

**STATE OF NORTH CAROLINA
COUNTY OF AVERY**

The Avery County Board of Commissioners met in Regular Session on Monday, April 3, 2017 at 3:30 p.m. in the Commissioners Board Room, Avery County Administrative Complex, 175 Linville Street, Newland, NC.

Members Present: Martha Hicks, Chair; Blake Vance, Vice Chair; Faith Lacey; Tim Phillips; Wood Hall Young, Jr.

Members Absent: None

Call To Order

Chair Hicks called the meeting to order at 3:30 p.m.
Tim Greene led prayer and the Pledge of Allegiance.

Chair Hicks read the following 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.

Public Comments

There were no public comments.

Board Appointments

WAMY Appointments

Ms. Elizabeth Foster-Gacek is willing to serve on the WAMY Board. The application has been reviewed.

Motion by Blake Vance and second by Tim Phillips to appoint Elizabeth Foster-Gacek to the WAMY Board. Motion unanimously approved.

Review of Applicants for the Avery County Planning Board

There are three applications for three positions on the Avery County Planning Board. Cheryl Buchanan has exceeded her term limits. This position will be re-advertised. If there is no other applicant, an exception will be made at the May meeting.

Review of Applicants for the Avery County Economic Development Committee

There are nine applications for review for the Avery County Economic Development Committee. These will be appointed at the May meeting.

Review of Applicant for the Child Fatality Board

Tiffany Moon has applied for the Child Fatality Board. This application will be reviewed.

Avery County Ranger Report – Joe Shoupe

Joe Shoupe, Avery County Ranger, presented the proposed budget between Avery County and the NC Forest Service. The total budget for the county for fiscal year 2017-2018 is \$167,070. The 40% county funding would be \$66,828. This budget includes the addition of an Assistant County Ranger to replace the Temporary Smokechaser position. This position would be a tremendous asset to all program areas in Avery County including wildland fire fighting, forest management, Fire Wise, water quality and fire prevention.

This request will be considered in the upcoming budget workshops.

Oasis, Inc.

Tiffany Moon, Avery Services Coordinator for Oasis, presented a budget request to the Board of Commissioners. Ms. Moon stated that Oasis is the local non-profit organization whose mission has been the intervention in and prevention of domestic and sexual violence in Watauga and surrounding counties since 1978. In March 2013, Oasis resumed being the only program serving survivors in Avery County. Oasis services provide a safe-haven for victims of violence and their children. If the Avery County Commissioners grant Oasis the \$5,000 requested, the funds would be used to match state grants of \$92,000 and Federal grants of \$25,000 to serve victims of domestic and sexual violence in Avery County.

This request will be considered in the upcoming budget workshops.

Avery County Drug Treatment Court Funding

Vanessa Henley, Drug Court Coordinator, presented a budget request for \$12,000 for funding of the Avery Drug Treatment Court Program for the 2017/2018 fiscal year. The Avery Drug Treatment Court currently has nine participants with active drug court orders. During the 2016/2017 fiscal year, drug treatment court has screened and/or served 18 individuals. Four individuals have completed and graduated from the program. The \$12,000 request enables drug treatment court to serve the growing number of participants in Avery County.

This request will be considered in the upcoming budget workshops.

Resolution Regarding the Avery County Personnel Policy Article XI

Tim Greene, County Manager, stated that this policy was dealing with public information and needed to be amended to make it compliant with NCGS 153A-98 (c4).

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

WHEREAS, The Board finds that the existing Personnel Policy in Article XI provides for

the release of certain employee personnel records; and
WHEREAS, the Board desires to amend such policy to make it compliant with NCGS 153A-98(c4);

NOW, THEREFORE, BE IT RESOLVED that the Avery County Board of Commissioners meeting in regular session on the ___ day of _____, 2017, hereby amends ARTICLE XI of the Personnel Policy such that the introductory paragraph of Section 1 reads as follows:

Section 1. Public Information

In compliance with NCGS 153A-98, the following information with respect to each County employee, other than those law enforcement officers excluded under and subject to NCGS 153A-98(c4), is a matter of public record:

(The remainder of this section remains in effect as shown on Exhibit A attached hereto and incorporated herein by reference)

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

Motion by Wood Hall Young, Jr. and second by Blake Vance to adopt the Resolution Regarding the Avery County Personnel Policy Article XI. Motion unanimously approved.

Resolution Authorizing the Lease of Property to Daymark Recovery Services, Inc.

Michaelle Poore, County Attorney, stated that this lease required a notice to be published in the newspaper which we did. Blake Vance questioned how the term of five years was arrived at. Tim Greene answered that the previous lease was for five years. Mr. Greene also commented that Daymark was not interested at this time in purchasing the building.

