

**STATE OF NORTH CAROLINA
COUNTY OF AVERY**

The Avery County Board of Commissioners met in a Regular Session on Monday, April 6, 2020 at 3:30 p.m. in the Commissioners Board Room, Avery County Administrative Complex, 175 Linville Street, Newland, NC and remotely via Zoom.

Members Present: Martha Hicks, Chair; Dennis Aldridge; and Wood Hall Young, Jr. were present in the Commissioners Board Room. Blake Vance and Tim Phillips participated remotely via Zoom.

Others Present: Michaelle Poore, County Attorney and Tim Greene, Finance Officer participated remotely via Zoom. Phillip Barrier, Jr. County Manager and Cindy Turbyfill, Clerk to the Board were present in the Commissioners Board Room.

Members Absent: None

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

Call To Order

Chair Hicks called the meeting to order at 3:40 p.m.

Chair Hicks called the roll with all board members being present.

Dennis Aldridge led prayer.

Public Comment

The public could comment via email or telephone by April 5, 2020 at 4:30 p.m. There were no public comments received.

Board Appointments

Juvenile Crime Prevention Council

Emily Capps has applied for the Juvenile Crime Prevention Council. She is the director for Daymark.

Motion by Blake Vance and second by Dennis Aldridge to appoint Emily Capps to the Juvenile Crime Prevention Council. Motion unanimously approved (5-0).

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

Avery County Economic Development Committee

There are three applicants to be considered for the Avery County Economic Development Committee. The applicants are Ken Walter, Dave Smith, and Clayton Harpold.

Motion by Wood Hall Young, Jr. and second by Dennis Aldridge to appoint Ken Walter, Dave Smith, and Clayton Harpold to the Avery County Economic Development Committee. Motion unanimously approved (5-0). Hicks—Aye; Phillips—Aye; Aldridge—Aye; Vance—Aye; Young—Aye

Review of Applicants for Avery County Agriculture Advisory Board

There are two applicants for review for the Avery County Agriculture Advisory Board. The applicants are Jim Phillips and Moses Braswell.

Review of Applicants for the Avery County Economic Development Committee

David Pollard has resigned from the Avery County Economic Development Committee. Jerry Moody has applied for the remainder of Mr. Pollard's term.

Review of Applicant for the Community Child Protection Team

There is one application (Sydney Harrison) for review for the Community Child Protection Team.

Oasis Presentation – Sydney Harrison

Sydney Harrison, Services Coordinator for Oasis, spoke to the Board via Zoom regarding Sexual Assault Awareness Month. April has been nationally recognized as Sexual Assault Awareness Month since 2001.

Sara Crouch, Outreach Coordinator, also spoke to the Board via Zoom regarding Oasis. Oasis is providing free and confidential services for victims of domestic and sexual violence. Oasis advocates are working remotely during this pandemic but we are available to meet face to face if necessary and we are still providing Emergency Shelter for victims and children as they flee domestic violence.

Sexual Assault Awareness Month is used to mourn the lives taken by sexual violence and to show support for survivors of sexual violence. One in three women and one in six men experienced some form of physical sexual violence in their lifetime. In 2019, Oasis served 55 victims of sexual violence with over 300 contacts with those victims. Oasis provides services to victims and survivors of sexual violence through:

- Crisis support services
- 24/7/365 Crisis Line
- Medical advocacy
- Judicial systems advocacy
- Community education
- Prevention programming

Tax Administrator Report

Phillip Barrier, Jr., County Manager, presented the report for Bruce Daniels, Tax Administrator.

Tax Collections Report

The total taxes collected for the month of March 2020 is \$576,469.58.

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

For the month of March we are at 96.59% collection rate.

Releases

The Total Releases for the month of March 2020 is \$1,771.39.

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

Appointment of Special Board of Equalization and Review

There are five applications for the Special Board of Equalization and Review and there are five vacancies. These applications have been reviewed. The applicants are Edith “Dede” Traver; Pattie Tennille; Moses Braswell; Clay Pat Dale; Christopher D. Byars.

