

**State of North Carolina  
County of Avery**

The Avery County Board of Commissioners met in Regular Session on Monday, April 2, 2018 at 3:30 p.m. in the Commissioners Board Room, Avery County Administrative Complex, 175 Linville Street, Newland, NC.

Members Present: Martha Hicks, Chair; Blake Vance, Vice-Chair; Faith Lacey; Tim Phillips; Wood Hall Young, Jr.

Members Absent: None

**Call To Order**

Chair Hicks called the meeting to order at 3:30 p.m.

Chair Hicks led prayer.

Blake Vance led the Pledge of Allegiance.

Chair Hicks read aloud the following statement:

*The time limit for any comment to the Board is three minutes.*

*Board members are not expected to comment or take any action on matters during public comment.*

*Any individual speaking during public comment shall address the entire Board.*

*Any person who willfully interrupts, disturbs, or disrupts the session will be asked to leave the meeting.*

*If you would like to speak to an agenda item, you must sign up on the sheet with the clerk. Time limit to speak to an agenda item is also three minutes.*

*Please silence all cell phones or electronic devices.*

**Public Comment**

Jonathon Sheppard stated "As I have been out in the communities hearing some issues that have been going on the fire service has become a pretty big issue. I have had meetings with several different departments and I have met with Charlie Franklin to get everyone's side of the story. As you know volunteer rates are down, calls are going up and funding is down. I am worried we are headed to a paid fire service because of the lack of volunteer members. If that happens it would be very demanding on the taxpayers of this county, very expensive. There would be less departments to serve our communities so it would make the taxes go up and insurance go up. I have also heard talks and let it be known that I have asked a few people that should know but I have not been told yes or no but I was told that the fire commission was considering purchasing a

new ladder truck which would require a new building and that would be very expensive to this county. There are some fire trucks that need to be replaced that are older than the ladder truck. I want to bring up the attention to get more money. One of the needs was trying to get a treadmill and they can't get the funding for that although there is money in their fund balance which was allotted somewhere else. What I would like to see from the county commissioners is for them to be more aware of the issues the departments are facing. I would like to see the departments to get more money and the fire commission to be more flexible with the spending allowing the departments to move funds. The fire departments purpose is to serve our community and I think the fire commissions purpose is to serve those departments. I am calling on the county commissioners to build those relationships up with the fire departments and the fire commission.

Bill Beuttell, Chairman of the Fire Commission, stated "If there is any bad relations between the fire commission and fire departments it is news to me. I thought everything was going smoothly. You don't give us the money that all the fire departments want but you give us enough to satisfy the needs of the fire departments. The fire commission is not hurting for money and likewise we have given the fire departments all the money that they have needed to respond to the fires and operate efficiently. This year during the budget process we have anticipated revenues of 2 and a half million dollars. The requests from the fire departments during the first budget meeting was 4.2 million about 1.7 million dollars over what our anticipated revenue was. When we go through the budget process we look at all of the department's needs, we look at the actual expenses the year before and we try to allocate the money that is necessary. After we finalize the budgets and Charlie sends to the fire departments what money is to be allocated, we then have a meeting afterwards so they can say fire commission you did a great job or they say there are a couple of line items that needs to be looked at more closely and that is what we do. If they need extra money during the year, they come to us and say we have run into additional expenses and we need you to allocate money for us out of fund balance. I don't think there has been any time that the fire department has come to us and we say no but there have been times they have come to us and we tell them to put that on a state grant. This year we are looking at trying to implement some night time people so we can have people on shift when the structure fires and chimney fires are at night. I have been on your side, we appreciate what you have done for the fire commission. I am sorry that the fire departments feel like it is begging when they come to us for money but this is the way the process is. We try to give them everything they need to run the fire departments efficiently. I am here to say I don't think we have a problem but could use a little better communication."

John Boyd, President of Mayland Community College, asked that the Mayland Community College be included in one of the budget meetings. Dr. Boyd also introduced Aaron Teal, the new MAY Coalition Director.

