

MINUTES OF BUNCOMBE COUNTY BOARD OF COMMISSIONERS' REGULAR MEETING OF FEBRUARY 18, 2020 AT 5 P.M.

BE IT REMEMBERED: That the Board of Commissioners met in regular session on February 18, 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
Robert Pressley, Vice Chair
Al Whitesides, Commissioner

Mike Fryar, Commissioner, passed away on February 2, 2020.

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; Rachael Nygaard, Strategic Partnerships Director; Tim Love, Business Officer; Josh O'Conner, Recreation Services Director; Lamar Joyner, Clerk to the Board; Brandon Freeman, Staff Attorney; Heather Hockaday, Attorney

PLEDGE OF ALLEGIANCE

INVOCATION

The Chairman announced that early voting had started and acknowledged that the democratic process is gift. A moment of silence was granted for those that fought and participated in movements for the right to vote.

CONSENT AGENDA

Commissioner Whitesides motioned to approve the Consent Agenda as presented and the remainder of the agenda. Commissioner Edwards seconded and the motion passed 6-0.

- Approval of January 28, 2020 Special Meeting Minutes
- Approval of February 4, 2020 Pre-Meeting Minutes
- Approval of February 4, 2020 Special Meeting Minutes
- Approval of February 4, 2020 Regular Meeting Minutes
- Technical Correction to the East Asheville Library Project
 - Resolution
- Resolution Appointing Deputy Finance Officers for the Inmate Trust Bank Account
 - Resolution
- Budget Amendment for Diaz, Fortune, & Rankin Conservation Easement Transaction Costs
 - Ordinance
 - Maps

PUBLIC HEARINGS

- **Nypro Economic Development Agreement**

Tim Love, Business Officer, reviewed the economic development project between Nypro (a Jabil Corporation) and the County. The agreement would consider the incentives of expansion project that will create new jobs and include capital investment.

The Chairman opened the hearing at 5:26 p.m.

Don Yelton suggested that goals are reached before payments are made and create an incentive to train high school students for the jobs.

Clark Duncan, Asheville Chamber, thanked the Board for its leadership and stated that the investment will be beneficial.

The hearing was closed at 5:29 p.m.

Commissioner Belcher moved to approve the resolution as presented. Commissioner Whitesides seconded the motion and it passed 6-0.

Commissioner Whitesides moved to approve the economic development agreement. Commissioner Edwards seconded the motion and it passed 6-0.

NEW BUSINESS

- **Resolution Affirming the Right of Buncombe County Citizens to Vote in Municipal Elections**

Commissioner Beach-Ferrara thanked the folks for addressing the issue of having a process on how voting changes should take place and read the resolution.

Marilyn Servancy supports the resolution and questioned the timeliness of the changes

Ron Marcello stated that right to vote is all they want and appreciates the Board for listening.

Rosemary Tan supports the resolution.

Mana Tubice said that extended their own terms is not legit.

Don Yelton stated that the people have a voice and to watch the government.

Mary Standaert stands for the people that support the resolution.

Commissioner Beach-Ferrara moved to approve the resolution as presented. Commissioner Edwards seconded the motion.

Commissioner Belcher offered a friendly amendment to the motion to remove section (4) from the resolution that was not accepted.

The original motion passed 4-2. (NOES-Belcher, Pressley)

- **Changes to Employees' Group Health Insurance**

Curt Euler, Employee Benefits & Risk Management, presented the PowerPoint and addressed questions that were provided about the changes to the insurance plan. He acknowledged that transparency was provided and gave employees various opportunities to give feedback. Larry Reece, USI Senior Vice President, and Katie K. Queen, Synergy Healthcare Vice President, explained some specific details of the plan and the health risk assessment (HRA) to provide clarity.

Hanna Honeycutt had questions about the privacy of HRA.

Jerry Rice asked for more information on the agenda about the item ahead of the meeting and questioned HCA/Mission's effect on the County.

Don Yelton stated that health insurance is important because the County is self-insured.

