

**State of North Carolina
County of Avery**

The Avery County Board of Commissioners met in Regular Session on Monday, June 4, 2018 at 3:30 p.m. in the Commissioners Board Room, Avery County Administrative Complex, 175 Linville Street, Newland, NC.

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

Members Absent: Martha Hicks, Chair

Call To Order

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

Tim Phillips led prayer.

Col. Sam Ray led The Pledge of Allegiance.

Proclamations and Awards

Sheriff Kevin Frye presented an award to Lt. Tracy Buchanan for the first advanced certificate for a detention officer in Avery County during Sheriff Kevin Frye's tenure.

Celebrate Avery County Government

Karena Weaver was recognized for 18 years of service with the Senior Services Department.

Mike Hayes was recognized for 17 years of service with the Public Buildings and Grounds Department.

Vice Chair Vance announced that if anyone would like to speak to an agenda item they must sign up with the clerk.

Public Comment

There were no public comments.

Board Appointments

Avery County Economic Development Advisory Committee

There are five applications for two positions on the Economic Development Advisory Committee. Carmen Lacey is currently on the Board and her term was for one year and she has expressed her desire to continue to serve. The other position was vacated by Mark Parlier who resigned a few weeks ago.

Ballots were handed out to each Commissioner. Each Commissioner will vote with their top choice being given a 1 and the lowest choice a 5. 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.

Vice Chair Vance called for a brief recess to tally the votes.

Vice Chair Vance called the meeting back in session after a brief recess.

Vice Chair Vance announced that Carmen Lacey and Jesse Pope were the two top vote getters.

Motion by Wood Hall Young, Jr. and second by Tim Phillips to appoint Carmen Lacey and Jesse Pope to the Avery County Economic Development Advisory Committee. Motion unanimously approved with those in attendance (4-0).

Memorandum of Understanding Between Avery County and the Avery County Agricultural and Horticultural Fair, Inc.

Michaelle Poore, County Attorney, explained that this MOU addresses several storage buildings at Heritage Park and spells out who is responsible for what.

Motion by Wood Hall Young, Jr and second by Tim Phillips to approve the Memorandum of Understanding Between Avery County and the Avery County Agricultural and Horticultural Fair, Inc. Motion unanimously approved with those in attendance (4-0).

Resolution Regarding a Turning Lane at Hwy 19E & Hwy 194 Intersection

Phillip Barrier, County Manager, stated that it had come to the Board's attention that Representative Josh Dobson and Senator Deanna Ballard could possibly have some funds for small projects in the county. This is one of the projects that we have been asking for. This resolution is asking Rep. Josh Dobson and Senator Deanna Ballard to support this project.

***Whereas,** the Avery County Board of Commissioners is concerned about the safety and welfare of individuals utilizing the public highway system of our County;*

***Whereas,** the Avery County Board of Commissioners is specifically concerned with the intersection of Hwy 19E and Hwy 194;*

***Whereas,** there is a heavy volume of normal traffic combined with increased school traffic turning at the intersection;*

***Therefore Be It Resolved,** the Avery County Board of Commissioners is in support of a turning lane at the intersection of Hwy 19E and Hwy 194 and asks for any support that the legislators can provide.*

Motion by Wood Hall Young, Jr. and second by Tim Phillips to adopt the Resolution Regarding a Turning Lane at Hwy 19E & Hwy 194 Intersection. Motion unanimously approved with those in attendance (4-0).

Agreement between Avery County & Grandfather Mountain Highland Games, Inc.

Mr. Barrier stated that this agreement is just like last year's agreement where Avery County furnished a medical tent for the Highland Games. That was furnished by another entity and now the county has taken responsibility. The attorney, Dr. Curry, and emergency services have all approved the agreement.

Motion by Tim Phillips and second by Wood Hall Young, Jr. to adopt the Agreement between Avery County & Grandfather Mountain Highland Games, Inc. Motion unanimously approved with those in attendance (4-0).

