

**STATE OF NORTH CAROLINA**  
**County of Avery**

The Avery County Board of Commissioners met in Regular session on Monday, March 7, 2016 at 6:00 p.m. in the Commissioners Board Room, Avery County Administrative Complex, 175 Linville Street, Newland, NC.

Members Present: Martha Hicks, Chair; Maxine Laws, Vice-Chair; Robert Griffith; Faith Lacey; Blake Vance

Members Absent: None

**Call To Order**

Chair Hicks called the meeting to order at 6:00 p.m.

Chair Hicks read a written statement: *The time limit for any comment to the Board is three minutes. Board members are not expected to comment or take any action on matters during public comment. Any individual speaking during public comment shall address the entire Board. Any person who willfully interrupts, disturbs, or disrupts the session will be asked to leave the meeting. If you would like to speak to an agenda item, you must sign up on the sheet with the clerk. Time limit to speak to an agenda item is also three minutes. Please silence all cell phones or electronic devices.*

Tim Greene led prayer.

Commissioner Griffith led the audience in the Pledge of Allegiance.

**Proclamations and Awards**

Sheriff Kevin Frye stated that Casey Lee has obtained his Advanced Certification from the NC Training and Standards Commission. Sheriff Frye presented Mr. Lee his certificate.

Sheriff Kevin Frye presented Lee Buchanan with the Medal of Valor for risking his life to protect others when he and another passerby pulled a man from a burning vehicle.

Sheriff Kevin Frye announced that he was nominated by the Honorable Judge McGhee of the Court of Appeals and will be representing all law enforcement in North Carolina on the Innocence Commission for the state of North Carolina.

Chair Hicks read a letter commending the Sheriff's Office for their help in assisting the Fall Creek Fire Department with a recent motor vehicle accident.

**Public Comments**

There were no public comments.

### **Board Appointments**

There is an application for review for the Avery County Joint Community Advisory Committee. This application is for Ms. Shirley Lowe.

### **Charters of Freedom—Perry Snipes**

Mr. Snipes advised that it was his understanding that the Board was going to decide where the monument was going to go and he was there to answer any questions. Tim Greene, County Manager, questioned “so you have secured all of the funds to do the monument?” Mr. Snipes answered “we have not secured all of the funds and actually just started fundraising. We do have 130 letters going out to certain residents within Avery County and we will ramp up the fundraising based on what type of monument you decide on; limestone or granite. Of course, we need the location because there is a lot of literature that we put out. Ms. Lacey questioned “it is my understanding that we would get this when enough money is collected. So you are going to have a checking account and when you get enough money we will get the monuments?” Mr. Snipes said “yes, when I come up next week I have the paperwork done for the local bank here and also a check for \$1,000. That account is open to any of the Board to see how it is progressing.” Martha Hicks questioned “how much money do you need to do this?” Mr. Snipes answered “if it is a limestone monument it is approximately \$65,000 and if it is granite it is approximately \$75,000. We will use local contractors. In some cases, we have been able to obtain donations of materials.” Reo Griffith questioned “do the public solicit these funds or how does that work?” Mr. Snipes answered “this board can help with bringing people together and through contacts throughout the county. We want to place this where it will not be removed.” Mr. Snipes stated that it was his understanding that the letter of intent had already been sent to Avery County. At the dedication ceremony that monument will be deeded to the county. Mr. Greene stated that he did not think that Avery County had received the letter of intent.

Chair Hicks said that when we get this letter of intent signed and sent back and they get the money raised, the veterans committee can work out the location.

**Motion by Reo Griffith and second by Faith Lacey that after review by the County Attorney and the County Manager the Chair is authorized to sign the Letter of Intent regarding the Charters of Freedom. Motion unanimously approved.**

**Consensus of the Board to go with the granite Charters of Freedom.**

### **Avery County Chamber of Commerce Presentation – Melynda Pepple**

Melynda Pepple, Director of the Avery County Chamber of Commerce, thanked the Board for funding the Chamber last year. Ms. Pepple gave examples of the promotion of tourism and marketing in Avery County. The Chamber is promoting the community in order to expand economic development. Tourism Economic Impact for Avery County in 2014 was 110.6 million dollars and this brought in 1220 jobs to Avery County. Ms. Pepple requested \$10,000 in funding from Avery County to help the Chamber promote Avery County.

Maxine Laws thanked the Chamber for their hard work.