Chairman Newman moved to approve the changes to the Employees' Group Health Insurance. Commissioner Edwards seconded and the motion passed 6-0.

- **Amend Tobacco Ordinance - Addition of Vaping/ Electronic Cigarettes**

Jan Shepard, Health Director, reviewed the request to amend section 50.1 of the county ordinance "Smoking Prohibited in County Buildings on County Grounds or in County Vehicles" as well as section 13, "Tobacco Use Policy," of the county's personnel ordinance, to include the prohibition of vaping or e-cigarette use in all applicable sections of the two ordinances.

Jerry Rice asked if the ordinance was a law.

Tracy Debruhl stated that we should have freedom of choice.

Commissioner Edwards moved to approve the amendment as presented. Commissioner Beach-Ferrara seconded the motion.

Commissioner Belcher moved to remove section (d) from the amendment. Vice Chair Pressley seconded and the motion failed 5-1. (YAES-Belcher)

The original motion passed 5-1. (NOES-Belcher)

- **Mountain Community Capital Fund (MCCF) Update and Term Extension**

Lynn Smith, MCCF Committee Chair, explained the purpose of and the current status of the fund. The requested proposal is to extend the expiration date of the fund's Promissory note for five years with no additional funds requested.

Commissioner Beach-Ferrara moved to approve the amendment as presented. Commissioner Edwards seconded and the motion passed 6-0.

- **Budget Amendment for Community Linkages to Care for Overdose Prevention and Response**

Jennifer Barnette, Budget Director, explained the budget amendment.

Commissioner Belcher moved to approve the budget amendment and the full-time grant funded position that was formerly a half-time position. Commissioner Whitesides seconded and the motion passed 6-0.

- **Budget Amendment for Enka Commerce Park - Access Road Funding**

Tim Love, Business Officer, and Jennifer Barnette, Budget Director, explained the budget amendment.

Clark Duncan applauded the partnership and stated that investments are necessary.

Jerry Rice stated that the land was toxic and a public safety issue.

Commissioner Belcher moved to approve the resolution that incorporates the agreement, budget amendment, and allows the county manager to enter into the agreement. Vice Chair Pressley seconded and the motion passed 6-0.

- **Enka Heritage Trail – Easement with Enka Water Corporation**

Tim Love, Business Officer, explained the easement and its location.

Commissioner Whitesides moved to approve the agreement as presented. Commissioner Edwards seconded and the motion passed 6-0.

BOARD APPOINTMENTS

Commissioner Belcher moved to appoint **Jordan Israel, Christopher Fink and Mary Brenda Tremoulet** to the **Nursing Home Community Advisory Committee**. Commissioner Whitesides seconded and the motion passed 6-0.

Commissioner Whitesides moved to appoint **Jessica Rice** to the **Mountain Area Workforce Development Board**. Commissioner Edwards seconded and the motion passed 6-0.

The Board agreed to consider interviewing for the other boards listed on the agenda and wait until the new commissioner is appointed.

PUBLIC COMMENT

Don Yelton stated that the penalty for someone vaping in the in a prohibited area should be counted against their health insurance.

Mary Standaert stated that government is hard work and thanked the Board.

Tracy DeBruhl suggested that we teach kids to be responsible and consider the neighborhood approach.

Jerry Rice suggested that citizens serve on boards. He also stated that the County give tax payers relief and not spend the money as fast as it comes in.

ANNOUNCEMENTS

The Chairman made the following announcements:

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

Commissioner Whitesides moved to go into closed session pursuant to NCGS 143-318.11(a) (4) to hear an economic development matter with no possible action anticipated following the closed session. Commissioner Edwards seconded and the motion passed 6-0.

CLOSED SESSION

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

Commissioner Belcher moved to go back into open session. Commissioner Edwards seconded and the motion passed 6-0.

Commissioner Edwards moved to adjourn the meeting. Commissioner Pressley seconded and the motion passed 6-0. The meeting was adjourned at 9:15 p.m.