

**STATE OF NORTH CAROLINA
COUNTY OF AVERY**

The Avery County Board of Commissioners met in Regular Session on Monday, June 15, 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; Wood Hall Young, Jr.; Blake Vance

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 3:30 p.m.

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

Wood Hall Young, Jr. led prayer.

Blake Vance led the Pledge of Allegiance.

Public Comment

There was one public comment from Derek Roberts. Phillip Barrier, Jr., County Manager, read aloud the public comment.

Good afternoon ladies and gentlemen of the Board and all support staff. I want to inquire about the mow contract, complain about the process, and ask what it is we are doing and who is it that is actually responsible for contracts such as these.

First, thank you to the Commissioners that fielded my calls and spoke with me about this topic I get that as elected officials it's part of it however I appreciate it and is more than can be said for the county. Second as one commissioner so astutely pointed out recently that due to lawyers being involved he was unable to speak on some of the subject I was inquiring about which this is both cute and ironic in that I had to hire an attorney because I was unable to get any response out of the county when the posting in fact indicated to contact the county with further clarification issues and because I have made attempts to bid on this contract with the county going back to when Robert Wiseman was County Manager and well it is still much of the same good ole boy issues that no one wants to deal with and is apparently unfortunately still at play. After hiring Joe Seegers I miraculously immediately was able to through my attorney receive information which again is not how this is supposed to work. I responded to the add on the county website which plainly indicated that the county would accept bids and gave a

scope of work and a detail for the locations requiring work. The posting indicated that on a specific time at a specific date the sealed bids would be opened and read aloud and recorded and all bidders were allowed to be present which follows the Governmental bidding guidelines set out by the Institute of Govt at UNC Chapel Hill. We arrived with our sealed bid at 8:55, 5 minutes before opening and waited until the county manager clerk indicated to our man that this would not be dealt with until later which as one commissioner correctly pointed out is not the way it's supposed to go and creates bad optics. We began trying to contact the county managers office about why they were changing the process they set out and were told that we would receive an email detailing the new standards for the bid which we did receive. I then again attempted to call and speak to the county manager because the new standards made absolutely no sense for instance he was requiring 10 inches of mulch on the beds and 1500 lbs of fertilizers now I have been to all the locations on the bid list and oddly I did not find mulch at several locations and was contacted by several county employees that noticed what I was doing and relayed to me that the county has told for instance the EMS stations that there is not enough money in the budget for the county to mow and weedeat so the Paramedics needed to do their stations now I'm no mathematical genius but the current contractor is being paid nearly \$9000.00 a month and cannot get to the EMS stations and folks on duty are expected to mow and weedeat then field sanitary medical calls? Who is in charge of this and who oversees items such as this. I digress. We then worked on the "new" guidelines and again in April submitted a new bid. Side note both bids required a list of our equipment which we understood a copy of our insurance certificates which we have and understood but then it asked for the names of our employees that would be working on this contract which is an odd request under the Federal Profiling Act and since the county opened that door does the county acknowledge that the current contractors employees names are Jorge, Jose, Quadaupe and Hector which is fine however I'm betting these are H1 or whatever the that migrant farmer visa program is which specifically dictates they are to be doing specific work and my names are Nathan, Kyler, Austin, and Daquan who all but one is from Avery And Mitchell county and spend their money here and I'm sure that a well placed call to the correct government agency would shed some light on this employee situation.

We as the county asked adjusted for the ridiculous amount of mulch and ridiculous amount of fertilizer and submitted as per the email from the county which AGAIN stated turn in a sealed bid to the county by 0900hrs on a specific date and bids would be unsealed read allowed recorded and awarded to lowest bid and AGAIN my man was told that the county would deal with this at a later date and through my attorney we have found out that at 9:01 on the day we submitted the bid the county manager in fact opened and recorded the bids and the only non county employee present was Daryl Smith the current contractor representative so going back to what one commissioner

stated this is bad optics and I would contend illegal and at the very least wildly inappropriate and yes I understand that by sending this email in an attempt to turn a light on this quagmire of a situation is probably not good for my chances of obtaining this contract in the future however I'm a firm believer in doing things the transparent correct way.