**Resolution of Appreciation**

Chair Hicks asked Commissioner Griffith to read aloud the Resolution as follows:

***Whereas,** Lieutenant Keith Laws was an employed deputy sheriff for the Avery County Sheriff's Office, and;*

***Whereas,** Lieutenant Keith Laws was an employee for the County of Avery for 21 years, and;*

***Whereas,** the death of Lieutenant Keith Laws caused great remorse for all county employees, and;*

***Whereas,** several outside agencies volunteered their service to Avery County,*

***Therefore, Be It Resolved** by the Avery County Board of Commissioners that the Board sincerely appreciates and gives much thanks to the Mitchell County Sheriff's Office, Watauga County Sheriff's Office, McDowell County Sheriff's Office and Yancey County Sheriff's Office for assisting in covering our county road patrol and jail during the visitation and services for Lieutenant Keith Laws.*

**Motion by Blake Vance and second by Maxine Laws to adopt the Resolution of Appreciation. Motion unanimously approved.**

Commissioner Griffith asked that this resolution be sent to all of the agencies that participated.

**Resolution to Adopt the Toe River Regional Hazard Mitigation Plan**

Mr. Greene explained that this is a four county hazard mitigation plan with Avery, Mitchell, McDowell and Yancey participating. This was originally adopted in 2009 and then is to be updated every five years. We need to pass this resolution in order to be able to receive FEMA funds in case we have a hazard.

Mr. Greene read aloud the resolution:

*WHEREAS, Avery County is vulnerable to an array of natural hazards that can cause loss of life and damages to public and private property; and*

*WHEREAS, Avery County desires to seek ways to mitigate situations that may aggravate such circumstances; and*

*WHEREAS, the development, implementation and routine update of a hazard mitigation plan can result in actions that reduce the long-term risk to life and property from natural hazards; and*

*WHEREAS, it is the intent of the Avery County Board of Commissioners to protect its citizens and property from the effects of natural hazards by preparing and maintaining a local hazard mitigation plan; and*

*WHEREAS, it is also the intent of the Avery County Board of Commissioners to fulfill its obligation under North Carolina General Statutes, Chapter 166A: North Carolina Emergency Management Act and Section 322: Mitigation Planning, of the Robert T. Stafford Disaster Relief and Emergency Assistance Act to remain eligible to receive state and federal assistance in the event of a declared disaster affecting Avery County; and*

*WHEREAS, Avery County, in coordination with Banner Elk, Crossnore, Elk Park, Grandfather Village, Sugar Mountain, Newland, McDowell County, Marion, Old Fort, Mitchell County, Bakersville, Spruce Pine, Yancey County and Burnsville has prepared an update to the existing multi-jurisdictional hazard mitigation plan for the region with input from the appropriate local and state officials;*

*WHEREAS, the North Carolina Division of Emergency Management and the Federal Emergency Management Agency have reviewed the updated Toe River Regional Hazard Mitigation Plan for legislative compliance and has approved the plan pending the completion of local adoption procedures;*

*NOW, THEREFORE, BE IT RESOLVED that the Avery County Board of Commissioners hereby:*

- 1. Adopts the updated Toe River Regional Hazard Mitigation Plan; and*
- 2. Agrees to take such other official action as may be reasonably necessary to carry out the proposed actions of the Plan.*

**Motion by Maxine Laws and second by Blake Vance to Adopt the Resolution regarding the Toe River Regional Hazard Mitigation Plan. Motion unanimously approved.**

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

##### **Tax Collection Report**

The Total Tax Collections for the month of February 2016 is \$308,145.48.

**Motion by Blake Vance and second by Maxine Laws to approve the Tax Collection Report for the month of February 2016 as presented. Motion unanimously approved.**

#### **Regular Releases**

The Regular Releases for the month of February 2016 is \$311.93.

**Motion by Maxine Laws and second by Blake Vance to approve the Regular Releases for the month of February 2016 as presented. Motion unanimously approved.**

### **Sales Statistics**

Mr. Barrier gave examples of sales for the month of February 2016.

### **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 11, 2016. We need a five member board and we keep the sixth one as an alternate.

Ballots were handed out to each Commissioner. Each Commissioner would vote with their top choice being given a 1 and their lowest choice a 6. Each Commissioner will sign and date the ballots. Chair Hicks announced the names of the applicants.

Chair Hicks called for a brief recess so the Clerk and Chair could count the votes.

Chair Hicks called the meeting back into session after a brief recess. There was a tie between Vernon Carpenter and Edith Traver. The ballots were handed out again. Place a 1 by the top choice and a 2 by the second 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 five members of the Board of Equalization and Review; Don Baker, Tamela Baker-Buchanan, Vernon Carpenter, Joe Perry, Bob Tatum; alternate is Edith Traver.