Tax Administrator Report – Bruce Daniels

Tax Collections Report

The Total Tax Collections for the month of May 2018 is \$128,534.55.

Motion by Wood Hall Young, Jr and second by Tim Phillips to approve the Tax Collections Report as presented. Motion unanimously approved with those in attendance (4-0).

Releases

The Releases for the month of May 2018 is \$312.70.

Motion by Tim Phillips and second by Wood Hall Young, Jr. to approve the Releases for the month of May 2018 as presented. Motion unanimously approved with those in attendance (4-0).

Mr. Daniels noted that with the collections brought in thus far for 2017 we are at 99.01% of the original levy of taxes.

Sales Statistics

Last year there were 41 sales compared to 62 sales this year.

County Manager Updates – Phillip Barrier

Agricultural Building Updates

Curbing is in, cabinets are in. Furniture is ordered. Signs are ordered. Working on getting in the septic system. Construction meeting is June 21st.

New Swimming Pool Update

June 12th will be a pre-bid conference. Bids will be opened on June 26th. The architect will be at the meeting on July 2nd.

Open Enrollment

Open Enrollment for employees is this Wednesday at 1:00 p.m.

Proposed Budget

The proposed budget has been presented to the Clerk and the Board and is on the website. We will have a public hearing on June 18th at 4:30 p.m.

Three Lane Trash Site

The Three Lane Trash Site will be closed on Thursday for paving.

Finance Officer Report – Nancy Johnson

Budget Amendment

A budget amendment is needed to amend the Pool Project Fund for additional building costs. The revised Pool Project Ordinance needs to be approved also.

Motion by Tim Phillips and second by Wood Hall Young, Jr. to adopt a budget amendment to amend the Pool Project Fund and approve the Pool Project Ordinance.

VOTE: 2 to 2.

For—Tim Phillips; Wood Hall Young, Jr.

Against---Blake Vance; Faith Lacey

Michaëlle Poore, County Attorney, stated that this was an impasse so if the Board decided to it can be placed on the agenda at the next meeting when there is a full Board.

Blake Vance stated he knows that the Board wants to do it and we need to do the best we can with it but he had to be on record as opposing it.

Consensus by the Board to agenda this budget amendment and amendment to the Pool Project Ordinance on the June 18, 2018 meeting.

Budget Amendment

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

Motion by Faith Lacey to adopt the budget amendment in the amount of \$60,000 with a debit of \$60,000 to Inmate Medical (10.5200.8000) and a credit of \$60,000 to Fund Balance Appropriation (10.3990.0000).

There was discussion whether a motion required a second by Board policy. The clerk stated that the Board policy only requires a second on a substitute motion.

Blake Vance stated that he had an issue with the taxpayers of Avery County paying over \$200,000 a year for inmate medical costs. Wood Hall Young, Jr. stated he didn't like it but it had to be paid. Tim Phillips stated that there was nothing we could do about it he didn't like it but it had to be paid.

VOTE: Motion unanimously approved with those in attendance (4-0).

Budget Amendment

A budget amendment is needed to amend the High School Renovation Project Fund to increase Architect fees for the design of the project. The revised High School Project Ordinance needs to be approved also.

Motion by Wood Hall Young, Jr. and second by Tim Phillips to adopt the budget amendment regarding the High School Renovation Project Fund with a debit of \$1,800,626.00 to Architect/Engineering Fees (45.6600.4005) and a credit of \$626.00 to Transfer from General Funds (45.3101.0000); credit of \$1,800,000.00 to Proceeds from Lottery Funds(45.3104.0000) and a debit of \$626.00 to Transfer to High School Reno Project (10.7000.6240) and a credit of \$626.00 to Appropriated Fund Balance (10.3990.0000).

Blake Vance stated that we have said that no local money would have to go to this project yet but just due to cash flow, we are having to put \$626.00 of local money before we can move further in the process.

Vote: Motion unanimously approved with those in attendance (4-0).

