

**STATE OF NORTH CAROLINA
COUNTY OF AVERY**

The Avery County Board of Commissioners met in Regular Session on Monday, March 6, 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.

Tim Greene, County Manager, led in prayer.

Wood Hall Young, Jr. led the Pledge of Allegiance.

Public Comments

Blake Vance recognized Matt Debnam, editor at Avery Journal for his award from the NCPA State Press.

Board Appointments

Avery County Recreation Advisory Committee

Tim Greene, County Manager, stated that there were 11 applications for the Avery County Recreation Advisory Committee that the board had reviewed. Ballots were handed out to each Commissioner. Each Commissioner will vote with their top choice being given a 1 and the lowest choice an 11. Each Commissioner will sign and date the ballots. The results will be available for public inspection and be included in the minutes. The applicants are Tim Blair, Bill Close, John Fisher, Mitchell Horney, Travis Hughes, Joe Ingham, Melissa Keller, Kevin McClellan, Pamela Benfield Smith, Ricky Ward and Gloria Watts.

Chair Hicks called for a brief recess to count the votes.

Chair Hicks called the meeting back into session after a brief recess.

Chair Hicks announced the seven members of the Avery County Recreation Advisory Committee: Tim Blair; Mitchell Horney; Travis Hughes; Joe Ingham; Melissa Keller; Kevin McClellan; Pamela Benfield Smith.

Tim Blair 19 votes (2 first place, 1 second place, 1 sixth place, 1 ninth place)

Bill Close 50 votes (1 seventh place, 1 tenth place, 3 eleventh place)

John Fisher 37 votes (1 third place, 1 sixth place, 1 seventh place, 1 tenth place, 1 eleventh place)

Mitchell Horney 23 votes (2 second place, 1 third place, 1 fifth place, 1 eleventh place)

Travis Hughes 31 votes (2 third place, 1 sixth place, 1 ninth place, 1 tenth place)

Joe Ingham 27 votes (1 first place, 1 fourth place, 1 fifth place, 1 eighth place, 1 ninth place)

Melissa Keller 29 votes (1 second place, 1 fifth place, 1 seventh place, 1 eighth place)

Kevin McClellan 23 votes (1 second place, 2 fourth place, 1 sixth place, 1 seventh place)

Pamela Benfield Smith 24 votes (1 first place, 1 third place, 1 fifth place, 1 sixth place, 1 ninth place)

Ricky Ward 32 votes (1 first place, 1 fourth place, 1 eighth place, 1 ninth place, 1 tenth place)

Gloria Watts 35 votes (1 fourth place, 1 fifth place, 2 eighth place, 1 tenth place)

Chair Martha Hicks voted as follows: Tim Blair 1; Mitchell Horney 2; Travis Hughes 3; Kevin McClellan 4; Pamela Benfield Smith 5; John Fisher 6; Melissa Keller 7; Joe Ingham 8; Ricky Ward 9; Gloria Watts 10; Bill Close 11.

Vice Chair Blake Vance voted as follows: Joe Ingham 1; Kevin McClellan 2; Travis Hughes 3; Ricky Ward 4; Mitchell Horney 5; Pamela Benfield Smith 6; Melissa Keller 7; Gloria Watts 8; Tim Blair 9; John Fisher 10; Bill Close 11.

Faith Lacey voted as follows: Pamela Benfield Smith 1; Tim Blair 2; John Fisher 3; Gloria Watts 4; Melissa Keller 5; Kevin McClellan 6; Bill Close 7; Ricky Ward 8; Joe Ingham 9; Travis Hughes 10; Mitchell Horney 11.

Tim Phillips voted as follows: Ricky Ward 1; Mitchell Horney 2; Pamela Benfield Smith 3; Joe Ingham 4; Gloria Watts 5; Tim Blair 6; Kevin McClellan 7; Melissa Keller 8; Travis Hughes 9; Bill Close 10; John Fisher 11.