Motion by Wood Hall Young, Jr. and second by Tim Phillips to appoint Edith “Dede” Traver; Pattie Tennille; Moses Braswell; Clay Pat Dale; and Christopher Byars to the Special Board of Equalization and Review. Motion unanimously approved (5-0). Hicks—Aye; Phillips—Aye; Aldridge—Aye; Vance—Aye; Young—Aye

It is the recommendation of the Tax Administrator, Bruce Daniels to appoint Edith “Dede” Traver as Chairperson of the Special Board of Equalization and Review and Pattie Tennille as Vice-Chair.

Motion by Wood Hall Young, Jr. and second by Tim Phillips to appoint Edith “Dede” Traver as Chairperson of the Special Board of Equalization and Review and Pattie Tennille as Vice-Chair. Motion unanimously approved (5-0). Hicks—Aye; Phillips—Aye; Aldridge—Aye; Vance—Aye; Young—Aye

Resolution in Support of the Heritage Park Trail Improvement Project

Phillip Barrier, Jr., County Manager, thanked the High Country Council of Government for help with the grant that Avery County is seeking for trail improvement at Heritage Park. Mr. Barrier presented a Resolution in support of the Heritage Park Trail Improvement Project.

Motion by Blake Vance to adopt the Resolution in support of the Heritage Park Trail Improvement Project.

Wood Hall Young, Jr. stated that the way this resolution is written it looks like we are signing a blank check. Dennis Aldridge stated that was his concern as well. Mr. Barrier stated that he would do some investigating and see if the cost estimates are ready.

Blake Vance withdrew his motion and made the motion to table this until there was more information. Seconded by Tim Phillips. Motion unanimously approved (5-0). Hicks—Aye; Phillips—Aye; Aldridge—Aye; Vance—Aye; Young—Aye

Grandfather Mountain Highland Games & Gathering of Scottish Clans Presentation

Mr. Barrier stated that Mr. Steve Quillen, President of the Grandfather Mountain Highland Games, had been scheduled to be here but because of the Covid 19 situation was unable to. Mr. Quillen had sent the presentation for the Board to review. This is the largest gathering of Scottish clans and family societies in the world. This event is entirely self-funded. It was founded in 1956 by Agnes MacRae Morton and Donald MacDonald and is held every year at MacRae Meadows. The economic impacts of the Grandfather Mountain Highland Games are seasonal employment for 100 people plus each year; brings 40,000 people over a four day period, advertises heavily for the games and the High Country especially Avery County. Grandfather Mountain Highland Games spending in Avery County exceeds \$400,000. Other direct impacts on Avery County is funding of scholarships every year for students of Avery County and provide funding for Kiwanis Club, Crossnore Fire Department, Hunger and Health Coalition, Avery County Baptist Association, Linville Fire Department and the Rotary Club.

County Manager Updates – Phillip Barrier, Jr.

Covid 19 Updates

Mr. Barrier thanked the citizens of Avery County for following the Governor's orders to stay at home. Right now the only defense we have is prayer and social distancing. We came up with a motto a few years ago "Together we are Avery County" and this virus has put that phrase into action. Together we will step up, together we won't give up, together we are determined, together we are strong, together we will beat Covid 19, together we won't be scared and together we are Avery County. The latest information on Covid 19 is posted on the Avery County website. As of today, we have no cases of coronavirus in Avery County. We have tested 52 people; 43 negative and 9 are pending. The counties top priority is the safety of our citizens while providing the best service that we have been accustomed to. Mr. Barrier thanked the different departments involved in this situation.

Avery County has set up a call center. The number is 828-373-0091. All of the information is available on the Avery County website.

Community Building

We are moving along with the community building. Garanco has been awarded the bid. We are waiting on the performance bond and insurance certificate.

Broadband

On April 20th there is a broadband grant open again through the Appalachian Regional Commission. High Country Council of Governments is helping with that grant.

Avery High School Renovation and Addition

Everything is going good at this point with the Avery High School Renovation and Addition.

Resolution Regarding Finance Officer

WHEREAS, the Avery County Finance Officer has resigned and indicated that his last day of work is ___ April 2020; and

WHEREAS, Avery County desires to maintain continuity of services and desires to name an Interim Finance Officer; and

NOW, THEREFORE, be it resolved pursuant to NCGS 159-24 and 153A-89 that the Avery County Board of Commissioners meeting in regular session on the 6th day of April 2020 hereby appoints Ashley Cole Ingwersen as Interim Finance Officer effective ___ April 2020.

