

**STATE OF NORTH CAROLINA
COUNTY OF AVERY**

The Avery County Board of Commissioners held a Special Meeting on Monday, January 8, 2018 at 3:30 p.m. in the Commissioners Board Room, Avery County Administrative Complex, 175 Linville Street, Newland, NC. The purpose of the meeting was to discuss and take any action necessary on the following items:

Proclamations and Awards; Celebrate Avery County; Public Comments; Board Appointments; Resolutions Regarding the MOU with Avery Transportation and Avery Association for Exceptional Citizens; Revisions to the Drug and Alcohol Testing Policy Avery County Transportation Authority; Resolution Adopting the Avery County Naming Policy; Resolution Adopting the Avery County Sponsorship Policy; Revision of the Economic Development Advisory Committee Bylaws; Tax Administrator Report; Resolution for Special Board of E&R; Resolution Encouraging Congress to Create a Stream of Resources to Address Deferred Maintenance Needs in America's National Park System; Resolution Regarding K-3 School Class Size; County Manager Updates; Cleaning Services Contract; Approval of Annual Audit; Finance Officer Report; County Attorney Report; Staff Reports and Requests; Closed Session; Approval of Minutes; Agenda Consent Items; Upcoming Meetings

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.

Phillip Barrier led prayer.

Tim Phillips led the Pledge of Allegiance.

Proclamations and Awards

Celebrate Avery County

Danny Phillips was recognized for 19 years of service to Avery County.

Lee Buchanan was recognized for 20 years of service to Avery County.

Public Comments

There were no public comments.

Resolutions Regarding the Memorandum of Understanding with Avery Transportation and Avery Association for Exceptional Citizens, Inc. for the fiscal years 2017/2018 and 2018/2019

Michaelle Poore, County Attorney, stated it was her understanding that every year Avery Transportation has entered into an agreement with Yellow Mountain to provide transportation to Yellow Mountain clients at a fixed rate for which they get a grant. With

the change in administration of the governor's office this past year, they want things done differently. The agreement had been signed back in June 2017 the way that it has been for several years before that but they now want to have a resolution for the board to acknowledge that the agreement is approved. That would be for the year 2017/2018. The state also wants the agreement earlier than they have in the past and they want resolutions with them so while this was in front of the Board we also did a resolution for the next fiscal year for 2018/2019. There is a copy of the memorandum of understanding that is a two page document with the amounts filled in for each year on what the rates are. Debbie Smith stated that the 2018/2019 amounts are not to exceed \$69,620 at a rate of \$11.39 per trip. The 2017/2018 amounts were \$10.56 and the amount of the grant that Yellow Mountain was seeking reimbursement for was not to exceed \$64,546. We will need approval from the Board for the two resolutions and then for the memorandum of understanding.

***WHEREAS**, the Avery County Board of Commissioners has been presented with a Memorandum of Understanding between Avery County Transportation Authority and the Avery Association for Exceptional Citizens, Inc.; and*

***WHEREAS**, Avery County Transportation Authority desires to provide transportation services to the Avery Association for Exceptional Citizens, Inc., and the Avery Association for Exceptional Citizens, Inc. desires to utilize transportation offered by Avery County Transportation Authority; and*

***WHEREAS**, it is necessary for said agreement to be memorialized by a Memorandum of Understanding, the same being entered into in June 2017; and*

***WHEREAS**, the Board intended to authorize the Director of Avery Transportation to sign the same;*

***NOW, THEREFORE**, be it resolved that the Avery County Board of Commissioners meeting in session on the 8th day of January 2018 hereby approves that Memorandum of Understanding entered into between Avery County Transportation Authority and the Avery Association for Exceptional Citizens, Inc., said agreement signed June 30, 2017, and for the fiscal year 2017-2018. The Board further authorizes the signature of the Director of Transportation, Debbie Smith, as to such Memorandum of Understanding.*

Motion by Faith Lacey and second by Blake Vance to adopt the resolution for Fiscal Year 2017/2018 regarding the Memorandum of Understanding between Avery County Transportation and Avery Association for Exceptional Citizens, Inc. Motion unanimously approved.

