

**STATE OF NORTH CAROLINA  
COUNTY OF AVERY**

The Avery County Board of Commissioners met in Regular Session on Monday, July 3, 2017 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.

Blake Vance led prayer.

The Pledge of Allegiance was recited.

**Amend the Agenda**

**Motion by Blake Vance and second by Wood Hall Young, Jr. to amend the agenda to move 3.2C1 before 3.2A and add 3.3E Discussion of EMS Service Contract and Approval and 3.3F Purchase of 4H Van to the agenda. Motion unanimously approved.**

**Approval of County Manager Contract and Appointment of County Manager**

Michaëlle Poore, County Attorney, stated that in the Board's packet was an employment contract for the proposed County Manager, Phillip Barrier so if the Board wanted to approve that contract it would need to be approved prior to the appointment.

Wood Hall Young, Jr. questioned if the bond covered the county manager. Ms. Poore stated that under the proposed contract the county would pay for any bond that is required for this position.

**Motion by Wood Hall Young, Jr. and second by Tim Phillips to approve the contract for the County Manager as presented. Motion unanimously approved.**

**Motion by Blake Vance and second by Wood Hall Young, Jr. to appoint Phillip Barrier, Jr. as County Manager. Motion unanimously approved.**

The Oath of Office was given to the County Manager by Lisa Daniels, Clerk of Court.

**Celebrate County Government**

Mr. Barrier stated that there were three employees that were being honored today for their years of service to the county. Drema Hayes has been with the Department of Social Services for 27 years. Her coworkers said she was an excellent mentor. David Charles Vance has served for 27 years as Fire Marshal. His coworkers said he was the most dependable person and a martyr for the community. Patsy Grindstaff has served 24 years as the administrative assistant in the Inspections Department. Her coworkers said she is vivacious and loving.

**Public Comment**

There were no public comments.

**Appointment of Tax Administrator – Bruce Daniels**

Mr. Barrier stated the interview committee recommended Mr. Bruce Daniels for the position of Tax Administrator.

**Motion by Faith Lacey and second by Tim Phillips to appoint Bruce Daniels as Tax Administrator for a term of four years. Motion unanimously approved.**

The Oath of Office for the position of Tax Administrator was given to Mr. Bruce Daniels by Lisa Daniels, Clerk of Court.

**Board Appointments**

**Agricultural Advisory Board**

There are three applicants for three positions on the Agricultural Advisory Board; Jack Wiseman, Jr. is an applicant for the Altamont District; Larry Smith is an applicant for the Newland District; and Wood Hall Young, III is an applicant for an At-Large position. These applications have been reviewed.

**Motion by Tim Phillips and second by Blake Vance to appoint Jack Wiseman, Jr. (Altamont District); Larry Smith (Newland District) and Wood Hall Young, III (At-Large position) to the Agricultural Advisory Board. Motion unanimously approved.**

### **Extraterritorial Jurisdiction Member for Banner Elk Planning Board**

Because the ETJ, a zoning barrier around the town's corporate limits, abides by the town's zoning ordinance, they are allowed representation on the planning board and because the ETJ is not in the town limits but in the county, the county must approve the appointment of the ETJ member. The applicant for this position is Aaron Barlow.

**Motion by Blake Vance and second by Wood Hall Young, Jr. to appoint Aaron Barlow to the ETJ Banner Elk Planning Board. Motion unanimously approved.**

### **NCACC Voting Delegate**

The NCACC Conference will be held in Durham County August 10-12, 2017. During the business session, each county will be entitled to one vote on items that come before the membership. Each county should designate one voting delegate for the NCACC Conference.

**Motion by Blake Vance and second by Tim Phillips to appoint Martha Hicks as the NCACC Voting Delegate. Motion unanimously approved.**

### **Avery County Ranger Report – Joe Shoupe**

Joe Shoupe, Avery County Ranger, advised the Board that in March he had requested additional funding for the 2017-2018 budget to cover the upgrade of the temporary Smoke Chaser position to a permanent Assistant County Ranger. Unfortunately, the legislature did not choose to fund their part. The plan now is to hire a new Smoke Chaser by October 1 to replace the Smoke Chaser that is retiring. Mr. Shoupe requested that those additional funds be kept and diverted to purchase a new truck for the Smoke Chaser. The one-time cost will be the same for the counties share (approximately \$14,000). The existing truck is a 2004 model which qualifies it for replacement (10 years or 100,000 miles).

