

**STATE OF NORTH CAROLINA
COUNTY OF AVERY**

The Avery County Board of Commissioners met in Regular Session on Tuesday September 8, 2015 in the Commissioners Board Room, Avery County Administrative Complex, 175 Linville Street, Newland, NC. The meeting was rescheduled from Monday due to the Labor Day Holiday.

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

Members Absent: None

Call To Order

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

Tim Greene led prayer.

Charlie VonCanon led the audience in the Pledge of Allegiance.

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

Public Comment

Sheriff Kevin Frye stated "Forgive me if I go a little longer, I don't mean to. I asked to go on the agenda but was told I needed to do this in public comment. In the budget this year (handouts given to commissioners) we were budgeted \$70,743 to buy three vehicles. This is below state contract price, through the NC Sheriff's Association we can get them a few hundred dollars cheaper than state contract. I was budgeted \$70,743 to buy three vehicles, the best I can do to buy the sedans is \$71,070 which is \$327.00 short. I have asked for \$5,500 to equip the vehicles and that was cut to \$5,000. That is what the lights and decals are on the SUV's; as you can see on the sedans it is a little more expensive. I just need guidance from this board as how I need to proceed with this because there is no way I can order three vehicles and get them equipped with the money that was budgeted. I would rather have the SUV's if there is any way possible ; that would be a \$9,935.37 deficit. Tim Greene can tell you this because I had him try to sit in the back of one of those Ford cars there is not much room to try to get someone's legs in the back seat. Whatever the Board's pleasure is but at minimum I am going to need at least \$2410.98 added to the budget to order three cars. That is the minimum to get three sedans. The minimum to get three SUV's is \$9,935.37. "

Chairman Griffith said "We will let each commissioner speak in just a minute. \$2410.98 and that would be to buy and equip a sedan. That would do three sedans. Sheriff this is definitely a budget issue, there is no question about it being a budget issue. I think I had spoken with the manager and told him if you could find it in your budget, some 2 million dollars budget that I didn't care if you bought a sedan or an SUV as long as you could find it in your budget July 1. I felt like it was a management decision which is the county's budget officer and this is totally a budget issue. Does any other commissioners have any comments or anything you would like to say concerning this issue?"

Blake Vance said "Tim, was you able to examine that particular issue? I don't know if you and the sheriff had discussed that at all in finding that in the budget. " Tim Greene said "No, we haven't." Blake said "Just speaking as one commissioner on this we have a duly elected sheriff of this county and the citizens of Avery County elect him to run an office and I think we cut his legs out from in under him at budget time. I feel like we need to give the sheriff what he needs to run his office as a duly elected sheriff of Avery County. "

Maxine Laws said "This is the first I have seen or heard of it."

Martha Hicks said "This is the first I have heard of it, too. How many sedans do we have now?" Sheriff Frye said "There are 3 Ford interceptors." Martha questioned "How long have you had those?" Sheriff Frye answered "Two of them is two years old and one of them is one year old; we have a Dodge charger that is seven years old." Martha said "So you know what you are talking about when you say the sedan is too small a vehicle." Sheriff Frye said "Ask Tim what it is like trying to get in the back of it." Tim said "He did ask me to sit in it and it is cramped." Martha said "You will get more use out of the SUV than you will out of the sedans." Sheriff Frye said "All of them are four wheel drives. The sedans go great but it is the tightness of it."

Faye Lacey said "I think if you can find it in your budget then it is fine with me." Sheriff Frye said "What if I can't find it in my budget, I have been cut to the bone. Do you just want me to get two cars this year? I am asking you for your guidance. I don't know where I can find money in my budget." Chairman Griffith said "Now Sheriff, you will have to admit, the finance officer is sitting there, we are not going to have an argument here or nothing. Your budget was cut very minimal and there is the finance officer and we will pull up the figures from last year to this year and there are very, very little cuts in it, you know it and I

