

**MINUTES OF BUNCOMBE COUNTY BOARD OF COMMISSIONERS'
REGULAR MEETING OF MAY 5, 2020 AT 5 P.M.**

BE IT REMEMBERED: That the Board of Commissioners met in regular session on May 5, 2020, 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, Commissioner
Joe Belcher, Commissioner
Amanda Edwards, Commissioner
Anthony Penland, Commissioner
Robert Pressley, Vice Chair
Al Whitesides, Commissioner

Staff present: Avril Pinder, County Manager; Sybil Tate, Assistant County Manager; Dakisha Wesley, Assistant County Manager; Donald Warn, Finance Director; Jennifer Barnette, Budget Director; Sharon Burke, Human Resources Director; Stoney Blevins, Health and Human Services Director; Rachael Nygaard, Strategic Partnerships Director; Dane Pederson, Solid Waste Director; Lamar Joyner, Clerk to the Board; Michael Frue, Senior Staff Attorney; Heather Hockaday, Attorney

PLEDGE OF ALLEGIANCE

INVOCATION

The Chairman asked for a moment of silence for the more than 70,000 individuals that lost their lives to COVID-19.

CONSENT AGENDA

Commissioner Belcher motioned to add **COVID-19 Discussion to New Business**, move **Family First Coronavirus Response Act** from **County Manager's Report to New Business**, and approve the Consent Agenda as presented. Commissioner Whitesides seconded and the motion passed 7-0.

- Approval of April 16, 2020 Special Meeting Minutes
- Approval of April 21, 2020 Pre-Meeting Minutes
- Approval of April 21, 2020 Regular Meeting Minutes
- Resolution to Approve Naming of Creek
 - Masters Branch
 - Haith Branch
 - More Information
- Tax Collection Report
- Budget Amendment for Old Landfill Repairs and Maintenance
 - Ordinance
- Budget Amendment for Public Health Funding for COVID-19 Preparation and Response
 - Ordinance
 - More Information
- Expand Scope of Capital Project Parks and Recreation Projects FY20

CLOSED SESSION

Vice Chair Pressley 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, and Isaac McLemore, Jr. vs. County of Buncombe, File #: 18-719424. Commissioner Beach-Ferrara seconded and the motion passed 7-0. The Board heard the legal update and had discussion regarding the legal matters. No action was taken.

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

GOOD NEWS

- **CFAT Electric Vehicle Charging Stations Grant**

Jeremiah LeRoy, Sustainability Office, informed the Board that a grant award had been received to add four new Electric Vehicle charging stations at each of the County parking garages.

NEW BUSINESS

- **Family First Coronavirus Response Act**

Sharon Burke, Human Resources Director, stated that the response was to assist employees during coronavirus pandemic. The County policy will address eligibility, compensation and compliance for the Department of Labor regulation. At this time, 129 employees will be eligible for the benefit coverage.

Commissioner Whitesides moved to approve the policy. Commissioner Edwards seconded and the motion passed 7-0.

- **Update on Residential Waste and Recycling Collections Contract**

Dane Pedersen, Solid Waste Director, and Chip Gingles, Waste Pro, provide an update of the Waste Pro contract that started on January 1, 2020. They reported that the services were being provided without many issues but they were still attempting to reduce them through communication. The number of subscribers has increased and the number of complaints had seen a sharp decrease for the month of April. Staffs of Waste Pro and Buncombe County Solid Waste were thanked for their work and commitment.

- **Strategic Plan**

Rachael Nygaard, Strategic Partnerships Director, provided a review of the plan and the Board and County arrived at this point. The plan is a coordination of efforts from the public, County management, department heads and employees. The draft plan includes four community focus areas expressed through thirteen community goals. Foundational goals are included in the plan as well.

A few members of the Board suggested that staff make a few tweaks and be sensitive to how the goals are written.

Commissioner Belcher moved to approve the strategic plan. Commissioner Edwards seconded and the motion passed 7-0.

- **Resolution Authorizing Inter-Local Agreement Between City of Asheville and Buncombe County Regarding EOC COVID-19 Health Assessments**

Michael Frue, Senior Staff Attorney, explained that the resolution will allow the City of Asheville to provide COVID-19 evaluations to County EOC personnel.

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

- **COVID-19 Discussion**

The Board discussed the current COVID-19 pandemic and the process of issuing local declarations before the entire Board has had an opportunity to meet. Some of the conversation evolved around the County policy being more restrictive in certain areas than that of the State of North Carolina's policy. Such areas, included the number of people in attendance at funerals, worship services and weddings and opening of campgrounds and hotels.

Commissioner Penland moved to follow NC Executive Order 121 guidelines that will allow fifty people at funerals and open campgrounds to privately, self-contained structures. Commissioner Belcher seconded the motion. The motion was rescinded and Commissioner Penland moved to follow NC Executive Order 121 with the exception of restricting non-essential hotel stay. Commissioner Belcher seconded the motion.

After further discussion, Commissioner Belcher offered a friendly amendment to the last motion that adds the following phrase, "contingent to COVID-19 cases remain manageable". The friendly amendment was accepted and seconded by Vice Chair Pressley. The motion failed 4-3. (AYES-Belcher, Penland, Pressley)

Chairman Newman moved to allow up to fifty people to attend funeral services that follow social distancing guidelines. Commissioner Belcher seconded. Commissioner Penland offered a friendly amendment that adds in conjunction with 20% capacity of the fire code or 10 people per 1,000 sq. ft. regulation for the facility. Commissioner Beach-Ferrara offered a friendly amendment to give instruction to staff to make sure they will create the most compassionate, humane policies that are safe when considering the updated, forthcoming order; Chairman Newman did not accept this friendly amendment.

Commissioner Penland's friendly amendment was accepted and seconded by Commissioner Penland. The motion passed 5-2. (NOES-Edwards, Beach-Ferrara)

Avril Pinder, County Manger, asked the Board for guidance to allow staff to read and consider the details of the new NC Executive order and report back. The Board decided to allow staff to gather more details and report back the next day, Wednesday, May 6, 2020 at 5 p.m.

PUBLIC COMMENT

Chairman Newman read the public comments that were sent in electronically. (Comments are attached to packet)

ANNOUNCEMENTS

The Chairman made the following announcements:

- *May 19 @ 3 p.m. - Commissioners' Pre-Meeting at 200 College Street, Room 326 in downtown Asheville.*
- *May 19 @ 5 p.m. - Commissioners' Regular Meeting at 200 College Street, Room 326 in downtown Asheville.*

Chairman Newman moved to recess the meeting. Commissioner Belcher seconded and the motion passed 7-0. The meeting was recessed at 7:58 p.m.

Chairman Newman continued to the meeting on Wednesday, May 6, 2020 at 5:21 p.m.

- **COVID-19 Discussion (continued)**

Dr. Mullendore, Interim Public Health Director, explained the new NC Statewide Executive Order #138 and presented a PowerPoint with details of COVID-19, some of which included data and an update on the Self-Checker assessment tool.

Fletcher Tove, Preparedness & Security Officer, updated the Board on the latest activities being enacted to allow the County to open safely in phases. The County will announce the local declaration on Thursday, May 7, 2020.

The Commissioners asked staff to get clarity on state guidance on worship services, weddings and leisure reservations/staycations.

Commissioner Whitesides moved to adjourn the meeting. Commissioner Edwards seconded and the motion passed 7-0. The meeting was adjourned at 6:26 p.m.

LAMAR JOYNER, CLERK
BOARD OF COMMISSIONERS

BROWNIE NEWMAN, CHAIRMAN
BOARD OF COMMISSIONERS