Consensus by the Board to re-advertise the lease and change the term of the lease to three years instead of five. This will be placed back on the agenda at the May meeting for approval.

Resolution Authorizing the Lease of Real Property known as the “Avery Cares Building” for a period of less than one year

Mr. Greene stated that when the Board decided to purchase the “Johnson Property” that the Yellow Mountain Consignment Store would be displaced so the Board decided to lease the Avery Cares Building to Yellow Mountain for a dollar a month until a permanent location could be found. Blake Vance stated that there had been a lot of concern because of displacement from the building and this was something that the Board could do because we had an empty building; this helps us and helps them.

The Board does hereby find and determine as follows:

WHEREAS, the County of Avery owns certain real property located in Linville Township, Newland, North Carolina, consisting of two lots, each of which is 25 ft x180 ft, fronting on State Highway 194, and known as lots 30 and 31 on a map prepared by J. A. Wilkie, Civil Engineer, which is of record in the office of the Register of Deeds of Avery County, North Carolina; and

WHEREAS, located on the above described premises, is a building known as “The

Avery Cares Building”; and

WHEREAS, the Avery Association for Exceptional Citizens, Inc. owns and operates a second hand resale store known as the “Yellow Mountain Resale Store” which is currently located in the building owned by Kelly Johnson which the County is purchasing; that the Avery Association for Exceptional Citizens, Inc. must vacate the Johnson building; that the Avery Association for Exceptional Citizens, Inc. is a non-profit entity that operates said second hand store to provide funding for its programs of providing services for disabled citizens of Avery County; and

WHEREAS, the County and the Avery Association for Exceptional Citizens, Inc. have agreed upon a lease under which the Association will lease the above “Avery Cares” property for a term of six months beginning on 1 May 2017 for a consideration of \$1.00 per month; and

WHEREAS, North Carolina General Statute § 160A-272 authorizes the County to enter leases of one year or less upon resolution of the County adopted at a regular meeting; and

WHEREAS, the Board of Commissioners is convened in a regular meeting;

NOW, THEREFORE, the Avery County Board of Commissioners **RESOLVES** that: the County hereby approves the lease of the county property known as the Avery Cares property as described above to the Avery Association for Exceptional Citizens, Inc., and authorizes the County Manager or the Chair of the Board of Commissioners to execute any instruments necessary to the lease.

The Board further authorizes the Chair to sign this Resolution.

Motion by Blake Vance and second by Wood Hall Young, Jr to approve the Resolution Authorizing the Lease of Real Property known as the “Avery Cares Building” for a period of less than one year. Motion unanimously approved.

Tax Administrator Report

Tax Collections Report

The Tax Collections for the month of March 2017 are \$502,146.37.

Motion by Blake Vance and second by Wood Hall Young, Jr. to approve the Tax Collections Report for the month of March 2017 as presented. Motion unanimously approved.

Regular Releases

The Regular Releases for the month of March 2017 are \$1382.40.

Motion by Tim Phillips and second by Wood Hall Young, Jr. to approve the Regular Releases for the month of March 2017 as presented. Motion unanimously approved.

Sales Statistics

Mr. Barrier presented the sales statistics for the month of March 2017.

Mr. Barrier reported that there was a late application for exemption from Lutherock for a piece of property that the camp had purchased. Technically, it is supposed to be turned in during January but there is a general statute that allows the board of commissioners to approve a late application.

Motion by Blake Vance and second by Tim Phillips to approve the late exemption application for Lutherock. Motion unanimously approved.

Mr. Barrier announced that the first meeting of the Board of Equalization and Review would be April 10, 2017.

County Manager Updates – Tim Greene

Mr. Greene stated that the Tax Administrator position will be advertised. The board will appoint that position.

Agricultural Building

There will be a mechanical/facility maintenance group meeting that will include Tommy Burleson, Joe Trivette, and Jeff Byrd along with myself and Phillip Barrier.

Swimming Pool Project

We need to schedule a meeting with Isaacs and Associates. The dates are April 13, 2017 or April 24, 2017 at 3:30 p.m.

The clerk will poll the commissioners and a decision will be made later.

ARC Grant

Avery Chamber of Commerce is applying for a grant for broadband. This is pass through money. Any internet service provider can apply for this but will run through the chamber.

Pool Closure/Demolition

Mr. Greene stated that at the last workshop the Board talked about closing the present pool. I am recommending that we close the pool because of some issues with the pool and some liability issues also.

Robbie Willis advised that he talked to an engineer on Friday who had visited the pool two times and he said that he could not find anyone in two states that would open that pool.