know it.” Sheriff Frye said “You are right it was minimal because it was operating at.....” . Chairman Griffith said “A very small cut. Sheriff you have heard consensus of a majority of the board, I really believe you and Mr. Troy can sit down with Mr. Greene and find this money and the board says we don’t care if you buy SUV’s or sedans, we do not care. That is unanimous consensus. Get a meeting scheduled with Tim and get into your budget and see what you can work out from there. I would suggest that the clock is ticking and snow is going to be blowing and they may run out of 2015’s I don’t know what the supply is with Tom Lowe at Capital Ford in Raleigh but you probably need to get them ordered pretty quick whatever you are going to do whether it is SUV’s or sedans or whatever; you probably need to get Tom Lowe on the phone and get them ordered soon. Schedule you a meeting with Tim and do it urgently and see if you can dig up some money and find some money in the budget and get three cars ordered and get them here and on the road. How’s that?” Sheriff Frye said “I will at least get two ordered quickly because I know that we will have the money for two?” Chairman Griffith said “Can’t never tell he might find the money for three, the most money you need is \$9,000; the least amount is \$2410.00.”

Susan Harris introduced herself to the Board as the new executive director of the Avery County Humane Society. I look forward to meeting all of you individually and hearing your concerns and comments about the job we are doing. I would like to extend an invitation to all of you. Our humane society is hosting a “Business After Hours” next Wednesday the 16th at 5:30 at the shelter. I am delighted to be here in the county and I look forward to a very congenial working relationship with the entire county.

Dr. John Boyd invited the Board to a barbecue at the Avery Campus of Mayland Community College on Tuesday, September 29, 2015 at 5:30 p.m.

Blake Vance stated that he appreciated the invitation that Ms. Susan Harris had extended to him and the opportunity to speak with you and look over the facility.

Maxine Laws stated that she did appreciate someone that we could work closer with.

Martha Hicks said that she had met with Ms. Harris about the facility and it was a good afternoon visit.

Faye Lacey stated that she enjoyed talking to Ms. Harris on the phone and looked forward to visiting.

Board Appointments

Mayland Community College Board of Trustees

Chairman Griffith stated that the Board had the applications for Mayland Community College Board of Trustees. The applicants are Fred Stout, Colonel Sam Ray, Jr., and Jennie Harpold. We will be voting by ballot which will be signed and dated and will be in the Clerk’s office for public inspection. The more you favor a person the lower number you give the person.

Recess

Chairman Griffith recessed the meeting so the Chairman and Clerk could tally the votes.

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

Chairman Griffith announced that Jennie Harpold has been appointed to serve on the Mayland Community College Board of Trustees.

Robert Griffith voted as follows: Jennie Harpold 1; Col Sam Ray, Jr. 3. ;Fred Stout 2

Maxine Laws voted as follows: Jennie Harpold 1; Col Sam Ray, Jr. 3. Fred Stout 2

Martha Hicks voted as follows: Jennie Harpold 2, Col Sam Ray, Jr. 3; Fred Stout 1

Faye Lacey voted as follows: Jennie Harpold 1; Col Sam Ray, Jr. 3; Fred Stout 2

Blake Vance voted as follows: Jennie Harpold 1; Col. Sam Ray, Jr. 2; Fred Stout 3

Jennie Harpold votes tallied: 6

Col. Sam Ray, Jr. votes tallied; 14

Fred Stout votes tallied; 10

Avery County Joint Community Advisory Committee

Chairman Griffith advised that there was one application for the Avery County Joint Community Advisory Committee Ms. Rachel Deal. Chairman Griffith expressed his appreciation for Ms. Deal being willing to serve.

Motion by Blake Vance and second by Maxine Laws to reappoint Rachel Deal to the Avery County Joint Community Advisory Committee. Motion unanimously approved.

Avery Fire Commission Appointment

Chairman Griffith stated that this was the Avery Fire Association appointment to the Avery Fire Commission and all the Board really does is give their seal of approval on the appointee. The Fire Association has recommended Mr. James Brooks to represent them on the Fire Commission for a two year term.

Motion by Martha Hicks and second by Blake Vance to approve Mr. James Brooks as the Avery Fire Association Representative to the Avery Fire Commission. Motion unanimously approved.

Applications for Review

Susie Potter, Kathie Masee, and Stephen Bender are the applicants for the Morrison Library Board. This will be voted on at the October meeting. Bill Beuttell is an applicant for the Avery Fire Commission. This will be voted on at the October meeting.

