

**MINUTES OF BUNCOMBE COUNTY BOARD OF COMMISSIONERS'
REGULAR MEETING OF AUGUST 15, 2023 AT 5 P.M.**

BE IT REMEMBERED: That the Board of Commissioners met in regular session on August 15, 2023, 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
Amanda Edwards, Commissioner
Martin Moore, Commissioner
Terri Wells, Vice Chair
Al Whitesides, Commissioner

Parker Sloan, Commissioner, was absent from the meeting.

Staff present: Avril Pinder, County Manager; Sybil Tate, Assistant County Manager; Dakisha Wesley, Assistant County Manager; Mason Scott, Interim Finance Director; John Hudson, Budget Director; Sharon Burke, Human Resources Director; Keith Miller, Tax Assessor; Stoney Blevins, Health & Human Services Director; Rachael Nygaard, Strategic Partnerships Director; Tim Love, Intergovernmental Relations; Nathan Pennington, Planning Director; Lamar Joyner, Clerk to the Board; Michael Frue, Senior Staff Attorney

PLEDGE OF ALLEGIANCE

CONSENT AGENDA

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

- Approval of August 1, 2023 Special Meeting Minutes
- Approval of August 1, 2023 Briefing Meeting Minutes
- Approval of August 1, 2023 Special Meeting Minutes - Closed Session
- Approval of August 1, 2023 Regular Meeting Minutes
- Resolution Awarding a Service Firearm to a Retiring Deputy of the Buncombe County Sheriff's Department
 - Phillip Engle
 - Michael Petty
 - Chad Edwards
- Approval Tourism Development Authority Administrative Collection Agreement
 - Agreement
- Approval of Revised Juvenile Crime Prevention Council (JCPC) Funding Plan
 - Funding Plan
- Resolution Approving the Acquisition & Use of the DS950 High Speed Scanners & the EVS 6.3.0 Software Upgrade
 - Resolution
- Budget Amendment for BCS - North Buncombe High School Softball Field Upgrades Design
 - Ordinance
 - More Information
- Budget Amendment for Public Health - Healthy Communities Additional Funding
 - Ordinance
- Budget Amendment for Public Health - WNC Health Network for COVID-19 & Influenza Vaccine Uptake Initiative
 - Ordinance

PUBLIC COMMENT

Andrew Clark expressed support for veterans, Sheriff Quentin Miller, Veterans' Treatment Court, and the VA Hospital.

Jen Hampton expressed her support for the Affordable Parking program.

Anthony Pena` provided information on Long Covid and its effects.

GOOD NEWS

- **2023 Governor's Volunteer Service Award**

Jennifer Aviles, Administrative Coordinator, acknowledged and congratulated the winners of the award for their true spirit of volunteerism. The winner recipients were Land of Sky Realtors and Charlie and Tricia Frank.

- **Creative Equity Mural Project Update**

Rachael Nygaard, Strategic Partnerships Director, provided an update to project and introduced some of the artists.

PRESENTATIONS

- **Strategic Partnership Grants Committee**

Ray Hemachandra and Amy Russell, committee members, provided an update to the Commissioners on the past year events, upcoming timeline, and thanked the Strategic Partnership Grants staff for their support and guidance.

- **CDBG-NR Quarterly Update**

Nancy Williams, Planning, explained and presented the second quarter update that will prioritize home repair for low and moderate-income homeowners.

- **Affordable Parking Program Update**

Tim Love, Intergovernmental Relations, updated the Board on the recently approved program. Staff is moving towards a first-come, first-served model and will increase marketing. Additionally, staff has reviewed parking trends at the College Street parking garage and will add 50 parking spots to the program. The program will provide a reduced rate of \$40 per month to individuals that purchase a monthly parking pass and are of low to moderate income.

PUBLIC HEARINGS

- **Long Shoals Business Center Rezoning Request - ZPH2023-00019**

Haylee Madfis, Planning, presented the rezoning request, stated that the request was consistent with the comprehensive land use plan and was unanimously approved by the Planning Board. The property would move from NS (Neighborhood Service District) to CS (Commercial Service District) at 565 Long Shoals Road, Arden. The total acreage of the one parcel property is 4.97.

