

The Avery County Board of Commissioners met in Regular Session on Monday, December 7, 2015 at 6:00 p.m. in the Commissioners Board Room, Avery County Administrative Complex, 175 Linville Street, Newland, NC.

Members Present: Robert "Reo" Griffith; Martha Hicks; Faith Lacey; Maxine Laws; Blake Vance

Members Absent: None

Call To Order

Chairman Griffith called the meeting to order at 6:00 p.m.

Tim Greene led prayer.

Organizational Meeting

Election of Chair

Chairman Griffith opened up the floor for nominations for Chairman of the Avery County Board of Commissioners. Chairman Griffith stated that the nominees would be voted on in order and that the Board policy would be followed.

Chairman Griffith nominated Maxine Laws.

Faith Lacey nominated Reo Griffith.

Blake Vance nominated Martha Hicks.

Motion by Blake Vance and second by Maxine Laws for nominations to cease for Chairman. Motion unanimously approved.

Chairman Griffith called out each nominee in order and asked for a vote.

Maxine Laws --- Vote: Maxine Laws; Reo Griffith

Reo Griffith ---Vote: Faith Lacey

Martha Hicks ---Vote: Blake Vance; Martha Hicks

Chairman Griffith stated that per board policy all nominations would stay the same and be voted on until there is a majority vote on the existing nominees. Chairman Griffith asked for a vote.

Maxine Laws ----Vote: Maxine Laws

Reo Griffith---Vote: Faith Lacey; Reo Griffith

Martha Hicks ---Vote: Blake Vance; Martha Hicks

Chairman Griffith asked Gerald McKinney, County Attorney, his opinion regarding Section 7.14 of the Board Policy.

Blake Vance stated that he did not think this section was relevant to the situation that we are currently in. Chairman Griffith stated that he was asking the County Attorney's opinion. Mr. McKinney stated that Section 7 was talking about the procedures relating to advisory boards, commissions and committees and that it was his opinion that this did not cover the actual board of commissioners.

Faith Lacey read NC General Statute 153A-39 which states: Its first regular meeting in December of each odd-numbered year, the Board of Commissioners shall choose one of its members as chairman for the ensuing year.

Motion by Blake Vance and second by Martha Hicks to go into recess so that the County Attorney can examine the policy more thoroughly. Chairman Griffith called for a brief recess.

Chairman Griffith declared the meeting to be back in Regular Session after a brief recess.

Gerald Mckinney, County Attorney, explained that it was his opinion that a chairman must be selected but that the policy that the Board currently has does not apply to the selection of commissioners. We do not have in place a specific policy. What I had hoped to do was have the third place vote not be nominated the next time. There is no right or wrong way to do it.

Blake Vance suggested that all five names be put on a ballot and to vote by the procedure that the board had used previously using a golf score. Maxine Laws said that she thought that it needed to be a show of hands.

Chairman Griffith called for a vote:

**Maxine Laws ---Vote: Maxine Laws
Reo Griffith ---Vote: Faith Lacey; Reo Griffith
Martha Hicks---Vote: Blake Vance; Martha Hicks**

Chairman Griffith called for a vote:

**Maxine Laws ---Vote: Maxine Laws
Reo Griffith ---Vote: Faith Lacey; Reo Griffith
Martha Hicks---Vote: Blake Vance; Martha Hicks**

Blake Vance stated that he thought that the Board needed to come up with another plan.

Chairman Griffith called for a vote:

**Maxine Laws ---Vote: Maxine Laws
Reo Griffith ---Vote: Faith Lacey; Reo Griffith
Martha Hicks---Vote: Blake Vance; Martha Hicks**

Chairman Griffith called for a brief recess.

Chairman Griffith declared the meeting to be back in Regular Session.

Chairman Griffith called for a vote:

**Maxine Laws ---Vote: Maxine Laws; Reo Griffith
Reo Griffith ---Vote: Faith Lacey
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Martha Hicks ---Vote: Blake Vance; Martha Hicks

Motion by Blake Vance and second by Martha Hicks to recess at 6:31 p.m. Motion unanimously approved.

Chairman Griffith declared the meeting to be back in Regular Session after a brief recess.

Chairman Griffith called for a vote:

Maxine Laws ---Vote: Maxine Laws; Reo Griffith
Reo Griffith ---Vote: Faith Lacey
Martha Hicks ---Vote: Blake Vance; Martha Hicks

Chairman Griffith called for a vote:

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Martha Hicks stated that this was not a game it was serious business for the county. It is not laughing matter. We have to carry on business for this county. Each one is elected to do the business of the county. Someone has to be the chair. This is serious business and should not be taken lightly.