Avery County Agricultural and Livestock Position – Jerry Moody

Jerry Moody, Avery County Agricultural Extension Agent, reported that at the first of August Adam Keener, Agricultural Extension Agent, left to go teach at Crossnore Academy and that put us a position down. With the new realignment that is going on with the state as of July 1, 2015 our administrative assistant, Tami had to be 50/50; 50% cost share with the state and with the county. There is an Agricultural Agent which is me and a 4H position and portion of the SCF position has to be 50/50. If we get an additional Agricultural Agent it would be a 70% county, 30% state match as of July 1, 2016. Now that Adam is gone more than likely they will want us to hire that position at the new cost shares so realistically with benefits and everything the county would be putting in \$26,000 versus the \$9,000-\$10,000 they are putting in right now. Knowing that Mitchell County was short a livestock agent I approached Jeff Vance and he has already approached Mitchell County Commissioners and they are ok with sharing an agent. That would mean the cost share would be 25% which is along the same lines of what we are paying right now. The cost share for sharing an agent would be 25% for Mitchell, 25% for Avery and 50% for the State. That would put us in the same realm what we are paying right now. Doug Hundley will be retiring July 1, 2016 and his position will help my salary and 4H salary to get to the 50% match so we would not be paying any more than what we are now. There would be enough money to go to NC A&T and get them to do an agent. If we work that way we would have one person doing animal husbandry for both counties and then the next year we would hire a person to help run farmer's markets, alternative agriculture, etc. and the small other pieces of ag that we have. We will be able to get two positions with the amount of money we are paying now. Mr. Moody stated that he had contacted some of the livestock producers to get their opinions on this and they were understanding of the situation and felt the shared agent would work. The shared agent needs to have experience so they can "hit the ground running". A committee of farmers would be set up to help in the interview process. The shared agent would be housed in Avery and under our direction, Moody advised.

Motion by Maxine Laws and second by Martha Hicks to give Tim Greene, County Manager and Jerry Moody the authority to proceed with this recommendation and proceed with setting up a committee of farmers with the County Manager being a part of that hiring process of a 50/50 Agricultural Extension Agent with his sole job description being livestock. Motion unanimously approved.

Avery Communications – Jamey Johnson

Jamey Johnson, Avery Communications Director, reported that Avery Communications is the primary public safety answering point 911 center in Avery County. There are 10 fulltime positions and between 5 to 8 part-time employees. Communications is staffed 24/7 365 days a year. Communication employees must obtain a National Academy of Emergency Dispatch Certification, NC Emergency Dispatch Certification, Department of Criminal Investigation Certification, CPR Certification, TTY/TDD Certification. Avery Communications have answered 44,276 calls since January 1, 2015.

Faye Lacey commented that this was great work.

Martha Hicks thanked Jamey Johnson and the communications staff for their hard work.

Blake Vance said that he realized this was a very emotionally taxing job and he commended Jamey and his staff.

Maxine Laws thanked Jamey and his staff for the fabulous job that they were doing.

Chairman Griffith stated that this was a very good service and was the heartbeat of Avery County.

Tax Administrator Report – Phillip Barrier

Tax Collections Report

The Total Tax Collections for the month of August 2015 is \$3,092,406.02.

Motion by Blake Vance and second by Maxine Laws to approve the Tax Collections Report for the month of August 2015 as presented. Motion unanimously approved.

Regular Releases

The Regular Releases for the month of August 2015 is \$10,382.59.

Motion by Maxine Laws and second by Martha Hicks to approve the Regular Releases for the month of August 2015 as presented. Motion unanimously approved.

