

**STATE OF NORTH CAROLINA
COUNTY OF AVERY**

The Avery County Board of Commissioners met in Regular Session on Monday, January 6, 2020 at 3:30 p.m. in the Commissioners Board Room, Avery County Administrative Complex, 175 Linville Street, Newland, NC.

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

Members Absent: None

Call To Order

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

Chair Hicks stated that the agenda needed to be amended to add two Resolutions for Declaration of Service Side Arms for Troy Cook and Trina Cook.

Motion by Wood Hall Young, Jr. and second by Tim Phillips to amend the agenda to add the Resolutions for Declaration of Service Side Arms for Troy Cook and Trina Cook under Proclamations and Awards. Motion unanimously approved (5-0).

Chair Hicks led prayer.

Blake Vance led the Pledge of Allegiance.

Proclamations and Awards

Sheriff Kevin Frye presented Troy Cook and Trina Cook, retiring members of the Avery County Sheriff's Office, with their Service Side Arms and their badges.

WHEREAS, North Carolina General Statutes Section 20-187.2 authorizes the Avery County Board of Commissioners to award the sidearm and badge to a retiring member of the Sheriff's Office at the time of their retirement, provided that such individual meets the qualifications of NCGS Section 20-187.2(a) and NCGS Section 14-402; and

WHEREAS, the Avery County Sheriff's Office has in its possession one sidearm being a Smith & Wesson .40 caliber pistol, MP40, Serial Number DTD8952 and badge for Chief Jailer Trina Cook who is retiring; and

WHEREAS, the County deems these items to be surplus property.

NOW, THEREFORE, the Avery County Board of Commissioners meeting at its regular meeting on 6 January 2020 hereby **RESOLVES** that the sidearm being a Smith & Wesson .40 caliber pistol, MP40, Serial Number DTD8952 is surplus and shall be awarded to Trina Cook for due consideration, such sum being the amount of \$1.00; And be it yet further **RESOLVED** that the Chief Jailer Badge for Trina Cook is hereby declared surplus and shall be awarded to Trina Cook pursuant to NCGS Section 20-187.2.

Motion by Blake Vance and second by Wood Hall Young, Jr. to adopt the Resolution for Declaration of Service Side Arm for Trina Cook. Motion unanimously approved (5-0). *(Above is the revised Resolution. See explanation under County Attorney's Report)

WHEREAS, North Carolina General Statutes Section 20-187.2 authorizes the Avery County Board of Commissioners to award the sidearm and badge to a retiring member of the Sheriff's Office at the time of their retirement, provided that such individual meets the qualifications of NCGS Section 20-187.2(a) and NCGS Section 14-402; and

WHEREAS, the Avery County Sheriff's Office has in its possession one sidearm being a Glock .40 caliber pistol, Model 23, Serial Number BAEC256 and badge for Chief Deputy Troy Cook who is retiring; and

WHEREAS, the County deems these items to be surplus property.

NOW, THEREFORE, the Avery County Board of Commissioners meeting at its regular meeting on 6 January 2020 hereby **RESOLVES** that the sidearm being a Glock .40 caliber pistol, Model 23, Serial Number BAEC256 is surplus and shall be awarded to Troy Cook for due consideration, such sum being the amount of \$1.00; And be it yet further **RESOLVED** that the Badge for Troy Cook is hereby declared surplus and shall be awarded to Troy Cook pursuant to NCGS Section 20-187.2. This is 6th day of January 2020.

Motion by Wood Hall Young, Jr. and second by Dennis Aldridge to adopt the Resolution for Declaration of Service Side Arm for Troy Cook. Motion unanimously approved (5-0). *(Above is the revised Resolution. See explanation under County Attorney's Report)

Public Comment

Dena Morris, Avery County resident, stated that she, along with her dog had been attacked twice by Bob Church's dogs. The first time was July 24th and the second was December 16th. Both times this was on county property and both times they didn't know the dogs were gone. They were supposed to be tied all of the time. We have tourists and locals here that assume the ballfields are safe and they are not. These dogs border the ballfield. They bark at people walking by. We need an animal control agent and we need some strict laws.

Board Appointments

Avery County Joint Community Advisory Committee

Jean Ray has reapplied for the Avery County Joint Community Advisory Committee. This application has been reviewed.

Motion by Wood Hall Young, Jr. and second by Tim Phillips to appoint Jean Ray to the Avery County Joint Community Advisory Committee. Motion unanimously approved (5-0).