Blake Vance agreed with Ms. Hicks that this was not a game. This is not for show. I have a deep felt obligation. It is no small thing to receive a vote from somebody. I was elected to stand for my convictions. This is the way government works.

Maxine Laws stated that she echoed what Blake and Martha had said. I took an oath. I will continue to sit here until a good decision is made.

Faith Lacey thanked everyone for coming out. I will work with everything in my power to get the right chairman.

Chairman Griffith called for a vote:

Maxine Laws ---Vote: Maxine Laws; Reo Griffith
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Chairman Griffith called for a brief recess.

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Martha Hicks is Chairperson of the Avery County Board of Commissioners. Ms. Hicks assumed the Chairperson's position.

Election of Vice Chair

Chairperson Hicks opened the floor for nominations of Vice-Chair.

Maxine Laws nominated Faith Lacey. Blake Vance nominated Maxine Laws.

Motion by Blake Vance and second by Maxine Laws to cease nominations for Vice-Chair. Motion unanimously approved.

Maxine Laws----Vote: Reo Griffith; Blake Vance; Faith Lacey; Martha Hicks (4)
Faith Lacey----Vote: Maxine Laws (1)

Maxine Laws is Vice-Chair.

Election of Officers

County Manager

Maxine Laws nominated Tim Greene.

There were no further nominations.

**Vote: For--- Martha Hicks; Maxine Laws; Blake Vance
Against-----Reo Griffith; Faith Lacey**

Vote was 3 to 2.

County Attorney

Maxine Laws nominated Gerald McKinney for County Attorney.

There were no further nominations.

Gerald McKinney is County Attorney by acclimation.

Finance Officer

Maxine Laws nominated Nancy Johnson.

There were no further nominations.

Nancy Johnson is Finance Officer by acclimation.

Clerk to the Board

Blake Vance nominated Cindy Turbyfill.

There were no further nominations.

Cindy Turbyfill is Clerk to the Board by acclimation.

Public Comments

Tiffany Moon, Avery Services Coordinator with Oasis, gave a brief update on Oasis in Avery County. For the past year in Avery County, Oasis has served 86 adults and children seeking services for domestic violence and sexual assault. Oasis has provided crisis intervention , emotional support, judicial system advocacy, case management and community referral over 500 times this year. Ten percent of these clients accessed emergency shelter services. On average to provide services to Avery County using evidence based best practices costs \$1300 per client. However, clients do not bear the burden as we are not a fee for service. We are excited to announce that we received a grant from Community Foundation of Western North Carolina to implement a housing model that will provide survivors in Avery County financial assistance to establish safe housing in their community. This grant will also allow Oasis to implement the "Moving Forward Empowerment" Workshop series for survivors. The Avery Preventing Abuse Response Team is moving closer to drafting a domestic violence response protocol that would allow for a coordinated response among Oasis, law enforcement, hospitals, DSS and other community agencies. In the past two years, law enforcement has been called out 388 times to domestic violence calls and responded to 14 sexual assaults.

Board Appointments

Avery County Agricultural Advisory Board

Bonita Smith has applied for the Avery County Agricultural Advisory Board. This position has a special requirement that the board member must reside in the Banner Elk district. There were no other applications submitted. This is a three year term.

Motion by Reo Griffith and second by Blake Vance to appoint Bonita Smith to the Agricultural Advisory Board for a three year term. Motion unanimously approved.

Morrison Library Board

Wanda Pritchard, board member for the Morrison Library Board, is unable to participate in the Morrison Library Board meetings due to some unforeseen circumstances. The Morrison Library Board is requesting that Clayton Harpold be appointed to the Morrison Library Board as a substitute until Ms. Pritchard is able to return.

Motion by Blake Vance and second by Faith Lacey to appoint Clayton Harpold to the Morrison Library Board as a substitute for Wanda Pritchard until she is able to return. Motion unanimously approved.

Applications for Review

Attached are applications for review for the Avery County Transportation Advisory Board. The state recommends a maximum of 20 members. Debbie Smith is asking that 17 members be appointed to this board.

Drug Task Force Position – Troy Cook

Troy Cook, Chief Deputy, stated that the officer working in the Drug Task Position for the Town of Banner Elk left for another position. Sheriff Frye is asking that this position come to the Sheriff's Office to be funded by monies already committed to the Drug Task Force. Those funds include \$10,000 from the DART committee, the balance of another \$10,000 that was given to the Drug Task Force and \$10,000 from Beech Mountain. That would fund the position until about the end of June of this year.

