

**MINUTES OF THE BUNCOMBE COUNTY BOARD OF COMMISSIONERS’  
SPECIAL MEETING OF SEPTEMBER 17, 2024, AT 2:30 p.m.**

BE IT REMEMBERED: That the Board of Commissioners met to hold a Special Meeting on September 17, 2024, in the first-floor conference room at 200 College Street in downtown Asheville, North Carolina at 2:30 p.m. for the purpose of holding Tourism Development Authority Board interviews.

Present: Chairman Brownie Newman; Commissioner Terri Wells, Commissioner Al Whitesides; Commissioner Amanda Edwards; Commissioner Jasmine Beach-Ferrara.

Absent: Vice-Chair Parker Sloan; Commissioner Martin Moore.

The following candidates were interviewed: 1) Himanshu Karvir; 2) Joe Balchen; and 3) Randy Claybrook. The meeting adjourned at 3:02 p.m.

**MINUTES OF THE BUNCOMBE COUNTY BOARD OF COMMISSIONERS’  
SPECIAL MEETING OF SEPTEMBER 17, 2024, AT 3:00 p.m.**

Link to meeting video recording: <https://www.youtube.com/watch?v=u-BGfys6x18>

BE IT REMEMBERED: That the Board of Commissioners met to hold a Special Meeting on September 17, 2024, in the first-floor conference room at 200 College Street in downtown Asheville, North Carolina at 3:00 p.m. for the purpose of holding a personnel hearing pursuant to N.C.G.S § 105-294 (a).

Present: Chairman Brownie Newman; Commissioner Terri Wells, Commissioner Al Whitesides; Commissioner Amanda Edwards; Commissioner Jasmine Beach-Ferrara.

Absent: Vice-Chair Parker Sloan; Commissioner Martin Moore.

Chairman Newman called the meeting to order at 3:10 p.m. and provided opening statements. He announced that the purpose of today’s specially called meeting is to consider a personnel matter and to provide Mr. Keith Miller, Tax Collector, the opportunity to share his perspective on the stated issues that were sent by letter to Mr. Miller on September 6, 2024, from the Board of Commissioners. He noted that the most significant concern was around the financial or business relationship with an employee that Mr. Miller directly supervises. This hearing, required by statute, is the opportunity to be heard in accordance N.C.G.S § 105-294 (a).

Brian Elston, the Attorney representing Mr. Miller emphasized the significance of today’s decision of the Board, noting the impact on Mr. Miller’s career, benefits, and that today’s decision would create case precedent. Elston further explained that the statute at play has never been litigated before. Elston provided a presentation to the Board that outlined Mr. Miller’s background, the business transactions, recent developments, an appraisal of the current situation, authority and potential outcomes. Mr. Elston addressed specific concerns, mentioning that while Mr. Miller engaged in a business transaction with a subordinate, it was above board

and not intended to violate any county policies. There was an acknowledgment of regret regarding the situation and a willingness from Mr. Miller to retire, should the board allow him to retain benefits.

Chairman Newman reiterated that the meeting's focus was on specific issues of concern and is not related to broader public issues identified that have been part of the public discourse in Buncombe County in recent years, like the reappraisal process. He explained that there were several issues raised, but the most fundamental one from the County standpoint is that there is information that Mr. Miller had a financial and business relationship with an employee he directly supervised which appears to be in conflict with County policy. Mr. Elston clarified that the financial relationship in question was not malevolent and expressed remorse over the decision to enter it. Mr. Miller's willingness to terminate the business relationship was discussed, alongside the implications of potential removal from his position.

Michael Frue, Senior Attorney read the motion to go into Closed Session to discuss qualifications, performance, and character related to the personnel matter pursuant to GS 143.318.11(a)(6) Commissioner Whitesides moved to go into closed session. The motion was seconded by Commissioner Edwards and carried unanimously at 3:32 p.m.