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

Don Baker 9 votes (3 first place, 1 second place, 1 fourth place)

Joe Perry 15 votes (1 first place, 2 third place, 2 fourth place)

Bob Tatum 16 votes (1 first place, 2 third place, 1 fourth place, 1 fifth place)

Tamela Baker-Buchanan 19 votes (2 second place, 1 fourth place, 1 fifth place, 1 sixth place)

Vernon Carpenter 23 votes (1 second place, 3 fifth places, 1 sixth place)

Edith Traver 23 votes (1 second place, 1 third place, 3 sixth place)

Tie Vote: Vernon Carpenter 7 votes (3 first place, 2 second place)

Edith Traver 8 votes (2 first place, 3 second place)

Chair Martha Hicks voted as follows: Don Baker 1; Vernon Carpenter 2; Joe Perry 3; Bob Tatum 4; Tamela Baker-Buchanan 5; Edith Traver 6 Tie Vote: Vernon Carpenter 1, Edith Traver 2.

Vice Chair Maxine Laws voted as follows: Don Baker 1; Tamela Baker-Buchanan 2; Bob Tatum 3; Joe Perry 4; Vernon Carpenter 5; Edith Traver 6 Tie Vote: Vernon Carpenter 1, Edith Traver 2

Reo Griffith voted as follows: Don Baker 1, Tamela Baker-Buchanan 2, Bob Tatum 3, Joe Perry 4, Vernon Carpenter 5, Edith Traver 6 Tie Vote: Vernon Carpenter 1, Edith Traver 2

Faith Lacey voted as follows: Bob Tatum 1, Edith Traver 2, Joe Perry 3, Don Baker 4, Vernon Carpenter 5, Tamela Baker-Buchanan 6 Tie Vote: Edith Traver 1, Vernon Carpenter 2

Blake Vance voted as follows: Joe Perry 1, Don Baker 2, Edith Traver 3, Tamela Baker-Buchanan 4, Bob Tatum 5, Vernon Carpenter 6 Tie Vote: Edith Traver 1, Vernon Carpenter 2

### **County Manager Updates – Tim Greene**

#### **Bathroom Renovation**

The Bathroom Renovation at the courthouse is 100% complete and looks very good.

#### **Squirrel Creek Road Update**

Commissioner Griffith had requested the County Manager speak with Jerry Coombs with the Department of Transportation and that has been done. Mr. Coombs said that Squirrel Creek Road was on the list to be repaired and as soon as the asphalt plants opened back up that project would begin.

#### **Beech Mountain School Insurance**

Mr. Greene explained that Beech Mountain School's insurance was very expensive on trying to insure the school. Our lease requires them to have \$1,000,000 liability insurance and to have hazard insurance in the amount of the appraised value of the building. The general liability premium was not the problem. I contacted our insurance company and they said certainly the county needs to have it on our policy. They had a vandalism claim and some windows got broke. They do have some hazard insurance but it only applies to the improvements that they have made. Those windows were not part of their improvements so it is going to fall under our insurance. When I talked with the County Attorney and looked at some of our other leases, those leases were drawn up only to have general liability insurance. The one at Beech Mountain says general liability plus hazard insurance. I need guidance on what the Board wants me to do. We can ask them to provide hazard insurance on the whole building; we can provide the hazard insurance and the third option we can say you have to provide the hazard insurance on the building and we will give you a small donation this year to help and then next year they would be on their own. I did talk back to our insurance company

and their thought since it is nonemployees in that building you want them to provide their own liability insurance.

Maxine Laws questioned “if we rewrite the lease and do away with the hazard insurance part that would take care of it; they should not have to pay insurance on something that the county owns. Can we not let this go on the county insurance?”

Faith Lacey questioned “do we get the insurance if something happened to the building?” Tim Greene said “yes.”

Chairman Griffith stated “I would be in agreeance with us paying the insurance liability, hazard and such as that. Now if they get a window broke out it would be turned in on our insurance. Could we not be able to cut them a check because they are going to be the one to put the window back in?”

Maxine Laws questioned “is the community having to pay that large amount for the insurance?” Mr. Greene said they don’t have a problem with the general liability insurance it is the hazard insurance so they just have minimal hazard insurance for \$50,000. Maxine Laws stated that she thought the county should pay for its own insurance on its own building.

Blake Vance stated that in every lease that I have ever had the property owner maintained the insurance on the building and I maintained liability insurance. The County Attorney said usually the one holding the activities are the ones that are going to create the liability so they should be maintaining the liability insurance. Blake Vance said he thought we should maintain the insurance on the physical building and they maintain the liability insurance.