Wood Hall Young, Jr voted as follow: Tim Blair 1; Melissa Keller 2; Mitchell Horney 3; Kevin McClellan 4; Joe Ingham 5; Travis Hughes 6; John Fisher 7; Gloria Watts 8; Pamela Benfield Smith 9; Ricky Ward 10; Bill Close 11.

Morrison Library Board

There is one application for appointment to the Morrison Library Board. Mr. Josh Smith has agreed to serve on this Board. Mr. Smith has been a previous board member but has not served since 2015.

Motion by Blake Vance and second by Faith Lacey to appoint Josh Smith to the Morrison Library Board. Motion unanimously approved.

WAMY Board Application for Review

There is a WAMY application for review. Elizabeth Foster-Gacek is the applicant. This will be voted on in the April Meeting.

Cannon Memorial Hospital—Carmen Lacey

Carmen Lacey, CEO of Cannon Memorial Hospital, explained that she wanted to clear up some rumors that had been going around about the hospital shutting down. Dr. Baker's clinic is waiting to see if they will be an acute care clinic which is classified as an urgent care type clinic. The emergency room at the hospital is not going to be an urgent care. Cannon Memorial Hospital is applying for a grant for behavioral beds. There are currently ten beds and we get approximately 5,000 referrals for those beds.

We are looking at some redesign to add some 25-30 beds if the grant comes through. We will continue to provide the same services. We will continue to have medical inpatient beds also. If the grant materializes, we would be adding some additional jobs which we are estimating between 20 and 30.

Mayland Community College Updates – Dr. John Boyd

Dr. John Boyd updated the Board on the current projects that Mayland Community College is involved in. Pinebridge was given to Mayland Community College and it is in the design phase now. We will break the development down into phases. The Energy Exchange will now become Mayland Earth to Sky Park. The Observatory is under construction. We have applied for a grant. We are also working on the planetarium. Dr. Boyd also reported that the bond projects had been completed. A new roof was installed on the Avery Campus Building. Two rooms have been completed at the Historic Banner Elk School and classes are being offered there.

Avery County Chamber of Commerce – Melynda Pepple

Melynda Pepple, Executive Director of the Avery County Chamber of Commerce, thanked the Board for the funds that the Chamber had received in 2016. These funds are imperative for the Chamber and permit the Chamber to actively promote local businesses and perform economic development responsibilities for the community. Ms. Pepple shared important facts about tourism in Avery County. Tourist spending in 2015 in Avery County generated \$29,287 daily in combined state and local tax revenue. \$113.61 million per year was generated in direct tourist spending in Avery County in 2015. Ms. Pepple explained how the Chamber actively promoted economic development such as representing the community at regional and territorial meetings and conference; organize, implement, and attend events and festivals; create and distribute 35,000 visitor guides; and create and print 28,000 rack cards.

Avery County Humane Society – Nancy Morrison; Jesse Pope

Nancy Morrison, Chair of the Avery County Humane Society Board, reported that the Board of Directors was a very dedicated board with returning members and new members who are bringing fresh ideas and new enthusiasm to provide services to the residents and animals of Avery County. The Humane Society is ready to embark on a search to find a new executive director who can take the shelter in the right direction. The emphasis will be on finding an individual very knowledgeable in fundraising. The shelter is costly to operate at approximately \$60,000 per month but we feel the record of service to county animals certainly justifies the expenses. The Shelter's staff and board members have participated in a number of fundraisers raising almost \$20,000. In 2016, the total number of animals adopted was 803 as compared with 675 animals adopted in 2015, nearly a 20 percent increase. The debate about funding an animal control officer in Avery County is ongoing. We would like to see this funding take place because much of the criticism we get comes from this issue when the shelter staff refuses to pick up and transport a vicious or injured animal. The shelter's mission cannot include animal control for legal and liability reasons.