Chairman Newman called the meeting back in open session at 4:42 p.m. The Chair explained that the Board of Commissioners is responsible for personnel matters related to specific positions, including the Tax Assessor and Tax Collector, as outlined by North Carolina General Statute 105-294. This meeting followed the statutory process for addressing these issues. A clarification was made regarding the appointment and oversight of the Tax Assessor, emphasizing that these positions are appointed by the Board and can be removed and hired by the Board. Commissioner Whitesides made the motion in accordance with NC Gen. Stat. 105-294, having heard and reviewed the information developed by Human Resources and the Internal Auditor as well as the presentation and discussion today, that the Board find there is good cause to remove R. Keith Miller from his position as Buncombe County Tax Assessor and further direct the County Manager, or her designee, to do any and all other acts as she deems necessary and appropriate in order to remove Mr. Miller from office and terminate his employment with Buncombe County effective September 17, 2024. The motion was seconded by Commissioner Beach-Ferrara and was passed unanimously by vote. Commissioner Beach-Ferrara made a second motion pursuant to GS 153A-98(c)(7), based on the recommendation of the County Manager, move that the County Manager is authorized to disclose the reasons for holding the good cause hearing against R. Keith Miller, the County Tax Assessor, and any supporting documentation, and that the release of this information is essential to maintaining the public confidence in the administration of county services. Commissioner Whitesides seconded the motion, and it was carried unanimously by vote. Commissioner Edwards moved to adjourn the meeting, the motion passed, and the meeting was adjourned at 4:48 p.m.

**MINUTES OF THE BUNCOMBE COUNTY BOARD OF COMMISSIONERS’  
REGULAR MEETING OF SEPTEMBER 17, 2024, AT 5:00 p.m.**

Link to meeting video recording: <https://www.youtube.com/watch?v=pezP0j3LBss&t=5612s>

BE IT REMEMBERED: That the Board of Commissioners met to hold a Regular Meeting on September 17, 2024, in the first-floor conference room at 200 College Street in downtown Asheville, North Carolina at 5:00 p.m. where and when the following business was transacted.

Present: Chairman Brownie Newman; Commissioner Terri Wells, Commissioner Al Whitesides; Commissioner Amanda Edwards; Commissioner Jasmine Beach-Ferrara.

Absent: Vice-Chair Parker Sloan; Commissioner Martin Moore.

The Chairman called the meeting to order at 5:09 p.m. and provided opening statements. Consent agenda was motioned and approved with a couple of additions: 1) to add an item under New Business, to appoint the interim Tax Assessor; 2) to include discussion and potential appointment to appoint one additional member to the Short-Term Rental Ad Hoc Committee under Board Appointments; and 3) to remove New Business item No. 1, regarding budget carryforwards.

**CONSENT AGENDA**

1. Approval of the August 22, 2024, special meeting minutes
2. Approval of the September 3, 2024, combined Briefing and Regular meeting minutes
3. Approval of the September 4, 2024, special meeting minutes
4. Resolution authorizing Pyrotechnic Experts for firework display on September 28, 2024, at the Biltmore Estate
  - o Resolution
5. Resolution authorizing the intent to accept bid for the sale of surplus County property located Unadilla Avenue in Asheville
  - o Resolution
6. Budget Amendment to enhance and expand Adoption Promotion Funds
  - o Budget Amendment
7. Budget Amendment for the Home and Community Block Grant agreement to provide services to older adults in Buncombe County
  - o Budget Amendment
8. Approval of request to waive occupancy tax penalty in the amount of \$53.45 for Cloud Nine Farm
  - o Excerpt of Buncombe County Tourism Development Authority August 28 meeting minutes

9. Resolution authorizing execution of an easement to the Metropolitan Sewerage District of Buncombe County for the Weaverville Pump Station and Force Main Improvements
  - o Resolution
  - o Easement Map
  - o Plan Sheets
10. Resolution authorizing the County Manager to execute a lease agreement with the State of North Carolina Department of Adult Correction for office space located at 60 Court Plaza
  - o Resolution
  - o Lease Agreement

## **PUBLIC COMMENT**

Stephanie Phylis provided information on her family history, resume information and her willingness to serve on a board. She further promoted world peace.

## **GOOD NEWS**

### 1. 3CMA National Awards

Lillian Govus, Communications and Public Engagement Director gave a presentation on the two Savvy Awards awarded to the Communications team from 3CMA, which is the national organization for City/County Communicators. The team was awarded the One Time Event Savvy Award: Community Reparations Summit and for Interview/Talk Show/News Programming Award of Excellence: Creative Equity Mural Project Documentary.

