

**STATE OF NORTH CAROLINA
COUNTY OF AVERY**

The Avery County Board of Commissioners met in Regular Session on Monday, April 6, 2015 at 6:00 p.m. in the Commissioners Board Room, Avery County Administrative Complex, 175 Linville Street, Newland, NC.

Members Present: Robert "Reo" Griffith, Chairman; Martha Hicks; Faye Lacey; Blake Vance

Members Absent: Maxine Laws

Call To Order

Chairman Griffith called the meeting to order at 6:00 p.m.

Tim Greene led prayer.

David Charles Vance led the audience in the Pledge of Allegiance.

Proclamations and Awards

A proclamation was presented for the Board's consideration honoring WAMY Community Action and is declaring May 2015 Community Action Month. Chairman Griffith read aloud the proclamation as follows:

WHEREAS, Community Action Agencies were created as the Economic Opportunity Act of 1964 was signed into law; and

WHEREAS, WAMY Community Action, Inc. has been promoting self-sufficiency for low-income families in Avery County for more than 50 years; and

WHEREAS, WAMY Community Action, Inc. has created many integral programs and services in Avery County, including Headstart, transportation authorities, and senior centers; and

WHEREAS, WAMY Community Action, Inc. conducts numerous programs to meet the needs of low-income residents, including weatherization, education and training services, food and nutrition programs and home rehabilitation; and

WHEREAS, limited income citizens continue to need opportunities to improve their lives and their living conditions, thus ensuring that all citizens are able to live in dignity; and

WHEREAS, WAMY Community Action, Inc. is recognized as an important and integral part of the communities of Avery County, NC.

We, the Board of Commissioners of Avery County do hereby honor the hard work and dedication of WAMY Community Action, Inc. and proclaim May 2015 Community Action Month.

Adopted this _____ day of April 2015.

Motion by Martha Hicks and second by Faye Lacey to adopt the Proclamation honoring WAMY Community Action and Declaring May 2015 Community Action Month. Motion unanimously approved with those in attendance (4-0).

Public Comment

Chairman Griffith stated if anyone would like to speak on an agenda item they must sign up on the sheet with the clerk.

Vanessa Henley representing Avery County Drug Treatment Court spoke to the Board regarding the funding for drug court. The Mediation & Restorative Justice Center has successfully overseen provision of the drug treatment court in Avery County for almost four years. The funding request for this year is \$12,000 as opposed to the \$10,000 that we requested in the past. The Avery County Drug Treatment Court currently has 15 participants with active drug orders. In the first nine months of the 2014-2015 fiscal year, we have screened and/or served 27 individuals. Avery County is one of only 14 counties out of 100 in North Carolina with an operating drug court program. In summary, drug treatment courts have been shown to significantly reduce drug use and crime.

Dr. John Boyd, Mayland Community College President, invited the Board to the ribbon cutting for a 13,000 square foot facility that is built from private dollars in Yancey County where the Governor will be in attendance. We have raised 4 to 5 million dollars to build it and have a 2 million dollar endowment to keep it going. Dr. Boyd gave a fact sheet to each board member regarding the impact of Mayland Community College on the business community and the return on investment to students, society and taxpayers. Dr. Boyd announced that he and Ms. Edwina Sluder had traveled to Raleigh where Mayland

received an ACT career preparedness award for college. We are competing nationally for that recognition.

Blake Vance thanked Dr. Boyd for the work that Mayland was doing and stated that Mayland is an asset to the community.

Board Appointments

There are two positions open for the Avery County Planning Board and the applications are attached for the Board to review. There is one position open for the Department of Social Services Board and three applications are attached for the Board to review. These will be considered for appointment in May.

