

**STATE OF NORTH CAROLINA
COUNTY OF AVERY**

The Avery County Board of Commissioners met in Regular Session on Monday, May 4, 2020 at 3:30 p.m. in the Commissioners Board Room, Avery County Administrative Complex, 175 Linville Street, Newland, NC.

Due to the COVID-19 pandemic and Governor Cooper's Executive Order No.121 issued on March 27, 2020 limiting mass gatherings to no more than 10 people at a time, the public was not allowed to attend the meeting in person. The meeting was broadcast live and recorded on the Avery County Youtube Channel.

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

Members Absent: None

Call To Order

Chair Hicks called the meeting to order at 3:30 p.m.
Wood Hall Young, Jr. led prayer.
The Pledge of Allegiance was recited.

Public Comments

There were three public comments that were emailed to the County Manager.

Jeff Brussee requested that the Board suspend the short term rentals as soon as possible.

Jon Patterson requested that the commissioners keep the current virus restrictions in place.

Phill Ashkettle was concerned about the 14 day self-quarantine restrictions for every person entering the county from other places. He requested that the commissioners remove the self-quarantine restrictions as soon as possible.

Board Appointments

Avery County Agricultural Advisory Committee

There are two applications for the Agricultural Advisory Committee for two vacancies. The applicants are Jim Phillips and Moses Braswell. These applications have been reviewed.

Motion by Wood Hall Young, Jr. and second by Tim Phillips to appoint Jim Phillips and Moses Braswell to the Avery County Agricultural Advisory Committee. Motion unanimously approved (5-0). Hicks—Aye; Phillips—Aye; Aldridge—Aye; Vance—Aye; Young—Aye

Community Child Protection Team

Sydney Harrison, Director of Oasis, has applied for the Child Protection Team.

Wood Hall Young, Jr. questioned if there was not an Avery County resident that was qualified to be on this board.

Dennis Aldridge stated that in this situation because of the position that she holds it would be good for Ms. Harrison to be on the Child Protection Team. There was discussion regarding the appointment.

Motion by Blake Vance and second by Wood Hall Young, Jr. to table this appointment and see if there would be an Avery County resident qualified for this appointment. Motion unanimously approved (5-0). Hicks—Aye; Phillips—Aye; Aldridge—Aye; Vance—Aye; Young—Aye

Avery County Economic Development Committee

Jerry Moody has applied for the Avery County Economic Development Committee to finish out the term of David Pollard.

Motion by Blake Vance and second by Tim Phillips to appoint Jerry Moody to the Avery County Economic Development Committee. Motion unanimously approved (5-0). Hicks—Aye; Phillips—Aye; Aldridge—Aye; Vance—Aye; Young—Aye

2020 Solid Waste Disposal Agreement

This is an agreement with the City of Bristol, Virginia starting July 2020. The County Attorney has looked this over.

Michaelle Poore, County Attorney, stated that she had one proposed change in this agreement and it was removing some language that it is governed by the state of Virginia. There are two places in the document that it would be just general language and not specific to Virginia. I would recommend that it be approved with those changes.

Motion by Tim Phillips and second by Wood Hall Young, Jr. to approve the 2020 Solid Waste Disposal Agreement with the recommended changes by the County Attorney. Motion unanimously approved (5-0). Hicks—Aye; Phillips—Aye; Aldridge—Aye; Vance—Aye; Young—Aye

Construction Contract Between Garanco and County of Avery

Ms. Poore, County Attorney, stated that the contract between Garanco and the County of Avery was approved to form. The terms are entirely up to the Board. Mr. Barrier stated that the Board had talked about the bid at a recent meeting and voted to give send a notice of proceed to Garanco.

Motion by Blake Vance and second by Tim Phillips to approve the Construction Contract Between Garanco and County of Avery. Motion unanimously approved (5-0). Hicks—Aye; Phillips—Aye; Aldridge—Aye; Vance—Aye; Young—Aye

Tax Administrator Report – Bruce Daniels

Tax Collections Report

The Tax Collections Report for the month of April 2020 is \$203,244.03.

Motion by Wood Hall Young, Jr. and second by Blake Vance to approve the Tax Collections Report for the month of April 2020 as presented. Motion unanimously approved (5-0). Hicks—Aye; Phillips—Aye; Aldridge—Aye; Vance—Aye; Young—Aye

Releases

The Releases for the month of April 2020 is \$4.00.