### 2. 2024 Youth Election Sticker Contest Winner

Angelica Tyler, Communications team provided information and the process on the 2024 Youth Election Sticker Contest Winner, Maya LeRoy, and the top 10 finalist. The 10 youth finalist took a picture with the Board of Commissioners.

## **PRESENTATIONS**

### 1. Proclamation recognizing National Manufacturing Month

Commissioner Whitesides read the proclamation to Clark Duncan and Askley Swanger with the Asheville Chamber to read the proclamation recognizing National Manufacturing Month. Mr. Duncan thanked the Board for their support and invited them and community to attend a celebration of National Manufacturing Day at GE Aerospace on October 4, 2024.

### 2. Proclamation recognizing Hispanic and Latino Heritage Month

Commissioner Beach-Ferrara read the proclamation to Ms. Norma Brown, Executive Director of UNETE and fellow UNETE members honoring Hispanic and Latino Heritage Month. Mr. Norma Brown thanked the members and the Commissioner's and explained that Hispanic Heritage Month is a month-long celebration of Hispanic and Latino history and culture. While Hispanic and Latino communities are celebrated beyond this month, from September 15 to October 15

extra recognition is given to the many contributions made to the history and culture of the United States, including important advocacy work, vibrant art, popular and traditional foods, and much more.

### 3. Health and Human Services Board update

Lucy Lawrence, Health and Human Services Board Chair provided an update to the Board. She noted that there are three Community Committees: Safety Committee, Economic Benefits Committee and the Health Committee. Recent accomplishments include Advocacy regarding Energy Payment increase; Condemnation of Dobb's decision; and Piloting the Harm Reduction Equitable Access Pilot. Challenges noted include: the pandemic, House Bill 76, Access to Healthcare Options; Medicaid Expansion enrollment opens; Conversion of Energy Program from contract to in-house; lack of foster care placement options.

## **PUBLIC HEARING**

### FY 2026 Annual Section 5311 Administrative and Capital Grant Applications

William High, Lead Transportation Planner provided background information related to the FY 2026 Annual Section 5311 Administrative and Capital Grant Applications. He explained that Buncombe County's Community Transportation System, Mountain Mobility, provides transportation to senior adults, persons with disabilities, clients of human service agencies, members of the general public (outside the City of Asheville), clients of Medicaid (under contract), and residents of the City of Asheville eligible for ADA Complimentary Paratransit (under contract). Buncombe County is a designated applicant/recipient of state and federal transportation funds made available through North Carolina Department of Transportation (NCDOT). Designated applicants/recipients must possess the technical and financial capacity to: (1) apply for, administer, operate, and carry out transportation projects; and (2) comply with all applicable state and federal laws, regulations, and guidelines.

Chair Newman opened the Public Hearing at 6:02 p.m. and closed it at 6:03 p.m. with no speakers. Commissioner Wells made the motion to Adopt the Resolution Authorizing the Chairperson to Execute an Application for FY 2026 Section 5311 Public Transportation Program Funding, Enter into Agreement with the North Carolina Department of Transportation, and to Provide the Necessary Certifications and Grant Documents. The motion was seconded and carried unanimously.

## **OLD BUSINESS**

### 1. Budget Amendment and approval of the Enka Recreation construction contract with Civil Design Concept and to accept grant award funding from the Buncombe County Tourism Development Authority

Allison Daines, Parks and Recreation Director explained that this action is to accept \$4,054,415 that Buncombe County Tourism Development Authority has awarded Buncombe County in Tourism Product Development Fund grant dollars for the Enka Recreation Destination - Phase II project. Funds will be used to turf fields 3, 4, 5, and 9 with lighting at fields 3, 4, and 5 along with accessible bleachers and a walkway, installation of an inclusive playground, renovation to the central restroom to include a Park Ranger Office and Contact Station, as well as a new shelter with lighting at the Buncombe County Sports Park. This would bring the total budget of the Enka Recreation Destination - Phase II project to \$7,795,934. Matching County funds have already

been secured due to previous County funding for the project. No additional County funding required. Additionally, staff requests to secure a \$567,000 contract for design services for the four turf fields, lighting, and accessible walking path for the Buncombe County Sports Park with Civil Design Concepts. Commissioner Wells made the motion to 1) approve the budget amendment; 2) accept the grant award; and 3) execute design contract with Civil Design Concepts. The motion was seconded by Commissioner Edwards, and it was carried unanimously.