***AVERY COUNTY HIGH SCHOOL ADDITIONS & RENOVATIONS PROJECT
ORDINANCE***

Be it ordained by the Board of Commissioners of Avery County, North Carolina that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby revised:

SECTION 1

The project ordinance authorizes all appropriations necessary for the completion of the project and neither it nor any part of it need be readopted in any subsequent fiscal year.

SECTION 2

The officers of this county are hereby directed to proceed with the capital projects within the terms of the budget contained herein.

SECTION 3

The following amounts are hereby appropriated for the renovations and additions of the Avery County High School.

	<u>Current</u>	<u>Revised</u>
General Construction	-	-
Architect/Engineering Fee	\$150,000	\$1,950,626
	\$150,000	\$1,950,626

Section 4

The following revenues are anticipated to be available to complete this project:

	<u>Current</u>	<u>Revised</u>
Proceeds from lottery funds	\$147,026	\$1,947,026
Proceeds from loans	-	-
Transfers in (out) – general fund	\$ 2,974	\$ 3,600
Transfers (out) to debt service	-	-
	<u>\$150,000</u>	<u>\$1,950,626</u>

Section 5

The Finance Officer is hereby directed to maintain within the Capital Project Fund sufficient specific detailed accounting records to satisfy the requirements of any and all applicable requirements of North Carolina General Statutes.

Motion by Wood Hall Young, Jr. and second by Tim Phillips to adopt the revised Avery High School Project Ordinance. Motion unanimously approved with those in attendance (4-0).

County Attorney Report – Michaele Poore

Michaele Poore, County Attorney, stated that she had a couple of things for the Board's consideration. The first item is a memorandum of understanding regarding New River Mental Health which for the Board's reference that involves five counties Ashe, Avery, Watauga, Wilkes and Alleghany that were involved in the New River Service District. This addresses the storage disposition of the records that are still retained currently in Watauga County for New River and it sets forth that the counties split the storage and the costs related to this equally. The Board can authorize the County Manager to sign this if it meets the Board's approval.

Motion by Tim Phillips and second by Wood Hall Young, Jr. to adopt the Memorandum of Understanding regarding New River Service Authority and authorize the County Manager to sign. Motion unanimous with those in attendance (4-0).

Ms. Poore explained that the second item was the opioid litigation that is progressing throughout North Carolina and the United States. This is a proposal from the law firm that would represent the county in the lawsuit. This does not have to be acted on today but it is here for the Board's consideration.

Vice-Chair Vance stated that there was a lengthy discussion in closed session. He stated that he personally did not feel settled on this and would prefer to think about it a little more.

Faith Lacey questioned what the county attorney's advice was about any legal fees.

Ms. Poore stated that the short answer is that the county would not be responsible unless there is some type of settlement that is favorable to the county but what the Board needs to be aware of as part of a settlement if a facility is given to the county and there is a provision in here that the value of legal services would be based on a percentage basis on the value. If it did go to trial and the county lost the law firm would absorb all of the fees.

Motion by Faith Lacey and second by Tim Phillips to table the opioid litigation proposal. Motion unanimously approved with those in attendance (4-0).

Approval of Minutes

Motion by Tim Phillips and second by Wood Hall Young, Jr. to approve the minutes for February 12, 2018 Board Workshop; March 22, 2018 Special Meeting; April 9, 2018 Special Meeting; April 19, 2018 Special Meeting; May 3, 2018 Budget workshop. Motion unanimously approved with those in attendance (4-0).

Agenda Consent Items

Adopted by consensus of the board.

Upcoming Meetings

June 18, 2018 Regular Meeting which will include a Public Hearing regarding the FY Budget 2018/2019 at 4:30 p.m.

Adjourn

Motion by Wood Hall Young, Jr. and second by Tim Phillips to adjourn this meeting at 4:10 p.m. Motion unanimously approved with those in attendance (4-0).

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

Attest: _____
Cindy Turbyfill, Clerk