Tim Greene, County Manager, advised that Beech Mountain had \$10,000 allocated, DART had \$20,000 allocated and Banner Elk of course doing the remainder of the funding. I spoke with the Town of Banner Elk and what they told me is that they have already spent out their money because when the gentleman left they had to do a vacation payout. DART had already given half of their money and then Beech Mountain had not given any but the Town of Banner Elk was going to bill them probably for about \$2500.00. From what talking I did with them, it looks like there is about \$17,500 which probably would not be enough to run them through June.

Mr. Cook said it was the Sheriff's plan is to keep the position as long as there are funds coming in to support the Drug Task Force. There is a young officer that is a reserve for Beech Mountain and he understands what is going on with this position and is willing to take it with having in mind that it could end at some point in the future.

Mr. Greene stated that everyone sees the value of the drug task force position without question but at this point it would be my recommendation to look at it in the budget process. I think you would want a full commitment to fund that. You should go into it looking at a long term commitment not just a five or six month commitment.

Maxine Laws questioned why Beech Mountain and Banner Elk and other towns have elected not to do this. Mr. Cook stated that they are still funding it. Beech Mountain committed \$10,000 which they are still committed to that. Banner Elk spent their money that they had committed the first three or four months this fiscal year so their money is gone. I have talked to the town manager of Banner Elk they are committed to it, Beech Mountain is committed to it.

Blake Vance said there is no out of pocket for the county and is funded by other groups and the young man knows there is the possibility that this position will end in the next several months. We are getting free service here and it would be crazy not to take it. I see no where that this makes a lick of sense to turn it down.

Mr. Griffith stated that the county manager is recommending that we do this in the budget process.

Faith Lacey questioned if they wanted this money to come through the county, do they want to send it to the county and then we give it to the sheriff. Is that what you are asking? Troy Cook answered that he would be on the Sheriff's payroll. Ms. Lacey said then in our policy we have to vote before we take in any new money. Mr. Greene said it would require a budget amendment to recognize what is coming in. Mr. Vance said "I am asking for someone to tell me what benefit we have by saying no to this and waiting, if he knows the position is coming to an end and is completely paid for by someone else. Where is the benefit in not doing it?"

Maxine Laws questioned why that they wanted to shift this to the county now? Mr. Cook answered that it may be that Banner Elk's pay scale is way above the County of Avery's pay scale. This officer is starting out at the bottom of the scale in Avery County but if he started on the pay scale in Banner Elk that is still several thousand dollars above the county pay scale. He is a reserve officer working for Beech Mountain.

Chairperson Hicks questioned who would provide the vehicle for this position. Mr. Cook said that we may use the vehicle that was used by the former officer with the Town of Banner Elk but there is nothing concrete.

Blake Vance reiterated that he was yet to see the benefit in not accepting a free service.

Motion by Blake Vance to allow the Drug Task Force Position to become a County Position.

Maxine Laws said she did not see the benefit in doing this, why can't he remain where he is at? Why are we trying to change things around? If he has a job, money and a vehicle, why are we trying to get in the middle?

Betty Erhart explained that there has been a drug task officer for many years. When the Drug Task Force was formed it was a prior Sheriff's administration and that is why all of the municipalities went together to get a drug task force officer because at that time we had a sheriff that was not cooperating with the municipalities. At that time the Sheriff's office did not want to be part of it and so the municipalities got together and put money in and they had to have a place to house this person and do the finances. There was a grant written and Banner Elk and Beech Mountain together got the grant and Banner Elk had space to house this officer even though he worked all over the county. Banner Elk took him on as an employee and they paid his salary and had the budget. Beech Mountain and Banner Elk has carried the burden of this drug task force officer for years until a few years ago the county started helping out. This past year the county did not fund it but the DART committee felt it was so important that we could not drop it so about 6 or 7 people worked very hard to come up with the \$20,000 that you folks denied. This drug task force officer was offered another job and because he could not depend on us to raise \$20,000 every year and he could not depend on you folks funding it even though Banner Elk and Beech Mountain were very much in to helping and they have added a lot of

other things. This drug task officer was offered another position and because no one could assure him that at the end of this year that he would have a job he reluctantly left. He had some vacation time built up. It is my understanding that Banner Elk put in \$20,000, Beech Mountain was going to put in \$10,000 and we were going to put in \$20,000 but because he had vacation time built up it took everything that Banner Elk had plus part of what we had given them. We still have \$10,000, Beech Mountain is committed to \$10,000 and they are looking at grants. This should have been under the Sheriff's Office but because of circumstances it could not be but now we have a chance to do and a Sheriff that is willing to work with all of the municipalities. What do you have to lose? You are not putting any money in it. We are committed to fighting drugs in Avery County.