***WHEREAS**, the Avery County Board of Commissioners has been presented with a Memorandum of Understanding between Avery County Transportation Authority and the Avery Association for Exceptional Citizens, Inc. for the fiscal year 2018-2019; and*

***WHEREAS**, Avery County Transportation Authority desires to provide transportation services to the Avery Association for Exceptional Citizens, Inc., and the Avery Association for Exceptional Citizens, Inc. desires to utilize transportation offered by Avery County Transportation Authority; and*

***WHEREAS**, it is necessary for said agreement to be memorialized by a Memorandum of Understanding; and*

***WHEREAS**, the Board authorizes the County Manager to sign the same;*

***NOW, THEREFORE**, be it resolved that the Avery County Board of Commissioners meeting in session on the 8th day of January 2018 hereby approves that Memorandum of Understanding for the fiscal year 2018-2019 between Avery County Transportation Authority and the Avery Association for Exceptional Citizens, Inc.. The Board further authorizes the County Manager to sign the Memorandum of Understanding.*

Motion by Blake Vance and second by Tim Phillips to adopt the resolution for Fiscal Year 2018/2019 regarding the Memorandum of Understanding between Avery County Transportation and Avery Association for Exceptional Citizens, Inc. Motion unanimously approved.

Motion by Tim Phillips and second by Faith Lacey to adopt the Memorandum of Understanding between Avery County Transportation and Avery Association for Exceptional Citizens, Inc. Motion unanimously approved.

Revisions to the Drug and Alcohol Testing Policy---Avery County Transportation Authority

Debbie Smith, Avery County Transportation Director, explained that the State had mandated some changes in the Drug and Alcohol Testing Policy. They have provided a template which has been updated. Most of the changes are regulation changes. One example of the changes is the word opiates is changed to opioids throughout the policy. A couple of definitions were changed in the policy. The Board was provided with a summary of the changes and notes which showed the regulations and the definitions. We are requesting from the Board approval of the revisions.

Motion by Faith Lacey and second by Blake Vance to adopt the revisions to the Avery County Transportation Drug and Alcohol Testing Policy. Motion unanimously approved.

Resolution Adopting the Avery County Naming Policy

***WHEREAS**, the County of Avery desires to adopt a policy pertaining to the naming of County facilities and properties; and*

***WHEREAS**, the Board desires such policy to typically honor deceased individuals; and*

***WHEREAS**, the Board finds that such policy will promote the County government; and*

***NOW, THEREFORE**, the Avery County Board of Commissioners **RESOLVES** that: the County hereby adopts the attached Naming Policy.*

.The Board further authorizes the Chair to sign this Resolution.

Resolution Adopting the Avery County Sponsorship Policy

***WHEREAS**, the County of Avery desires to adopt a policy pertaining to the sponsorship of County facilities and properties; and*

***WHEREAS**, the Board finds that such policy will promote the County government; and*

***NOW, THEREFORE**, the Avery County Board of Commissioners **RESOLVES** that: the County hereby adopts the attached Sponsorship Policy. The Board further authorizes the Chair to sign this Resolution*

Michaëlle Poore, County Attorney explained that the naming policy and sponsorship policy is the policies that the board looked at last month. There was not any substantial changes to the naming policy.

In the sponsorship policy there was a provision added and what that provision provided was that not only would the policy apply to businesses but if someone wanted to honor a living individual through a sponsorship then a sponsorship could be made for a living individual as well. Jerry had looked at it and felt comfortable with that language.

Wood Hall Young, Jr. questioned in the County Attorney's opinion would the Board be better off to do the naming policy on an individual basis rather than a blanket policy.

Ms. Poore stated that with both policies anything has to be approved by the board before it is allowed so in that respect it is individual.

Mr. Young questioned if these policies could be revised at any time? Ms. Poore answered that the Board at any time could revise the policies or could revoke them. The naming policy is to provide a mechanism for deceased individuals.

Ms. Poore stated that the sponsorship policy says in it specifically that any type of sponsorship would be memorialized by an agreement or memorandum of understanding between the county and anyone providing the sponsorship. There has to be MOU and has to be approved by the board before it takes place.

Blake Vance questioned if the County Attorney felt like this addressed the previous concerns?

Ms. Poore stated that she thought the concerns that were raised are addressed in this policy because the Board retains control over when a sponsorship would be allowed. The first gatekeeper of that control is the county manager's office. Before any building facility would be named under the sponsorship policy, there has to be a written agreement between the county and the party and that has to be approved by the board. That would happen before any money would be received. An agreement should be entered in to and all the details worked out before there is any type of sponsorship.