Blake Vance stated "I step down as a commissioner sometimes and speak in public comments as a citizen which I am going to do today to address the Board and the public. As we know in a little over a month is an election. One of the inevitable things about a board is change. We know that this board is going to be changing in December and we know that Ms. Faye is not going to be running so I wanted to take an opportunity to say thank you to the board. This board has accomplished a lot more than any board in a 2 year span. I was looking at some of the things we have done. This board came in and we had an unbalanced budget, we were heavy in deficit spending and we balanced the budget. We broke ground on a brand new Agricultural building. We added a drug officer to ACSO which has caused the arrest to almost double, renovated the EMS building, made renovations at the Senior Center; going to add an EMS truck at Frank. We have demolished and filled in a very unsafe pool and in its place put a new playground which is very frequently used. I think this board has worked with Avery County Schools by fully funding their operational requests and fully funding the capital requests including a new playground at Riverside, air conditioning at Avery Middle School, bleachers at Newland Elementary School and set aside money for a roof at Crossnore Elementary School. We have also put an economic development board in place. Thank you, these are just a few of the accomplishments. Thank you as a citizen of Avery County, taxpayer and member of the Board."

### **Board Appointments**

#### **Avery County Joint Community Advisory Committee**

The term of appointment of Ms. Jean Franz to the Avery County Joint Community Advisory Committee has expired. Ms. Franz has indicated her desire to be reappointed for an additional three year term.

**Motion by Faith Lacey and second by Wood Hall Young, Jr. to appoint Ms. Jean Franz to the Avery County Joint Community Advisory Committee for a three year term. Motion unanimously approved (5-0).**

#### **Child Protection Team**

There are two applications for two positions on the Child Protection Team; Eva Clark and Ruth Shirley. These applications have been reviewed.

**Motion by Wood Hall Young, Jr. and second by Blake Vance to appoint Eva Clark and Ruth Shirley to the Child Protection Team. Motion unanimously approved (5-0).**

### **Avery County Planning Board**

There are three applicants for two positions on the Avery County Planning Board. Ballots were handed out to each Commissioner. Each Commissioner will vote with their top choice being given a 1 and the lowest choice a 3. Each Commissioner will sign and date the ballots. The results will be available for public inspection and be included in the minutes. These applications have been reviewed.

Chair Hicks called for a brief recess to tally the votes.

Chair Hicks declared the meeting to be back in session.

Chair Hicks announced that Mike Lacey and Rachel Deal were chosen for the Avery County Planning Board.

**Motion by Blake Vance and second Tim Phillips to appoint Mike Lacey and Rachel Deal to the Avery County Planning Board. Motion unanimously approved.**

Mike Lacey 6 votes (4 first place; 1 second place)

William Krupicka 14 votes (1 second place; 4 third place)

Rachel Deal 10 votes (1 first place; 3 second place; 1 third place)

Chair Martha Hicks voted as follows: Mike Lacey 1; Rachel Deal 2; William Krupicka 3

Vice-Chair Blake Vance voted as follows: Rachel Deal 1; Mike Lacey 2; William Krupicka 3

Faith Lacey voted as follows: Mike Lacey 1; William Krupicka 2; Rachel Deal 3

Tim Phillips voted as follows: Mike Lacey 1; Rachel Deal 2; William Krupicka 3

Wood Hall Young, Jr. voted as follows: Mike Lacey 1; Rachel Deal 2; William Krupicka 3

### **Avery County Economic Development Advisory Committee**

There are six applications for two positions on the Avery County Economic Development Advisory Committee. Each Commissioner will vote with their top choice being given a 1 and the lowest choice a 6. Each Commissioner will sign and date the ballots. The results will be available for public inspection and be included in the minutes. These applications have been reviewed.

Chair Hicks called for a brief recess to tally the votes.

Chair Hicks declared the meeting to be back in session.

Chair Hicks announced that David Pollard and Melynda Pepple were chosen for the Avery County Economic Development Advisory Committee.