County Manager Updates – Tim Greene

Broadband Committee

Tim Greene said “As a recap, we appointed this Broadband Committee with the express intent to get the word out about the website that the state of North Carolina has called www.ncbroadband.gov. With this website anyone can log in and put in their address and report their lack of internet service and the state will collect that data and can even map it out where it shows the lack of service in certain areas. What the state will do is gather those responses and invite internet service providers to take a look at that. The idea is to show the providers that there is a lot of interest and a lot of people that is interested in it and hopefully will spur the providers to provide the service in those areas. Having said that, this is a process this is not a one event process. In the board packet we have a press release that will be hitting the press tomorrow in both papers and there is a brochure in case someone cannot get on line to fill out the survey. They can take the placard and fill out the survey on the back and we will collect those and we will enter the information. In addition, Dr. Burleson with the school system is going to be sending out a message on their phone system. We will be running some radio ads and we will put it on our website, Chamber of Commerce’s website, school system website and Mayland Community College website. I would like to encourage and invite all of the commissioners to do what you can to help get this word out. I think we will be able to make a difference. I think if we can get people interested in it and go ahead and fill the surveys out I think when the providers take a look at it and see the interest it will be a money making proposition.”

Chairman Griffith said “Concerning broadband, Ms. Maxine early on shortly after she was elected she started talking about broadband and had a passion for seeing something done on broadband. I got a call from the Three Mile Community from a parent and she was very concerned about the service and I was going to call Ms. Maxine’s attention to it and that Monday morning as luck would have it Ms. Maxine was calling me and saying Reo we need to do something about broadband. Ms. Maxine I thank you for spearheading this and working with the county manager, school superintendent, and Mayland officials and getting this organized and up and running and getting better service in the county.”

Maxine Laws stated “We do need everybody’s help, not just the board but everyone out there too. It is a need and I think it is a need that everybody knows. It is going to take a lot of work to get the surveys done and get them counted. It is going to take everybody working hard to get it done. I think it can do a lot especially for the school system as well as for the kids throughout the county that don’t have access as well as the businesses, maybe some home business that could start up with this. We want to work hard and see if we can get it done. We will be inviting all the servers and companies to come in with us.”

Chairman Griffith said “She has put a plea out to the board members and citizens to try to get some information back to this committee.”

Blake Vance stated “I have some information to share. This past Friday I was able to be part of a meeting with Congressman Meadows and he was telling me that there is some pretty serious USDA grants available and he wanted to work with Avery County in maybe procuring some of the USDA grant money to help expand our broadband here so I have got some information and actually exchanged some information today. There is some USDA money out there so we need to grab some of it.” Chairman Griffith questioned “Was that money through the Golden Leaf Foundation, the tobacco buyout?” Blake said “That I don’t know.” Chairman Griffith said “I have gotten several emails concerning that and I have actually forwarded that to Ms. Maxine that there was actually money through the Golden Leaf Foundation.” Blake said “Having our Congressman on board helping us procure those grants would be a wise move on our part with the USDA.” Chairman Griffith said “please get the information to her.”

Martha Hicks said “Ever since that we got all the children computers and ipads, this has been a great concern to me and we even got one company to come in and I don’t know what amount they have done and it was like about 80 people they had given service to and that was 80 people that didn’t have it. If you had ever had dial up anything will beat that. This is something that we all need to work on. Give these pamphlets out. Up our road one side has internet service and the other one don’t. We need to spend some extra time in our communities giving out these pamphlets and putting them in places where people can get them. It is something that is needed in Avery County. We have to work hard on it to get it done and work together.” Tim Greene said “This survey is only 5 questions so it is very short and not a time consuming thing.”

Faye Lacey said “I am for getting this in and I think we are all willing to work hard and we ask that everyone join with us because it is for the benefit of Avery County.”