Rural Operating Assistance Program Grant – Debbie Smith

Debbie Smith, Director of Avery County Transportation, presented the certified statement for the Fiscal Year 2020 for the Rural Operating Assistance Program to the Board. The amount of the grant funds are \$131,546.16.

WHEREAS, the state-funded, formula-based Rural Operating Assistance Program (ROAP) administered by the North Carolina Department of Transportation, Integrated Mobility Division provides funding for the operating cost of passenger trips for counties within the state;

WHEREAS, the county uses the most recent transportation plans (i.e. CCP, CTIP, LCP) available and other public involvement strategies to learn about the transportation needs of agencies and individuals in the county before determining the sub-allocation of these ROAP funds;

WHEREAS, the county government or regional public transportation authorities created pursuant to Article 25 or Article 26 of Chapter 160A of the General Statutes (upon written agreement with the municipalities or counties served) are the only eligible recipients of Rural Operating Assistance Program funds which are allocated to the counties based on a formula as described in the Program Guidelines included in the ROAP State Management Plan. NCDOT will disburse the ROAP funds only to counties and eligible transportation authorities and not to any sub-recipients selected by the county;

WHEREAS, the county finance officer will be considered the county official accountable for the administration of the Rural Operating Assistance Program in the county, unless otherwise designated by the Board of County Commissioners;

WHEREAS, the passenger trips provided with ROAP funds must be accessible to individuals with disabilities and be provided without discrimination on the basis of national origin, creed, age, race or gender (FTA C 4702.1B, FTA C 4704.1A, Americans with Disabilities Act 1990); and

WHEREAS, the period of performance for these funds will be July 1, 2019 to June 30, 2020 regardless of the date on which ROAP funds are disbursed to the county.

NOW, THEREFORE, by signing below, the duly authorized representatives of the County of EVERY, North Carolina certify that the following statements are true and accurate:

- The county employed a documented methodology for sub-allocating ROAP funds that involved the participation of eligible agencies and citizens. Outreach efforts to include the participation of the elderly and individuals with disabilities, persons with

limited English proficiency, minorities and low income persons in the county's sub-allocation decision have been documented.

- The county will advise any sub-recipients about the source of the ROAP funds, specific program requirements and restrictions, eligible program expenses and reporting requirements. The county will be responsible for invoicing any sub-recipients for unexpended ROAP funds as needed.
- The county will monitor ROAP funded services routinely to verify that ROAP funds are being spent on allowable activities and that the eligibility of service recipients is being properly documented. The county will maintain records of trips for at least five years that prove that an eligible citizen was provided an eligible transportation service on the billed date, by whatever conveyance at the specified cost.
- The county will be responsible for monitoring the safety, quality and cost of ROAP funded services and assures that any procurements by subrecipients for contracted services will follow state and federal guidelines.
- The county will conduct regular evaluations of ROAP funded passenger trips provided throughout the period of performance.
- The county will only use the ROAP funds to provide trips when other funding sources are not available for the same purpose or the other funding sources for the same purpose have been completely exhausted.
- The county assures that the required matching funds for the FY2020 ROAP can be generated from fares and/or provided from local funds.
- The county will notify the Mobility Development Specialist assigned to the county if any ROAP funded services are discontinued before the end of the period of performance due to the lack of funding. No additional ROAP funds will be available.
- The county will provide an accounting of trips and expenditures in bi-annual milestone reports to NCDOT – Integrated Mobility Division or its designee. **Back-up documentation is required to support the bi-annual and annual reports, failure to provide documentation will affect future disbursements.**
- Any interest earned on the ROAP funds will be expended for eligible program uses as specified in the ROAP application. The County will include ROAP funds received and expended in its annual independent audit on the schedule of federal and state financial assistance. Funds passed through to other agencies will be identified as such.
- The county is applying for the following amount of FY2020 Rural Operating Assistance Program funds:

State-Funded Rural Operating Assistance Program	Allocated	Requested
Rural General Public Program (RGP)	<u>131,546.16</u>	<u>131,546.16</u>
TOTAL	<u>131,546.16</u>	<u>131,546.16</u>

Motion by Tim Phillips and second by Blake Vance to adopt the Certified Statement for the Fiscal Year 2020 Rural Operating Assistance Program for the County of Avery. Motion unanimously approved (5-0).

Tim Phillips questioned if Ms. Smith thought that there might be a time that funding could be used to run transportation vans later in the night. Debbie Smith stated she was not sure about the funding and that would be something that the Board of Commissioners would have to decide. It has been discussed several times.

