

**MINUTES OF BUNCOMBE COUNTY BOARD OF COMMISSIONERS'  
REGULAR MEETING OF APRIL 16, 2019 AT 5 P.M.**

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**BE IT REMEMBERED:** That the Board of Commissioners met in regular session on April 16, 2019, 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  
Jasmine Beach-Ferrara, Vice Chair  
Joe Belcher, Commissioner  
Amanda Edwards, Commissioner  
Mike Fryar, Commissioner  
Robert Pressley, Commissioner  
Al Whitesides, Commissioner

Staff present: Avril Pinder, County Manager; Donald Warn, Finance Director; Tim Love, Business Officer; Nathan Pennington, Planning Director; Mike Mace, General Services Director; Lamar Joyner, Clerk to the Board; Michael Frue, Senior Staff Attorney; Brandon Freeman, Staff Attorney; Heather Hockaday, Attorney

## **PLEDGE OF ALLEGIANCE**

## **INVOCATION**

The Chairman asked for reflection and a moment of silence for the first responders and fire fighters in Buncombe County and around the world that dedicated themselves to protect us.

## **CONSENT AGENDA**

Commissioner Pressley motioned to add the **Rural Broadband - Land of Sky Regional Council** presentation to the agenda and approve the Consent Agenda as presented. Commissioner Belcher seconded and the motion passed 7-0.

- Approval of April 2, 2019 Pre-Meeting Minutes
- Approval of April 2, 2019 Regular Meeting Minutes
- Resolution Approving Pyrotechnic Experts for Firework Displays
- Approval of Modification of Agreement for Design Consultancy Services for the New East Asheville Library
  - Design Contract Amendment-PFA Architects
- Easement for Underground Utility Lines at Bent Creek Property
  - Resolution
  - Easement
    - Exhibit A
  - Map
  - More Information
- Easement for Underground Natural Gas Lines at Ferry Road Property
  - Resolution
  - Temporary Access Easement
  - Easement
    - Exhibit A
  - Map
  - More Information

## **GOOD NEWS**

- **The Eagle Scout Award - Elias Denniston Varn**

Commissioners Edwards and Whitesides presented the certificate of accomplishment to Elias Denniston Varn and acknowledge his dedication and hard work to achieve the Eagle Scout Award.

## **PRESENTATIONS**

- **Rural Broadband - Land of Sky Regional Council**

Sarah Nichols, Land of Sky Regional Council, presented the PowerPoint with details of the Buncombe County Broadband Project. A part of the project is to collect data to pinpoint areas of need by using citizen surveys. The project is a partnership between the cities of Asheville, Fletcher, Laurel Park, Biltmore Forest, Hendersonville and Waynesville to expand broadband services that can strengthen economic development, education, health and opportunity in the region.

## CLOSED SESSION

Commissioner Fryar moved to go into closed session pursuant to NCGS 143-318.11(a) (3) to hear legal matters for the County of Buncombe vs. Wanda Skillington Greene, Amanda Louise Stone, Jon Creighton and Joe Wiseman as recorded in Buncombe County Superior Court File #: 18 CVS 4206. Commissioner Whitesides seconded and the motion passed 7-0.

The Board heard the legal update and had discussion regarding the previous mentioned legal matter. No action was taken.

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

- **Consideration of a Legal Settlement**

Attorney Ron Payne stated that he had been in negotiations with the attorney of Amanda Stone and recommended approval of a settlement for a limited release of \$171,241. Including this settlement, the County will have recovered approximately \$3,238,000.

Commissioner Fryar moved to approve the settlement. Commissioner Belcher seconded and the motion passed 7-0.

Mr. Payne also recommended the acceptance of an insurance claim settlement for legal fees in the amount of \$82,492.38 and will release the insurance company from any further claims.

Vice Chair Beach-Ferrara moved to accept the settlement. Commissioner Whitesides seconded and the motion passed 7-0.

## NEW BUSINESS

- **Permanent Financing Documents for Eagle Market Place Project**

Michael Frue, Senior Staff Attorney, stated that permanent financing would be moving to the Freddie Mac loan structure and would not include any new funds.

Commissioner Belcher moved to approve the permanent financing documents as presented. Commissioner Edwards seconded the motion and it passed 7-0.

- **Surplus Personal Property**

Pamela Freeman-King, General Services, explained that the revised policy would create a consistent method to dispose of surplus personal property using its fair market value for purchase by non-profit organizations based in Buncombe County. The Board will be presented with a list of property at least every six months to declare as surplus to be made available for purchase. The process for donating surplus property by the vote of the Board did not change.

Don Yelton stated that Working Wheels is a dealership and sells cars. He suggested that the County needed a policy for surplus property.

Jerry Rice stated that this will open up discussions for other non-profits to ask for more money.

- **Resolution Approving Surplus Property Disposal Policy**

The Board decided to continue discussions and look further into the details of policy before adopting the policy.

- **Resolution Approving Disposal of Surplus Property**

Chairman Newman moved to approve the resolution as presented. Vice Chair Beach-Ferrara seconded and the motion passed 7-0.

- **Resolution of Intent to Donate Surplus Personal Property (French Broad Fire)**

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

- **Resolution of Intent to Donate Surplus Personal Property (Working Wheels)**

Lara Lusic, Working Wheels, explained their business model used her PowerPoint presentation to highlight the need for more vehicles for families that are in need. They partner with other organizations to help facilitate the process of providing vehicles.

Chairman Newman moved to approve the resolution with the following stipulations: removal of the Dodge Durango from the list of donated vehicles, all vehicles must go to citizens of Buncombe County, all vehicles are used as program vehicles and not for resale, and if the vehicles are not used in the program, they will be returned back to the County. Commissioner Belcher seconded and the motion passed 7-0.

## **PUBLIC COMMENT**

David Nutter stated that he believes in community planning and, therefore, supports greenways and the greenway sub-committee.

Marsha Bromberg supports greenways and wants an independent greenway advisory board not to be partnered with parks and recreation.

Ann Babcock is a supporter of greenways and recommends an independent advisory board as well.

Jerry Rice expressed his concern with the public hearing process not being used appropriately. He would like for the Board to answer issues addressed during the hearing. He would also like the pre-meeting time to be closer to the regular meeting so more people can attend.

Don Yelton stated that the non-profit organizations should open their books to the County and that they will be coming running to the Board for money.

Tom Vance does not like the pre-meetings and insists that discussions should be held during the regular meetings.

## **ANNOUNCEMENTS**

The Chairman made the following announcements:

- *May 7 @ 12 p.m. - Commissioners' Pre-Meeting at 200 College Street, 1st Floor Conference Room in downtown Asheville.*
- *May 7 @ 5 p.m. - Commissioners' Regular Meeting at 200 College Street, Room 326 in downtown Asheville.*

The meeting was adjourned at 6:50 p.m.

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LAMAR JOYNER, CLERK  
BOARD OF COMMISSIONERS

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BROWNIE NEWMAN, CHAIRMAN  
BOARD OF COMMISSIONERS