Motion by Blake Vance and second by Dennis Aldridge to adopt the Resolution Regarding the Finance Officer. Motion unanimously approved (5-0). Hicks—Aye; Phillips—Aye; Aldridge—Aye; Vance—Aye; Young—Aye

Finance Officer Report – Tim Greene

Budget Amendment

The Department of Social Services has received an additional \$1,986.00 allocation for the Low Income Energy Assistance Program (LIEAP). There is no county match.

Motion by Tim Phillips and second by Blake Vance to adopt the Budget Amendment regarding Low Income Energy Assistance Program allocation in the amount of \$1,986.00 with a debit of \$1,986.00 to LIEAP (106800.6095) and a credit of \$1,986.00 to County Welfare (103634.0000). Motion unanimously approved (5-0). Hicks—Aye; Phillips—Aye; Aldridge—Aye; Vance—Aye; Young—Aye

Budget Amendment

The Elections Department budget will need to be adjusted due to the second primary that has been scheduled for June 23, 2020.

Motion by Blake Vance and second by Wood Hall Young, Jr. to adopt the Budget Amendment regarding the Elections Department in the amount of \$10,000 with a debit of \$5,000.00 to Wages-Poll Workers (104300.0240); debit of \$5,000.00 to

Supplies (104300.3300) and a credit of \$10,000.00 to Fund Balance – Appropriated (103990.0000). Motion unanimously approved (5-0). Hicks—Aye; Phillips—Aye; Aldridge—Aye; Vance—Aye; Young—Aye

Budget Amendment

The Sheriff's Office has received an insurance total loss settlement for the 2015 Ford Taurus.

Motion by Wood Hall Young, Jr. and second by Dennis Aldridge to adopt the Budget Amendment regarding the Sheriff's Office in the amount of \$7,504.00 with a debit of \$7,504.00 to Capital Outlay-Auto and a credit of \$7,504.00 to Insurance Reimbursements (103340.0000). Motion unanimously approved (5-0). Hicks—Aye; Phillips—Aye; Aldridge—Aye; Vance—Aye; Young—Aye

Budget Amendment

The Avery County Jail medical expense line item will need to be increased \$75,000 due to higher than anticipated medical expense.

The original budget number is \$115,000. In February we had nearly \$31,000 and then in March we had \$48,000 and it puts us over budget about \$44,000. I think it would be wise to bump up to \$75,000. This may be sufficient and may not be sufficient.

Wood Hall Young, Jr. asked if there was anything that could be done to keep those costs down. Mr. Greene said we do have Prime Health that negotiates our bills but while an inmate is in our custody we are responsible for the medical expenses. Probably out of this year \$30,000 to \$40,000 was from the 2018/2019 year. Chair Hicks asked if there was any way that we can do this quarterly. Mr. Greene said we are at the mercy of the health providers. Mr. Young questioned if Avery County paid Prime Health and were they worth what we pay them. Mr. Greene said yes they are. Prime Health came through the NC Sheriff's Association. Dennis Aldridge asked if they are paid for their services and is this in addition to what is going on to the health providers. Mr. Greene said no this is being passed through to the providers.

Motion by Blake Vance and second by Tim Phillips to adopt the Budget Amendment in the amount of \$75,000 for jail medical expense with a debit of \$75,000 to Medical Expenses (105200.8000) and a credit of \$75,000 to Fund Balance-Appropriated (103990.0000). Motion passed 4 to 1. Tim Phillips; Dennis Aldridge; Wood Hall Young, Jr.; Blake Vance –Aye; Martha Hicks—No.

Budget Amendment

Move money from Available for Appropriations to Repairs & Maintenance. \$17,200 of this amount will be used to put an automatic door in the Admin/DSS Building. This

also includes repairs for a door at the jail, elevator repairs and a compressor at the tax office.

Motion by Wood Hall Young, Jr. and second by Blake Vance to adopt the Budget Amendment in the amount of \$30,000.00 for repairs with a debit of \$30,000.00 to Repairs & Maintenance (105000.1510) and a credit of \$30,000.00 to Available for Appropriations (107000.6000). Motion unanimously approved (5-0). Hicks—Aye; Phillips—Aye; Aldridge—Aye; Vance—Aye; Young—Aye

Budget Amendment

The Pool Project Fund can be closed with the remaining monies transferred to the General Fund.