Veterans Memorial

Tim Greene said "Our Veterans ad hoc committee has been meeting. Just to remind everyone that was formed to recommend the design, location and price for the new Veteran's Memorial. Of course, it is up to the full board to decide yes we like that recommendation or no we don't like that recommendation, or whatever. The full board will decide that. The committee has settled on a design and location for the memorial. We have chosen one that is most like McDowell County memorial. We are intending on splitting it apart and having it on either side of the sidewalk at the far end of the Town Square. We will say it is all granite design. We have put bids out. There are two kinds of bids; you have formal bids or informal bids. Formal bids are like construction projects that are \$500,000 and up and you have to do an RFP, advertise in the newspapers and it is a pretty lengthy project. If it a construction project, if it is less than \$500,000 down to \$30,000 it falls into the informal category. The attorney and I in reviewing that decided that would fall into the informal range. With the informal you do not have to advertise it and you do not have to have a set number of minimum bids but this project is expensive enough even though it falls in the informal range we didn't want to do just one bid and say ok we will take that. Obviously, we wanted to get several bids. We went to several of the monument companies through the funeral homes so we requested bids and we gave specifications of four different companies so we got bids on three of them. On the bids when the time comes that the full board says yes we want to go this route, the bid would have to be awarded and on that per statutes you would have to award it to the lowest responsive, responsible bidder. So that is where the legal counsel will play a role in that when that time comes. " Chairman Griffith said "the key word there is 'responsible bidder', that is the keyword." Tim Greene said "Yes, responsible and responsive. I think that is it other than one other comment. We do have a goal of trying to achieve this by Veteran's Day and this is going to be a very tight schedule. The clock is ticking."

Chairman Griffith stated "Ms. Martha you have spearheaded this from the beginning as the chair of the committee and we thank you for your service to the Veteran's and to the citizens of the county. Do you have anything further you would like to add?" Ms. Hicks said "Our next meeting is September 15, 2015 at 9:30 a.m. We will be able to bring something back to the board by the next meeting on what we have decided and let the board vote on that. We have about 2,045 names and then some more to that. We have run in the paper and on the radio. We are trying to get that out so we don't leave a name off. The companies after you get the names done they won't come back until you get 40 more names at a time. We are trying to get all of the names we can the first time. What we have looked at and worked on and discussed, I think we have some good things to present. I think the whole county will be proud of it. We got some trees cut and a lot of people didn't know why the trees were cut and that was why and we got a light pole removed and got it wired back up. We will be making some decisions on the 15th to bring back to the board."

Chairman Griffith stated "Of course I have been assisting you on that committee. I told the manager earlier in his office if the memorial committee comes to a decision and we still have November 11th in our mind and the clock is ticking we would call a special meeting. I have actually spoke with the lady in Elizabethton that has a bid in and I as Chairman would call a special meeting if we needed to for the sole approval of what the memorial committee has decided on. We would need 48 hours' notice." Ms. Hicks said "With us wanting to do it Veterans Day it is really pushing it." Chairman Griffith said "I spoke with one lady today and she is really getting nervous if she was awarded the bid, she is really getting nervous with the clock ticking. I want you to know that the Board of Commissioners if the special committee approves something if it is not within a timely manner of a meeting we have scheduled, I will call a special meeting for the sole purpose of putting our seal of approval on it."

Usage of County Owned Property

Tim Greene said "We had talked at one of our board workshops about deciding on what our criteria or guidelines were about allowing people to use county owned property, i.e. Heritage Park, Town Square, any of the property's we might have that someone would like to use. Legal counsel is working on a liability waiver and I am sure he would recommend that we get a certificate of insurance but it will be up to us to decide what guidelines we would want. We probably need to form an ad hoc committee to come up with the guidelines. We don't have to decide that today but I am just throwing that out because that is something we need to do." Chairman Griffith said "We spoke about this in his office and I am not going to open up the can of worms that we discussed but usage of county properties could get nasty in a hurry. I would ask the board members to personally call or meet with the manager and he will discuss some concerns that we chatted about this evening concerning county property and public property. By this time, our legal counsel is on board and you and legal counsel need to talk."

Agricultural Extension Building

Mr. Greene said "In light of the engineer report and I think everyone got a copy of it regarding the Ag. Building, in a workshop we also talked about the Avery Cares Building increasing the lease amount on that and Mr. McKinney had worked up the month to month lease which was going to be under the current lease rate per square foot and I know what the board had instructed. I am assuming we want to go to the new rate which I believe was \$8.00 a square foot." **Consensus of the Board to instruct legal counsel to go with the lease at \$8.00 a square foot.** Chairman Griffith said "May I add there Avery County, (a figure off the cuff) is paying better than \$4.00 per person for mental health and all the other counties in the service area is paying up towards \$2.00 per person. We are paying a lot for mental health and he

discussed with the manager about the rent per square foot; \$8.00 is a very reasonable rate. We are paying more to them than any county in the district.”