Maxine Laws questioned “how much is their liability insurance per year?” Mr. Greene said around \$800.00 per year and they said they did not have a problem with paying that.

**Motion by Reo Griffith and second by Blake Vance to redo the lease for the Beech Mountain Community Center taking out the clause regarding the Hazard Insurance and the county providing the Hazard Insurance and the Beech Mountain Community Center providing the liability insurance. Motion unanimously approved.**

#### Agricultural Extension Building Update

Glen Walker and I along with the staff at the Agricultural Extension Building went over the preliminary plans. He has done the preliminary plans and with the price that he quoted us he will go back and make changes that we want him to make. We need to get together and see what direction we need to go. We need to set up a meeting to discuss all of this. Faith Lacey stated that she felt like that the Board needed to hear what Mr. Glen Walker had to say. Maxine Laws stated she felt that the Board needed to have that meeting immediately but I also would like to address a couple of things. First, I

realize we have a couple of things that we talked about. I realize that the things I am asking about would have to have a separate motion and vote but I want to talk about each one of them. We have talked about a pool, talked about the agricultural building for many months now and have never made a decision. We don't know the exact cost but we know it is going to be expensive. With us knowing this and knowing prices are not going to go down, I feel it is time to get started.

**Ms. Laws stated "First, I make a motion to move \$1,000,000 out of the General Fund Balance into a Capital Project Fund and earmark that for Repair/Renovation or build a new agricultural building at Heritage Park and any funds that would not be used would be rolled back into the general fund. Seconded by Blake Vance.**

Reo Griffith stated "there is no emergency for setting this money aside; the money is not going anywhere. Mr. Manager, do you have any dollar figures on the Ag. Building?" Tim Greene stated "these are estimates but he was talking about a complete renovation and that would be in the \$400,000 range." Blake Vance questioned "what is the value of the building?" Mr. Greene stated "in the \$300,000 range." Mr. Vance said "so it is going to cost more than the value of the building to do a complete renovation." Ms. Laws stated "I did ask Mr. Walker if we spent that money how long was this going to last before we had to spend more money and he said if you are going to do this you need to make sure you have a paving company to come in every two years and redo the pavement because it is not going to hold up. Even if you renovate the building and put the elevator which is going to have to be one of the things you have to do you are still going to only have seven parking areas and two of those have to be handicapped. That was one question I did ask was how long would this last before we had to start doing things." Mr. Griffith stated "to tie up this money for a specific capital project, this Board is absolutely committed to renovating the high school. We have said it time and time again, we don't know what that cost is going to be. I am against this motion under 2.6 of our policy. I think a resolution to tie up one million dollars of taxpayer's money needs to be an agenda item so the public could comment on it. That is where I stand and I will use policy 2.6 concerning that."

Ms. Laws said she thought this is one of the items and the pool that we have talked about and talked and talking is not getting anything done. I feel like if we will get some money set aside we will be more incline to get something done.

Blake Vance stated "I may be mistaken but I don't believe I am. I do believe that mid to late summer at a regular meeting under the Manager's report we did designate \$400,000 for a Veteran's Monument without it being an agenda item. I believe there is precedence for designating money under the manager's report."

Faith Lacey stated "I am very opposed to putting a million dollars into a capital fund because once it goes into capital fund you have to set up what it is for, how much you are going to spend and what you are going to do with it and that money stays there until you use it for that capital project. If it is in the fund balance and you want to do something you can take it out but once you put something in capital fund you have to

leave it there. I am opposed.” Blake Vance said “you do but you can amend that at any time.” Faith Lacey said “we don’t need to be in a hurry, we need to let this man talk to us.” Reo Griffith said “I am in agreeance with scheduling a meeting immediately and let us get the county property fixed and let us get a dollar figure.”

Maxine Laws said “I didn’t mean into a capital fund but a capital project fund earmarked for the Agricultural Building with any funds not being used rolled back over.”

Gerald McKinney said “I am a little concerned that it is stretching the county manager’s report. He is updating us on the status of things. Normally, if we are going to take action we have what is said and what action is anticipated. Here we don’t have that. I don’t know we are on the most solid ground in the world. I don’t know if there is enough information for you to make that decision today and number two since the money is being set aside the public needs to be able to comment on that.”

Maxine Laws removed her motion from the floor.

### **Recess**

Chair Hicks called for a brief recess.

Chair Hicks called the meeting back into Regular Session.

Maxine Laws questioned “can we schedule a meeting with someone from the pool which would be Robbie Willis and Mr. Glen Walker as soon as possible?”

