

**MINUTES OF BUNCOMBE COUNTY BOARD OF COMMISSIONERS'
REGULAR MEETING OF APRIL 17, 2018 AT 5 P.M.**

BE IT REMEMBERED: That the Board of Commissioners met in regular session on April 17, 2018, 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
Mike Fryar, Vice Chair
Joe Belcher, Commissioner
Ellen Frost, Commissioner
Jasmine Beach-Ferrara, Commissioner
Robert Pressley, Commissioner
Al Whitesides, Commissioner

Staff present: Mandy Stone, County Manager; Jim Holland, Assistant County Manager; Tim Flora, Finance Director; Rachael Nygaard, Strategic Partnership Director; Diane Price, Administrative Services Director; Kathy Hughes, Clerk to the Board; Mike Frue, Senior Staff Attorney.

PLEDGE OF ALLEGIANCE

INVOCATION

The Chairman recognized April 22 as Earth Day and how fortunate we are for living in such a beautiful mountain home in a moment of silence.

CONSENT AGENDA

The Senior Staff Attorney requested that the Board add to the agenda the **Resolution Accepting Bid and Authorizing Execution of a Contract with Young and McQueen Grading Company for the development of Cell 6a at the Construction and Demolition (C&D) Landfill site at the Buncombe County Landfill.** Mr. Frue said that this resolution was required to move forward with the project. The former Manager included this in the budget ordinance but under new guidelines, a request for formal approval would come to the Board. Commissioner Belcher moved to put the resolution on New Business for further discussion. Commissioner Pressley seconded and the motion passed 7-0.

Commissioner Beach-Ferrara thanked the members of the Juvenile Crime Prevention Council for their work on the Funding Plan attached as part of the consent agenda.

Commissioner Whitesides moved to approve the consent agenda as presented. Commissioner Frost seconded and the motion passed 7-0.

- **Approval of Minutes of the April 10, 2018 Regular Meeting**
- **Solid Waste Capital Projects Ordinance**
- **Budget Amendment – Solid Waste Enterprise Fund**
- **Approval of Juvenile Crime Prevention Council Community Funding Plan**

GOOD NEWS

- **Youth Opioid Summit Report**

Zoe Mpofo with County Health and Human Services and Imani Moseley a student from Asheville High School gave an update on the success of the recent Youth Opioid Summit as outlined in the power point that is attached to the minutes. There were 14 different area schools and 80 students participating from Buncombe, Madison and Henderson Counties. They said that students were educated on sharing of medicines; the possibility of deaths from opioid abuse and risk of addiction.

- **NC Real ID Update**

Patrice Bethea, Public Information Officer with the North Carolina Department of Motor Vehicles, explained the need for the Real ID and the more serious identification standards as outlined in the power point attached to the minutes. This requirement was part of the US Homeland Security requirements that would come into effect on October 1, 2020. There were 4,000,000 people in North Carolina that would need to have a Real ID.

PRESENTATIONS

- **Proclamation of April as Child Abuse Prevention Month.**

Commissioner Belcher read the proclamation and moved for its approval. He presented the proclamation to a representative of the Mountain Child Advocacy Center who thanked everyone for participating. He asked for continued support of all the folks who deal with child abuse prevention every day.

COUNTY MANAGER'S REPORT

- **Community Child Protection/Child Fatality Prevention Team Report**

Dr. Jennifer Mullendore, County Health Director, reviewed the annual report of the Child Protection/Child Fatality Prevention Team as part of the power point attached to the minutes of this meeting. She said that there were 27 child deaths in 2016 mainly infants and that the team and County Health and Human Services were continuing to work on infant death and safe sleep.

Commissioner Belcher moved to approve the appointment of Angie Tullis and Ryan Jordan as mandated Local Law Enforcement representatives and Sherry Noto and Tammy Cody as at large members of the Child Fatality Prevention Team as recommended. Commissioner Frost seconded and the motion passed 7-0.