Chairman Griffith said “Mr. Manager, I would respectfully request concerning the Sheriff’s comments earlier, I would respectfully request that you tomorrow morning; we don’t buy cars from the Sheriff’s Association, we don’t get quotes from the Sheriff’s Association. I would respectfully request that you call Tom Lowe, he is the police lead sales manager at Capital Ford in Raleigh and get a quote on the SUV and get a quote on the sedan please and report back to the Board of Commissioners on these findings because that is where the vehicles will come from Capital Ford in Raleigh and see what is going on there.”

Finance Officer Report – Nancy Johnson

Budget Amendment

The Avery County DSS received additional funds for the Special Links program and would like a budget amendment to recognize the revenue so that the additional funds can be used.

Motion by Martha Hicks and second by Blake Vance to adopt the Budget Amendment regarding Avery County DSS with a debit of \$1,380.00 to Special Links Expense (10.6140.5710) and a credit of \$1,380.00 to Special Links Revenue (10.3644.0000). Motion unanimously approved.

Budget Amendment

The Avery County Sheriff’s Office received a \$50.00 donation for the Drug Fund and would like a budget amendment to record this donation.

Motion by Blake Vance and second by Maxine Laws to approve the Budget Amendment regarding the Avery County Sheriff’s Office with a debit of \$50.00 to Drug Fund Expense (10.5100.5701) and a credit of \$50.00 to Drug Fund Expense (10.3514.0000). Motion unanimously approved.

County Attorney’s Report – Gerald McKinney

Gerald McKinney said “The one item that we have here Mr. Barrier spoke to me concerning that occasionally businesses that we do business with here in the county that are county businesses are either not listing their taxes or paying their taxes and he suggested for your consideration that before we do business or award a contract or a local business provide goods and services that the county tax assessor certify that they are properly listing taxes and are current on the taxes. I have drafted a resolution to that effect, a proposed form that Phillip has looked at and I think he has drafted it and he is ok with it and looked at the Resolution and believes that is ok. I was trying to give you something to work off of. “

Chairman Griffith read aloud the Resolution:

Whereas, Avery County desires to use businesses located within the County to provide goods or services to the County; and

Whereas, the County also desires to contract with businesses that are current in both listing and payment of their county ad valorem taxes:

Now, Therefore, it is Resolved, that it shall be the Policy of the County that, before any business shall enter into any agreement with the County for the provision of goods or services to the County, said business shall present to the County Manager or Finance Officer a Certificate from the County Tax Assessor (on a form to be developed by the Tax Assessor) which shall certify that the listing and payment of County ad valorem taxes is current.

Chairman Griffith stated “Board, this came about, I personally received multiple phone calls of businesses that we are in contract with that owes us big money and yes I consider \$4,000, \$5,000, \$6,000 big money and especially when they are dipping out of the county funds for contract services. I mentioned it to Phillip and Phillip said he had mentioned it sometime back to some other parties so Phillip asked the County Attorney to draw this up.”

Blake Vance said “If we enact this resolution, will this be retroactive? If we are in contract with company X and they owe us \$10,000 in taxes we would be in breach of contract if we break that contract, correct?” Gerald McKinney said “I think we would.” Blake Vance said “so this is just a new thing going forward.” Gerald McKinney said “this is when we award a new contract.”

Maxine Laws said “I totally agree with this. If they are going to work for the county they should pay their taxes.”

Martha Hicks said “I think it is a good resolution . I think it gets down that you either pay your taxes if you want to work for the county or you don’t work for the county.”

Faye Lacey stated “It is a good resolution. Should we include an individual as well as businesses?”

Gerald McKinney said "that is a good suggestion. Let's put either corporate or individual after business."

Phillip Barrier commented "on the proposed certification that my office and I put together you will see that it says other businesses that the owner is associated with. I have asked that they list all businesses that they own no matter what they name it."