The Chairman opened the hearing at 6:10 p.m.

Li Yueh Hu, the landowner, expressed support for the rezoning request.

The hearing was closed at 6:11 p.m.

Chairman Newman moved to approve the rezoning request. Vice Chair Wells seconded the motion and it passed 6-0.

- **Warren Wilson Rezoning Request - ZPH2023-00021**

Shannon Capezzali, Planning, presented the rezoning request, stated that the request was consistent with the comprehensive land use plan and was unanimously approved by the Planning Board. The property would move from R-2 (Residential District) to PS (Public Service District) at 111 Upper College Road, Swannanoa. The total acreage of the one parcel property is 4.5.

The Chairman opened the hearing at 6:15 p.m.

The hearing was closed at 6:16 p.m.

Commissioner Whitesides moved to approve the rezoning request. Commissioner Edwards seconded the motion and it passed 6-0.

NEW BUSINESS

- **Approval of Child Protective Services Investigations Situational Overview/Recommendations and Recruitment Incentive**

Sharon Burke, Human Resources Director, stated that Child Protective Services – Investigations is suffering from a shortage of qualified Investigative Assessment & Treatment Social Workers and explained the staffing recommendations to address several issues, with no additional County funds needed.

Vice Chair Wells moved to approve temporary allowance for IATSWs and Supervisors in the Child Protective Services – Investigations Program of \$200 per pay period until a classification review can be conducted and approved with the Fiscal Year 2025 pay plan or until 76% (22 out of 29) of positions are filled and pre-service training is complete and the Recruitment Incentive for existing employees, who recruit new hires into CPS – Investigations, Public Safety Communications (911) Dispatchers, and Detention Facility Officers to a maximum of \$750 per employee recruited. Commissioner Beach-Ferrara seconded and the motion passed 6-0.

- **General Electric Healthcare Finance Service LLC'S Tax Refund Request**

Curt Euler, Senior Staff Attorney, stated that General Electric (GE) is seeking a tax refund for tangible personal property (TPP), it claims, that were erroneously paid due to an illegal tax in the amount of \$279,990 for tax years 2019 and 2020. GE claims that County taxed the same TPP twice, resulting in double taxation and constituted an illegal tax. In North Carolina, an illegal tax is a tax imposed by the taxing authority without authority or taxing a property with a valid exemption. The County is allowed to tax tangible personal property. Furthermore, there is no statute or Appellate Court case that

expressly prohibits double taxation based on a taxpayer's listing error for real or personal property. Additionally, overassessment is not one of the three valid defenses pursuant to N.C. Gen. Stat. § 105-381(a)(1). Staff recommends that the Commissioners deny GE's refund request. GE's representative provided information to their position for the refund request.

Commissioner Beach-Ferrara moved to deny GE's refund request. Commissioner Moore seconded and the motion passed 5-1 (NOES-Newman).

BOARD APPOINTMENTS

Commissioner Beach-Ferrara moved to reappoint **Sioux Oliva** to the **Historic Resources Commission**. Commissioner Whitesides seconded and the motion passed 6-0.

Commission Moore moved to reappoint **David Thompson** (Community member), **Steven Valeika** (Veterinarian), and **Linda Weldon** (Nurse) to the **Health & Human Services Board**. Commissioner Edwards seconded and the motion passed 6-0.

Commissioner Beach-Ferrara moved to appoint **Lacy Hoyle** to the **Homeless Initiative Advisory Committee**. Commissioner Whitesides seconded and the motion passed 6-0.

REPORTS ON BOARDS AND COMMISSIONS

The Commissioners discussed the recent activities of the boards and commissioners that they serve on as members.

ANNOUNCEMENTS

The Chairman made the following announcements:

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

Commissioner Edwards moved to adjourn the meeting. Commissioner Whitesides seconded and the motion passed 6-0. The meeting was adjourned at 6:56 p.m.

LAMAR JOYNER, CLERK
BOARD OF COMMISSIONERS

BROWNIE NEWMAN, CHAIRMAN
BOARD OF COMMISSIONERS