Avery County Emergency Medical Services – Jerry Turbyfill

Jerry Turbyfill, Director of Avery County Emergency Medical Services, stated that he had been with the department since 1994. The department was formed in 1994. We ran approximately 3,294 calls last year which is approximately 270 calls a month. We have 24 full time personnel on staff and we have approximately 22 part time people on staff. We have a fluctuating workweek which means we have crew members that work two 24 hour shifts in any given seven days. The county owns seven ambulances including a quick response vehicle and we have three EMS bases. We have one in Newland, one in Banner Elk donated in 2005 and one in Riverside that was established in 2008. We have a crew in Newland 24/7 and crew in Banner Elk 24/7 and we have a QRV in Riverside 24/7 and we have a supervisor in Newland 24/7. Monday through Friday we have a day crew that works 7:45 to 4:15.

We bill Medicare, Medicaid and all commercial insurances. We have an updated rate increase as of July 2014, the only rate increase in eight years. The Basic Life Support rate is \$285.00 and Advanced Life Support is \$450.00. Mileage loaded mile is \$9.00.

Chairman Griffith thanked Mr. Turbyfill and his department for the service to the county. Chairman Griffith questioned what EMS had to go by to transport someone directly out of Avery County. Mr. Turbyfill stated that in 2002 all 100 counties had to develop a system plan through the NC Office of Emergency Medical Services and have it approved by the state medical director. In that system plan, you have destination guidelines which spells out the scenario what you might be dealing with and where you might be transporting the patient. You can be diverted by medical control from Cannon.

Emergency Management Services – David Charles Vance

David Charles Vance, Avery County Fire Marshal and Emergency Management Director, explained that he wore two hats. He is the fire marshal and emergency management director and these two positions require him to be on call 24/7 to answer any type of emergency that may arise. The fire marshal position is responsible for fire inspections in all public buildings and businesses. I inspect at least 250 businesses during the year. I respond to all structure fires and try to determine the cause of the fire and work with the SBI. I help perform a fire prevention program in the school system and public organizations. I check the condition of all emergency generators and attend the sites for the communication system. I am first responder for all types of spills in the county.

As far as the duties for the Emergency Management Director, I develop a plan of action to cope with both natural and man-made disasters. I help maintain an Emergency Operations Center to operate during times of a disaster. We are mandated to participate or hold three exercises a year which we do with the three county area, Avery, Mitchell and Yancey.

Chairman Griffith introduced Kenny McFee, Fire Chief of Green Valley Fire Department. Mr. McFee presented Mr. Vance with a plaque for appreciation of 50 years of service to Avery County.

Chairman Griffith thanked David Charles Vance for the service to Avery County. Each Commissioner thanked David Charles Vance for his service to Avery County.

The Charters of Freedom Presentation – Vance Patterson

Vance Patterson gave a power point presentation regarding The Charters of Freedom. The scope of the project is to build a replica of the Charters of Freedom as exhibited in the National Archives and bring that back and put in an area of high visibility where there is easy access for school children and high foot traffic. We would display three documents, the Declaration of Independence, four pages of the Constitution and the Bill of Rights. The foundation would be reinforced poured concrete covered by granite panels. Our proposal is to do as many of these projects as we can. We propose to do one in Avery County and this would be through the foundation and gifted to Avery County. We do not look for any county or city money, no government money or grants. The first step in this is for the commissioners to discuss this and then send written approval for the project. Mr. Vance stated that the requirement for the county would be to provide a location, site preparation and then landscaping after the project was completed.

Blake Vance and Faye Lacey thanked Mr. Vance for his presentation.

Martha Hicks said she thought this would be a good project to go along with what we are planning for the veterans.

Consensus of the Board to actively pursue this project in conjunction with the Veteran's Memorial.

Avery County Ranger- Joe Shoupe

Joe Shoupe, Avery County Ranger, reported that this is the 100th year anniversary for the NC Forest Service. Mr. Shoupe reported that so far this calendar year there had been 13 fires on 37 acres and 28 structures protected. This time last year I approached the board requesting the county to pick up 3 more months funding for the "Smoke Chaser" position. It is a temporary position and currently only works 8 months out of the year. There is a definite need for the three extra months. The "Smoke Chaser" position also collects field data such as community hazard assessments; fire district intelligence; compile data to be used to update Community Wildfire Protection Plans for each fire district; identify opportunities for fuel mitigation projects and advise communities of grant programs available which may offer funding; assist with flagging, measuring, and monitoring fuel mitigation projects for contract compliance; maintain Avery NCFS Headquarter building and grounds; provide staffing during periods when County Ranger is out of county on dispatch, training, vacation, etc.; assist with wild land fire training for VFD's. I am requesting an additional \$6,300 per year for three additional months for the "Smoke Chaser" position.

