



## SPECIAL MEETING MINUTES

### Board Members Present

Mayor Jerry VeHaun  
Commissioner Eric Edgerton  
Commissioner Theresa Stoker

Mayor Pro-Tempore Jim McAllister  
Commissioner Ronnie Lunsford  
Commissioner Hazel Thornton

### Board Members Absent

None

### Town Staff Present

Sheri Powers, Interim Town Administrator  
Adrienne Isenhower, Planning Director

Michael Dykes, Chief of Police  
Ryan Vinson, Town Clerk / HR Analyst

Mayor VeHaun called the meeting to order at 3:00 p.m. Mayor VeHaun asked for everyone to take a moment of silence to remember those lost this year.

### **A. Approval of the Agenda**

Commissioner Stoker made a motion to approve the agenda. Commissioner Thornton seconded the motion, which passed unanimously, 5-0.

### **B. New Business:**

- 1. Process to appoint a replacement to finish out the term of Commissioner Angel due to his resignation (Presenter: Powers)**

Interim Administrator Powers: Town's authority under charter is that the Board of Commissioners shall vote by majority to appoint someone to fill remainder of term. You have 2 blogs from UNC School of Government about filling a vacancy and suggestions on how to fill that vacancy. NC Constitution rules and stipulations.

There are 3 potential options for the Board to consider:

1. Motion and Vote - In an open meeting, a member may make a motion to for \_\_\_\_\_ to fill the vacancy. If the motion receives a majority of affirmative votes, \_\_\_\_\_ fills the vacancy.
2. Nomination and Ballot – After an application period and in an open meeting, board members would nominate citizens to fill the vacancy. (Or the board could decide that everyone who has filled out an application is to be considered a nominee.) Then, each board member would vote for the person he or she would like to have fill the vacancy. A person who receives a majority of the votes would be selected to fill the vacancy. **Recommended method.**
3. Nominate Candidate that received the next highest votes in the most recent election.

Staff Recommendations to consider:

- Request that all parties interested in the vacant seat submit a resume and letter of interest to the Town Clerk.

- Set application deadline.
- Post on Town website, announce through social media, issue a press release.
- Instruct applicants to email Town Clerk or hand deliver paper copy of resume and letter of interest. If the Board would like to propose specific questions for applicants, that can be distributed/posted for interested parties to complete as part of their application. (Resume should include all relevant experience as well as, full legal name, address, confirmation applicant is a registered voter in Woodfin, confirmation applicant has never been adjudicated guilty of treason or other felony, malpractice, or corruption, or has ever been removed by impeachment.)
- After deadline, all applications are distributed to the Board for review.
- The Board determines if/which applicants will be interviewed.
- At the February Board meeting the Board fills the vacant seat via nomination and ballot method as recommended by the UNC SOG.

Mayor Pro-Tempore McAllister: I like recommendations. I would also suggest notifying finalists for interviews and give them any potential questions beforehand.

Commissioner Edgerton: I had mentioned that each member submits 1 question for the application. Use that to determine most qualified in addition to resume / letter. The Clerk could create an application with these questions in addition to required information mentioned before. Then have applications forwarded to us to review and interview before next [Board of Commissioners] meeting.

Mayor Pro-Tempore McAllister: For picking finalists, how would that be done?

Interim Administrator Powers: That would have to be done in an open meeting.

Commissioner Lunsford: I prefer having a special meeting over a regular meeting for interviews.

Commissioner Edgerton: I suggest having a special meeting before next board meeting [in February] at 5:00 pm.

Attorney Ferikes: To vote, you could do it by written ballot, a slate of candidates, and whoever gets most votes win. If there is no winner, you would revote. You must also record your name on the ballot.

Commissioner Thornton: If we hold interviews publicly, would they have questions in advance?

Interim Administrator Powers: That would up to you as the Board

Commissioner Thornton: I would like them to have the questions beforehand, I think we would end up getting better candidates.

Mayor Pro-Tempore McAllister: Are we going to have questions on the application or are you saying more questions in the interview? Or would the interview be to discuss questions on the application?

Commissioner Edgerton: I would think of it more as a free flow of dialogue.

Commissioner Stoker: I agree and like that idea.