**Motion by Maxine Laws and second by Blake Vance to have a meeting as soon as possible with Glen Walker and Robbie Willis to discuss the Swimming Pool and the Agricultural Extension Building. Motion unanimously approved.**

### **CDBG Grant**

Mr. Greene stated that a planning grant had become available with no county match. This is a \$50,000 grant. This grant would cover courses at the School of Government and webinars. We will have to involve the municipalities. The reason we are bringing it up today is that the application has to be put in by May and there needs to be a public hearing scheduled for the first meeting in April.

**Consensus by the Board to schedule a public hearing regarding the Planning Grant of \$50,000 the first meeting in April.**

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

#### **Budget Amendment**

The Recreation Department needs a budget amendment in the amount of \$25,110 for the removal of one house, cleaning up property, and building a 6 foot walking path on the recreation property near Newland Elementary. This will be using recreation restricted monies.

**Motion by Blake Vance and second by Maxine Laws to adopt the Budget Amendment regarding the Recreation Department in the amount of \$25,110 with a debit of \$25,110 to Capital Outlay (10.6200.7400) and a credit of \$25,110 to Fund Balance Appropriation (10.3990.0000). Motion unanimously approved.**

**Budget Amendment**

The Avery County Department of Social Services requests a budget amendment for Low-Income Home Energy Assistance (LIEAP). Budgeted amounts are less than state funding.

**Motion by Maxine Laws and second by Blake Vance to adopt the Budget Amendment regarding the Low-Income Home Energy Assistance in the amount of \$5,581.00 with a debit of \$5,581.00 to LIEAP (10.6800.6095) and a credit of \$5,581.00 to County Welfare (10.3634.0000). Motion unanimously approved.**

**Budget Amendment**

The Avery County Department of Social Services requested a budget amendment last month which allocated funds in the amount of \$1,355 to Software Maintenance and a line item transfer was requested putting an additional \$800 to Software Maintenance. All funds should have been allocated to Maintenance Contracts instead of Software Maintenance.

**Motion by Blake Vance and second by Maxine Laws to adopt the Budget Amendment regarding Allocation of Funds for the Department of Social Services to Maintenance Contracts with a debit of \$2,155.00 to Maintenance Contracts (10.6100.1540) and a credit of \$2,155.00 to Software Maintenance (10.6140.5750). Motion unanimously approved.**

**Budget Amendment**

The Sheriff's Office requests a budget amendment for concealed weapon permits. Requests for concealed carry permits have increased this year. For each new permit collected, fifty percent of the fee goes to the state of NC and forty-seven percent of each renewal fee goes to the state of NC.

**Motion by Reo Griffith and second by Blake Vance to adopt the Budget Amendment regarding concealed weapon permits of \$9,000 with a debit of \$9,000 to Concealed Weapon Permits (10.5100.5720) and a credit of \$9,000 to Concealed Weapon Fees (10.3613.0000). Motion unanimously approved.**

**Budget Transfer**

The Court Facilities department needs additional funds for repairs to equipment.

**Motion by Maxine Laws and second by Blake Vance to adopt the Budget Transfer regarding the Court Facilities Department with debit of \$250.00 to Supplies – Court Facilities (10.4750.3300) and a Credit of \$250.00 to Available for Appropriation (10.7000.6000). Motion unanimously approved.**

**County Attorney Report – Gerald McKinney**

Gerald McKinney, County Attorney, stated that it looked like with respect to both the Veterans Committee and the Special Joint Committee with the Board of Education when they were created it was not done with a motion and a second and the persons who were going to be put on each of those committee was not done by a motion. It was done more loosely than it should have been done. I would suggest that we pass a motion that we confirm the creation of both of those committees and we also confirm the persons appointed to those committees to follow our policy on having the board act on those officially.

**Motion by Blake Vance and second by Maxine Laws to confirm the Special Joint Committee with the Board of Education and the Veteran’s Committee by their proper names and membership. Motion unanimously approved.**

**Approval of Minutes**

**Motion by Blake Vance and second by Maxine Laws to approve the Regular Meeting Minutes for January 4, 2016; Joint Meeting with the Board of Education January 26, 2016. Motion unanimously approved.**

**Agenda Consent Items**

**Adopted by Consensus of the Board.**

**Upcoming Meetings**

Mr. Greene stated that there are some suggestions of budget workshop dates on the Upcoming Meetings list. Each commissioner should check your schedule and get back up with the clerk. We can be flexible on the dates and times.

**Adjourn**

**Motion by Blake Vance and second by Maxine Laws to adjourn this meeting at 7:47 p.m. Motion unanimously approved.**

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

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