Mr. Shoupe also made the Board aware that the NC Forest Service may close the ranger station in Avery County and combine it with Watauga County. I personally have some concerns about that specifically the response times. Also, having that local county ranger's office is helpful to the citizens. We do have a prearranged fire crew to volunteer to help the NC Forest Service to work as a hand crew to fight fire.

Consensus by the Board to have the County Manager write a letter to the NC Department of Agricultural Commissioner, Steve Troxler regarding the possibly combining of the Avery Ranger Station and Watauga Ranger Station.

Tax Administrator Report – Deanna Phillips

Tax Collections Report

The Tax Collections Report for the month of March 2015 is \$620,241.66.

Motion by Blake Vance and second by Martha Hicks to approve the Tax Collections Report for the month of March 2015 as presented. Motion unanimous with those in attendance (4-0)

Regular Releases

The Regular Releases for the month of March 2015 is \$119.83.

Motion by Martha Hicks and second by Blake Vance to approve the Regular Releases for the month of March 2015 as presented. Motion unanimous with those in attendance (4-0).

Appointment – Board of Equalization & Review

Chairman Griffith explained that the 6 applicants would be categorized and there would be 5 board members with one alternate. The low number places the applicant; each name needs to have a number from 1 to 6. These ballots are to be signed and dated and will be a matter of public record on file in the clerk's office.

Recess

Chairman Griffith called for a brief recess for the chairman and the clerk to tally the votes.

Chairman Griffith declared the meeting back in session after a brief recess.

Chairman Griffith announced the five members of the Board of Equalization and Review which are as follows: Don Baker; Bob Tatum; Vernon Carpenter; Joe Perry; James "Eddie" Buchanan; alternate is Edith "Dedy" Traver.

Don Baker 4 votes (4 first place votes)

Bob Tatum 13 votes (2 second place votes; 1 fourth place vote; 1 fifth place vote)

Vernon Carpenter 14 votes (1 second place vote; 3 fourth place votes)

Joe Perry 15 votes (1 second place vote; 1 third place vote; 2 fifth place votes)

James Eddie Buchanan 18 votes (2 third place votes; 2 sixth place votes)

Edith "Dedy" Traver 20 votes (1 third place vote; 1 fifth place vote; 2 sixth place votes)

Chairman Griffith voted as follows: Don Baker 1; Bob Tatum 2; James Eddie Buchanan 3; Vernon Carpenter 4; Joe Perry 5; Edith "Dedy" Traver 6

Martha Hicks voted as follows: Don Baker 1; Joe Perry 2; Edith "Dedy" Traver 3; Vernon Carpenter 4; Bob Tatum 5; James Eddie Buchanan 6

Faith Lacey voted as follows: Don Baker 1; Vernon Carpenter 2; Joe Perry 3; Bob Tatum 4; Edith "Dedy" Traver 5; James Eddie Buchanan 6

Blake Vance voted as follows: Don Baker 1; Bob Tatum 2; James Eddie Buchanan 3; Vernon Carpenter 4; Joe Perry 5; Edith "Dedy" Traver 6

Motion by Blake Vance and second by Martha Hicks to approve Don Baker; Bob Tatum; Vernon Carpenter; Joe Perry; James "Eddie" Buchanan; as the five board members for the Board of Equalization & Review for 2015 and Edith "Dedy" Traver as the alternate. Motion unanimously approved with those in attendance (4-0).

