

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

BE IT REMEMBERED: That the Board of Commissioners met in regular session on October 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 (via phone)
Robert Pressley, Commissioner
Al Whitesides, Commissioner

Staff present: George Wood, Interim County Manager; Jim Holland, Assistant County Manager; Eric Hardy, Interim Finance Director; Rachael Nygaard, Strategic Partnership Director; Terri Orange, Internal Auditor; Tim Love, Business Officer; Curt Euler, Employee Benefits & Risk Management Director; Lamar Joyner, Clerk to the Board; Brandon Freeman, Staff Attorney; Heather Hockaday, Attorney.

PLEDGE OF ALLEGIANCE

INVOCATION

The Chairman asked for a moment of silence and took an opportunity to reflect on the diversity of the community and the role of leadership within the community.

CONSENT AGENDA

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

- Approval of August 14, 2018 Special Meeting Minutes
- Approval of September 4, 2018 Regular Meeting Minutes
- Resolution Approving Pyrotechnic Experts for Firework Displays
- Resolution Authorizing Execution of Easement to the City of Asheville
 - Easement
 - Area Plat Map
 - Proposed Sign
- FY2019 Budget Amendment Summary 10-16-18
 - FY2019 General Fund Budget Amendments
 - Healthy Communities Funding
 - Automated Compression Devices Savings/Emergency Services Vehicles
 - FY2019 Capital Projects Fund Amendment
 - Automated Compression Devices Savings

GOOD NEWS

- Scott Mashburn, Buncombe County Solid Waste Department, Placed 2nd at National SWANA ROADEO

Dane Pederson, Solid Waste Director, spoke about Mr. Mashburn's performance in the local and national competitions. The national competition took place in Denver, CO.

- Buncombe County Recreation Services Advances Tourism Product Development Fund Capital Request for the Enka Recreation Destination and Enka Heritage Trail

Josh O'Conner, Recreation Director, presented a PowerPoint of the project updates and revisions. This community expansion will provide an opportunity to bring people together.

PRESENTATIONS

- Revision of the Purchasing Manual - Finance Department (Dustin Clark and Ron Venturella)

Dustin and Ron explained the development of the manual and the efforts taken throughout the tedious process. Draft copies of the Procurement Manual were handed out to the Commissioners. A few of the goals for the project were to get contracts on one system and to centralize policies and the process. The plan is to come back to the Board for adoption at the November 20th meeting.

Commissioner Belcher stated that by having the manual and process adopted by the Board that it can only be changed by vote in a future meeting.

PUBLIC HEARINGS

- **Proposed FY 2020 Annual Section 5311 Administrative and Capital Grant Applications to be Submitted to the NCDOT for Mountain Mobility, Buncombe County's Community Transportation Program**

Matt Cable, Planning Department, shared the PowerPoint presentation and explained the application process. The Chairman opened the hearing at 6:03 p.m.

Don Yelton made a request to see the routes and the number of people that use the Mountain Mobility service.

The Chairman closed the hearing was closed at 6:04 p.m.

Commissioner Belcher moved to approve the submission of the applications. Commissioner Frost seconded and the motion passed 7-0.

COUNTY MANAGER'S REPORT

- **Various Updates**

George Wood, Interim County Manager, updated the Board on the following items:

- Cataldo Perrone was hired as the Communications Director.
- Stated that the meeting with Slavin Management went very well and that the advertisement for the county manager position is ready to be published.

OLD BUSINESS

- **Motion to Approve the Sale of Annual Leave Policy**

Curt Euler, Employee Benefits & Risk Management Director, explained the current policy and presented historical data related to the sale of leave. He stated that any change to the policy would be part of the Personnel Policy.

The Commissioners discussed some different reasons for the sale of leave and important issues surrounding how money could be saved with changes to the current policy.

Commissioner Whitesides made a motion to take away the sale of annual leave and it was seconded by Chairman Newman.

Commissioner Belcher amended the motion to allow employees up to a week for the sale of annual leave. Commissioner Frost seconded the motion. The motion passed as follows:

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

NOES: Chairman Newman, Commissioners Whitesides and Beach-Ferrara

NEW BUSINESS

- **Motion Employing Mr. Scott Jones as an Attorney for Special Projects, and to Authorize Payment for Legal Services Previously Provided**

Mr. Wood, explained that no formal vote was taken to employ Attorney Scott Jones. Chairman Newman mentioned that Mr. Jones has helped with challenges associated with ongoing County lawsuits. Vice Chair Fryar stated that Chairman Newman wanted to hire him and he used his services more frequently than other commissioners.

Chairman Newman made a motion to pay Attorney Scott Jones for services rendered and not to retain his services for the Commission moving forward but to use the services of Attorney Ron Payne. Commissioner Frost seconded the motion. The motion passed as follows:

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

NOES: Commissioner Beach-Ferrara

- **Motion to Approve a Resolution to Amend Land of Sky/Leicester Crossing Option Lease**

Brandon Freeman, Staff Attorney, explained the resolution.

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

- **Motion to Adopt a Resolution to Appoint Donald Warn as the Finance Director**

Chairman Newman said that Mr. Warn stood out among some good candidates and that his start date is November 13th.

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

- **Motion to Approve a Resolution for the County Manager to Execute the Mountain Community Capital Fund Agreement and Release Funds for the Associated Deposit Note**

Tim Love, Business Officer, explained the resolution and presented a PowerPoint. He expressed that the loans associated with this agreement would range from \$10,000 to \$70,000 for a period of 5-7 years with a low default rate.

Vice Chair Fryar stated that we should be careful with County funds.

The loan borrowers will be diverse and would be individuals that normally have issues with borrowing funds. Opportunities will be created for small businesses and minority groups with the agreement.

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

- **Motion to Approve a Change Order for \$267,000 to Replace A-B Tech/Elm Building's Chiller Unit**

Clint Shepherd, General Services Director, explained and gave a recommendation for the change order.

Commissioner Whitesides moved to approve the change order. Commissioner Pressley seconded and the motion passed 7-0.

- **Discussion of a Study on Extending Water Lines from the Town of Canton to Enka (requested by Belcher, Pressley and Whitesides)**

Mr. Wood, explained the study and used maps to point out locations that would be affected. The Commissioners expressed their concerns and challenges that the project would create. It was expressed that extending of water lines to these areas would benefit the Enka Fire Station and the environment.

BOARD APPOINTMENTS

Commissioner Frost moved to appoint Randy Ratcliff to the Nursing Home Community Advisory Committee. Commissioner Whitesides seconded and the motion passed 7-0.

PUBLIC COMMENT

ANNOUNCEMENTS

The Chairman made the following announcements:

- *October 16 @ 1 p.m. - Mission Health Forward Update at 200 College Street, First Floor Conference Room in downtown Asheville.*
- *October 16 @ 5 p.m. - Commissioners' Regular Meeting at 200 College Street, Room 326 in downtown Asheville.*
- *November 6 @ 5 p.m. - Commissioners' Regular Meeting at 200 College Street, Room 326 in downtown Asheville.*

Commissioner Frost moved to go into closed session pursuant to NCGS 143-318.11a(3) for a legal matter with no possible 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 pending legal matter involving a former county employee's worker compensation claim. No action was taken.

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

Vice Chair Fryar moved to adjourn the meeting. Commissioner Pressley 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