Motion by Wood Hall Young, Jr. and second by Blake Vance to adopt the Budget Amendment in the amount of \$67,132.84 with a debit of \$33,566.42 to Transfer to General Fund (516600.8540) and a credit of \$33,566.42 to Fund Balance – Appropriated (513990.0000) and a debit of \$33,566.42 to Available for Appropriations (10700.6000) and a credit of \$33,566.42 to Transfer to General Fund (103903.0000). Motion unanimously approved (5-0). Hicks—Aye; Phillips—Aye; Aldridge—Aye; Vance—Aye; Young—Aye

County Attorney Report – Michaelle Poore

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

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

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

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

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

WHEREAS, the County has provided information to County employees regarding the benefits provided by the FFCRA; and

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

WHEREAS, Board desires that the following be implemented as part of the Personnel Policy:

I. FMLA

Under the **Families First Coronavirus Response Act (FFCRA)** a new category of qualifying reason for FMLA leave is added for specified reasons related to COVID-19.

Eligibility

All employees (full-time, part-time, seasonal) who have worked for the County of Avery for at least 30 days prior to the designated leave are eligible for Emergency Family and Medical Leave. This does not change the eligibility requirements for regular FMLA leave.

New FMLA Qualifying Reason: Lack of Child Care Due to COVID-19

The Emergency FMLA Act amends the Family and Medical Leave Act (FMLA) of 1993 by:

- Adding a new qualifying reason that provides 12 weeks of leave when an employee is unable to work (or telework) due to a need for leave to care for the son or daughter under 18 years of age of the employee if the school or place of care has been closed, or the child care provider is unavailable due to an emergency with respect to COVID-19 as declared by a federal, state, or local authority;
- A “childcare provider” under the Act is defined as one who provides childcare services on a regular basis and *receives compensation* for those services. It excludes the situation where a family member has been providing childcare and is no longer available.
- Leave taken under the Emergency FMLA Act is paid leave after a 10-day waiting period; an employee may choose to use accrued leave for the 10-day waiting period. In no instance can the County require the employee to use accrued leave during the waiting period.
- After the 10-day period, the County is required to pay full-time employees no less than two-thirds the employee’s regular rate for the number of hours the employee would otherwise be normally scheduled. The new Act limits this pay entitlement to \$200 per day and \$10,000 in the aggregate per employee; employees who work a part-time or an irregular schedule are entitled to be paid based on the average number of hours the employee worked for the six months prior to taking leave; employees who have worked for less than 6 months prior to leave are entitled to the employee’s reasonable expectation at hiring of the average number of hours the employee would normally be scheduled to work.
- The regular rules under the FMLA will apply to job reinstatement. The County has the same obligation as under traditional FMLA to return any employee who has taken Emergency FMLA leave to the same or equivalent position upon the return to work;

Leave Rules

- Employees are still limited to a total of twelve weeks of FMLA leave within a 12-month period for all reasons combined.
- Employees who have already used up their FMLA allotment for the year are not entitled to emergency FMLA leave.
- As with regular FMLA leave, where the need for leave is foreseeable, employees must provide the County as much advance notice as practicable.

Requesting Leave

If an employee needs to take emergency FMLA leave, notice shall be provided as soon as possible. Normal call-in procedures apply to all absences from work.

Retaliation

The County will not retaliate against employees who request or take leave in accordance with this policy.

Expiration

Emergency FMLA leave is available only as long as a federal, state or local COVID-19 state of emergency is in effect and in any event only through December 31, 2020. In addition, emergency FMLA leave cannot be carried over after December 31, 2020.

Exclusions

Health care providers and emergency responders are excluded. This includes employees whose services are needed to limit the spread of COVID-19, and includes, but is not limited to, law enforcement officers, the Sheriff, fire fighters, emergency medical services personnel, public health personnel, emergency medical technicians, paramedics, emergency management personnel, 911 operators and public works personnel, and other employees with skills or training in operating specialized equipment or other skills needed to provide aid in a declared emergency.