Troy Cook said this morning there were 21 indictments to be considered this morning and there were no other agency there and probably about 70% of the indictments were drug indictments.

Blake Vance said it is obvious that this board has chosen not to fund this position. We have a group of people that have gone out and found the funding. With this young man having the knowledge beforehand that this position could end, what do we have to lose? It seems like common sense to me.

Sue Clouser stated that the reason Sheriff Frye wants this officer to come to the Sheriff's Office is so he can be shadowed by the veteran drug task officer that is already working and they can work together.

Reo Griffith stated that we should go with the County Manager's recommendation to look at this in the budget process.

Blake Vance stated that he had a motion on the floor to accept the drug task force officer working for the county until June 2016 with the monies that was talked about.

Chairperson Hicks seconded the motion.

**VOTE: Against: Reo Griffith; Maxine Laws; Faith Lacey
For; Blake Vance; Martha Hicks**

Motion fails 3 to 2.

Troy Cook commented that he had presented Tim Winters with a plaque for obtaining his Advanced School Resource Officer Certificate.

Tax Administrator Report

The Tax Administrator Report was given by Tim Greene, County Manager.

Tax Collections Report

The Tax Collections for the month of November 2015 was \$2,397,037.36.

Motion by Maxine Laws and second by Blake Vance to approve the Tax Collections Report for the month of November 2015 as presented. Motion unanimously approved.

Regular Releases

The Regular Releases for the month of November 2015 is \$5,395.46.

Motion by Maxine Laws and second by Blake Vance to approve the Regular Releases for the month of November 2015 as presented. Motion unanimously approved by those in attendance (4-0) (Reo had stepped out of the meeting)

County Manager Updates – Tim Greene

Upcoming Workshops/Meetings

Mr. Greene stated that in the upcoming workshops we were going to talk about the Recreation Property; Agricultural Extension Building and Avery Cares Building. We had tentatively set this for last week but some schedules would not allow that. I think we need to schedule this meeting and discuss those items. Maxine Laws said she thought that we needed a workshop because that was one of the things that we did agree on in the last meeting. I am in favor of scheduling the workshop. We need to schedule enough time to go over all of these things.

The Clerk will call each commissioner to set up the workshops and the joint meeting with the Board of Education.

Solid Waste Engineer Selection

We have in this year's budget construction of a sedimentation base at the landfill and Smith Gardner has been our engineer since 2007. They helped us construct the C&D landfill. They do our five year permitting. We were ready to advertise and go to bid for the sedimentation base and I went back and looked at our contract with Smith Gardner. We had signed a master service agreement in 2007 and we have continued to use them since 2007. We have signed work orders each year extending that contract. The County Attorney and I felt like it would be a good idea to get a new master service agreement.

If it is the pleasure of the board, I will present at the next meeting a Master Service Agreement for Smith Gardner.

Extension of Pruitt Health Lease

We have been requested to extend the lease for Pruitt Health. When we signed the lease it was for eight months. It looks like they are going to need an additional few months. I would like the board to allow the County Attorney and the County Manager to redo the lease if they need up to four months. The reason for this is they cannot change addresses until they get the tie-in letter.

Motion by Maxine Laws and second by Reo Griffith to extend the lease for Pruitt Health up to four months. Motion unanimously approved.

JCPC & Child Fatality Board

The JCPC Board members have filled out applications and positions have been advertised. The two positions for the Child Fatality Board have been advertised.

Bathroom Renovations

The bathroom renovations at the courthouse have been on the drawing board for quite some time. Back earlier in the year I talked with commercial contractors and all of them were tied up. One said in November he thought he would be able to give us a bid but was not able to so I have asked Mike Gragg and he has given us a bid. The bids are for \$30,970.25 for the two bathrooms, \$8199.49 for the stairwell and I would like to throw in another \$2500.00 for a private bathroom to be put in the Tax Collector's office. There is a big closet in that office and it has been requested that we put in a small bathroom in there because everyone in the tax area has to go to the public restrooms. This would be a

total of approximately \$42,000. The board had previously agreed to do these bathrooms. We would probably push the work toward the end of January.