Mr. Vance questioned if the county was protected by these policies. Ms. Poore stated to the best extent that it can be. The Board retains the right to not enter into an agreement. If the Board decides to revoke these policies, they can.

Motion by Faith Lacey and second by Blake Vance to approve the Resolution Adopting the Naming Policy. Motion unanimously approved.

Motion by Tim Phillips and second by Faith Lacey to approve the Resolution Adopting the Sponsorship Policy. Motion unanimously approved.

Revision of the Economic Development Advisory Committee Bylaws

The Economic Development Advisory Committee requests that two additional members be added to the committee in hopes that adding members who do not work may have more time than team members who work full time and having more members available in case some members are absent.

Motion by Blake Vance and second by Tim Phillips to revise the Economic Development Advisory Committee Bylaws to reflect adding two new members. Motion unanimously approved.

Tax Administrator Report – Bruce Daniels

Tax Collections

The Tax Collections for the month of December 2017 is \$5,219,859.81.

Motion by Blake Vance and second by Faith Lacey to approve the total Tax Collections for the month of December 2017 as presented. Motion unanimously approved.

Regular Releases

The Regular Releases for the month of December 2017 is \$33.22.

Motion by Wood Hall Young, Jr. and second by Tim Phillips to approve the Regular Releases for the month of December 2017 as presented. Motion unanimously approved.

Mr. Daniels reviewed the sales for the month of December 2017. There were 82 sales compared to 42 sales last year.

Resolution Regarding Special Board of Equalization and Review

WHEREAS, the Avery County Board of Commissioners, pursuant to N.C.G.S. §105-322, have determined to appoint a special Board of Equalization and Review for 2018; and

WHEREAS, the Board of Commissioners have determined that the qualifications for membership of the Board of Equalization and Review shall be that such individuals shall be owners of property located within Avery County, shall be eighteen years of age

or more, shall be citizens and residents of Avery County, and that all shall take the oath of office as prescribed by N.C.G.S. § 105-322 and shall otherwise qualify as required by Article 21 of Chapter 105 of the North Carolina General Statutes.

BE IT FURTHER RESOLVED that membership of said special Board of Equalization and Review shall be determined by the solicitation of applications from qualified applicants for said Board of Equalization and Review, and that their term of office shall continue throughout the calendar year of 2018 as prescribed by N.C.G.S. §105-322, and for such extended times as therein provided, at the rate of eight dollars (\$8.00) per hour.

BE IT THEREFORE RESOLVED that any vacancies which shall exist in the Board of Equalization and Review shall be filled by the then remaining members of the Board by simple majority vote from a list of three names from the list of qualified applicants who are not selected for primary membership in the Board of Equalization and Review, said names to be provided to the remaining members of the Board of Equalization and Review by the County Tax Assessor.

BE IT FURTHER RESOLVED that any appeals any taxpayer may file before the Board of Equalization and Review shall have the right to appeal the decision of the Board of Equalization and Review to the Property Tax Commission of the Department of Revenue for the State of North Carolina.

Motion by Blake Vance and second by Tim Phillips to adopt the Resolution Regarding a Special Board of Equalization and Review. Motion unanimously approved.

Resolution Encouraging Congress to Create a Stream of Resources to Address Deferred Maintenance Needs in America's National Park System

WHEREAS, America's National Park System is a living testament to our citizens valor, our nation's hardships, our victories, and our traditions as Americans, and has been called "America's Best Idea;" and

WHEREAS, the National Park System preserves the diversity, culture, and heritage of all Americans, and serves as a living classroom for future generations; and

WHEREAS, in 2016, the National Park Service celebrated its centennial, and currently manages more than 400 nationally significant sites and an invaluable collection of more than 75,000 natural and cultural assets that span 84 million acres across all 50 states, the District of Columbia, and several U.S. territories and insular areas; and

WHEREAS, North Carolina is home to ten national park units, including Cape Hatteras National Seashore, Moores Creek National Battlefield, Great Smoky Mountains National Park, and the Blue Ridge Parkway.

