

**State of North Carolina
County of Avery**

The Avery County Board of Commissioners met in Regular Session on Monday, February 3, 2020 at 3:30 p.m. in the Commissioners Board Room, Avery County Administrative Complex, 175 Linville Street, Newland, NC.

Members Present: Martha Hicks, Chair; Tim Phillips, Vice-Chair; Dennis Aldridge; Blake Vance; Wood Hall Young, Jr.

Members Absent: None

Call To Order

Chair Hicks called the meeting to order at 3:30 p.m.

Dennis Aldridge led prayer.

Wood Hall Young, Jr. led the Pledge of Allegiance.

Proclamations and Awards

Phillip Barrier, Jr., County Manager recognized the Department of Social Services Board. The Board members are Eva Trivette Clark; Vanessa Glidewell; Jerry Markland; Michael Watson; Wood Hall Young, Jr.

Mr. Barrier reported that 5,930 citizens were served through Social Services in 2019, there were 32 children in foster care and 3 adoptions occurred in 2019.

There were 61 reports adult protection reports with 16 accepted as outreach. There were 330 crisis intervention cases, 239 low energy crisis cases and 808 households served through Food stamps.

Wood Hall Young, Jr. thanked Barbara Jones, Director of DSS for her hard work and for her staff's hard work.

Jason Walls with Duke Energy presented a \$20,000 grant to the Linville Central Rescue Squad for equipment for a water rescue team.

Public Comment

There were no public comments.

Board Appointments

The Board will review the application of Dennis Quackenboss for the Juvenile Crime Prevention Council. This application will be voted on at the next regular meeting. This is the faith based component of JCPC.

Tax Administrator Report – Bruce Daniels

Total Tax Collection

The Total Tax Collections for the month of January is \$4,341,318.15.

Motion by Wood Hall Young, Jr. and second by Dennis Aldridge to approve the Total Tax Collections for the month of January as presented. Motion unanimously approved. (5-0).

Releases

The Total Tax Releases for the month of January is \$334.07.

Motion by Tim Phillips and second by Wood Hall Young, Jr. to approve the Releases for the month of January as presented. Motion unanimously approved (5-0).

Outstanding Taxes for 2019

As of today the outstanding balance is \$1,554,130.29. This brings us to a collection rate of 93.84%. Mr. Daniels requested permission to advertise the outstanding tax liens for the 2019 tax year in accordance with G.S. 105-369.

Motion by Wood Hall Young, Jr. and second by Tim Phillips to approve the advertising of the Outstanding Tax Liens for 2019. Motion unanimously approved (5-0).

Sales

The Total Sales for January 2020 is 69 sales as compared to January 2019 at 33 sales.

Mr. Daniels requested that the listing period for taxpayers be extended to February 20, 2020. Mr. Daniels explained that due to an error in communication with the printing company a portion of the regular listing period was missed.

Motion by Tim Phillips and second by Blake Vance to approve the extension of the listing period to February 20, 2020. Motion unanimously approved (5-0).

Mayland Community College Budget – Dr. John Boyd

Every year we have to come before each Commission Board of the three counties to sign off on their part of the budget. It is usually sooner than this but it has taken a long time to get budgets approved this year. The allocation for Avery County is \$374,640.00.

Motion by Tim Phillips and second by Blake Vance to approve the 2019/2020 budget and allow the chair to sign. Motion unanimously approved (5-0).

Wood Hall Young, Jr. questioned if there was a plan to have the BLET program at Mayland this fall. Dr. Boyd answered yes there would be. We are advertising for a new position and in the process of buying three cars.