**Motion by Blake Vance and second by Wood Hall Young, Jr. to appoint Melynda Pepple and David Pollard to the Avery County Economic Development Advisory Committee. Motion unanimously approved (5-0).**

Richard Honeycutt 23 votes (1 third place; 1 fourth place; 2 fifth place; 1 sixth place)  
David Pollard 14 votes (1 first place; 1 second place; 2 third place; 1 fifth place)  
Keith Hoilman 23 votes (1 second place; 1 fourth place; 1 fifth place; 2 sixth place)  
Clayton Harpold 15 votes (1 first place; 1 second place; 1 third place; 1 fourth place; 1 fifth place)  
Jesse Pope 22 votes (1 second place; 2 fourth place; 2 sixth place)  
Melynda Pepple 8 votes (3 first place; 1 second place; 1 third place)

**Chair Martha Hicks** voted as follows: Melynda Pepple 1; Clayton Harpold 2; David Pollard 3; Keith Hoilman 4; Richard Honeycutt 5; Jesse Pope 6

**Vice Chair Blake Vance** voted as follows: David Pollard 1; Melynda Pepple 2; Clayton Harpold 3; Jesse Pope 4; Richard Honeycutt 5; Keith Hoilman 6

**Faith Lacey** voted as follows: Clayton Harpold 1; Keith Hoilman 2; Melynda Pepple 3; Jesse Pope 4; David Pollard 5; Richard Honeycutt 6

**Tim Phillips** voted as follows: Melynda Pepple 1; Jesse Pope 2; David Pollard 3; Richard Honeycutt 4; Clayton Harpold 5; Keith Hoilman 6

**Wood Hall Young, Jr.** voted as follows: Melynda Pepple 1; David Pollard 2; Richard Honeycutt 3; Clayton Harpold 4; Keith Hoilman 5; Jesse Pope 6

### **Review of Applications**

Review of applicants for the Social Services Board; Airport Authority; High Country Workforce Development Board. These will be considered for appointment at the next Regular meeting.

### **AMY Regional Library Annual Report – Amber Westall-Briggs**

Amber Westall-Briggs, Executive Director of AMY Regional Library, presented an annual report for the AMY Regional Library. Ms. Westall-Briggs announced that Phyllis Burroughs had retired after 33 years of service to the Morrison Library.

Ms. Westall-Briggs stated that the NC Kids Digital Ebook Library is available for AMY Regional Library and all you have to have is a library card to have access to it. There is multiuse so that several children can read the same book at the same time.

Ms. Westall-Briggs reported on several programs available through the AMY Regional Library. We have the Morrison Trust in Avery County for programs. We did request a grant this past year for \$80,000 so all North Carolina resources and history resources could be digitalized. We will be working on that in the coming year.

The staff has finished a mental health 101 course which was offered through Vaya Health. Our staff has also been going through webinars for opioid overdose.

Blake Vance thanked Ms. Westall-Briggs for her work with the library system.

### **Tax Administrator Report – Bruce Daniels**

The Tax Collections Report for the month of March 2018 is \$512,839.35.

**Motion by Blake Vance and second by Wood Hall Young, Jr. to approve the Tax Collections Report for the month of March 2018 as presented. Motion unanimously approved (5-0).**

Regular Releases

The Regular Releases for the month of March 2018 is \$220.22.

**Motion by Wood Hall Young, Jr. and second by Tim Phillips to approve the Regular Releases for the month of March 2018 as presented. Motion unanimously approved (5-0).**

Mr. Daniels reported the sales statistics for the month of March 2018.

Special Board of Equalization and Review

There are 9 applications for the Board of Equalization and Review. The Board will pick five members and four alternates. Each Commissioner will vote with their top choice being given a 1 and the lowest choice a 9. Each Commissioner will sign and date the ballots. The results will be available for public inspection and be included in the minutes. These applications have been reviewed.

Chair Hicks called for a brief recess to tally the votes.

Chair Hicks declared the meeting back in session after a recess.

Chair Hicks announced that Don Baker; Dedy Traver; Joe Perry; Patti Tennille and Moses Braswell will serve as the five members of the Board of Equalization and Review; Christopher Byars; Pat Dale; Joseph Hawkins; and Patrick Howard will be alternates.

