

**MINUTES OF BUNCOMBE COUNTY BOARD OF COMMISSIONERS'  
REGULAR MEETING OF JUNE 19, 2018 AT 5 P.M.**

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**BE IT REMEMBERED:** That the Board of Commissioners met in regular session on June 19, 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: Jim Holland, Assistant County Manager; Eric Hardy, Interim Finance Director; Rachael Nygaard, Strategic Partnership Director; Diane Price, Administrative Services Director; Kathy Hughes, Clerk to the Board; Lamar Joyner, Clerk to the Board; Curt Euler, Staff Attorney.

## **PLEDGE OF ALLEGIANCE**

## **INVOCATION**

The Chairman mentioned the celebration of the 4<sup>th</sup> of July and recognized the service of public staff, law enforcement, public safety and armed forces with a moment of silence. He thanked Kathy Hughes, Clerk to the Board, for her 35 years of public service and presented her with a gift from the Board.

## **CONSENT AGENDA**

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

- Approval of June 5, 2018 Regular Meeting Minutes
- Authorize the Execution of the Home and Community Care Block Grant for Older Adults
- Resolution Authorizing Pyrotechnic Experts for Firework Displays
  - Downtown Association
- FY2018 Budget Amendment Summary
  - FY2018 General Fund Budget Amendments
    - Functional Expenditure Adjustment JCPC
    - Greenway Transfer City of Asheville RADTIP
    - Parks and Recreation Transfer Zeugner Pool
    - Planning Transfer Mills Gap Sidewalk
    - IT Transfer Mitel Phone System Upgrade
    - Energy Savings Reinvestment Transfer
  - FY2018 Special Revenue Fund Amendment
    - Occupancy Tax
  - FY2018 Project Ordinances
    - City of Asheville RADTIP
    - Zeugner Pool Maintenance
    - Mills Gap Road Sidewalk
    - Mitel Phone System Upgrade
    - DWI Task Force Grant
- FY2018 Year End Budget Certification
- FY2019 Budget Amendment Summary for Project Ordinances (Effective 07-01-18)
  - Special Projects Fund Transfer
  - Public School Capital Debt Service Requirements
  - Article 46 Sales Tax Fund Asheville-Buncombe Technical College
  - Capital Fund Appropriation of FY2019 Capital Plan Projects
  - Capital Fund Greenways Transfer and Identification
    - Greenways Forecast

## **PUBLIC HEARING**

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

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 5:15 p.m.

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

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

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

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 5:16 p.m.

The hearing was closed at 5:17 p.m.

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

## **OLD BUSINESS**

- **Adoption of FY19 Budget Ordinance**

Jim Holland, Assistant County Manager, stated that budget preparation was a year's work of listening to the County residents, departments and Commissioners on how the funds should be spent. He thanked the staff and the Commissioners for the hard work in preparing the budget.

Commissioner Whitesides moved to approve the ordinance as presented. Commissioner Beach-Ferrara seconded the motion.

The Chairman asked if there were any amendments to the budget that the board wanted to make. Commissioner Pressley moved to amend the motion to approve funding for the school detective coordinator from the Sheriff's Department. Commissioner Beach-Ferrara seconded the amendment and it passed 7-0.

The Chairman made the amended motion to adjust the compensation of the Board of Commissioners by reducing the amount to correlate to the County's population. The Chairman's pay would reduce to \$24,300 and the Commissioners (including the Vice Chair) to \$21,098. Commissioner Beach-Ferrara seconded the motion.

The motion failed as follows:

AYES: Chairman Newman, Commissioner Beach-Ferrara

NOES: Commissioners Frost, Whitesides, Pressley, Belcher and Vice Chair Fryar

Commissioner Frost amended the motion to reduce the County tax rate from 53.9¢ to 52.9¢.

Commissioner Pressley seconded the motion. The Chairman and Commissioner Beach-Ferrara spoke in favor of a reduction but not by a whole penny.

The motion passed as follows:

AYES: Commissioners Frost, Whitesides, Pressley, Belcher and Vice Chair Fryar

NOES: Chairman Newman, Commissioner Beach-Ferrara

Commissioner Whitesides made the following motion regarding school funding:

"In the proposed budget, the Commissioners have been asked to allocate \$65,211,847 to Buncombe County Schools and \$12,185,090 to Asheville City Schools for a total of \$77,396,937. In that total, Buncombe County Schools is recommended, by County management, to receive an increase of \$2,685,477 and Asheville City Schools is recommended to receive an increase of \$503,926, for a total County management recommended increase of \$3,189,403. I believe that the school systems should be funded at a level sufficient to meet the educational needs of students and to support a terrific workforce of certified and non-certified staff. In the that spirit, I believe, however, that we must assure that the goals and requests of the County are fulfilled. Therefore, I move that, instead of the proposed County management increases, we increase the allocation to Buncombe

County schools by \$1,116,068 and to the Asheville City Schools in the amount of \$209,428 and that we place the remainder of the original County Manager recommended increase of \$1,863,907 in the County's fund balance and should the school systems require the additional funding during the upcoming fiscal year, we would require a formal request and presentation to this Board for approval to disperse a portion or all of the remaining \$1,863,907."

Commissioner Pressley seconded the motion.

The motion passed as follows:

AYES: Commissioners Frost, Whitesides, Pressley, Belcher and Vice Chair Fryar  
NOES: Chairman Newman, Commissioner Beach-Ferrara

The Chairman put the original motion to adopt the FY19 budget back on the floor and the motion passed as follows:

AYES: Commissioners Frost, Whitesides, Pressley, Belcher and Vice Chair Fryar  
NOES: Chairman Newman, Commissioner Beach-Ferrara

- **Adoption of FY19 Fire Districts Tax Rates**

Vice Chair Fryar moved to approve a 1¢ increase for all fire districts requesting an increase with the exception of North Buncombe. North Buncombe would receive the requested 0.8¢ increase. The Board will consider additional increases for certain fire districts separately. Commissioner Belcher seconded the motion and it passed 7-0.