Resolution—2020 Census Partnership

Phillip Barrier, County Manager, stated that there was a Resolution regarding the 2020 Census Partnership that he would like the Board to consider. The distribution of 675 billion dollars is based on census numbers. In mid-March residents will be invited to respond so they will get something in the mail. Our part is to pass the Census Resolution.

Michaelle Poore, County Attorney pointed out to the Board that this does require a creation of a new county advisory committee.

Mr. Barrier stated that there were people that are volunteering to be on these committees.

Ms. Poore stated if the Board did not want to set up another advisory committee we could see if we could do this without an advisory committee.

Motion by Blake Vance and second by Wood Hall Young, Jr. to table the Resolution regarding the 2020 Census Partnership until the next regular meeting. Motion unanimously approved (5-0).

Request from the EMS Program from Mayland Community College – Tony Cook

Tony Cook, Program Coordinator for the EMS Program at Mayland Community College, came before the Board to request an ambulance for the EMS Program to be used for training.

WHEREAS, the County of Avery owns an _____ ambulance which has been designated as surplus property; and

WHEREAS, North Carolina General Statute § 160A-274 authorizes a governmental unit in this state to exchange with, lease to, lease from, sell to, or

purchase from any other governmental unit any interest in real or personal property upon such terms and conditions as the governmental unit deems wise, with or without consideration; and

WHEREAS, the County of Avery has determined that it is in the best interest of the County to convey the _____ ambulance to Mayland Community College, and deems it wise to do so for no consideration, on condition that the ambulance is used for an Emergency Vehicle Driver course for Emergency Medical Technicians at the college, and in the event the ambulance is no longer used for such class/training, it shall revert back to the County of Avery.

THEREFORE, the County of Avery resolves that:

1. The County of Avery hereby conveys to Mayland Community College the following property: a _____ ambulance on condition that the ambulance is used for an Emergency Vehicle Driver course for Emergency Medical Technicians and in the event that the ambulance is not used for such class/training, then it shall revert back to the County of Avery.
2. The property herein described shall be conveyed for no consideration.
3. The County Manager is authorized to execute all documents necessary to convey the property in the manner authorized by this Resolution.

Tax Administrator Report – Bruce Daniels

Tax Collections Report

The Total Tax Collections for the month of December 2019 were \$5,676,570.72.

Motion by Tim Phillips and second by Dennis Aldridge to approve the total Tax Collections for the month of December 2019 as presented. Motion unanimously approved (5-0).

Mr. Daniels reported that the collection rate at this time is at 90% which is better than last year at this time.

Releases

The Total Releases for the month of December 2019 were \$309.65.

Motion by Wood Hall Young, Jr. and second by Dennis Aldridge to approve the total Releases for the month of December 2019 as presented. Motion unanimously approved (5-0).

Sales Statistics

There were 76 sales at 96% for the month of December 2019. There were 53 sales at 94% last year.

County Manager Updates – Phillip Barrier

Courthouse Roof Project

The construction company has replaced joists, insulation and is extending the metal on the courthouse roof. They hope to have the project completed in two weeks.

Security Assessment for IT

Included in the Agenda Consent Items is a Security Assessment for IT. Dennis Holland has worked with the National Guard for a security assessment. The County Attorney has looked at this. This is a free assessment on our security with our computer system.

Sugar Mountain Convenience Site

The site is up and running.

Parks and Recreation

The department has the largest youth basketball team. There are 34 teams consisting of 275 children.

Avery County Economic Development Committee Advertisement

Mr. Barrier stated that last year there was an ad in the Avery Chamber Guide. We have budgeted again for that. The picture is attached. Sally Woodring is offering the picture to the county at no charge.

Ms. Poore stated that the \$495 was included in the annual budget. This has already had a public hearing so an additional public hearing is not required. There needs to be approval on the image agreement.

Motion by Tim Phillips and second by Dennis Aldridge to approve the Agreement to License Images and authorize the County Manager to sign. Motion unanimously approved (5-0).

CDBG Rehabilitation and Inspections Service Agreement and Lead Base Paint Service Agreement

Mr. Barrier explained that Avery County received the CDBG grant and we advertised locally and in the Asheville Citizens for a Rehabilitation and Inspections Service. We recommend that Mr. Todd Hefner be approved for this service. Also there is a Lead Base Paint Service Agreement from Allied Consulting from Shelby, North Carolina in case there is lead base paint identified.