Avery County Sheriff's Office Updates – Sheriff Kevin Frye

Sheriff Kevin Frye updated the Board on the activity of the Sheriff's Office. The narcotics officer working from December 2016 through February 2017 was part of 17 felony drug investigations, plus 5 felony controlled substance buys, worked a meth lab on Roaring Creek, seized nearly \$6,142 in cash and assisted in five search warrants. On the part-time position that went full-time, the administration staff has from December 2016 through February 2017 processed 434 Civil papers ; 67 pistol purchase permits were issued; 83 concealed carry permits were issued; prepared for an audit of over 70 personnel files; this is along with answering citizens questions and directing for assistance.

The SMCP income for December, January, and February is \$56,785 worth of revenue to the county.

Sheriff Frye reported that one of the services which is vital to the Sheriff's Office and which has proven to be effective for us is the use of mental health worker's in the jail. About 60% of the people booked into our jail are either under the influence of some controlled substance or have mental health problems. The criminal justice system has become the defacto mental health. Vaya Health has been providing the assistance in our jails and they are no longer to do that without charging us. As Vaya comes to you, I encourage this Board to understand how critical it is to have the mental health services.

Governor's Crime Commission Grant – Troy Cook

Troy Cook, Avery County Sheriff's Office, explained that he was requesting a grant from the Governor's Crime Commission for domestic violence/sexual assault investigator in the amount of \$69,986; the match required is \$17,424 from Avery County. Avery County's 911 Center reported 235 domestic calls in 2016. The Sheriff's Office responded to 204 of the 235 calls. This year's in-service law enforcement training instructed that "when conducting a domestic violence investigation the law enforcement officer should employ the same techniques used to investigate homicides and go on the assumption that the victim may not be able to testify due to fear or intimidation". Frankly, we are not just there because we don't have the personnel that we need. I am asking for the approval of the grant application.

Blake Vance questioned if this was a new full time position. Troy Cook stated that it would be a new position. Mr. Vance asked if this is new money or if there was money in the budget. Mr. Cook stated that this would be included in the upcoming budget. Mr. Cook said I have applied for the grant but they have not reviewed it and if you did not approve it I would just have to call and tell them to pull it.

**Motion by Faith Lacey and second by Blake Vance to approve the Governor's Crime Commission grant for a domestic violence/sexual assault investigator.
Motion unanimously approved.**

Tax Administrator Report – Phillip Barrier
Tax Collections Report

The Total Tax Collections for the month of February 2017 is \$230,248.49.

Motion by Blake Vance and second by Tim Phillips to approve the Tax Collections for the month of February 2017 as presented. Motion unanimously approved.

Regular Releases

The Regular Releases for the month of February 2017 is \$63.84.

Motion by Wood Hall Young, Jr. and second by Blake Vance to approve the Regular Releases for the month of February 2017 as presented. Motion unanimously approved.

Mr. Barrier reported the Sales Statistics for the month of February 2017. There were 45 sales in February 2017 compared to 18 sales last year in February.

Special Board of Equalization and Review

Mr. Barrier stated that applications had been taken for the Special Board of Equalization and Review, the Board had reviewed these last month, these positions had been advertised and now the Board needed to vote on the applicants.

The first meeting for the Board of E&R will be Monday, April 10, 2017. We need a five member board and one alternate.

Ballots were handed out to each Commissioner. Each Commissioner will vote with their top choice being given a 1 and their lowest choice an 8. Each Commissioner will sign and date the ballots. Mr. Barrier announced the names of the applicants.

Chair Hicks called for a brief recess to count the votes.

Chair Hicks called the meeting back into session after a brief recess.

There was a tie between Nancy Bartlett, James E. Buchanan, Vernon Carpenter, and Bob Tatum. The ballots were handed about again. Place a 1 by the top choice and a 4 by the lowest choice.

Chair Hicks called for a brief recess to count the votes.

Chair Hicks called the meeting back into session after a brief recess.

Chair Hicks announced the members of the Special Board of Equalization & Review; Don Baker; Gwen Clark; Joe Perry; Bob Tatum; Edith Traver; and James E. Buchanan as the alternate.

The ballots will be kept on file in the clerk's office for public inspection and will be included in the minutes.