Attorney Ferikes: On the application, it should be the same questions for all. The questions could be different in the interview and can be different for each candidate.

Interim Administrator Powers: Do you want applicants to include their resume too?

Commissioner Edgerton: Yes, seeing their background would be helpful.

Commissioner Stoker: I would like confidentiality of the applicants to remain with Board.

Commissioner Edgerton: Any answers would be public record. As anything happen open meeting is public record.

Attorney Ferikes: The application should say that it's a public record so there is no confusion.

Commissioner Edgerton: I propose deadline of 01/06/22 for questions to be sent to Ryan [Town Clerk]. Then, on 01/07/22, the Town would publicize application via social media, press release, etc. and leave open the applicant window until 02/04/22. For interviews, I suggest we each submit 3 names we want to see and interview. Preferred interviewees notified by 02/08/22. That would give them a week heads up or interviews on 02/15/22 at 5:00 pm before our regular meeting.

Mayor Pro-Tempore McAllister: I am leaning towards interview and vote before the meeting on 02/15/22.

Commissioner Stoker: Do we want to have some introduction to the process meeting? I don't like seating immediately. Wait until March and in the meantime, staff can do the orientation that they did with us before we were sworn in.

Mayor VeHaun: Do we want to introduce the final candidates to the Town first? We might not have enough applicants, or something else comes up? I don't see the harm in waiting until March.

Mayor Pro-Tempore McAllister: Could we interview 02/10/22 or 02/11/2022? Then [Interim Administrator] Sheri [Powers] could have the introductory meeting with them before being sworn in on 02/15/22.

There was discussion amongst the Commissioners on the interview process, voting for a replacement, whether they would be seated on the same day, and the need for a special meeting for interviews.

Interim Administrator Powers: We could schedule interviews on 02/09/22 at 5:30 pm and state it's at an open meeting.

Commissioner Thornton: Do you know if there is a template for this type of application from the School of Government?

Attorney Ferikes: Unlikely from the UNC SOG.

Interim Administrator Powers: We can search the internet for examples.

Commissioner Edgerton made the following motion:

- Each commissioner that wants to submit a question, will submit by 01/06/22 to Ryan [Town Clerk];
- Application completed by 01/07/22 with questions and demographic information needed;
- Application period would be 01/07/22 – 02/04/22 and the Town would publicize through all means appropriate;
- Commissioner to receive all applications and each submit top 3 selections to Ryan [Town Clerk] by 02/08/22. Everybody identified will come in on 02/09/22 at 5:30 pm at a public meeting, specially called, open and advertised. Determine voting / selection process at that meeting and selected replacement sworn in at 02/15/22 meeting.

Mayor Pro-Tempore McAllister seconded the motion, which passed unanimously, 5-0.

Commissioner Thornton: And they would have the introductory training beforehand?

Interim Administrator Powers: It would depend on candidate, will provide and necessary emails for background and/or context, orientation manual and will train where necessary to get them up to speed.

**2. Revisit and approve or amend uses of American Rescue Plan fund (Presenter: Powers, Isenhower)**

Interim Administrator Powers: The original APRA Budget ordinance was adopted 08/21. There is no final rule from treasury yet on how or where the money can be spent. Also, there is legislation in progress with Congress to expand the allowable categories into other areas. Initially 5 categories with broad latitude. To date we have only spent about \$50,000 and have committed to spending about \$150,000.

The budget ordinance approved spending in the following areas:

Description	Increase
American Rescue Plan Act Grant	\$ 2,140,690.73
WPD Policy Updates	\$ 35,000.00
Victory Garden - Elem School	\$ 10,000.00
Comprehensive plan contract and Staff report	\$ 75,000.00
Broadband Wi-Fi in all public parks	\$ 200,000.00
Town Hall Sign and Air Quality/handling	\$ 130,000.00
SL Park Cofferdam	\$ 280,000.00
Trash Roll Out Cart	\$ 175,000.00
<b>Stormwater program, improvements</b>	
Park Infrastructure	\$ 151,600.00
Project Management	\$ 86,587.00
Plan Development	\$ 10,000.00
Plan Enforcement	\$ 50,000.00
General Infrastructure	\$ 937,503.73

Planning Director Isenhower: Some background about the stormwater program and improvements approved in the APRA budget ordinance.