Motion by Maxine Laws and second by Blake Vance to take the bid from Mike Gragg to renovate the bathrooms, stairwell and build a bathroom in the Tax Collector's Office.

Reo Griffith questioned where this money would come from. Mr. Greene stated that it would come from the general fund. He said if you will remember the courthouse renovation project has been closed out and put back in the general fund. That amount was approximately \$600,000 and out of that amount will come the Veteran's Monument and there should be money left over.

Vote: Motion unanimously approved.

Riverwalk Repair

There is a portion of the Riverwalk path that has slid off the bank at the Little League Field and it is a safety issue. The only reason I am bringing this up is that this is our property that we lease to Little League. This will cost about \$6800.00. We have money in the Available for Appropriations that Nancy can do a line item transfer. We will probably not do this until spring.

School Floor Request

After a meeting that I had with Dr. Burluson, he presented me with a proposal on Friday and asked if I would present this to the board. This is a safety concern. The matting in the weight room is getting in bad shape and they felt like it was becoming a safety hazard. He wanted to know if the county would be able to provide the funds so they could take care of that over Christmas break.

Motion by Blake Vance and second by Martha Hicks to provide the funds in the amount of \$11,928.29 for the matting in the weight room at Avery High School. Motion unanimously approved.

Broadband

This Wednesday at 5:30 we are going to be having the broadband vendors come in. Anybody that would like to come can; it will be a very small gathering. Keith Conover will be here. Maxine Laws will be here. We will have a diskette with the surveys on it.

Maxine Laws stated that each vendor would be given this diskette. There were 972 people that responded which was a very good number. We also have a county map where this is plotted on.

Outstanding Invoice

Reo Griffith asked if the County Manager had been approached about an outstanding bill at the county square. Mr. Griffith asked Donetta McKinney to share with the board about the \$500 outstanding bill. Ms. McKinney said it was for the electrical outlets that were damaged by the mowing on the square and the town had it repaired and the business association paid part of the bill. That is when we thought we owned the square. Bill Richardson did the repairs and \$500 is still outstanding. The town felt like since we don't own the square and the mowing was done by the county and outlets were damaged it would be the responsibility of the county.

Reo Griffith asked if the bill could be paid through the Veteran's Monument project. Mr. Greene said we did not engage to have the work done but it is our property.

Consensus of the Board to talk with the mowing contractor regarding their liability insurance and the clerk will take a consensus over the phone regarding paying the invoice.

Finance Officer Report

Tim Greene presented the Finance Officer Report.

Budget Amendment

Additional funds in the amount of \$1,572.00 were allocated by the State Department of Public Safety for the JCPC program.

Motion by Blake Vance and second by Maxine Laws to approve the Budget Amendment of \$1,572 with a debit of \$500.00 to Adolescent Sub. Abuse-Lifeskills (10.7000.6148) and a debit of 1,072.00 to JUV SVS-Home School-Mentoring (10.7000.6130) and a credit of \$500.00 to Juv-Adolescent Lifeskills (10.3490.0000) and a credit of \$1,072.00 to Juv Services – Mentoring (10.3492.0000). Motion unanimously approved.

Budget Amendment

The PA System mixing board in the Commissioners Board Room has worn out and stopped working. The mixing board needs to be replaced before the next meeting and the clerk has used supply funds for the repair. Her supply line item needs to be replenished.

Motion by Maxine Laws and second by Blake Vance to approve the Budget Amendment in the amount of \$1600.00 with a debit of \$1600.00 to Supplies (4100.3300) and a credit of \$1600.00 to Fund Balance (3900.0000). Motion unanimously approved.

County Attorney Report – Gerald McKinney

Nothing to report

Approval of Minutes

Motion by Blake Vance and second by Maxine Laws to approve the minutes of the Regular Meeting September 21, 2015; Special Meeting October 7, 2015; Joint Meeting October 13, 2015; Special Meeting October 22, 2015; Regular Meeting November 2, 2015. Motion unanimously approved.

Agenda Consent Items

Adopted by Consensus of the Board.

Upcoming Meetings

The next Regular Meeting will be January 4, 2016 at 6:00 p.m.

Adjourn

Motion by Blake Vance and second by Maxine Laws to adjourn this meeting at 9:16 p.m. Motion unanimously approved.

Martha Hicks, Chair
Avery County Board of Commissioners