Commissioner Belcher made a motion to give Barnardsville an increase of 3¢. Commissioner Pressley seconded the motion. Commissioner Belcher amended the motion to 4¢. Commissioner Pressley accepted the amendment.

The motion passed as follows:

AYES: Commissioners Frost, Whitesides, Beach-Ferrara, Pressley, Belcher and Vice Chair Fryar  
NOES: Chairman Newman

Commissioner Frost made a motion to give Broad River Fire an increase of 2¢. Commissioner Whitesides seconded the motion.

The motion passed as follows:

AYES: Commissioners Frost, Whitesides, Beach-Ferrara, Pressley, Belcher and Vice Chair Fryar  
NOES: Chairman Newman

Commissioner Frost made a motion to give East Buncombe an increase of 2.1¢. Commissioner Whitesides seconded the motion.

The motion passed as follows:

AYES: Commissioners Frost, Whitesides, Beach-Ferrara, Pressley, Belcher and Vice Chair Fryar  
NOES: Chairman Newman

Commissioner Pressley made a motion to give Upper Hominy an increase of 2¢. Commissioner Belcher seconded the motion.

The motion passed as follows:

AYES: Commissioners Frost, Whitesides, Beach-Ferrara, Pressley, Belcher and Vice Chair Fryar  
NOES: Chairman Newman

Commissioner Frost made a motion to give Swannanoa an increase of 1.1¢. Commissioner Pressley seconded the motion.

The motion passed as follows:

AYES: Commissioners Frost, Whitesides, Beach-Ferrara, Pressley, Belcher and Vice Chair Fryar  
NOES: Chairman Newman

Commissioner Frost made a motion to amend the FY19 Budget to include the Fire Districts tax rates. Commissioner Belcher seconded the motion. The motion passed 7-0.

## **NEW BUSINESS**

- **Resolution to Approve the Contract of Heather Hockaday, County Attorney**

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

- **Resolution to Appoint the Interim County Manager**

The Board stated that were glad that they had opportunity to speak with all the candidates for the Interim County Manager position and that they received valuable information. They chose George Wood, after receiving good references from a number of people that had worked with him.

Commissioner Belcher moved to approve the resolution to appoint George Wood as the Interim County Manager. Commissioner Whitesides seconded the motion and it passed 7-0.

- **Resolution Approving Commercial Hauler Rebate Program**

Jim Holland, Assistant County Manager, explained the program and stated that the County seeks to incentivize large Municipal Solid Waste (MSW) and/or Construction & Demolition (C&D) haulers servicing Buncombe County.

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

- **Resolution Supporting the Creation of a Domestic Violence Fatality Review Team**

The Board applauded the work of the team. The Board questioned the creation of the team and their role. Julie Klipp Nicholson, Family Justice Center Director and April Burgess-Johnson, Helpmate Director spoke in favor of the resolution.

Commissioner Beach-Ferrara moved to approve the resolution as presented. Commissioner Frost seconded the motion and it passed as follows:

AYES: Chairman Newman, Commissioners Frost, Whitesides and Beach-Ferrara  
NOES: Commissioner Pressley, Belcher and Vice Chair Fryar

- **Resolution Authorizing Execution of Modification Agreement with the City of Asheville**

Commission Belcher moved to approve the resolution as presented. Commissioner Whitesides seconded the motion and it passed as follows:

AYES: Commissioners Frost, Whitesides, Beach-Ferrara, Pressley, Belcher and Vice Chair Fryar  
NOES: Chairman Newman

- **Resolution Authorizing Small Claims Committee Settlement Authority**

Curt Euler, Staff Attorney, explained the resolution and work of the committee. The Board discussed the addition of an Audit Committee member being part of this committee.

Commissioner Frost amended the resolution to include the Internal Auditor as a part of the committee. Commissioner Belcher seconded the motion and it passed 7-0.

- **Resolution Regarding Daily Deposits**

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

- **Resolution Setting Fees and Costs for Fiscal Year 2019**

Jim Holland, Assistant County Manager, stated that the fees from the departments are set by the

Commissioners.

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

## **BOARD APPOINTMENTS**

Commissioner Frost moved to appoint **Gregory Narron, Richard Munger, Steven Valeika, Daniel Frayne, Carol Coulson** and **Johnnie Grant** to the **Health and Human Services Board**. Commissioner Whiteside seconded and the motion passed 7-0.

## **PUBLIC COMMENT**

Don Yelton talked about putting county finances on the internet, cutting the Board salary and school funding. He was concerned that there was no public vote to hire one of the County's legal team.

Michel Dijnae talked drug addiction and syringe exchange. He talked about his personal experiences to bring awareness to these issues.

Amy Churchill discussed the school board budget and invited the Board to visit any school.

## **ANNOUNCEMENTS**

The Chairman made the following announcements:

- *July 10 @ 5 p.m. – Commissioners' Regular Meeting @ 200 College Street, Room 326 in downtown Asheville.*
- *August 7 @ 5 p.m. – Commissioners' Regular Meeting @ 200 College Street, Room 326 in downtown Asheville.*

## **CLOSED SESSION**

The Board heard an update and discussion on an economic development matters. They did not take any action and agreed to discuss the matter in the future.

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

The meeting was adjourned at 7:45 p.m.

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LAMAR JOYNER, CLERK  
BOARD OF COMMISSIONERS

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BROWNIE NEWMAN, CHAIRMAN  
BOARD OF COMMISSIONERS