WHEREAS, Avery County is a gateway to the Blue Ridge Parkway, and benefits from the tourism associated with visitors to the park and the improved quality of place for residents; and

WHEREAS, the National Park Service's mission is to "to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations;" and

***WHEREAS**, in 2016, the National Park System had more than 331 million visits, including 15.2 million along the length of the Blue Ridge Parkway; and*

***WHEREAS**, in 2016, National Park Service estimates indicate that park visitors spent more than \$980 million in the communities along the Blue Ridge Parkway, supporting an estimated 15,600 jobs; and*

***WHEREAS**, the National Park Service has the obligation to preserve our nation's history; promote access to national parks for all citizens; stimulate revenue to sustain itself and nearby communities; educate the public about America's natural, cultural and historical resources, and provide safe facilities and environs to enjoy these resources; and*

***WHEREAS**, in 2016, the National Park Service estimated a deferred maintenance backlog of \$11.3 billion, including \$261 million along the North Carolina section of the Blue Ridge Parkway, which consists of repairs to aging historical structures, trails, sewers, thousands of miles of roads, bridges, tunnels, and other vital infrastructure.*

***WHEREAS**, it is the responsibility of Congress to maintain America's national parks to ensure our natural places and our history is preserved and documented for future generations, and for the adjacent communities that rely on the direct and indirect economic benefits generated by visits to national park sites.*

***NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE COUNTY OF AVERY** that the County of Avery urges Congress to create a reliable, predictable stream of resources to address deferred maintenance needs in America's National Park System, and to ensure that federal infrastructure initiatives include provisions to address park maintenance.*

Mr. Barrier stated that he had met with a gentleman regarding this resolution. This resolution is simply asking for support for this group that is asking Congress to step up and keep our national parks usable. In our area the Blue Ridge Parkway needs 2.6 million dollars in repair.

Motion by Faith Lacey and second by Tim Phillips to Adopt the Resolution Encouraging Congress to Create a Stream of Resources to Address Deferred Maintenance Needs in America's National Park System. Motion unanimously approved.

Resolution Regarding K-3 Class Size Reduction Implementation

Mr. Barrier stated that the school board has already adopted a similar resolution.

***WHEREAS**, pursuant to S.L. 2017-9, local school districts in 2018-19 are required to set class size averages in grades K-3 that equal the State classroom teacher funding ratios and will have to meet more restrictive individual class size maximums across those grade levels; and*

***WHEREAS**, an immediate reduction in the K-3 class size maximum will worsen an already very difficult environment for LEAs in finding licensed and qualified teachers to fill classrooms, most likely leading to more classrooms taught by long-term*

substitutes or lateral-entry teachers, who do not have the pedagogy and classroom management training necessary; and

WHEREAS, equalizing the average and funded K-3 class size ratios will result in the loss of flexibility to generate State funding for teaching positions in program enhancement courses like art, music, physical education; and

WHEREAS, in Section 2.1 of S.L. 2017-197, the General Assembly declared its intent to create a new funding stream for program enhancement teachers starting in 2018-19; and

WHEREAS, separate, additional funding allotments for program enhancement teachers like art, music, and physical education are essential to provide each student in North Carolina a sound and basic education, and

WHEREAS, even when this funding is provided, there are still classroom space and staffing challenges in implementing the new K-3 class size requirements which are outlined below; and

WHEREAS, the immediate reduction in individual class size maximums in grades K-3 would in turn increase the number of physical classrooms required at these grade levels; and

WHEREAS, art classes use messy supplies such as paint and clay while music classes generate loud sounds that, without adequate sound proof walls, will travel to neighboring classrooms and disrupt learning in those classes; and

WHEREAS, Avery County Commissioners and Avery County Board of Education are already working together to budget and plan for the 2018-19 academic year and this issue requires immediate attention by the NCGA.

NOW, THEREFORE, BE IT RESOLVED that we the members of the Avery County Board of Commissioners respectfully request that the General Assembly fully fund small classes and slow implementation of the K-3 class size reductions outlined in S.L. 2017-9 through a multi-year phase-in that allows time for the legislature and school districts to address the challenges delineated above, and

BE IT FURTHER RESOLVED that the NCGA provide full funding for all enhancement teachers, and

BE IT ALSO RESOLVED that the NCGA approve HB 866: Public School Building Bond Act of 2017, so that districts across North Carolina are better able to meet their school facility needs associated with class size reduction and growth.

