the new and reworked policies had been reviewed and created by a team of staff from across the County. These policies would work within the County's new financial software system that began April 1.

Dustin Clark and John Hudson presented the power point involving the changes to the policies that are attached to the minutes of this meeting.

## **NEW BUSINESS**

- **Presentation by NCDOT - Projects Update**

Kat Bukowy with NC Department of Transportation gave an update on the replacement one of the bridges over the French Broad River as shown in the power point attached to the minutes of the meeting. She said that river users would be notified as construction begins.

- **Approval of FY 18 Financial Audit Contract**

Tim Flora, Finance Director, presented the audit contract with Clifton Larson and Allen who were chosen as a result of the request for proposals. Mr. Flora said that the firm was one of the largest accounting firms in the country and that their recommendation was approved by the Audit committee. The contract amount was \$418,000.

Commissioner Frost moved to approve the contract as presented. Commissioner Whitesides seconded.

The vote passed 7-0.

- **Resolution Authorizing Buncombe County to Engage in Electronic Payments Per NCGS 159-28**

Tim Flora Finance Director, said that this was something that the County had been doing for 20 years. Last month the Local Government Commission provided updated rules outlining electronic payment and this resolution would

update the County's rules regarding the process. Mr. Flora said that he would have the policy reviewed by the audit committee.

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

## **BOARD APPOINTMENTS**

Commissioner Belcher moved to reappoint **Dusty Pless, Thad Lewis** and **Robert Martin** to the County **Planning Board**. Commissioner Whitesides seconded and the motion passed 7-0.

Commissioner Frost moved to appoint **Judy McDonough, Robert Dubrul, Gene Knoefel, Stephan Idhe, Lauri Hollingsworth** and **Patti Turbyfill** to the **Nursing Home Community Advisory Committee**.

Chairman Newman moved to reappoint **Tommasanne Davis, Sarah Bergeron** and **Susan Garrett** to the **Mountain Area Workforce Development Board**. Commissioner Belcher seconded and the motion passed 7-0.

## **PUBLIC COMMENT**

John Jonathan, farmer from Sandy Mush, asked the Board for a better internet system in the County. He said it was essential to his business and that school kids and other people out in the County who work out of their homes need it as well. He thanked the Board for the Sandy Mush Community Center's hot spot and asked to have it continued to be funded.

Michael Harney spoke about the needle exchange project's success. He thanked Mr. Fryar for his brother's work in the needle exchange program. He spoke to the importance of availability of clean needles and the proper disposal of needles. He also suggested that solar panels be placed on public buildings.

Valarie Watson member of the Historic Resources Commission felt that racism did exist. She encouraged the Board to continue in conversation about diversity issues.

A speaker named Brit expressed his anger about white supremacy in the County.

Torie Brown spoke about the opioid problem and the successful work in the Candler area. She praised the County for the help she had received for the area but was not happy with the transit system in the Candler area and asked the Board for help and continued support.

Jim Reid spoke about the Sheriff candidate who spoke about the second amendment.

Jerry Rice asked why the employee policies were not adopted by the Board. He also asked why the personnel data he requested along with the amount of funds spent on meals was not given to him. He thinks the FBI should review meal expenses.

Diana Starr thanked three commissioners for their comments.

## **ANNOUNCEMENTS**

The Chairman made the following announcements:

- *April 17 @ 5 p.m. – Regular Meeting of the County Commissioners in Room 326 at 200 College Street in Asheville*
- *April 24 @ 12:30 p.m. – Commissioners workshop in Room 326 at 200 College Street in downtown Asheville to hear Strategic Partnership Grant Presentations*

Commissioner Belcher acknowledged the passing of Rev. Wendell Runion, Pastor, Missionary and local broadcaster in the community saying he was a great leader in the community.

Commissioner Frost moved to go into closed session pursuant to NCG 143-318.11a(3) to discuss a legal matters and (6) for two personnel matters with no 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 a pending legal matter involving the former County Manager and the ongoing investigation. No action was taken.

The Board discussed candidates for the position of Clerk to the Board. They agreed to bring in seven candidates for a second interview. The Board also considered applicants for a part-time County Attorney position. No action was taken.

Commissioner Frost moved to go back into open session. Commissioner Belcher seconded and the motion passed 7-0. Commissioner Frost moved to adjourn the meeting. Commissioner Belcher seconded and the motion passed 7-0. The meeting was adjourned at 8:05 p.m.

---

KATHY HUGHES, CLERK  
BOARD OF COMMISSIONERS

---

BROWNIE NEWMAN, CHAIRMAN  
BOARD OF COMMISSIONERS