Don Baker 7 votes (4 first place, 1 third place)
Joe Perry 19 votes (2 second place, 1 fourth place, 1 fifth place, 1 sixth place)
Gwen Clark 20 votes (2 second place, 1 third place, 1 fifth place, 1 eighth place)
Edith Traver 24 votes (3 third place, 1 seventh place, 1 eighth place)
Bob Tatum 25 votes (1 first place, 2 fourth place, 2 eighth place)
James E. Buchanan 25 votes (1 second place, 1 fifth place, 3 sixth place)
Nancy Bartlett 30 votes (1 fourth place, 1 fifth place, 1 sixth place, 1 seventh place, 1 eighth place)
Vernon Carpenter 30 votes (1 fourth place, 1 fifth place, 3 seventh place)

Tie Vote: Bob Tatum 9 votes (3 first place, 1 second place, 1 fourth place)
James Eddie Buchanan 11 votes (1 first place, 2 second place, 2 third place)
Nancy Bartlett 14 votes (1 fourth place, 1 second place, 1 third place, 2 fourth place)
Vernon Carpenter 16 votes (1 second place, 2 third place, 2 fourth place)

Chair Martha Hicks voted as follows: Don Baker 1, Gwen Clark 2, Edith Traver 3, Joe Perry 4, Vernon Carpenter 5, James E. Buchanan 6, Nancy Bartlett 7, Bob Tatum 8

Tie Vote: Bob Tatum 1, Vernon Carpenter 2, James E. Buchanan 3, Nancy Bartlett 4

Vice Chair Blake Vance voted as follows: Don Baker 1, Gwen Clark 2, Edith Traver 3, Bob Tatum 4, Joe Perry 5, James E. Buchanan 6, Vernon Carpenter 7, Nancy Bartlett 8

Tie Vote: Bob Tatum 1, James E. Buchanan 2, Vernon Carpenter 3, Nancy Bartlett 4

Faith Lacey voted as follows: Don Baker 1, Joe Perry 2, Edith Traver 3, Nancy Bartlett 4, Gwen Clark 5, James E. Buchanan 6, Vernon Carpenter 7, Bob Tatum 8

Tie Vote: Nancy Bartlett 1, James E. Buchanan 2, Vernon Carpenter 3, Bob Tatum 4

Tim Phillips voted as follows: Don Baker 1, James E. Buchanan 2, Gwen Clark 3, Bob Tatum 4, Nancy Bartlett 5, Joe Perry 6, Vernon Carpenter 7, Edith Traver 8

Tie Vote: James E. Buchanan 1; Bob Tatum 2, Nancy Bartlett 3, Vernon Carpenter 4

Wood Hall Young, Jr. voted as follows: Bob Tatum 1, Joe Perry 2, Don Baker 3, Vernon Carpenter 4, James E. Buchanan 5, Nancy Bartlett 6, Edith Traver 7, Gwen Clark 8

Tie Vote: Bob Tatum 1, Nancy Bartlett 2, James E. Buchanan 3, Vernon Carpenter 4

Resolution Regarding Board Policy Section 11 Procedure for Handling of Claims and Lawsuits Against the County, Its Officers, and Employees

WHEREAS, The Avery County Board of Commissioners has adopted a Board Policy; and

WHEREAS, the Board of County Commissioners, hereinafter sometimes referred to as the "Board", has adopted a resolution which establishes uniform standards under which claims or civil judgments against the County officers and employees may be paid or litigated; and

WHEREAS, it is necessary that the Board also adopt procedures detailing the handling of claims and lawsuits brought against the County, its officers, and employees; and

WHEREAS, North Carolina General Statute 153A-12 permits the Board to provide for the exercise of performance of certain duties and powers by its officers, by adoption of a resolution setting forth directions and restrictions for the exercise of said powers; and

WHEREAS, the Board desires to reinstate an amended Section 11 of the Board Policy for the Avery County Board of Commissioners, the same captioned “ Procedure for Handling of Claims and Lawsuits Against the County, Its Officers, and Employees”; **NOW, THEREFORE, BE IT RESOLVED** that the Avery County Board of Commissioners meeting in regular session on the ____ day of _____, 2017, hereby adopts to its Board Policy, Section 11 PROCEDURE FOR HANDLING OF CLAIMS AND LAWSUITS AGAINST THE COUNTY, ITS OFFICERS, AND EMPLOYEES, as more particularly shown on Exhibit A attached hereto and incorporated herein by reference.

