

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

BE IT REMEMBERED: That the Board of Commissioners met in regular session on February 5, 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: George Wood, Interim County Manager; Donald Warn, Finance Director; Jennifer Chilton, Budget Director; Margaret Ellis; Interim HR Director; Eric Hardy, Performance Management Director; Terri Orange, Internal Auditor; Rachael Nygaard, Strategic Partnership Director; Jennifer Pike, Tax Collector; Keith Miller, Tax Assessor; Tim Love, Business Officer; Nathan Pennington, Planning Director; Dane Pederson, Solid Waste Director; Lamar Joyner, Clerk to the Board; Michael Frue, Staff Attorney; Brandon Freeman, Staff Attorney; Heather Hockaday, Attorney

PLEDGE OF ALLEGIANCE

INVOCATION

The Chairman asked to keep in mind people who are facing challenges with basic economic needs and have to make tough live decisions. He requested a moment of silence for everyone think about helping and supporting one another.

CONSENT AGENDA

Commissioner Edwards moved to approve the consent agenda and the remainder of the agenda as presented.

Commissioner Whitesides seconded and the motion passed 7-0.

- Approval of January 12, 2019 Special Meeting Minutes
- Approval of January 15, 2019 Regular Meeting Minutes
- Approval of January 20, 2019 Special Meeting Minutes
- Approval of January 22, 2019 Special Meeting Minutes
- Resolution Approving Pyrotechnic Experts for Firework Displays
- Resolution Supporting Petition to DOT for Enka Road Transfer
- Resolution Ordering the Advertising of Delinquent Real Estate Property Tax Liens
- Commissioners' Property Tax Release Report
 - More Information
- Task Order 19-18 with SCS Engineers, P.C. in the Amount of \$15,700
- Audit Contract Amendment with CliftonLarsonAllen LLP

PUBLIC HEARINGS

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

Brandon Freeman, Senior Staff Attorney, explained the process of the refund of paying real estate taxes to Buncombe County.

The Chairman opened the hearing at 5:10 p.m.

The hearing was closed at 5:11 p.m.

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

- **Economic Development Agreement with Burial Beer Co.**

Tim Love, Business Officer, presented a PowerPoint that detailed the agreement. He stated that the project is a joint agreement between Buncombe County, the City of Asheville and the Economic Development Coalition.

Jess Reiser, Co-Owner-Burial Beer, briefly explained some of the history of the company and expressed her appreciation for the consideration of opportunity.

The Chairman opened the hearing at 5:17 p.m.

Don Yelton explained a few historic details of some the facility locations and expressed his concern for the high waste concentration that breweries produce.

The hearing was closed at 5:19 p.m.

Vice Chair Beach-Ferrara moved to approve the resolution as presented. Commissioner Edwards seconded the motion and it passed 6-1. (NOES-Commissioner Belcher)

Commissioner Whitesides moved to approve the incentive agreement. Vice Chair Beach-Ferrara seconded the motion and it passed 6-1. (NOES-Commissioner Belcher)

- **Economic Development Agreement with Haakon**

Tim Love, Business Officer, presented a PowerPoint that detailed the agreement. Desiree McGee, Haakon Operations Manager, explained their business model and employee benefits that are provided. This project is also a joint agreement between Buncombe County, the City of Asheville and the Economic Development Coalition.

The Chairman opened the hearing at 5:31 p.m.

The hearing was closed at 5:32 p.m.

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

Commissioner Edwards moved to approve the incentive agreement. Vice Chair Beach-Ferrara seconded the motion and it passed 7-0.

COUNTY MANAGER'S REPORT

- **Various Updates**

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

- The request to call for a public hearing to allow the Planning Board to discuss the subject of allowing manufactured housing in different zoning districts. The Board decided to add this request to the February 19th meeting.

- Budget process is underway with focus on the capital improvement area currently.

NEW BUSINESS

- **Resolution Setting the Compensation and Terms of Office for the Board of Equalization and Review**

Keith Miller, Tax Assessor, explained the resolution and the board responsibilities. The compensation for the members of the board would increase from \$75 to \$100 per session. The resolution would also stagger the terms of the members.

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

- **Affordable Housing Funding Process and Mountain Housing Opportunities East Haven Request Memo**

George Wood, Interim County Manager, explained some points of the memo that addressed the Board's request for a recommendation during the January 15th meeting. His recommended funding request would allow repaid loan funds to be reinvested, much similar to Mountain Housing Opportunities' (MHO) Eagle Market project.

Vice Chair Beach-Ferrara stated that MHO was active in communicating with the Board and staff surrounding the East Haven project. She opposed the loan structure recommended in the memo and expressed that it is not the right tool for the project.

Cindy Weeks, MHO, suggested that the recommended loan structure would not be possible and would create \$100,000 debt each year. She presented the Board with a proposed loan structure with more feasible repayment terms for MHO.

All the Commissioners agreed that the East Haven Apartments was good project but there were differences in how to structure the funding process and repayment terms.

Don Yelton suggested that the process will not work because a new project will come along next year that will have the Board's attention. He stated that it's immoral for the locals to be taxed out of their homes.

Carol Groban stated that Swannanoa is in support of the project and that house keys not only open up doors to houses but they open up doors to opportunities.

Commissioner Belcher moved to accept the recommended loan structure and approve the East Haven project. Commissioner Pressley seconded and the motion failed 4-3. (AYES-Belcher, Fryar, Pressley)

After further discussion, Chairman Newman moved to approve the East Haven project and accept the loan structure proposed by MHO. Vice Chair Beach-Ferrara seconded and the motion.