County Manager Updates – Tim Greene

Sewer System at Avery High School

Mr. Greene stated that he had received a report from MB Haynes on the sewer system at Avery High School. MB Haynes videoed the inside lines of the sewer system. They have given an estimate on some repairs. Recommendation is that the lines get jetted which should smooth them out some. There are four to five places that needs repair. They recommend that after jetting that they redo the camera work. The school board is tasked with carrying out those functions. I have sent that information to Mr. Burleson and talked to him earlier. We went over the cost estimate and certainly he is taking that to his board and they are going to discuss how they are going to move forward. I reminded him that the county was committed to doing what was needed to get this fixed. MB Haynes can jet the lines in a couple of weeks and the school system will discuss that with MB Haynes. The outside lines have not been filmed yet because there was a lack of cleanouts and they did not have a long enough camera. We are assuming whatever problems if any on the outside lines would be much cheaper and easier repair.

Chairman Griffith said that this board was committed and openly said that this would be fixed. When we went into the project we didn't know so we initially set aside \$250,000 to start with and now the money we have set aside is going to be in excess of what it will cost to repair this system. We have made reference to the DPI report. There is short term immediate needs and there are long term needs. I think the Board would be in agreement with the short term needs to be done.

Blake Vance stated that he believed there were some needs that should be addressed but he believed it was the role of the school board to approach us with those needs or discuss that at a joint meeting because we as a board do not have the authority to address those needs.

Chairman Griffith said that we do have the money and we are agreeing that it must start somewhere. The majority of the board is not in the high school building business. We are for fixing what they have got. Reports have shown it was deemed for long term use.

Courthouse Renovation

There are still a couple of issues with the courthouse renovation. One is painting and that will be done depending on the weather. I have spoken with Mr. Greene and he said this week was not going to be good weather. The other things are directional signs and area of rescue signs and these are being completed. The hallway between the judge's bench and the judges' offices has been completed.

One other thing is that we need the glass doors replaced in the stairwell going into the annex at the courthouse. We have an estimate from Mitchell Glass. They are not going to put double doors back they are going to put 42 inch doors. There are also some drain pumps that need to be buried. I would like to get these out of the courthouse renovation money.

Consensus that the County Manager get the glass doors fixed at the courthouse and the downspouts fixed.

Budget Meetings

The Budget Meetings are scheduled for April 22, 23; April 29, 30. There will be a few items that we will need to address at the first budget workshop.

MOU Between Burke County & Avery County Regarding Backup 911 Center

Mr. Greene stated that Avery County needed to have an agreement and officially have a Backup 911 Center. We visited Burke County and we would like to use them as a Backup 911 Center. This is a brand new 911 Center and this was consolidated with several municipalities. The NC 911 Board has decided to look at each county to see what they have to work with. One way says that you need to have a backup 911 center in place by July 2016. In Avery County, we do not have all these other municipalities to

combine with so the other thing would be to work with another county. We are looking to get an MOU with the Town of Boone also but before any plans can be put into place or any piece of equipment can be put out for price, each county has to have a Memorandum of Understanding. In the board packet is a sample draft. They have an emergency response vehicle which is basically an extended RV and this has radios, etc and can be located here.

Mr. Greene stated that Mr. McKinney, County Attorney, has reviewed this and signed off on this MOU.

Motion by Blake Vance and second by Martha Hicks to approve the MOU Between Burke County & Avery County Regarding Backup 911 Center contingent on the approval from the County Manager and County Attorney. Motion unanimously approved with those in attendance (4-0).

Finance Officer Report – Nancy Johnson

Budget Amendment

The Avery County Sheriff's Office received a reimbursable grant from the Governor's Crime Commission in the amount of \$8,500 for the purchase of camera, monitors and digital storage. This is money from a grant.

Motion by Martha Hicks and second by Blake Vance to approve the Budget Amendment of \$8,500 from the Governor's Crime Commission with a debit of \$8,500.00 to (10.5100.7400) and a debit of \$8,500.00 to Governor's Crime Commission (10.3615.0000). Motion unanimously approved with those in attendance (4-0).

Budget Amendment

The Avery County Department of Social Services received additional funding in the amount of \$3,000 for Low-Income Home Energy Assistance (LIEAP).

Motion by Martha Hicks and second by Faye Lacey to approve the Budget Amendment of \$3,000 from the Low-Income Home Energy Assistance with a debit of \$3,000.00 to LIEAP (10.6800.6095) and a credit of \$3,000.00 to County Welfare (10.3634.0000). Motion unanimously approved with those in attendance (4-0).