The Board of Commissioners further authorizes the Chair to sign this resolution.

Motion by Wood Hall Young, Jr. and second by Blake Vance to adopt the Resolution regarding Board Policy Section 11 Procedure for Handling of Claims and Lawsuits Against the County, Its Officers, and Employees as presented. Motion unanimously approved.

Resolution Regarding Board Policy Section 15 Records, Record Keeping, Official County Records

WHEREAS, The Avery County Board of Commissioners has adopted a Board Policy; and

WHEREAS, the Board desires to align Section 15 of the Board Policy for the Avery County Board of Commissioners with public records law and other existing policies of the County; and

WHEREAS, The Board finds that this will allow more efficiency with the administration of County government;

NOW, THEREFORE, BE IT RESOLVED that the Avery County Board of Commissioners meeting in regular session on the ____ day of _____, 2017, hereby amends the Section 15, RECORDS, RECORD KEEPING, OFFICIAL COUNTY DOCUMENTS as follows:

By amending Sections 15.2 and 15.3, and adding Section 15.4, to read as follows:

15.2 General Data Affecting Employees:

Information pertaining to Employee compensation and Employee records will only be released pursuant to the North Carolina Public Records Laws, NCGS 153A-98, and be subject to limitations thereto.

15.3 General Documents:

Public Records will be released to the public pursuant to the Public Records Policy for Avery County.

15.4 General Provisions

1. The County Manager has the authority to access all records considered to be the property of Avery County, unless denied by State Law.

2. The County Manager may determine which information is a public record and deny access to non-public information without instructions from the Board of County Commissioners.

3. As agent for the Board of County Commissioners, the County Manager has

the delegated authority to release information, but may elect to consult the Board of County Commissioners or the County Attorney.

4. All documents deemed not to be public records will not be subject to disclosure.

The Board of Commissioners further authorizes the Chair to sign this resolution.

Motion by Wood Hall Young, Jr. and second by Blake Vance to adopt the Resolution Regarding Board Policy Section 15 Records, Record Keeping, Official County Documents as presented. Motion unanimously approved.

County Manager Updates – Tim Greene

Landfill Scales

Mr. Greene reported that the scales at the transfer station were worn out. These scales were at least 40 years old and had been moved from the old landfill. We are having problems with them. We have money in the budget for the Cell 3 Construction and we would like to use that money to buy new scales. Eric Foster, Director of Solid Waste, has two or three estimates. We will be using his existing funds for this.

Consensus of the Board to move forward with purchasing the landfill scales out of the present Solid Waste budget.

Swimming Pool Project

We are trying to schedule a meeting for the week of March 20th. The Clerk will poll the commissioners on the best date.

Webinars

The Board will let the Clerk know when the webinars can be scheduled.

Lawn Care Services

Mr. Greene reported that the County had been under a 3 year contract for lawn services that will expire June 30, 2017. Mr. Greene questioned whether the Board would like to advertise for bids or if they were satisfied with the contract as it is.

Consensus of the Board to leave the lawn care services contract as it is.

Directional Signs Agreement

Mr. Greene stated that an agreement needed to be approved by the Board for removing and replacing two highway dedication signs for Lt. Glenn Hicks on NC 194 over the Elk River in Avery County.

Motion by Wood Hall Young, Jr. and second by Tim Phillips to approve the agreement and authorize the Chair to sign. Motion unanimously approved.

Finance Officer Report – Nancy Johnson
Budget Amendment

The Avery County Department of Social Services requests a budget amendment for EBT charges due to increased costs this year. This is 50% reimbursed by Federal Funds.