2. Resolution authorizing the amendment of an interlocal agreement between Buncombe County and the City of Asheville expanding the availability of emergency shelter beds and the approval of COVID Recovery Funding project reallocations

Jaime Brown, Strategic Partnerships, provided background and explained that In 2021, Buncombe County was awarded a total of \$50,733,290 in Coronavirus State and Local Fiscal Recovery Funds (“COVID Recovery Funding”) via the American Rescue Plan Act (ARPA) to invest toward recovery from COVID-19 and its negative economic impacts. These funds were awarded on a rolling basis to projects by Commissioners as selected via multiple Request for Proposals (RFP) processes. All funds are fully allocated.

Staff is proposing project reallocations as follows:

Project	Decrease	Increase	Rationale
Housing/Shelter	\$(3,605,000)		Close this placeholder project that was in place as proposals for low-barrier shelter projects were developed and reviewed.
CoC/HIAC Shelter Support		\$3,605,000	Increase CoC/HIAC Shelter Support project that supports funding for Haywood Street Respite at \$1,621,712 to maintain existing 12 beds and add 13 expansion beds; Safe Shelter at \$1,002,391 to maintain existing 20 beds and add up to 5 expansion beds; and Salvation Army at \$980,897 to maintain current operations that supports 65 shelter beds through December 2025.
<b>TOTAL</b>	<b>\$(3,605,000)</b>	<b>\$3,605,000</b>	

A question was raised about the long-term funding strategy for various projects. Lacy and Commissioner Beach-Ferrara provided insights regarding the Salvation Army, Safe Shelter and Haywood Street programming. Discussions highlighted the need for diverse funding beyond local government, including corporate giving and support from local hospitals for respite beds. Philanthropic investments are crucial for expanding housing and support services. Commissioner Beach-Ferrara emphasized the community’s progress compared to two years ago, commending the collaborative efforts among various organizations and staff. Additionally, the Commissioner’s thanked Commissioner Beach Ferrara for her years of hard work on this project. Commissioner Beach Ferrara made a motion to approve COVID Recovery Funding project reallocations; and to approve a Resolution Authorizing the Amendment of an Interlocal Agreement Between Buncombe County and The City of Asheville Expanding the Availability of Emergency Shelter Beds. Commissioner Edwards seconded the motion, and it was carried unanimously.

3. Approval of proposed changes to the Buncombe County Health Plan for 2025

Roberta Ferdinand with USI Insurance Service returned to follow up on questions asked at the September 3, 2024 regular meeting. To begin, she explained USI's recommended changes to the Buncombe County Medical and Rx Plan for 2025:

- Increase to Employee Contributions (\$340K)
- Modify coinsurance for Standard Plan (\$55K)
- Increase Deductible and Maximum Out of Pocket on HSA plan as required by IRS (\$5K)
- No longer Cover GLP-1s and GIP-GLP-1 agonist medications for the purpose of weight loss (non-diabetic)
- There will be no change to GLP-1 coverage for diabetes treatment

She explained that the changes outlined above result in an additional annual increase of \$1.8M broken out as follows:

- County: + \$1.4 M
- Employee Cost Share: +\$400K

In response to the Board's question "Would the county still cover some weight loss medications?" Ferdinand explained that yes, the county would still cover front line weight loss medications that have been available. In response to the Board's question "What would the cost impact to the plan be should we continue to cover GLP-1s as we do today?" Ferdinand explained that Buncombe County's costs for GLP-1s for weight loss (non-diabetic) through August 2024 are \$497K. The recommended action removes this cost from the 2025 and future budgets. Conversely, should the cost of covering these drugs continue, approximately \$500K would have to be added to the budget for 2025 and compounded annually. In response to the Board's question: "What would the cost impact to the plan be should we continue to cover GLP-1s and incorporate a Weight Management Program?" Ferdinand explained that Buncombe County's costs for GLP-1s for weight loss (non-diabetic) through August 2024 are \$497K. Continuing to cover the cost of these drugs would increase the budget by approximately \$500K minus the estimated savings of the program. Additionally, the cost of the weight management program would be incorporated into the budget. In response to the Board's question: "Can the copay for these drugs be increased?" she explained that, yes, currently the copay for these drugs is approximately \$50 per script. Most plans provide coverage for expensive prescriptions with coinsurance and a cap on the dollar amount. This amount is typically around \$200. We are proposing increasing the copay to \$200 for these drugs. In response to the Board's questions: "Is the \$142 per participant per month cost of VIDA Weight Management Program on a month-to-month basis? Or once you engage, you are locked in for the year?" She explained \$142 per participant per month is charged monthly until they are no longer utilizing the program. The length of participation can vary by member depending on each need.