**Motion by Blake Vance and second by Wood Hall Young, Jr. to appoint Don Baker; Edith Traver; Joe Perry; Patti Tennille and Moses Braswell to the Board of Equalization and Review and Christopher Byars; Pat Dale; Joseph Hawkins and Patrick Howard as alternates. Motion unanimously approved (5-0).**

**Motion by Wood Hall Young, Jr. and second by Blake Vance to appoint Don Baker as the Chairman of the Board of Equalization and Review. Motion unanimously approved (5-0).**

Don Baker 6 votes (4 first place; 1 second place)

Edith "Dedy" Traver 16 votes (3 second place; 2 fifth place)

Christopher Byars 36 votes (2 sixth place; 1 seventh; 1 eighth; 1 ninth)

Pat Dale 33 votes (1 second place; 2 seventh place; 1 eighth; 1 ninth)

Joseph Hawkins 31 votes (1 third place; 1 fourth place; 1 seventh place; 1 eighth place; 1 ninth place)

Patrick Howard 30 votes (2 fifth place; 2 sixth place; 1 eighth place)

Joe H.Perry 21 votes (3 third place; 1 fourth place; 1 eighth place)

Pattie Tennille 25 votes (1 third place; 2 fourth place; 1 fifth place; 1 ninth place)

Moses Braswell 27 votes (1 first place; 1 fourth place; 1 sixth place; 1 seventh place; 1 ninth place)

**Chair Martha Hicks** voted as follows: Don Baker 1; Edith Traver 2; Joe Perry 3; Pattie Tennille 4; Patrick Howard 5; Christopher Byars 6; Pat Dale 7; Joseph Hawkins 8; Moses Braswell 9

**Vice Chair Blake Vance** voted as follows: Don Baker 1; Edith Traver 2; Joe Perry 3; Joseph Hawkins 4; Pattie Tennille 5; Patrick Howard 6; Moses Braswell 7; Pat Dale 8; Christopher Byars 9;

**Faith Lacey** voted as follows: Moses Braswell 1; Don Baker 2; Pattie Tennille 3; Joe Perry 4; Edith Traver 5; Christopher Byars 6; Pat Dale 7; Patrick Howard 8; Joseph Hawkins 9

**Tim Phillips** voted as follows: Don Baker 1; Edith Traver 2; Joseph Hawkins 3; Pattie Tennille 4; Patrick Howard 5; Moses Braswell 6; Christopher Byars 7; Joe Perry 8; Pat Dale 9

**Wood Hall Young, Jr.** voted as follows: Don Baker 1; Pat Dale 2; Joe Perry 3; Moses Braswell 4; Edith Traver 5; Patrick Howard 6; Joseph Hawkins 7; Christopher Byars 8; Pattie Tennille 9

#### **Finance Officer Report – Nancy Johnson**

Blake Vance moved to table any action on the auditor due to some information that Ms. Faye Lacey had brought before the Board. The County Attorney stated that she had some information that she would like to relay to the Board about this matter. Blake Vance stated he would leave his motion on the floor until the County Attorney spoke.

Michaelle Poore, County Attorney, stated that the Board has a policy regarding the appointment of the auditors and the policy requires that requests for proposals be submitted and that be published for four weeks and it is my understanding that has not been done this year. The Board would need to have an RFP issued and take bids to follow current policy. As a time frame for the Board if the Board wants to proceed with obtaining proposals it does require four weeks publication and you need to appoint someone as the auditor at the June session. There is time to have proposals to be submitted before the June meeting.

Mr. Vance stated that the reason he moved to table it because we can take that off the table at any time. I will point out as Michaelle has pointed out that is a board policy and we can amend the policy if we so choose.

Mr. Vance withdrew his motion.

Ms. Lacey stated that we have to go by policy.

#### **Recess**

Chair Hicks called for a brief recess.

Chair Hicks declared the meeting to be back in session after a brief recess.