Resolution Authorizing Protection of Second Amendment Rights for Avery County, North Carolina

WHEREAS, it is acknowledged that the right of individuals to keep and bear arms is under attack in the United States of America by elected officials from many levels of Government; and

WHEREAS, it is further recognized that the Constitution of the United States of America is the supreme law of the land, and the Second Amendment to the Constitution guarantees to the individuals the right to keep and bear arms in a manner that shall not be infringed; and

WHEREAS, the Supreme Court of the United States has, through multiple rulings, upheld an individual's right to keep and bear arms when federal, state, and local laws have sought to restrict this right; and

WHEREAS, the right to keep and bear arms is necessary for self-defense; for the defense of others, including family members; and for the protection of individual liberty and the preservation of our United States Constitution; and

WHEREAS, many Americans believe that the Second Amendment rights are "God-given" rights and that is a law of nature that every creature can defend its life from threats; and

WHEREAS, the Avery County Board of Commissioners wishes to express its deep commitment to protecting Avery County citizens' Second Amendment rights; and

WHEREAS, the Avery County Board of Commissioners wishes to express its opposition to any law, regulation, or other act that would infringe on the Second Amendment right of Avery County citizens; and

WHEREAS, the Avery County Board of Commissioners previously expressed its support for the Second Amendment rights of Avery County citizens through that Resolution Expressing Support for Preservation of the Right to Bear Arms which was unanimously adopted on the 3rd day of June 2019; and

WHEREAS, the Avery County Board of Commissioners desires to reiterate its strong support for said rights as expressed in the Resolution of June 3, 2019, and reaffirms its intent that Avery County stand as a Constitutional Rights Protection County for Second Amendment rights.

NOW, THEREFORE, BE IT RESOLVED, that the Avery County Board of Commissioners declares Avery County a Second Amendment Constitutional Rights Protection County and declares that Avery County Government will respect and defend the Second Amendment rights of County citizens.

BE IT FURTHER RESOLVED THAT, The Avery County Board of Commissioners implores the North Carolina Legislature and the United States Congress to preserve, uphold, and protect the rights of all citizens to keep and bear arms under the United States Constitution, and further implores the North Carolina Legislature and the United States Congress to reject any provision, law, or regulation that may infringe, have the tendency to infringe, or place any additional burdens on the right of law-abiding citizens to bear arms.

BE IT FURTHER RESOLVED THAT, The Avery County Board of Commissioners, in support of the foregoing, hereby declares its intent that Avery County shall not authorize or appropriate government funds, resources, employees, agencies, contractors, buildings, or offices for the purpose of enforcing or assisting in the enforcement of any element of such acts, laws, orders, mandates, rules or regulations that infringe on the right of the people to keep and bear arms as described in the Second Amendment to the United States Constitution.

BE IT FURTHER RESOLVED THAT, The Avery County Board of Commissioners

further declares its intent that Avery County Government shall utilize all legal means necessary to protect the Second Amendment rights of Avery County citizens, including but not limited to opposing any efforts by any entity to restrict these rights, and to use such legal means at its disposal to protect the rights of the citizens to keep and bear arms.

Motion by Blake Vance and second by Tim Phillips to adopt the Resolution Authorizing Protection of Second Amendment Rights for Avery County, North Carolina with the amendment of the word “protest” be changed to “protect”.

Wood Hall Young, Jr. questioned if this was not exactly the same thing that we passed in June of last year. Michaelle Poore, County Attorney, said it was not verbatim but it is essentially the same resolution. The other resolution said the “right to bear arms” and did not say “second amendment”. Blake Vance said that Wood Hall Young, Jr. brought this to the board in April of last year. I just asked that we expand on that to include constitutional rights protection county. Wood Hall Young, Jr. asked if this lessened or strengthened the resolution. Ms. Poore said it does not do either it just expands upon it saying that the county government will defend the second amendment rights of the citizens. Mr. Vance said it is important for people to understand we do not have the authority to supersede state or federal law but this is a symbolic show to Raleigh and Washington of the right to bear arms.

Dennis Aldridge stated that we addressed this with a resolution in June with this very discussion and dealt with some of the same issues and some of the same statements. With revisiting this, I don’t have a problem with the content of it and I support that wholly, I do think it is a redundant resolution to what we have already accomplished and the moving of it to parallel other counties or places is unnecessary because we are still saying the same thing. When we get into the words of it and the sanctuary we have cities and states that are sanctuary for things that we don’t like. We have to be careful that we are saying we are not going to enforce laws because that is what these sanctuary cities are doing. We symbolically are putting this there as a desire to inform the people of how strongly we feel about this which is totally appropriate. I think at some point we will have to decide how far this goes at what point are we going to say this is what we believe, this is what we stand for.