**Motion by Wood Hall Young, Jr. and second by Tim Phillips to divert the money that was to be used for the Assistant County Ranger to purchase a new truck for the Smoke Chaser. Motion unanimously approved.**

### **Avery Senior Services Funding Plan – Phillip Adams**

The North Carolina Home and Community Care Block Grant is vital to assuring the availability of cost effective home and community based services to the elderly, the malnourished, homebound, dependent and those who are socially or economically needy. To be served by services of the Home and Community Care Block Grant clients must be 60 or over. In addition there are other requirements for particular services. Home delivered meals clients must be homebound. In-Home aide clients must meet physical restriction requirements. Level 1 is home management assistance and level 2 includes personal care such as bath assistance.

In Avery County we utilize these funds to offset some of the costs of the following programs: Transportation (medical and general); In Home Aide level 1 and 2; Home Delivered meals; Congregate meals; Senior Center Operations.

The funding this year has been cut by approximately \$2900.00 but we are expecting to get that amount back and maybe a little more.

Chair Hicks questioned how many meals are provided. Mr. Adams answered that an average of 80 home bound meals were provided and an average of 70 congregate meals.

**Motion by Blake Vance and second by Wood Hall Young, Jr. to approve the Home and Community Care Block Grant Funding Plan for Avery Senior Services Center for the Fiscal Year 2017/2018. Motion unanimously approved.**

### **Tax Administrator Report – Phillip Barrier**

The Tax Collections for the month of June 2017 is \$54,606.84.

**Motion by Wood Hall Young, Jr. and second by Tim Phillips to approve the Tax Collections for the month of June 2017 as presented. Motion unanimously approved.**

### **Avery County Tax Collection Report – Fiscal Year 2016/2017**

Mr. Barrier reported that for the 2016 year the total levied taxes were \$15,784,946.74; the total collected was \$15,476,139.75 with a collection rate of 98.04%.

For 2006-2016 the total tax levied was \$181,625,719.75; the total collected was \$180,534,172.27 with a collection rate of 99.40%.

Outstanding payment agreements for 2016 was \$4,149.38; for 2006-2016 \$37,978.64.

Outstanding bankruptcies for 2016 was \$42,365.56; 2006-2016 \$169,039.53.

Outstanding attorney pursuits for 2016 was \$21,746.81; 2006-2016 \$220,446.45.

**Regular Releases**

There were no releases for the month of June 2017.

Mr. Barrier reported the sales for 2017 with 53 sales for the month of June.

**Resolution Requesting the Release of North Carolina Education Lottery Funds; Resolution Authorizing the Hiring of an Architect for Updating Avery County High School**

Michaëlle Poore, County Attorney, stated that the school board sent their resolution over from their meeting and if the board may recall at the end of the meeting the decision was to release the lottery funds so the school board could make the decision to hire an architect. They had also originally requested a second resolution authorizing hiring an architect. The language that is in this resolution is a language that was requested by the school board. I would direct this board's attention specifically to paragraph 2 which says that payment would be provided by the county with services to be reimbursed through financing of the project. There is no limit in that. It was my understanding from the meeting with the school board that the first resolution is what the school board needed to release the funds to hire the architect at their discretion.

Faith Lacey stated that last June our board hired Beeson, Lusk and Street to be an architect and give us a report and I have not seen the report. We paid them \$12,000. Why would we need to do another?

Ms. Poore stated that it is up to the school board to hire the architect and it is my understanding that the release of the lottery funds is what they needed to pay for that.

Ms. Lacey stated she thought that we needed to see what was on this report. We need to table this for two weeks.

Chair Hicks stated that we did not engage Beeson, Lusk and Street and that we did not pay them. That was to look into the DPI report and come back and tell us but they never did do this.

Blake Vance stated that for the public's benefit the Board of Commissioners really don't have a lot of say in what the school board does other than whether we are going to pay for it or not. We can't go to them and say you have to do this or that. That is not the way North Carolina statutes are set up. We have the power of the purse. We do have a good relationship with the Board of Education.