Note

Provisions under the regular FMLA Act still apply and are available to employees that meet eligibility requirements as it pertains to protected leave because the employee needs to care for a spouse, child, or parent with a serious health condition, or because of the employees own serious medical condition.

II. Emergency Paid Sick Leave

Eligibility

All employees (full-time, part-time, seasonal) are eligible for emergency paid sick leave, except as set out below.

Reason for Leave

You may take emergency paid sick leave if you are unable to work (or telework) because:

1. You are subject to a federal, state, or local quarantine or isolation order related to COVID-19;
2. You have been advised by a health care provider to self-quarantine because of COVID-19;
3. You are experiencing symptoms of COVID-19 and are seeking a medical diagnosis;
4. You are caring for an individual who is subject to an order in subparagraph (1) set out above or are advised to quarantine or isolate;
5. You are caring for a child whose school or place of care is closed, or whose childcare provider is unavailable, due to COVID-19 precautions; or
6. You are experiencing substantially similar conditions as specified by the Secretary of Health and Human Services, in consultation with the Secretaries of Labor and Treasury.

Duration/Compensation

Employees are entitled to:

- **Full-time employees:** 80 hours of pay at their regular pay rate. However, when caring for a family member (for reasons 4, 5, and 6 above), sick leave is paid at two-thirds the employee's regular rate.
- **Part-time employees:** Pay for the number of hours the employee works, on average, over a two-week period.

Paid leave under this policy is limited to \$511 per day (\$5,110 in total) where leave is taken for reasons 1, 2, and 3 described above (generally, an employee's own illness or quarantine); and \$200 per day (\$2,000 in total) where leave is taken for reasons 4, 5, or 6 (care for others or school closures).

Exclusions

Health care providers and emergency responders are excluded (for reasons 4, 5 and 6 set out above). This includes employees whose services are needed to limit the spread of COVID-19, and includes, but is not limited to, law enforcement officers, the Sheriff, fire fighters, emergency medical services personnel, public health personnel, emergency medical technicians, paramedics, emergency management personnel, 911 operators and public works personnel, and other employees with skills or training in operating specialized equipment or other skills needed to provide aid in a declared emergency.

Leave Rules

You may elect to use emergency paid sick leave before using any accrued paid leave. No leave provided by the County before April 1, 2020 may be credited against your leave entitlement. In addition, emergency paid sick leave cannot be carried over after December 31, 2020.

Requesting Leave

If you need to take emergency paid sick leave, provide notice as soon as possible. Normal call-in procedures apply to all absences from work.

Retaliation

The County will not retaliate against employees who request or take leave in accordance with this policy.

Expiration

This policy expires on December 31, 2020.

WHEREAS, the Board desires to amend the Avery County personnel policy to reflect all changes of the FFCRA once all guidance has been issued by the Department of Labor, but desires to insure that County Employees receive the benefits to which they are entitled;

NOW, THEREFORE, the Avery County Board of Commissioners meeting in regular session on the 6th day of April 2020, **RESOLVES** to allow the County Manager, in consultation with the Human Resources Officer and the County Attorney, to implement the provisions of the Families First Coronavirus Response Act (FFCRA) as part of the Avery County Personnel Policy and amends the Personnel Policy to the extent necessary to reflect the above provisions for additional FMLA leave and EPSL. The Board further **RESOLVES** to allow the County Manger, in consultation with the

Human Resources Officer and the County Attorney, to implement the FFCRA based upon guidance as issued by the Department of Labor.

Motion by Blake Vance and second by Tim Phillips to adopt the Resolution Regarding the Avery County Personnel Policy Related to the Families First Coronavirus Response Act. Motion unanimously approved (5-0). Hicks—Aye; Phillips—Aye; Aldridge—Aye; Vance—Aye; Young—Aye

Agenda Consent Items

Adopted by Consensus of the Board.

Upcoming Meetings

Budget Workshop April 30, 2020 at 10:00 a.m.

Adjourn

Motion by Wood Hall Young, Jr. and second by Dennis Aldridge to adjourn this meeting at 5:02 p.m. Motion unanimously approved (5-0). Hicks—Aye; Phillips—Aye; Aldridge—Aye; Vance—Aye; Young—Aye

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

ATTEST: _____
Cindy Turbyfill, Clerk