Blake Vance questioned "If you have separate corporation and separate tax ID number will that hold water legally." Gerald McKinney said "We are not obligated to do business with them at all. Legally, it does not obligate us to enter into a contract with any of them. This certification will tell us what we want to know. It is different than an informal bid situation where we are bound to take the lowest responsible bid. I don't think that is one of the factors that you look at. Regular everyday contracts for goods or services if they are not paying their taxes or who they are affiliated with we can choose not to do business with them." Phillip said "I hate to see three people put in the bid and one of them is the most honest person that you can work with and pays their taxes the day the bill comes due and someone gets the bid that owes me three years. That other person is a little upset." Blake Vance said "Should we amend the resolution to say that failure to disclose associated businesses would disqualify them from entering into a contract." Gerald McKinney said "the business shall present to the county manager a full and accurate certificate." Maxine Laws stated "If they get the contract and did not do it correctly they are in breach of contract so therefore we could do away with it."

Consensus of the Board that we march forward with this resolution. Chairman Griffith instructed the County Attorney to insert your amendments and add-ons from Ms. Lacey and Mr. Vance and have it back with the new verbiage and the next meeting.

Tim Greene said "one comment as the old saying the devil is in the details. Something for us to think about and it will involve the finance department as they are the ones paying the bills. It is just keeping track of it, it could get cumbersome. I am just throwing that out." Chairman Griffith said "Management and Ms. Cindy has copies of all contracts we are under for goods and services, I think it would be a very good idea for the county tax assessor to have a copy of all the contracts and provide the contracts to him and I am throwing that out as a suggestion." Mr. Greene said "we are just talking contracts because a department may go to the Radio Shack, Ingles, wherever and buy something are we talking about that or just contracts." Chairman Griffith said "just contracts." Blake Vance questioned "Do you know an approximate number of how many people we are contracted with?" Chairman Griffith said "it would not be a huge number." Mr. Greene said "I guess I was thinking about the little mom and pops store down the street going and picking something up." Chairman Griffith said "no that is not the case. If you know someone owes, don't do business with them."

Gerald McKinney said "Say the contract is for this monument and someone is not paying the taxes, if it is a bidder that is responsible and responsive and I don't think whether they paid their taxes would fit what the statute requires. If it is something we are taking informal bids on, I don't think we can. How many would it really apply to? I don't know."

Blake Vance said "if we are statutorily obligated to take a bid on something our resolution does not supersede a statute." Gerald McKinney said "the ones that we take bids on I don't think you can apply this." Chairman Griffith said to Mr. McKinney "you get down to the particulars with the manager and Phillip. We can't pass resolutions that is contrary to North Carolina general statutes but if we are complying with NC General Statute and we say that lowest responsible bidder and what this board is seeking and we went by statute and went with the lowest responsible bidder and we know good and well that person owes back taxes, we want to be on legal ground to accept that bid, that is not the lowest responsible bidder because if they were responsible they would not owe us back taxes for several years." Gerald McKinney said "he would find out what 'responsible' would be defined as."

Blake Vance said "With the world as crazy as it is now, let's say that Maxine owns company X,Y & Z three separate companies with three separate federal tax ID numbers. Company X and Y are current on their taxes, Company Z is not. She tries to contract Company X with the county and we have on our disclosure that Company Z is not current with the taxes and we say we are not going to do business with Maxine, again this may sound ignorant, what if Maxine says I am getting discriminated against is there any possibility that we would get lawsuit against us." Gerald McKinney said "As long as she is not being discriminated because of being a woman, there are classifications that you have to look at and as long as it is not that ." Blake Vance said "I am in favor of this resolution, I am just trying to look at every angle of it." Chairman Griffith instructed legal counsel to take care of the questions and report back to the Board.

Approval Of Minutes

Motion by Blake Vance and second by Maxine Laws to approve the Regular Session minutes for July 6, 2015; July 20, 2015 Board Workshop; and Regular Session August 3, 2015. Motion unanimously approved.

Agenda Consent Items

Adopted by Consensus of the Board.

Upcoming Meetings

Consensus by the Board to set up a meeting with the Avery Fire Commission and Avery Fire Association at the second regular meeting in September and to ask them to have an agenda of the items that they would like to discuss.

Adjourn

Motion by Martha Hicks and second by Maxine Laws to adjourn this meeting at 7:48 p.m. Motion unanimously approved.

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

ATTEST: _____
Cindy Turbyfill, Clerk