**RESOLUTION AUTHORIZING THE RELEASE  
OF NORTH CAROLINA EDUCATION LOTTERY FUNDS**

**WHEREAS**, the Avery County, North Carolina, Board of Commissioners and the Avery County, North Carolina, Board of Education met in joint session and discussed the proposed construction of an updated Avery County High School (hereafter "the Project"); and

**WHEREAS**, prior to consideration of the funding of the Project, the Project must be designed for bidding by a licensed architect; and

**WHEREAS**, the Board of Education has engaged in an architect selection process for the Project, selecting Boomerang Design as the most qualified firm.

**NOW THEREFORE**, the Avery County Board of Commissioners authorize the following:

1. The release of North Carolina Education Lottery Funds to pay for the architectural services contracted between the Avery County Board of Education and Boomerang Design for plans pertaining to updating Avery County High School.

The Board of Commissioners authorizes the Chair to sign this Resolution.

The motion to adopt this resolution was made by \_\_\_\_\_, seconded by \_\_\_\_\_ and passed by a vote of \_\_\_ to \_\_\_\_.

**Motion by Blake Vance and second by Tim Phillips to adopt the Resolution Authorizing the Release of NC Education Lottery Funds and authorize the Chair to sign.**

**VOTE: Motion carries 4 to 1.**

**FOR: Martha Hicks, Blake Vance, Tim Phillips, Wood Hall Young, Jr.**  
**AGAINST: Faith Lacey**

Ms. Poore stated that the second resolution was requested by the school board and basically the county is approving the project and the payment of the architect and the fees are not specified as to what the scope of the project would be. The board may want to wait until the school board can get the Board of Commissioners some better figures before they commit to funding the project.

**RESOLUTION AUTHORIZING THE HIRING OF AN ARCHITECT  
FOR UPDATING AVERY COUNTY HIGH SCHOOL**

**WHEREAS**, the Avery County, North Carolina, Board of Commissioners and the Avery County, North Carolina, Board of Education met in joint session and discussed the proposed construction of an updated Avery County High School (hereafter "the Project"); and

**WHEREAS**, prior to consideration of the funding of the Project by the County Commissioners, the Project must be designed for bidding by a licensed architect; and

**WHEREAS**, the Board of Education has engaged in an architect selection process for the Project, selecting Boomerang Design as the most qualified firm.

**NOW THEREFORE**, the Board of Commissioners authorize the following:

1. That the Board of Education contract with Boomerang Design for architectural services for the Project up to and including bidding the Project.
2. Payment for Boomerang's services to be provided by the County of Avery, with such services to be reimbursed to the County through financing of the Project, if any, as provided by law.

The Board of Commissioners authorizes the Chair to sign this Resolution.

The motion to adopt this resolution was made by \_\_\_\_\_, seconded by \_\_\_\_\_ and passed by a vote of \_\_\_\_ to \_\_\_\_.

**Motion by Blake Vance and second by Tim Phillips to table the Resolution Authorizing the Hiring of an Architect for Updating Avery County High School indefinitely. Motion unanimously approved.**

**EMS Service Contract**

Michaelle Poore, County Attorney, explained that the Grandfather Highland Games had previously contracted with Linville Central Rescue Squad for medical services at the games. They could not reach an agreement this year with Linville Central so they contacted the county to see if they would be willing to provide the EMT's for the medical tent. This contract would be with the county. The Highland Games would reimburse the county for those employees. The contract is with the county so those employees would have liability coverage under the county's insurance policy. This is entirely at the board's discretion.

**RESOLUTION AUTHORIZING A CONTRACT  
WITH GRANDFATHER MOUNTAIN HIGHLAND GAMES, INC.**

**WHEREAS**, the Avery County, North Carolina, Board of Commissioners has reviewed that proposed contract between the County of Avery and the Grandfather Mountain Highland Games, Inc., for emergency medical services; and

**WHEREAS**, the County finds that the Grandfather Mountain Highland Games is an event which draws large crowds to the county and it is necessary to promote the interests and wellbeing of the public that emergency medical services be provided at said event; and

**WHEREAS**, Grandfather Mountain Highland Games, Inc. has previously contracted with Linville Central Rescue for such emergency medical services, but has not been able to enter into an agreement

with Linville Central Rescue this year; and

**WHEREAS**, the Board finds that it is in the best interest of the health and wellbeing of the public to provide such emergency medical services at the 2017 Grandfather Mountain Highland Games, scheduled to begin 6 July 2017.

