

**MINUTES OF BUNCOMBE COUNTY BOARD OF COMMISSIONERS'
REGULAR MEETING OF AUGUST 21, 2018 AT 5 P.M.**

BE IT REMEMBERED: That the Board of Commissioners met in regular session on August 21, 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; Jim Holland, Assistant County Manager; Eric Hardy, Interim Finance Director; Terri Orange, Internal Auditor; Lamar Joyner, Clerk to the Board; Michael Frue, Staff Attorney; Brandon Freeman, Staff Attorney; Heather Hockaday, Attorney.

PLEDGE OF ALLEGIANCE

INVOCATION

The Chairman took a moment to reflect on the Labor Day Holiday with the focus on the spirit of hard work for the community from the public and private sectors.

CONSENT AGENDA

Commissioner Frost moved to add a "Letter of Support for Collider" to the agenda under **County Manager's Report**. Commissioner Pressley seconded and the motion passed 7-0.

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

- FY2019 Budget Amendment Summary 08-21-18
 - General Fund Carry-Forwards
 - Transportation Carry-Forward

GOOD NEWS

Commissioner Frost and Vice Chair thanked Chief Anthony Penland for his service and acknowledged the tremendous accomplishment.

Commissioners Belcher and Pressley celebrated the softball teams' achievements and handed out certificates.

- Chief Anthony Penland to Become President of the NC Firefighters Association
- Softball State Champions (Babe Ruth League)
 - 6U Hominy Valley All-stars
 - 10U Hominy Valley All-stars

PRESENTATIONS

- **Update from Chairman of Audit Committee, Larry Harris, CPA**

Mr. Harris stated that the Audit Committee is comprised of members with a high level of expertise. He explained the audit process and its relative importance for the County, especially after the former county manager's legal situation. After explaining the difference in an external audit and a forensic audit, Mr. Harris recommended to wait to proceed with the forensic audit until the investigation is completed.

PUBLIC HEARING

- **Buncombe County Personnel Ordinance**

George Wood, Interim County Manager, read his memo that covered the suggested changes to the Personnel Ordinance.

Some of the commissioners expressed some concerns with some of the changes such as power given to the county manager and the termination of the cost of living adjustment provided to county employees.

Commissioner Belcher moved to bring back the amended ordinance with four separate amendments and Commissioner Pressley seconded.

The motion failed as follows:

AYES: Commissioners Pressley, Belcher and Vice Chair Fryar

NOES: Chairman Newman, Commissioners Beach-Ferrara, Frost and Whitesides

Chairman Newman moved to adopt the proposed amendments: inclusion of “the Head of the Internal Audit Department” from in Article I, Organization of Personnel System, Section 2, Coverage C.; inclusion of a majority vote of the Audit Committee prior to hiring the Head of the Internal Audit Department; and inclusion of a majority vote of the Audit Committee prior to any disciplinary action involving the Head of the Internal Audit Department. Commissioner Frost seconded and the motion passed 7-0.

Chairman Newman moved to adopt the proposed deletion for providing for automatic Consumer Price Index Salary Adjustment each year and Commissioner Frost seconded.

The motion failed as follows:

AYES: Vice Chair Fryar

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

Commissioner Frost moved to adopt the proposed deletion of “the Finance Director” from in Article I, Organization of Personnel System, Section 2, Coverage C. and Commissioner Beach-Ferrara seconded.

The motion failed as follows:

AYES: Commissioners Pressley, Belcher and Vice Chair Fryar

NOES: Chairman Newman, Commissioners Beach-Ferrara, Frost and Whitesides

Chairman Newman moved adopt the proposed additional language added above in Section 7.C. unsatisfactory job performance, 2. Disciplinary action for unsatisfactory job performance and the amended language proposed for Section 9. Procedural guidelines for disciplinary dismissal, A. Allowing the County Manager to terminate an employee without going through all progressive disciplinary steps in certain egregious circumstances. Commissioner Beach-Ferrara seconded.

The motion passed as follows:

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

NOES: Commissioner Frost

- **Resolution of Intent to Accept a Ground Lease Agreement with Duke Energy Progress**

Jeremiah LeRoy, Sustainability Officer, explained the lease agreement.

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

COUNTY MANAGER’S REPORT

- **Update on Agbala Complaint (Illegal Junkyard)**

Jim Holland, Assistant County Manager, provided information on the progress of the property owner’s efforts to be in compliance.

- **Update on JCPC Allocation**

George Wood, Interim County Manager, stated that the County received \$508,064 and they will be approving the FY19 allocation in the next couple of weeks.

- **Letter of Support for Collider**

Mr. Wood stated that he had the proposed letter and would have the Chairman sign it.

- Mr. Wood mentioned that Sheriff’s Department received a Justice Assistance Grant (JAG) that is shared with the City of Asheville. The County will get \$10,599 to be used to purchase rifles and the City will get \$43,975.