Blake Vance said that multiple experts are telling us not to open this pool that it could be too much liability.

Tim Phillips commented that it was not only safety issues but the amount of chemicals that have to be used for bacteria; it is not safe.

Mr. Greene stated that the YMCA is willing to work with 4H and allow them to come over to the YMCA pool. They would let them use the pool for \$3.00 per person.

**Motion by Tim Phillips and second by Blake Vance to close the current pool.
Motion unanimously approved.**

Finance Officer Report – Nancy Johnson

Budget Amendment

The Avery County Buildings and Grounds department needs a budget amendment for the purchase of the Kelly Johnson property beside the Avery County Courthouse.

Motion by Blake Vance and second by Wood Hall Young, Jr. to adopt the Budget amendment in the amount of \$275,000 for the purchase of the Kelly Johnson property beside the courthouse with a debit of \$275,000 to Capital Outlay-Kelly Johnson Property (105000.7425) and a credit of \$275,000 to Appropriated Fund Balance (103990.0000).

Motion passes 4 to 1.

**For---Martha Hicks, Blake Vance, Tim Phillips, Wood Hall Young, Jr.
Against---Faith Lacey**

Budget Amendment

The Avery County Soil and Water Conservation District requests a budget amendment for a state grant received for the Linville River Restoration Project. Resource Institute, Inc will be planning and overseeing the project. Funds will pass through the County to the Soil and Water Conservation District.

Motion by Faith Lacey and second by Blake Vance to adopt the Budget Amendment for the Avery County Soil and Water Conservation District grant of \$250,000 with a debit of \$250,000 to Conservation Development (106190.3410) and a credit of \$250,000 to NC Soil & Water Conservation (103695.0000). Motion unanimously approved.

Budget Amendment

A budget amendment is needed to amend the Ag. Building Project Fund for additional building costs and costs of a feasibility study.

Motion by Wood Hall Young, Jr. and second by Blake Vance to adopt the budget amendment for additional building costs and costs of a feasibility study with a debit of \$15,000 to Architect/Engineering/Consulting Fees (506000.4005); debit of \$11,000 to Permits, Insurance, Surveys, Other (506600.4006); debit of \$38,500 to Furniture (506600.4007); debit of \$435,500 to Site Prep (506600.4008); debit of \$30,000 to Feasibility Study/Plan (506600.4010) and a credit of \$530,000 to Transfer from General Fund (503101.0000); debit of \$530,000 to Transfer to Ag

Building Project Fund (107000.6248) and a credit of \$530,000 to Appropriated Fund Balance (103990.0000). Motion unanimously approved.

Motion by Blake Vance and second by Wood Hall Young, Jr. to amend the Ag. Building Project Ordinance to reflect the above budget amendment. Motion unanimously approved.

County Attorney Report – Michaelle Poore

Ms. Poore updated the Board on the lawsuit involving New River Mental Health. This has been resolved and dismissed by the court. The county is not looking at any liability from the lawsuit.

Ms. Poore also stated that there was a resolution for the Board to consider that is in the agenda packet and it is a resolution regarding the Avery County Personnel Policy Article 7, Section 12. This revision integrates Family Medical Leave Act in the Worker's Compensation Section of the Personnel Policy and makes certain provisions when leave time expires.

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

WHEREAS, the Board finds that the Personnel Policy makes provisions in Article VII, Section 12 for Workers Compensation Leave; and

WHEREAS, the Board desires to change the provisions of the same;

NOW, THEREFORE, be it resolved as the Avery County Board of Commissioners meeting in regular session on the 3rd day of April 2017 hereby amends Article VII Section 12, Workers Compensation Leave of the Personnel Policy by adopting in its place Article VII, Section 12 as shown on Exhibit A attached hereto and incorporated herein by reference.

The Board of Commissioners authorizes the Chair to sign this Resolution.

Motion by Blake Vance and second by Wood Hall Young, Jr. to adopt the Resolution Regarding the Avery County Personnel Policy Article VII, Section 12. Motion unanimously approved.

Approval of Minutes

Motion by Wood Hall Young, Jr. and second by Tim Phillips to approve the January 6, 2017 Special Meeting; March 6, 2017 Regular Meeting; March 6, 2017 Closed Session. Motion unanimously approved.

Agenda Consent Items
Adopted by Consensus.

Adjourn
Motion by Wood Hall Young, Jr. and second by Blake Vance to adjourn this meeting at 5:14 p.m. Motion unanimously approved.

Martha Hicks, Chair
Avery County Board of Commissioners

ATTEST: _____
Cindy Turbyfill, Clerk