**Municipal Separate Storm Sewer System (MS4) Permits**

- National Pollutant Discharge Elimination System (NPDES); designated Phase I and Phase II permittees
  - Authority to discharge stormwater from system to receiving waters
- Phase I (large, urban areas); Phase II based on population and potential to impact water quality
- Town of Woodfin permit Issued in 2017, five-year permit
- All municipalities in Buncombe permittees (except Biltmore Forest)
- 121 permittees across state, including Phase I

**Permit Hold Responsibilities**

- Staff and fund the Stormwater Management Program
- Implement a Stormwater Management Plan
- Document Program Implementation
- Report to DEQ [Department of Environmental Quality] annually
- Obtain a new permit every 5 years

### Six Required Minimum Control Measures

Public Education & Outreach	Public Involvement & Participation	Illicit Discharge Detection & Elimination (IDDE)	Construction Site Runoff Controls	Post Construction Site Runoff Controls	Pollution Prevention & Good Housekeeping
Materials and outreach regarding stormwater runoff.	Promote activities regarding stormwater impacts	Implement and enforce program to detect and eliminate illicit discharges	Permit and control runoff during new construction (< 1 acre)	Permit and control runoff from new development / redevelopment (< 1 acre)	Operation and maintenance program for municipal operations
BMP: Informational Website	BMP: Helpline for public input	BMP: Maintain map of storm sewer system and staff training	BMP: Erosion and Sedimentation Control Program	BMP: Plan reviews and inspections	BMP: Inventory facilities and provide staff training

### Compliance

Annual Report and Audit Required	Possible Audit Outcomes	Top three program issues in NC	Repercussions?
Self-assessment submitted to DEQ by October each year	Notice of Compliance	Lack of Documentation	Noncompliance with Clean Water Act
Audit involves site visit from NCDEQ	Notice of Deficiency	Incomplete MS4 Mapping	Potential revocation of permit
Are you following the SWMP?	Notice of Violation	Reactive Illicit Discharge Programs	Civil penalties up to \$25,000/day

### Where are we?

- Fall 2019
  - Received Notice of Violation requesting self-audit and plan
- Summer 2020
  - Received second Notice of Violation requesting council resolution, self-audit, and plan
- Winter 2021
  - Received Notice of Enforcement due to failure to submit plan and self-audit
- Spring 2021
  - Submitted draft plan and self-audit; received feedback from NC DEQ on plan
- Summer / Fall 2021 – Current
  - Contract with Land of Sky Regional Council to finish plan and assist with control measures going forward
  - Contract with AnchorQEA to review ordinance and development control program
  - Land of Sky received grant for inventory mapping, finishing up now
  - Final draft plan to be presented to Commissioners in February

Mayor Pro-Tempore McAllister: What do you mean by inventory assets?

Planning Director Isenhower: Culverts, outfalls, etc. all over town.

Commissioner Edgerton: We are only spending on projects in the Town right of way? No private property?

Planning Director Isenhower: That has definitely come up, will make sure it's in right of way. Better defining right of way now as it's no clear currently.

Commissioner Edgerton: We should have an ordinance or resolution to say these funds are only for this program and will be spent on stormwater infrastructure. It adds a safeguard for town.

Planning Director Isenhower: Part of the stormwater management plan develops that.

Mayor Pro-Tempore McAllister: What about private property?

Planning Director Isenhower: No, nothing on private property.

Commissioner Edgerton: The Town could take legal action for private property owners who do not maintain facilities on their property.

Commissioner Thornton: Has town ever done that before? Taking legal action against private property owner?

Attorney Ferikes: It hasn't happened in my 25 years here.

Mayor VeHaun: Many of the culverts in Town were installed before the Army Corps of Engineers approved them, and before the Town was a town. We have inherited some of those issues.

Commissioner Edgerton: I have concerns about the eligibility of some of these items: cofferdam, trash can roll outs, and 2022 Comprehensive Plan. I would like description on how this is eligible including what section and justification. Also, we can reimburse from past covid expenditures. Identify opportunities for past costs.

Interim Administrator Powers: We did that with the initial round of coronavirus funding bill but can double check.