Commissioner Fryar amended the motion to give MHO the funds. Commissioner Belcher seconded and the amendment failed 4-3. (AYES-Belcher, Fryar, Pressley) The initial motion passed 4-3. (NOES-Belcher, Fryar, Pressley)

Commissioner Belcher moved to approve the creation of the affordable housing sub-committee in addition to the new process of reviewing projects. Commissioner Whitesides seconded the motion.

Vice Chair Beach-Ferrara amended the motion to change a detail in the process by removing the phrase in the third bullet point: *"under the same financial and legal terms as we have recommended for the MHO Request above"* Commissioner Edwards seconded and the amendment passed 7-0. The initial motion passed 7-0.

- **Recommendations on Medic Request and EMS System Staffing Levels**

George Wood, Interim County Manager, briefed the memo for the recommendation that was requested by the Board and presented staffing data that was provided by Jerry Vehaun, Emergency Services Director. Mr. Vehaun stated that the staffing level is a problem due to employee FMLA and sick time. Some of the vacant positions haven't been funded since the 2006 economic downturn.

Some commissioners questioned Medic's presence and the addition of a new private emergency service and the effect it would have on the county EMS service.

Kermit Tolley, Medic Owner, explained their day to day schedule along with their staging area and stated that service is 100% driven by the 911 call center.

Commissioner Belcher suggested that they try the agreement for a year, collect data and to see how it goes.

Commissioner Belcher moved to accept the recommendation to increase the EMS staffing levels.

Commissioner Whitesides seconded and the motion passed 7-0.

Commissioner Belcher moved to accept the Medic recommendation and bring back the updated contract for approval. Commissioner Pressley seconded and the motion passed 4-3. (NOES-Newman, Beach-Ferrara, Edwards)

- **FY2019 Budget Amendment Summary 2-5-19**

Don Yelton stated that he was looking for the Board to establish a budget and live within that budget because when you don't live within the budget the taxpayers are affected.

Jennifer Chilton, Budget Director, explained each of the budget amendments outlined in the amendment summary and identified individually below.

- **FY2019 General Fund Budget Amendments**

- **Interfund Transfer to the Tax Reappraisal Reserve Fund**

Vice Chair Beach-Ferrara moved to approve the budget amendment as presented. Commissioner Edwards seconded and the motion passed 7-0.

- **Interfund Transfer to Capital Projects Fund for Lake Julian Marina Dock Replacement**

Commissioner Belcher moved to approve the budget amendment as presented. Vice Chair Beach-Ferrara seconded and the motion passed 7-0.

- **Lake Julian Festival of Lights**

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

- **Identification Bureau Scanning Contract**

Commissioner Whitesides moved to approve the budget amendment as presented. Commissioner Pressley seconded and the motion passed 7-0.

- **FY2019 Capital Projects Fund**

- **Lake Julian Marina Dock Replacement – Additional Budget for Completion of Project**

Commissioner Belcher moved to approve the budget amendment as presented. Commissioner Edwards seconded and the motion passed 7-0.

- **Lake Julian Park Expansion Closure**

Commissioner Belcher moved to approve the budget amendment as presented. Commissioner Edwards seconded and the motion passed 7-0.

- **Erwin Pool Resurfacings Closure**

Vice Chair Beach-Ferrara moved to approve the budget amendment as presented. Commissioner Pressley seconded and the motion passed 7-0.

- **FY2019 Grants Project Fund**

- **Innovation Fund Grant Closure**

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

- **Envirothon & Camp Wild 2016 Grant Closure**

Commissioner Edwards moved to approve the budget amendment as presented. Commissioner Pressley seconded and the motion passed 7-0.

- **Methodist Home For Children – Backup Included**

Commissioner Belcher moved to approve the budget amendment as presented. Commissioner Whitesides seconded and the motion passed 7-0.

- **FY2019 Special Programs Fund**

- **Wells-King Bottomlands Conservation Easement**

Vice Chair Beach-Ferrara moved to approve the budget amendment as presented. Commissioner Belcher seconded and the motion passed 7-0.

- **Moose-Wilshire Stream Restoration Conservation Easement**

Vice Chair Beach-Ferrara moved to approve the budget amendment as presented. Commissioner Belcher seconded and the motion passed 7-0.

- **FY2019 Tax Reappraisal Reserve Fund**

- **Establishment of Budget**

Vice Chair Beach-Ferrara moved to approve the budget amendment as presented. Commissioner Edwards seconded and the motion passed 7-0.

BOARD APPOINTMENTS

Commissioner Belcher moved to reappoint **Paula Garber** to the **Adult Care Home Community Advisory Committee**. Commissioner Edwards Whitesides seconded and the motion passed 7-0.

PUBLIC COMMENT

Don Yelton stated that he didn't like how the Chairman threatened to throw him out of the meeting for trying to inform the Board that meeting was not being televised and that he was not trying to abuse public comment. He asked that the Board have a little fun and add some humor.

ANNOUNCEMENTS

The Chairman made the following announcements:

- *February 19 @ 5 p.m. - Commissioners' Regular Meeting at 200 College Street, Room 326 in downtown Asheville.*
- *March 5 @ 5 p.m. - Commissioners' Regular Meeting at 200 College Street, Room 326 in downtown Asheville.*

Vice Chair Beach-Ferrara moved to go into closed session pursuant to NCGS 143-318.11(a) (3) for a legal matter with no possible action to be taken following the closed session. Commissioner Belcher seconded and the motion passed 7-0.

CLOSED SESSION

The Board heard an update and had discussion on pending legal matters regarding an ongoing investigation. No action was taken.

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

Commissioner Belcher moved to adjourn the meeting. Vice Chair Beach-Ferrara seconded and the motion passed 7-0. The meeting was adjourned at 9:20 p.m.

LAMAR JOYNER, CLERK
BOARD OF COMMISSIONERS

BROWNIE NEWMAN, CHAIRMAN
BOARD OF COMMISSIONERS