Blake Vance questioned if there was any more clarification on why the County had to pay this.

Ms. Johnson stated that this had to be paid.

Mr. Greene said that some of these things are not all Federal or State that the County has a little “skin in the game” and this is the County’s part of it.

Blake Vance stated that he had a real issue with how the EBT was run anyway.

Motion by Wood Hall Young, Jr. and second by Tim Phillips to approve the Budget Amendment of \$5,500.00 with a debit of \$5,500 to EBT Charges (106140.5740) and a Credit of \$2,750 to County Welfare (103634.0000) and a credit of \$2,750 to Appropriated Fund Balance (103990.0000).

VOTE: 4 to 1.

For---Chair Hicks; Faith Lacey; Tim Phillips; Wood Hall Young, Jr.

Against—Blake Vance

County Attorney Report – Michaelle Poore

Ms. Poore explained that the Title VI for the Avery County Transportation Department needed to be approved. This is the standard contract that is sent out every year.

Motion by Blake Vance and second by Wood Hall Young, Jr. to approve the Title VI Plan for the Avery County Transportation Department and authorize the Chair to sign. Motion unanimously approved.

Closed Session

Motion by Blake Vance and second by Wood Hall Young, Jr. to go into Closed Session at 6:05 p.m. regarding Attorney/Client Privilege (NCGS 143-318.11 (a)(3) and Acquisition of Property G.S. 143-318.11 (a)(5). Motion unanimously approved. Invitees are the Board, Manager, Clerk and County Attorney.

Chair Hicks declared the meeting to be back in Regular Session after a time of Closed Session. During Closed Session, no vote was taken.

Motion by Blake Vance and second by Wood Hall Young, Jr. to amend the agenda to add purchase of the Kelly Johnson Property beside the courthouse.

VOTE: 4 to 1.

For—Chair Hicks; Blake Vance; Tim Phillips; Wood Hall Young, Jr

Against—Faith Lacey

Faith Lacey stated that she did not think that purchasing the Kelly Johnson Property was a good business deal and that paying \$275,000 for the building and then paying to have it torn down did not make sense. We have other priorities such as the high school.

Blake Vance commented that new land is not being made near the courthouse and that there was a need for parking.

Wood Hall Young, Jr. said he was in favor of buying it and making a parking lot.

Tim Phillips stated that this was an opportunity that we could not pass up. There is not a whole lot of land near the courthouse. It makes sense to purchase it.

Chair Hicks commented that when she started as commissioner she saw the need for the property, especially for the elderly people that had to walk a long way to the courthouse when court was in session. This is the only property available around the courthouse.

Motion by Blake Vance and second by Tim Phillips to purchase the Kelly Johnson Property beside the courthouse for \$275,000 and accept the contract by the attorney.

VOTE: 4 to 1

For—Chair Hicks; Blake Vance; Tim Phillips; Wood Hall Young, Jr.

Against—Faith Lacey

Motion by Blake Vance and second by Wood Hall Young, Jr. to approve the Resolution Authorizing the Purchase of Certain Real Property and Authorizing the Execution and Delivery of Related Documents.

Vote 4 to 1.

For—Chair Hicks; Blake Vance; Tim Phillips; Wood Hall Young, Jr.

Against—Faith Lacey

Approval of Minutes

Motion by Wood Hall Young, Jr. and second by Tim Phillips to approve the December 12, 2016 Board Workshop; January 3, 2017 Closed Session; February 6, 2017 Regular Session; February 6, 2017 Closed Session. Motion unanimously approved.

Agenda Consent Items

Adopted by Consensus of the Board.

Upcoming Meetings

The next Regular meeting is April 3, 2017 at 3:30 p.m.

Adjourn

Motion by Tim Phillips and second by Blake Vance to adjourn this meeting at 7:05 p.m. Motion unanimously approved.

Martha Hicks, Chair
Avery County Board of Commissioners

ATTEST: _____
Cindy Turbyfill, Clerk