- **Family Justice Center Report**

Julie Klipp-Nicholson, Director of the Family Justice Center, said that since the opening of the center in 2016, over 700 people had accessed services with a 40 percent increase in access so far in 2018. About 12 percent identify sexual assault as the reason for visiting and over half of those that visit connect with more than one provider at the center.

Angelica Wind with Our Voice, one of the service providers at the Family Justice Center, said that 1 in 6 men and 1 in 3 women will be impacted by sexual violence in their lifetime. She said that she hoped that one day everyone in the community would feel free to report. She outlined the work of Our Voice to decrease sexual assault with several outreach campaigns.

Commissioners Beach-Ferrara and Frost emphasized that everyone was welcome at the Family Justice Center.

OLD BUSINESS

- **Ambulance Franchise Follow-up**

Mike Frue, Senior Staff Attorney, reviewed the action taken by the Board in November to consider the Ambulance franchise request made by Medic, including having a third party evaluate the application and its impact on the County.

Keith Fox with the Management Solutions for Emergency Services gave his report on the County's ambulance system and the impact of an additional ambulance service from an outside agency. His report is attached to the minutes of this meeting. He said that allowing another entity to provide ambulance service in the County could have a negative financial impact.

Commissioner Frost questioned the possible financial impact and County's ambulance response times.

Mr. Fox said that some of the areas don't meet the minimum response times of 8 minutes and the actual financial impact would be hard to determine.

Commissioner Whitesides said that the County's growing number of retirees and retirement communities should be factored into the decision of level of service.

Commissioner Pressley said that 347 calls had gone to Medic because no ambulance was available from the County.

Commissioner Fryar said that he would want the closest ambulance to be able to respond and spoke in favor of granting a franchise to Medic.

Chairman Newman thanked Mr. Fox, stating that in review of the issue, he felt that the County should be cautious of adding additional ambulance services. He said that the report affirms that the system is working well. He was opposed to approving an ambulance franchise at this time based on the findings of the report which said certain fire departments that house ambulances might lose revenue that would negatively impact the service of those departments.

Commissioner Beach-Ferrara also agreed that based on the report, it would be hard to justify approving an ambulance franchise as the best thing for the community as a whole.

Commissioner Frost commended the fire fighters for the work they do and said that unless the County was prepared to raise taxes, adding a franchise at this time would not work.

Commissioner Belcher said that this could be a good partnership between two professional organizations. He suggested a professional service agreement that would do no harm to all fire departments in the County.

Commissioner Fryar moved to approve an ambulance contract with Medic. Commissioner Pressley seconded.

Don Yelton said that whoever could provide the cheapest service should get the franchise. He suggested that a private contractor be given the nursing home visits and perhaps develop territories for private providers.

Jerry Rice suggested that family care homes be farmed out and considered for outsourcing. He wanted more investigation into this issue.

Kermit Tolley with Medic, said that Medic had been positively evaluated and their intention was not to harm any fire district but to support the fire service. They consider themselves a part of the fire service and want to back up calls when they can. He confirmed that they had responded to 347 calls this year.

A citizen commented that Medic should have the ability to operate in the county. She felt that the government should be protecting the rights of the people to excel.

Sharon Tolley with Medic, spoke in favor of allowing Medic to continue to provide ambulance service in the County. She said they had provided service for free to transport children to Duke and other hospitals.

John Knolls said he had worked for Buncombe County EMS for six years and felt that this was not a good report on the success of the County's EMS system and was not analyzing the full picture.

Commissioner Whitesides said that there must be a contract between the County and the Tolleys for the service they want to provide.

Commissioner Belcher asked for an amendment to the motion to direct staff to draft a contract between Medic and the County for Commissioners to consideration with review and collaboration from all parties involved.

Commissioner Fryar approved this amendment and Commissioner Pressley seconded.

Commissioner Beach-Ferrara suggested that staff address the loss of funding to the system in the contract.