There was discussion on the evolving nature of GLP-1 medications and their usage as well as the potential burden on employees if co-pays increase, alongside the impact of reaching deductibles and out-of-pocket maximums. A clarification was made that the out-of-pocket maximums for the standard plan (most employees) is \$1,600. The Board emphasized the

importance of promoting weight loss as a preventative health strategy, and that while the cost implications are significant, the long-term health benefits could lead to savings.

Commissioner Wells made the motion to: 1) Increase to employee biweekly premiums (\$340,000); 2) Modify coinsurance for Standard Plan (\$55,000); 3) Increase deductible and maximum out-of-pocket on HSA plan as required by IRS (\$5,000); 4) Co-pays for GLPs for non-diabetic use will increase from \$50 to \$200; 5) Approval of the weight management oversight program VIDA, in conjunction with the GLP-1 drugs prescribed for weight loss. With a review of programming in a year and to make changes if needed. The motion was seconded by Commissioner Edwards and carried unanimously.

## **NEW BUSINESS**

### **1. Appointment of Interim Tax Assessor, Eric Cregger**

Manager Pinder provided background on the vacant seat of the Tax Assessor and explained that this seat is hired and fired by the Board. She informed the Board of Staff's recommendation to appoint Assistant Tax Collector, Eric Cregger, to the seat as interim. Commissioner Whitesides made the motion to appoint Eric Cregger as the interim Tax Assessor to serve until such time as a permanent assessor is recruited and appointed or for the remainder of the unexpired term of the previous assessor as appointed by Resolution No. 21-11-06, which occurs first. The motion was seconded by Commissioner Edwards and carried unanimously.

### **2. Resolution Amending the Title VI Plan and Authorizing the Chairperson to execute 1) Title VI Plan Review and Approval Document; 2) Title VI Nondiscrimination Agreement; and 3) Necessary U.S. DOT Title VI Assurances for Mountain Mobility**

William High, Lead Transportation Planner, provided background and explained that Buncombe County, as a recipient of federal and state funds for public transportation services, is required to adopt a Title VI Plan and execute a Title VI Nondiscrimination Agreement and necessary U.S. DOT Title VI Assurances. Buncombe County first adopted a Title VI Plan for Mountain Mobility in 2008. The Title VI Plan is required to be reviewed and updated each three (3) years. The last Title VI Plan update occurred in 2021. A proposed updated Title VI Plan, based upon the North Carolina Department of Transportation's (NCDOT's) provided template, has been provisionally approved by the NCDOT Office of Civil Rights. A detailed summary of the updates to the Title VI Plan is provided in the Management Review Report. Commissioner Wells made a motion to adopt the Resolution Amending the Title VI Plan for Mountain Mobility and Authorizing the Chairperson to: Sign the Title VI Plan Review and Approval Document, execute a Title VI Nondiscrimination Agreement, and Execute Necessary U.S. DOT Title VI Assurances for Mountain Mobility. The motion was seconded by Commissioner Beach-Ferrara and was carried unanimously.

## **BOARD APPOINTMENTS**

- The Board voted to appoint Masson Scott to the Mountain Community Capital Fund.



- The Board voted to appoint Himanshu Karvir to the Buncombe County Tourism Development Authority to the owner or operator of a hotel, motel, bed and breakfast, with 100 or fewer rental unit seat.
- Chairman Newman provided an update on the Short-Term Rental Ad Hoc Committee and requested that the Board consider adding one more member to the Board to add perspective from the property management space. The Board discussed and voted to appoint Mark Bastin to the ad hoc committee.

The regular meeting was adjourned at 7:09 p.m.