Audit Approval

Request the Board to approve Young, Miller, & Gillespie, P.A. to audit the financial statements of the County of Avery as of and for the year ended June 30, 2015. The audit will begin in July 2015 and their report will be issued no later than October 31, 2015 at a price not to exceed \$34,400.00. This represents no increase from the prior fiscal year. The price also includes the Fire Commission Audit. Authorize the chairman to sign.

Motion by Blake Vance and second by Martha Hicks to retain Young, Miller, & Gillespie, P.A. for the audit for the County of Avery and authorize the chairman to sign. Motion unanimously approved with those in attendance (4-0).

County Attorney Report – Gerald McKinney

Mr. McKinney stated that he did not have a formal report but that the board needed to go into closed session.

Closed Session

Motion by Martha Hicks and second by Blake Vance to go into Closed Session per request of the County Attorney under G.S. 143-318.11 (a)(3) with invitees with the four board members, County Manager, County Attorney, Buddy Norris, and the Clerk at 7:58 p.m. Motion unanimously approved with those in attendance (4-0).

Chairman Griffith declared the meeting to be back in Regular Session after a time of Closed Session at 8:16 p.m. During closed session, no action was taken.

The County Attorney explained that Avery County has an existing contract for solid waste disposal with a company known as Reclaimed Resources. It is a Tennessee corporation. It has since April 2013 taken care of the solid waste disposal. We had hoped that over a period of time it was going to actually be able to convert the way it was performing its waste disposal to create renewable energy. It was obtaining money and grants to do so and needed us as a participate in order to help establish itself. It offered us tremendous savings if it were to become a viable entity. Without detailing those, it could have saved us as much as 1 million dollars. It was charging us a little more to dispose of the waste but it was using Bristol. The agreement that we had for five years allowed us to terminate this agreement as of June 1, 2015 if their facility was not up and running. This was our choice. At the outset and I think when

this contract was entered into, we were fairly well protected from loss and we had a tremendous upside. I think as things have progressed the likelihood of this facility being viable has gone down tremendously and if a change were to be made then June 1, 2015 would be a time of making this happen. We would have our alternative in line and we can give the appropriate notice if that is what the board feels needs to be done. Ongoing we are not at risk of not having solid waste disposal available to us. Bristol is committed to taking Reclaimed Resources waste until March of next year. This matter looked to have tremendous potential and small risk. The likelihood of the potential being realized based on what Mr. Norris has seen does not look like it is going to happen.

The County Attorney stated that I think what we have to do and the way we exercise the termination is the way the contract is drawn up is we can't actually terminate it until Jun 1, 2015 and they don't actually have the facility. We can send them a letter saying this is to advise you that if you do not have this facility up and running as of June 1, 2015 please consider this formal termination of this contract.

Motion by Martha Hicks and second by Blake Vance that the County Attorney construct a letter of intent to Reclaimed Resources stating that after June 1, 2015 we will no longer be in contract with them assuming they do not have their facility up and going as they have stated in a current contract. Motion unanimously approved with those in attendance (4-0).

Mr. McKinney advised that the letter would be sent after we have a commitment from a solid waste disposal company.

Approval of Minutes

Motion by Blake Vance and second by Martha Hicks to approve the Closed Session Minutes for February 2, 2015; Regular Session Minutes February 2, 2015; Closed Session Minutes March 2, 2015; Regular Session Minutes March 2, 2015.

Agenda Consent Items

Adopted by Consensus of the Board.

Upcoming Meetings

The budget workshops are scheduled for April 22, 23; April 29, 30. The next regularly scheduled meeting is May 4, 2015.

Adjourn

Motion by Blake Vance and second by Martha Hicks to adjourn this meeting at 8:30 p.m. Motion unanimously approved with those in attendance (4-0).

**Robert Griffith, Chairman
Avery County Board of Commissioners**

ATTEST: _____
Cindy Turbyfill, Clerk