Motion by Blake Vance and second by Wood Hall Young, Jr. to approve the CDBG Rehabilitation and Inspections Service Agreement and Lead Base Paint Service Agreement. Motion unanimously approved (5-0).

Finance Officer Report

Cannon Memorial Hospital has received a Duke Endowment Grant to establish a community paramedicine program in Avery County. The County will administer the program and receive funding from the hospital.

Motion by Blake Vance and second by Wood Hall Young, Jr. to adopt the Budget Amendment regarding the Duke Endowment Grant in the amount of \$83,500.00 with a debit of \$20,250.00 to Salaries—EMTS (105300.0220); debit of \$1,550.00 to FICA (105300.0500); debit of \$1,837.00 to Retirement (105300.0600); debit of

\$7,435.00 to Group Insurance (105300.0700); debit of \$608.00 to 401K Retirement (105300.0800); debit of \$750.00 to Cell Phones (105300.1360); debit of \$1,170.00 to Travel (105300.1400); debit of \$1,900.00 to Training (105300.1450); debit of \$25,000.00 to Capital Outlay-Vehicles (105300.7400); debit of \$2,000.00 to Computer Equipment (105300.7410); debit of \$20,000.00 to Capital Outlay (105300.7420); debit of \$1,000.00 to Capital Outlay-Med. Equip. (105300.7430); and a credit of \$83,500.00 to Cannon Foundation Grant (103807.0000). Motion unanimously approved (5-0).

Budget Amendment

The roof repair at the courthouse will cost \$98,700. Additional heating repairs and elevator repairs will also have to be budgeted.

Motion by Dennis Aldridge and second by Tim Phillips to adopt the Budget Amendment regarding the roof repair at the courthouse and additional heating repairs and elevator repairs with a debit of \$130,000 to Repairs & Maintenance (105000.1510) and a credit of \$130,000 to Fund Balance-Appropriated (103990.0000). Motion unanimously approved (5-0).

Budget Amendment

The EMS department has received a second insurance settlement check for the 2019 Chevrolet Ambulance.

Motion by Blake Vance and second by Wood Hall Young, Jr. to adopt the Budget Amendment regarding an insurance settlement check for EMS with a debit of \$530.00 to Auto Supplies (105300.3100) and a credit of \$530.00 to Insurance Reimbursements (103340.0000). Motion unanimously approved (5-0).

Budget Amendment

The Department of Social Services has received an additional \$26,955.00 allocation for the Crisis Intervention Program. There is no county match.

Motion by Wood Hall Young, Jr. and second by Tim Phillips to adopt the Budget Amendment regarding an additional allocation for the Crisis Intervention Program with a debit of \$26,955.00 to Crisis Intervention (106800.6090) and a credit of \$26,955.00 to County Welfare (103634.0000). Motion unanimously approved (5-0).

County Attorney Report – Michaele Poore

Michaele Poore, County Attorney, asked the Board to amend the Resolutions for the service weapons that were initially done at the beginning of the meeting. I have had the opportunity to pull up the statutes and read those. There is a different statute other than the one that was cited in the resolution. NCGS 20-187.2 states that it is not necessary that there be any consideration cited for the dedication of the badge but for the sidearm there had to be a consideration cited. This can be a one dollar consideration. I would ask the Board to amend the Resolution for Trina Cook and Troy Cook to indicate that the Board finds that adequate consideration for those side arms would be a dollar each.

***Motion by Wood Hall Young, Jr. and second by Blake Vance to amend the Resolutions regarding the presentation of the side arms for Trina Cook and Troy Cook. Motion unanimously approved (5-0).**

Ms. Poore reported that the draft of the Memorandum of Understanding for the Community Paramedicine Grant could be reviewed by the Board and be added to the next meeting for the Board's consideration.

Approval of Minutes

Motion by Wood Hall Young, Jr. and second by Tim Phillips to approve the December 2, 2019 Regular Meeting. Motion unanimously approved (5-0).

Agenda Consent Items

Adopted by Consensus of the Board.

Upcoming Meetings

There will be a Special Meeting regarding the Community Building at the Agricultural Center on January 9, 2020 at 6:00 p.m. The next Regular Meeting will be February 3, 2020 at 3:30 p.m.

Adjourn

Motion by Blake Vance and second by Dennis Aldridge to adjourn this meeting at 4:48 p.m. Motion unanimously approved (5-0).

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

ATTEST: _____
Cindy Turbyfill, Clerk