Mayor Pro-Tempore McAllister: What about staff costs?

Interim Administrator Powers: Yes and no, need to provide justification and track hours, etc.

Interim Administrator Powers: I agree some areas are grey, I will look for additional backup for item justification.

Commissioner Thornton: Why is victory garden so expensive?

Interim Administrator Powers: It was estimate and included from prior commissioner.

### **3. Goal setting for the new board (Presenter: Powers)**

Interim Administrator Powers: This is intended as introductory information. However, it is a priority we need to address. This is typically not a short process, we would need to create a vision and mission statement, that would have objectives and goals and help lead staff. This can be as large or small as you deem necessary. Should be consistent with comp plan. See these 2 processes going hand in hand.

A mission statement should:

- Promise what you will deliver every day
- Describe why these promises are important
- Identify who will benefit
- Connect to your vision of the future
- Be phrased simply enough to remember

Vision statement is:

- A business document that states the current and future objectives of an organization. A vision statement must align with the Town's mission, strategic planning, culture, and core values. It also guides the strategic plan, because it sets future goals.

Goals – What staff should be accomplishing? With direction from The Board.

- Desired Result – What are we trying to accomplish?
- Goal Owner – Who is responsible?
- Strategic Initiative – How will we do it? What projects will we implement?
  - Action Steps – What specific steps must we take?
- Performance Measurement – How are we performing?
  - Target – When will we expect to achieve identified performance level?

Commissioner Edgerton: Who takes first step? Us or staff? Do we suggest goals? Do staff submit proposals?

Interim Administrator Powers: It can go either way. Staff could provide framework or suggested goals. Love to hear ideas from the Board. This is a good time to visit this along with the Comprehensive Plan update.

Commissioner Edgerton: In terms of feedback, the comprehensive plan survey has a ranking system and would be useful as a similar setup for Commissioner feedback.

Mayor Pro-Tempore McAllister made a motion that the Town enter into closed session. Commissioner Lunsford seconded the motion, which passed unanimously, 5-0.

Mayor VeHaun adjourned regular session at 4:33 pm and the Board entered into closed session.

**C. Executive Session- The Board of Commissioners may adjourn to private chambers to discuss legal, personnel, contractual or similar matters protected by the NCGS § 143-318.11.**

1. (a) (3): The public body may consider and give instructions to an attorney concerning the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure.

**D. Adjournment**

Mayor Vehaun called the regular meeting back to order at 4:38 p.m.

Attorney Ferikes: The Town Charter does not stipulate form of government. The Board can pass a resolution of intent to change and amend the Charter, hold a Public Hearing on it, and then vote on the Charter amendment.

Commissioner Edgerton: Is there enough time to get this on the January 18 agenda?

Clerk Vinson: Yes, we have plenty of time and will get this added.

Commissioner Thornton: I know this was at Eric Hardy's suggestion, but I am unclear on the difference between Town Manager and Town Administrator.

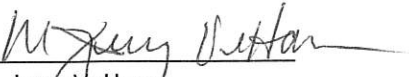
Interim Administrator Powers: It is based on the state statute, and it gives authority for specific things a Town Manager can do, but not an Administrator.

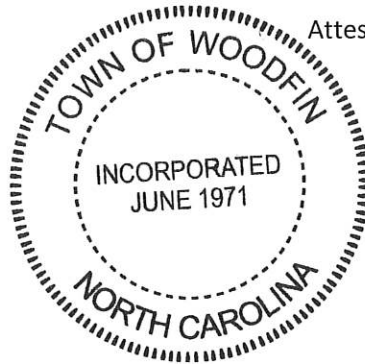
Commissioner Edgerton: In a nutshell, a Town Manager can act on behalf of town where an Administrator has to get approval from the Mayor and/or Board.

Attorney Ferikes: Also, a Town Manager can hire and fire staff without consulting the Board.

Commissioner Lunsford made a motion to adjourn the meeting. Commissioner Edgerton seconded the motion, which passed unanimously, 5-0.

Mayor VeHaun adjourned the meeting at 4:45 pm.

  
\_\_\_\_\_  
M. Jerry VeHaun  
Mayor



Attest:

  
\_\_\_\_\_  
Ryan Vinson  
Town Clerk