**Motion by Blake Vance and second by Wood Hall Young, Jr. to amend the agenda to include consideration of the Board policy regarding Section 9.1.**

**Motion passes 4 to 1.**

**Chair Hicks; Blake Vance; Tim Phillips; Wood Hall Young, Jr.--For  
Faith Lacey--Against.**

Ms. Poore stated that there were a couple of options for the Board. The Board could put this on the agenda in May if the Board wanted to do further research and that would give enough time if the Board did not change the policy to publish the proposals.

**Motion by Blake Vance and second by Wood Hall Young, Jr. to put the auditor matter on for the May agenda.**

**Motion passes 4 to 1.**

**Chair Hicks; Blake Vance; Tim Phillips; Wood Hall Young, Jr.----For  
Faith Lacey—Against.**

Ms. Lacey stated that she believed the Board should be going by the policy.

#### **Budget Amendment**

A budget amendment is needed for additional medical costs for inmates.

**Motion by Blake Vance and second by Tim Phillips to adopt a budget amendment in the amount of \$25,000 for inmate medical costs with a debit of \$25,000.00 to Inmate Medical (10.5200.8000) and a credit of \$25,000 to Fund Balance Appropriations (10.3990.0000). Motion unanimously approved (5-0).**

#### **Budget Amendment**

The Avery County Register of Deeds requests a budget amendment to recognize funds received from additional excise stamps with part of the income payable to the NC Department of Revenue.

**Motion by Blake Vance and second by Wood Hall Young, Jr. to adopt the budget amendment for \$60,000 for the Avery County Register of Deeds with a debit of \$60,000 to Federal/State Excise Tax (104800.5700) and a credit of \$60,000 to State Excise Stamps (103571.0000). Motion unanimously approved.**

#### **County Attorney Report—Michaëlle Poore**

Michaëlle Poore, County Attorney, stated she had two things for consideration by the Board. The first thing is in regard to the opioid crisis. The Board may have heard that most of the counties across the state have entered into the opioid litigation where various governmental entities have sued drug makers to help deal with the opioid crisis. The first step in that process is for the Board to declare that the opioid use and the

opioid crisis is a public nuisance and once it is declared a public nuisance the Board can take further steps. The Resolution is what the Board can consider to declare that the opioid crisis is a public nuisance.

The second part of what I have for the Board to consider is once the Board determines the opioid crisis is a public nuisance then the Board will then determine if they want to enter into a lawsuit. The next set of information is from the Segal Law Firm out of Asheville. There is a proposed authority to represent agreement and there is a second document which is a summary of the opioid litigation and the basis for that. The Board can act on these today or the Board can decide to have the attorney's from Segal Law Firm come and present further information. The attorney was not available to come today.

Blake Vance stated that he would like more information before making a decision on the litigation.

**Motion by Wood Hall Young, Jr. and second by Blake Vance to accept and adopt the Resolution making the Opioid Crisis a Public Nuisance and to ask the Segal Law Firm to come to the May meeting. Motion unanimously approved (5-0).**

The next document for the Board to consider is an easement agreement with Tetrick to benefit the new recreation department property and pool. This would allow the county to install a bioswale on the property for drainage purposes. There is no charge to the county.

**Motion by Wood Hall Young, Jr. and second by Tim Phillips to approve the lease agreement with Tetrick Funeral Home and allow the Chairman to sign. Motion unanimously approved (5-0).**

#### Approval Of Minutes

**Motion by Wood Hall Young, Jr. and second by Blake Vance to approve the March 5, 2018 Regular Session and March 9, 2018 Special Meeting. Motion unanimously approved.**

#### Agenda Consent Items

Adopted by Consensus of the Board.

#### Upcoming Meetings

The next Regular meeting is May 7, 2018.

**Adjourn**

**Motion by Wood Hall Young, Jr. and second by Tim Phillips to adjourn at 5:10 p.m. Motion unanimously approved.**

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**Martha Hicks, Chair**  
**Avery County Board of Commissioners**

ATTEST: \_\_\_\_\_  
CINDY TURBYFILL, CLERK