Motion by Blake Vance and second by Faith Lacey to adopt the Resolution Regarding K-3 Class Reduction Implementation. Motion unanimously approved.

County Manager Updates – Phillip Barrier

Salary Study

David Hill will be meeting with department heads this week and employees beginning next week.

Agricultural Building

Framing has begun on the Agricultural Building.

Mr. Barrier thanked everyone that had come together to open a warming shelter during the power outage.

Mr. Barrier commented that he had been to a meeting with the NC Commerce Department. Broadband and economic development was discussed. Lightleap and Skybest were in attendance along with Phil Trew from the High Country Council of Government.

Cleaning Services Contract

Mr. Barrier stated that one of the custodians had taken another job. We took bids for a cleaning service to come in after hours and clean the common areas. We got two bids. The bid that I would recommend to the Board is with Mop and Pail Cleaning Services. This will save us about \$7,000.

Wood Hall Young Jr. asked if the cleaning service would be doing the MSDS sheets. Cindy Turbyfill, Assistant County Manager, stated that the County would be keeping the MSDS sheets because the County is providing the supplies.

Mr. Barrier stated that the references had all checked out.

Motion by Blake Vance and second by Tim Phillips to approve the Cleaning Services Contract with Mop and Pail Cleaning Services. Motion unanimously approved.

Approval of Audit

At the December 4, 2017 regular meeting, Sharon Gillespie presented the annual audit. The audit was not approved at that meeting and needs to be approved.

Motion by Blake Vance and second by Tim Phillips to approve the Annual Audit for the period ending June 30, 2017. Motion unanimously approved.

Finance Officer Report – Nancy Johnson

Budget Amendment

A budget amendment is needed for unexpected medical costs for inmates. There are two Avery County inmates with serious medical conditions.

Motion by Blake Vance and second by Martha Hicks to adopt the Budget Amendment for unexpected medical costs for inmates with a debit of \$25,000 to Inmate Medical (10.5200.8000) and a credit of \$25,000 to Fund Balance Appropriations (10.3990.0000). Motion unanimously approved.

Budget Amendment

The Sheriff's Office received two restricted donations from Drug Abuse Resolution Team (DART) of Avery County, Inc. A budget amendment is needed for \$441.75 to be used for the Avery K-9 Division. The second donation of \$19,145.00 is to be used only for our drug officer's salary. The salary for this officer is already in our budget and the

donation will be used for his salary only. The donation will not be used for vacation, bonus or sick leave.

Motion by Blake Vance and second by Tim Phillips to adopt the Budget Amendment for a donation from DART with a debit of \$441.75 to Drug Fund (10.5100.5701) and a credit of \$441.75 to donations (10.3345.0000). Motion unanimously approved.

Budget Amendment

A budget amendment is needed for the contracted cleaning service.

Motion by Faith Lacey and second by Blake Vance to adopt the Budget Amendment for the contract cleaning service in the amount of \$20,000 with a debit of \$20,000 to Contracted Services- Cleaning (105000.5400) and a credit of \$13,160.00 to Salary (105000.0220); \$1,100.00 to Fica (105000.0500); \$1,015.00 to Retirement (105000.0600); \$700.00 to 401K (105000.0800); \$600.00 to Group Insurance (105000.000) and \$3,425.00 to Allocated Insurance & Leases (105000.0950). Motion unanimously approved.

County Attorney Report – Michaelle Poore

Ms. Poore stated that she had nothing else to review with the Board besides what had previously been discussed.

Approval of Minutes

Motion by Tim Phillips and second by Blake Vance to approve the October 2, 2017 Regular Session; October 12, 2017 Special Meeting; October 23, 2017 Special Meeting; November 6, 2017 Regular Session; November 13, 2017 Special Meeting; November 27, 2017 Special Meeting; December 4, 2017 Regular Session; December 4, 2017 Closed Session; December 7, 2017 Special Meeting; December 12, 2017 Special Meeting. Motion unanimously approved.

Agenda Consent Items

Adopted by Consensus of the Board.

Blake Vance commented that by using the Ipads, 2884 pieces of paper had been saved for just this meeting.

Adjourn

Motion by Blake Vance and second by Tim Phillips to adjourn this meeting at 4:40 p.m. Motion unanimously approved.

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

ATTEST: _____
Cindy Turbyfill, Clerk