Vote: Motion unanimously approved (5-0).

County Manager Updates – Phillip Barrier, Jr.

Courthouse Roof Project

There were no new leaks found after the project was finished.

Broadband

Bill Shillito with Light Leap gave a power point presentation on the ARC grant. Mr. Shillito explained that before the grant Lightleap was capped out at about 260-270 clients. The ARC grant allowed upgrades that double the capacity to 650 to 700 clients.

Mr. Barrier stated that Avery County Chamber could apply again for another grant in May and they intend to apply.

There is another Appalachian Regional Commission grant through the coal industry so we can apply for that money and there is a \$50,000 feasibility study included with that. There is a Great grant that has changed to Tier 2 counties so we can apply for up to \$5 million dollars.

NC Cares

This is an effort through the state to bring community resources together under one computer application for easier access.

Community Building

We are going out to bid this week.

Surplus Property Bid

Mr. Barrier said there were two bids at the Montezuma property and the Linville Falls property and after I actually looked at the properties I am asking the Board to reject the bids.

Motion by Blake Vance and second by Tim Phillips to reject the bids for the surplus property. Motion unanimously approved (5-0).

Mr. Barrier stated that the County was going to sell the property and we will put a sign on that property. We will take no less than tax value. Ms. Poore stated that a notice will be run in the paper with the sale price indicated and if anyone else wants to make an upset bid on the property they can.

Dennis Aldridge questioned if there was a minimum on the value that we are willing to accept. Ms. Poore said that she had spoken with the County Manager and the minimum the County should receive is what they have in the property which would be back taxes and the cost of collections.

Finance Officer Report – Tim Greene

Tim Greene, Finance Officer, gave the Board some tentative dates for budget workshops; April 30, 2020; May 7, 2020; May 14, 2020; May 18, 2020.

Mr. Greene stated if the Board thought they needed more than four meetings then we should look at a meeting before April 30th.

Blake Vance suggested that we do a board workshop soon. The clerk will poll the commissioners.

County Attorney Report – Michaele Poore

Michaele Poore, County Attorney, explained that the Board had a proposed Memorandum of Understanding for the Community Paramedicine Grant that needed to be considered. I emailed a revised MOU to the clerk. The change in the document pertains to the paragraph regarding medical supplies and the new MOU indicates that the hospital will pay for the medical supplies and will get paid out of the grant funds.

Wood Hall Young, Jr. stated that it still leaves question of where the supplies would come from. Ms. Poore said I think that must have gotten deleted with going back and forth but we can add the language that they would be reimbursed from the grant for all reasonable medical supplies. We will add at paragraph 7 after “reimbursed” “out of the grant funds”.

Also, there is documentation in the packet to set up the advisory committee. This is just proposed language for the Board to consider. We discussed a 7 member committee. The proposed date for the meeting is just for guidance. My recommendation is the Board approve this with the understanding the committee can choose another date.

Motion by Wood Hall Young, Jr. and second by Tim Phillips to approve the Resolution and authorize the chair to sign the Memorandum of Understanding with the language added to paragraph 7 that the hospital would be reimbursed from the grant funds. Motion unanimously approved (5-0).

Motion by Blake Vance and second by Wood Hall Young, Jr. to approve the setting up of the Community Paramedicine Advisory Committee with the dates of the meeting to be determined by the committee members. Motion unanimously approved (5-0).

Approval of Minutes

Motion by Wood Hall Young, Jr. and second by Dennis Aldridge to approve the January 6, 2020 Regular Meeting. Motion unanimously approved (5-0).

Agenda Consent Items

Adopted by Consensus of the Board.

Upcoming Meetings

The next Regular Meeting is March 2, 2020 at 3:30 p.m.

Adjourn

Motion by Blake Vance and second by Wood Hall Young, Jr. to adjourn this meeting at 4:47 p.m. Motion unanimously approved (5-0).

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

ATTEST: _____
Cindy Turbyfill, Clerk