Motion by Wood Hall Young, Jr. and second by Dennis Aldridge to approve the Releases for the month of April 2020. Motion unanimously approved (5-0). Hicks—Aye; Phillips—Aye; Aldridge—Aye; Vance—Aye; Young—Aye

County Manager Updates – Phillip Barrier, Jr.

Broadband

The ARC reapplication is in the agenda packet for the Board to look at. Michelle Ball with High Country Council of Government has helped with that. Carolina West is testing in our areas for broadband capabilities.

Covid 19

The Health Department will be performing Covid 19 testing Thursday from 9:00 a.m. to 1:00 p.m.

The Manna Food Bank will be Thursday, May 14, 2020 at 12 noon in the parking lot of the Dive-In.

CDBG

Opened bids on Friday. Wilkesboro Mobile Home was the lowest bidder on the four homes that are going to be replaced.

Letter of Support

Mr. Barrier stated that Mr. Young had asked for a letter of support from the Board regarding the apartments in Newland on the old mill property.

Mr. Young stated that he would like for the County Attorney, Michaelle Poore to write a letter of support for this project and that due to the Covid 19 and the unforeseen circumstances with revenues that we cannot support with tax dollars at this time.

Dennis Aldridge stated that this concept was a great one and that he hated that it was a weak measure of support but believed at this point that was all the County could do.

Motion by Wood Hall Young, Jr. and second by Tim Phillips to have the County Attorney write a letter of support for the Peak Apartments. Motion unanimously approved (5-0) Hicks—Aye; Phillips—Aye; Aldridge—Aye; Vance—Aye; Young—Aye

Motion by Blake Vance and second by Wood Hall Young, Jr. to amend the agenda so each commissioner can affirm their vote by roll call. Motion unanimously approved (5-0) Hicks—Aye; Phillips—Aye; Aldridge—Aye; Vance—Aye; Young—Aye

Each motion was cited and each Board member affirmed their vote.

Finance Office Report – Ashley Ingwersen

Ms. Ingwersen thanked the Board for giving her the opportunity to serve as Interim Finance Officer.

Budget Amendment

The Sheriff's Office has received an insurance settlement for the 2019 Dodge Durango.

Motion by Blake Vance and second by Tim Phillips to adopt the Budget Amendment regarding an insurance settlement in the amount of \$1,562.64 with a debit of \$1,562.64 to Capital Outlay-Auto (105100.7410) and a credit of \$1,562.64 to Insurance Reimbursements (103340.0000). Motion unanimously approved (5-0) Hicks—Aye; Phillips—Aye; Aldridge—Aye; Vance—Aye; Young—Aye

Budget Amendment

The County has received an insurance settlement for the panel box at the Agriculture Building that was damaged due to a lightning strike.

Motion by Tim Phillips and second by Wood Hall Young, Jr. to adopt the Budget Amendment regarding an insurance settlement in the amount of \$9,751.50 with a debit of \$9,751.50 to Repairs & Maintenance (105000.1510) and a credit of \$9,751.50 to Insurance Reimbursements (103340.0000). Motion unanimously approved (5-0) Hicks—Aye; Phillips—Aye; Aldridge—Aye; Vance—Aye; Young—Aye

Budget Amendment

The County has received a payment from the Department of Health and Human Services. This is from the Cares Act Provider Relief Fund. This is relief funds to Avery County EMS in response to the COVID-19. This is not anything we applied for. It was based on the Medicare numbers for 2019. We have set up a separate line item so we

can track this money. We don't have clear guidance on it yet and are waiting for more information.

Motion by Wood Hall Young, Jr. and second by Blake Vance to adopt the Budget Amendment regarding funds from the Cares Act Provider Relief Fund in the amount of \$37,486.46 with a debit of \$37,486.46 to DHHS Stimulus (105300.3700) and a credit of \$37,486.46 to EMS Revenue (103630.0000). Motion unanimously approved (5-0) Hicks—Aye; Phillips—Aye; Aldridge—Aye; Vance—Aye; Young—Aye

Recess

Chair Hicks called for a brief recess.

Chair Hicks declared the meeting to be back in session after a brief recess.