**NOW THEREFORE**, the Avery County Board of Commissioners hereby authorizes the execution of the proposed contract between the County of Avery and the Grandfather Mountain Highland Games, Inc.

The Board of Commissioners authorizes the Chair to sign this Resolution.

The motion to adopt this resolution was made by \_\_\_\_\_, seconded by \_\_\_\_\_ and passed by a vote of \_\_\_\_ to \_\_\_\_.

**Motion by Blake Vance and second by Tim Phillips to adopt the Resolution Authorizing a Contract with Grandfather Mountain Highland Games, Inc to provide EMS services and to include reimbursement for the attorney's fees. Motion unanimously approved.**

#### **Purchase of 4H Van**

Wood Hall Young, Jr. stated that on June 21, 2017 it was brought to his attention that 4H was in desperate need of a van. A van was put in the budget but was taken out before it was presented to the Board. After talking to Joe Trivette, the van has been worked on several times and is really not suitable to haul the children. They are not using the van at this time. They are now using the school systems activity bus. I asked Joe Trivette to see what he could find in a used van. He found one for \$9,000 and one for \$12,000. I would like for the two vans and the bus that 4H has to be deemed surplus property and sold and the money used to buy another van. I understand no one wants to make a budget amendment this soon into the new budget but the van was in the budget to begin with. I don't want to continue to kick this down the road.

**Motion by Wood Hall Young, Jr. to approve a budget amendment for up to \$15,000 to buy a van for 4H as quickly as possible and let Joe Trivette choose the van.**

Discussion regarding the 4H van. Ms. Lacey stated that we do not want the children to ride on a van that is not suitable and that it should be a new van.

Mr. Young withdrew his motion and asked that the county manager find out how many miles a year that 4H uses the van, how much a new van would cost, and see if Jerry Moody could find any money in his budget to help with the purchase. He also requested that this be placed on the agenda at the next meeting.

#### **County Manager Updates – Phillip Barrier**

There will be a meeting on July 6, 2017 at 9:00 a.m. to discuss the Agricultural Building Project and the Swimming Pool Project.

The County Manager will attend a meeting on July 13<sup>th</sup> regarding the Appalachian Regional Grant which is a \$100,000 grant relating to Broadband.

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

The Avery County Recreation Department requests the following budget amendment for demolition of the old pool (\$10,850) and installing new playground equipment, restrooms, and a picnic shelter (\$85,000). The Parks and Recreation restricted monies totaling \$66,869.06 will be used for this project.

**Motion by Blake Vance and second by Tim Phillips to adopt the Budget Amendment of \$95,850.00 with a debit of \$95,850.00 to Capital Outlay (106200.7400) and a credit of \$95,850.00 to Fund Balance Appropriation (103990.0000). Motion unanimously approved.**

**Budget Amendment**

The Avery County Buildings and Grounds Department requests a budget amendment for demolition and moving phone lines at the Old Kelly Johnson Building. This amendment is needed because these items were not completed before June 30, 2017.

**Motion by Tim Phillips and second by Blake Vance to adopt the budget amendment in the amount of \$42,405.00 with a debit of \$42,405.00 to Capital Outlay---Johnson/Lacey Property (105000.7425) and a credit of \$42,405.00 to Fund Balance Appropriation (103990.0000). Motion unanimously approved.**

**County Attorney Report – Michaelle Poore**

There is nothing to report that requires board action.

**Approval of Minutes**

**Motion by Blake Vance and second by Tim Phillips to approve the June 5, 2017 Regular Session Minutes and the June 19, 2017 Closed Session. Motion unanimously approved.**

**Agenda Consent Items**

Adopted by Consensus.

Blake Vance reported that 816 pages of paper had been saved with the Ipads for this meeting and a total of 4000 printed pages since the commissioners had received the Ipads.

**Upcoming Meetings**

A special meeting will be held on July 6, 2017 at 9:00 a.m.  
The next Regular Meeting will be Monday, July 17, 2017 at 3:30 p.m.

**Adjourn**

**Motion by Blake Vance and second by Tim Phillips to adjourn this meeting at 5:07 p.m. Motion unanimously approved.**

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

ATTEST: \_\_\_\_\_  
Cindy Turbyfill, Clerk