The motion passed as follows:

AYES: Commissioners Pressley, Belcher, Whitesides and Vice Chair Fryar

NOES: Chairman Newman, Commissioners Beach-Ferrara; Frost;

NEW BUSINESS

- **Resolution Accepting Bid and Authorizing Execution of a Contract with Young and McQueen Grading Company Inc for the development of Cell 6a at the Construction and Demolition (C&D) Landfill site at the Buncombe County Landfill**

Mike Frue, Senior Staff Attorney, said that this resolution would allow the final approval upon recommendation of staff.

Commissioner Frost moved to approve this resolution as presented. Commissioner Whitesides seconded the motion.

Chairman Newman asked why this was not on the agenda. Mr. Frue said that there was a time crunch to get this approved sooner and that in the past, the County Manager had been approving the bids but with new guidelines he felt it needed to come to the Board.

The Landfill Director said that this project was continuing the process for the construction and demolition materials into the unlined landfill.

Don Yelton suggested that wood be separated to make mulch; metal separated to be sold and concrete ground for landfill cover or road stone to extend the life of the landfill.

Jerry Rice commented on the landfill fund and questioned how and why procedures had changed.

Mr. Frue said that the FY18 budget ordinance had approved this project but as a part of the formal bidding process bringing it to the Board was a clearer way to follow the general statutes.

The motion passed 7-0.

PUBLIC COMMENT

Mark Esia talked about the Sandy Mush Internet project. He thanked the Board for funding the hotspot at the community center.

Bruno Hinojosa Ruiz said he had lived here for 19 years and spoke for 10 minutes representing 8 people present. He talked about the community that had come together to counteract the recent Immigration and Customs Enforcement (ICE) arrests. He wanted the Board to endorse accountability to stop human rights violations. He asked the Board to stop immigration officials from coming into the County.

Missy Harrison spoke on behalf of Faith 4 Justice and read a statement from several churches in the County. They spoke in opposition to the recent ICE actions. They wanted the Board to condemn these actions and create a sanctuary city/county.

Michael Harney spoke in favor of the needle exchange program. He said that this was a costly concept but he asked that the Health Department fund the program to save lives and taxpayer funds.

Several resident of Sandy Mush thanked the Board for funding the hotspot that allowed access to the internet. They urged the Board to continue the internet access for the community.

Barbara Bacilla of Sandy Mush thanked the Board for the internet access describing how it had helped students get their GED. She asked for continued service.

Don Yelton said he was looking for the County checkbook on the internet and suggested that the County Attorney always state the reason for going into closed session.

Jerry Rice said he understands abuse and tries to help everyone. He said that mental and physical health issues will merge and the Board needed to be aware of the mergers of mental health.

ANNOUNCEMENTS

The Chairman made the following announcements:

- *April 24 @ 8 a.m. – Special Closed Session to consider personnel matter in Room 326 at 200 College Street in Asheville*
- *April 24 @ 12:30 p.m. – Commissioners workshop in Room 326 at 200 College Street in downtown Asheville to hear Strategic Partnership Grant Presentations*
- *May 1 @ 5 p.m. – Commissioners' Regular Meeting @ 200 College Street, Room 326 in downtown Asheville.*

Commissioner Frost moved to go into closed session pursuant to NCG 143-318.11a(3) to discuss a legal matter with no action to be taken following the closed session. Commissioner Beach-Ferrara seconded and the motion passed 7-0.

CLOSED SESSION

The Board heard an update and discussion of a pending legal matter involving the former County Manager and the ongoing investigation. No action was taken.

Commissioner Belcher moved to go back into open session. Commissioner Beach-Ferrara seconded and the motion passed 7-0.

Commissioner Whitesides moved to adjourn the meeting. Commissioner Frost seconded and the motion passed 7-0.

The meeting was adjourned at 9:10 p.m.

KATHY HUGHES, CLERK
BOARD OF COMMISSIONERS

BROWNIE NEWMAN, CHAIRMAN
BOARD OF COMMISSIONERS