County Attorney Report – Michaele Poore

Michaele Poore, County Attorney, stated that she had a Resolution for the Board to consider concerning the Personnel Policy and the Families First Coronavirus Response Act. The Board looked at these last month. This is to formally make those provisions part of the Personnel Policy. These provisions are valid through December 31, 2020.

WHEREAS, on 18 March 2020, Congress passed the Families First Coronavirus Response Act (the FFCRA); and

WHEREAS, part of this FFCRA provides for paid sick leave (Emergency Paid Sick Leave or EPSL) to eligible employees under certain circumstances; and

WHEREAS, the FFCRA adds a new category of qualifying reason for FMLA leave for specified reasons related to COVID-19; and

WHEREAS, the Board finds that the FFCRA impacts the Avery County Personnel Policy; and

WHEREAS, the Department of Labor is still issuing guidance on the requirements for the Act and the law is fluid as to the implementation of the requirements of the FFCRA; and

WHEREAS, the County desires to amend its Personnel Policy to reflect the changes required by the FFCRA; and

WHEREAS, the Board desires to grant the County Manager the authority and flexibility to implement the requirements of the FFCRA, including the authority to implement any changes based upon guidance issued by the Department of Labor; and

NOW, THEREFORE, the Avery County Board of Commissioners meeting in regular session on the 4th day of May 2020, **RESOLVES** to amend the Avery County Personnel Policy to add Sections 4.1 and 5.1 to Article VII as shown on the attached Exhibit A; and the Board further **RESOLVES** to allow the County Manager, in consultation with the Human Resources Officer and the County Attorney, to implement the FFCRA based upon guidance as issued by the Department of Labor.

Motion by Blake Vance and second by Wood Hall Young, Jr. to adopt the Resolution Regarding the Personnel Policy. Motion unanimously approved (5-0)

Hicks—Aye; Phillips—Aye; Aldridge—Aye; Vance—Aye; Young—Aye

Ms. Poore stated that the other item under her report was the local state of emergency for the county. The Board is aware the Governor's order unless it is extended is set to expire on May 8th with a phased in implementation after that. I wanted to see if the Board had any thoughts at this point if the Board wanted to extend the local state of emergency and what provisions the Board might want in it. Specifically, two additional provisions that we have locally which is the 14 day quarantine provision and the short term rental provision.

Tim Phillips stated that he thought the short term rentals should be opened up at 50% and lift the quarantine. Wood Hall Young, Jr. stated that he thought the short term rentals should be opened up to 50% and the campgrounds at 100% and lift the quarantine. Blake Vance stated that he thought the short term rentals should be opened up at 100% and leave the restrictions on things like Air Bnb's, etc. Dennis Aldridge said we have tried to be cautious and observe protocols and tried to be proactive so I think we move forward with following the Governor in a bit of a phase process with a 50% threshold for a fixed period to see how that is going.

Mr. Young stated that he had spoken with Diane Creek, Toe River Health District Director, and she had said that we needed to stress the social distancing, wearing masks in public and washing hands.

There was discussion regarding the 14 day quarantine. **Consensus by the Board to lift the 14 day quarantine on the next local state of emergency.**

There was considerable discussion regarding the short term rentals. Ms. Poore stated that she would draw up a proposal that included 50% opening of the short term rentals and 100% opening of the campgrounds along with lifting the 14 day quarantine and have the commissioners take a look at it. Ms. Poore also stated that we should get written confirmation from the health director if she agreed with the 50% opening of the short term rentals.

Approval of Minutes

Motion by Blake Vance and second by Wood Hall Young, Jr. to approve the February 17, 2020 Special Meeting Minutes; March 2, 2020 Regular Meeting Minutes; March 13, 2020 Special Meeting Minutes. Motion unanimously approved (5-0) Hicks—Aye; Phillips—Aye; Aldridge—Aye; Vance—Aye; Young—Aye

Agenda Consent Items

Adopted by Consensus of the Board.

Adjourn

Motion by Blake Vance and second by Wood Hall Young, Jr. to adjourn this meeting at 5:15 p.m. Motion unanimously approved (5-0) Hicks—Aye; Phillips—Aye; Aldridge—Aye; Vance—Aye; Young—Aye

Martha Hicks, Chair
Avery County Board of Commissioners

Attest: _____
Cindy Turbyfill, Clerk