OLD BUSINESS

NEW BUSINESS

- **Discussion on County Manager Executive Search Firms**

Chairman Newman discussed the meeting that was held to interview the two finalists, Slavin Management Consultants and Mercer Group, Inc. The Board took a poll with Vice Chair Fryar, Commissioners Frost, Whitesides, Belcher, Beach-Ferrara and Pressley supporting Slavin Management Consultants. Chairman Newman showed his support for Mercer Group, Inc.

Commissioner Belcher moved to instruct the Interim County Manager to negotiate a contract with Slavin Management Consultants. Commissioner Frost seconded and the motion passed 7-0.

- **Agreement with SCS Engineers, PC for Solid Waste Services of a Professional Engineering Firm for Consulting, Engineering, and Environmental Monitoring Programs**

Dane Pederson, Solid Waste Director, stated the he was seeking Board approval to enter into the agreement. He explained that work will be identified and the scope will be determined appropriately. Mr. Pederson explained that proposals were requested from firms previously to conduct these services.

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

- **Appointment of Deputy Finance Officer**

Mr. Wood explained that Interim Finance Director, Eric Hardy, will be out of town and the County would need an official to sign relevant documents. Dustin Clark is working in that capacity currently.

Commissioner Belcher moved to approve the resolution appointing Dustin Clark as the Deputy Finance Officer. Commissioner Whitesides seconded and the motion passed 7-0.

- **Contract Life-Cycle Management (CLM) System**

Eric Grau, Software Services Manager, presented a PowerPoint and explained the progress being made on the implementing of the contract system. Dustin Clark added perspective on the purchasing manual being updated in conjunction with the implementation of the contract system. Mr. Wood stated that policy review would also take place during this time.

- **Resolution Authorizing the Execution of an Inter-Local Agreement Regarding Sustainability RFP**

Jeremiah LeRoy, explained the resolution and said the Asheville would adopt the resolution as well.

Commissioner Beach-Ferrara moved to approve the resolution as presented. Commissioner Frost seconded the motion. Commissioner Beach-Ferrara accepted Commissioner Belcher's friendly amendment to the motion to include a maximum amount of \$50,000 to be paid by the County.

The motion passed as follows:

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

NOES: Commissioners Pressley, Belcher and Vice Chair Fryar

- **Resolution Declining to Purchase a Portion of the Enka Intermediate School Property and Approving the Subleasing of the Same to Enka-Candler Fire & Rescue Department**

Mr. Wood presented the resolution.

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

Chairman Newman moved to approve the sublease of the property to Enka-Candler Fire & Rescue Department. Commissioner Whitesides seconded the motion and it passed 7-0.

- **Buncombe County Schools Lottery Applications**

Mr. Wood provided information on the process and recommended the approval of these applications.

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

BOARD APPOINTMENTS

Chairman Newman moved to appoint **Joe Belcher** and to reappoint **Brownie Newman** to the **School Capital Fund Commission**. Commissioner Beach-Ferrara seconded and the motion passed 7-0.

Commissioner Frost moved to reappoint **Gary Froeba** and **John McKibbon** to the **Tourism Development Authority**. Commissioner Belcher seconded and the motion passed 7-0.

PUBLIC COMMENT

Chris Silva spoke of a book that he studied and provided a copy to the Board.

Sheila Surrat expressed her concern with a Board member(s) failing to the Buncombe County citizens.

Tom stated that he was sick of the corruption and called for the Chairman's resignation. He wants to see more transparency that will help build trust.

Don Yelton expressed his desire for more transparency. He also thinks that a forensic audit will not show anything.

ANNOUNCEMENTS

The Chairman made the following announcements:

- *August 23 @ 6 p.m. - Commissioners' Community Input Session at Weaverville Town Hall, 30 S. Main Street, Weaverville, NC 28787*
- *August 27 @ 6 p.m. - Commissioners' Community Input Session at Stephens-Lee Recreation Center, 30 George Washington Carver Avenue, Asheville, NC 28801*
- *August 30 @ 6 p.m. - Commissioners' Community Input Session at Mission/A-B Tech Conference Center, 16 Fernhurst Drive, Asheville, NC 28801*
- *September 4 @ 5 p.m. - Commissioners' Regular Meeting at 200 College Street, Room 326*

Commissioner Belcher moved to go into closed session pursuant to NCGS 143-318.11a(3) legal matters with possible action to be taken following the closed session. Commissioner Beach-Ferrara seconded and the motion passed 7-0.

CLOSED SESSION

- **Motion to Enter into Closed Session pursuant to NCGS 143-318.11a(3) to discuss a legal matter.**

The Board heard an update and discussion of pending legal matters involving the former County Manager and other former county employees at the center of the ongoing investigation. No action was taken.

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

Commissioner Belcher moved to adjourn the meeting. Commissioner Whitesides seconded and the motion passed 7-0. The meeting was adjourned at 10:00 p.m.

LAMAR JOYNER, CLERK
BOARD OF COMMISSIONERS

BROWNIE NEWMAN, CHAIRMAN
BOARD OF COMMISSIONERS