I then tried to play the good ole boy game by enlisting help from residents that know the commissioners to merely say hey what are y'all doing and why is the county manager dictating so much and when did we allow the county manager to control contract of 10k or more or is there even a threshold and we have heard more than once that something just isn't right here or the county is trying to unwind itself from deals made by Robert Wiseman and I agree it's never good to say anything negative about the deceased and I more than most respect Mr Wiseman because I like Mr Wiseman am a Army Veteran and we served in the same units albeit 20 years apart and I have many wonderful conversations with him about military life however when I would try and talk to him about when to bid is was very evident this was not a contract anyone could just get and it appears to still be this way.

Now I ask the county commission why are we paying a contractor \$80K plus to mow and weedeat when we have contractors that will do it literally for almost half and still provide the same level of professional service and who at the county made the statement that we are going to change the dates of the contract to more align with the seasons and because it wasn't fair to the new contractor to come in mid season??? Who said that? We are professionals who pick up and lose contracts at all times of the year and if we could not handle the contract we would not have submitted the bid that statement is assinine and unprofessional. The letter from the county attorney indicated the county was not accepting the bids and would not be issuing a contract for this season which I'm sure the county attorney didn't realize that through eithe ineptitude or inability or just being overwhelmed with this virus our county manager has signed another contract with the current contractor because the county manager did not notify the current contractor that it would be ending on July 1 so the rumor is it will go to re-bid in December which again is incorrect because if you read the current contract it states that if that deadline is missed it is extended for 1 year PLUS a 5% increase??? Are we for real. So the county manager started this in March went to bid twice declined to accept a much lower cost bid fielded calls from an attorney representing a contractor that really wants to service the county mow needs has acknowledged that the county wants out of contracts with current contractor but then extends the contract and pays that contractor more money and the 5 County Commissioners have no idea what is going on? Come on folks I'm sure the over forty thousand dollars we can save could be put to good use by the senior center or Parks and Rec I know because I've heard from them. Now we are in a situation where the county manager thinks it's easier just to let

this lie where it is and it will all blow over and we will all do this over again in December or April however it's not going to because it's fraud waste and abuse of taxpayers money and if this contract is this jacked up what else is going on. Thank you for allowing me to bring this to the attention of the board and I look forward to whatever correspondence we are allowed to have.

Resolution Regarding House Bill 1157

WHEREAS, An Act to Abolish the Coroner in Various Counties has been introduced in the North Carolina General Assembly as set out in House Bill 1157; and

WHEREAS, the North Carolina State Medical Examiner's Office supports such Act; and

WHEREAS, Avery County has an elected Coroner; and

WHEREAS, such Act provides that any coroner elected in the 2018 or 2020 general election shall serve the remainder of their term;

NOW, THEREFORE, be it resolved that the Avery County Board of Commissioners meeting in regular session on the 15th day of June 2020 hereby approves the inclusion of Avery County in House Bill 1157.

Motion by Dennis Aldridge and second by Tim Phillips to adopt the Resolution Regarding House Bill 1157, an act to abolish the Coroner in various counties.

Wood Hall Young, Jr. commented that he had spoken at length with John Millan, the current coroner, and that Mr. Millan was good with this resolution. He indicated to me that because of various reasons he was good with this. Blake Vance said that he had a conversation with John Millan and John had told him the same thing. Chair Hicks stated that she had a conversation with Mr. Millan also.

Motion unanimously approved (5-0) Hicks—Aye; Phillips—Aye; Aldridge—Aye; Vance—Aye; Young—Aye

Eagles Nest Holdings, LLC Timberline Section Subdivision Approval

Tommy Burleson, Planning and Inspections Director, reported that this subdivision has 13 lots. The road widths and emergency turn arounds are approved and meet the Avery County Subdivision Ordinance and meet all North Carolina Building Code requirements for emergency ingress and egress. The surveyor has verified that there are no road grades greater than 15% slope. The Planning Department and Planning Board has approved this subdivision.

Motion by Blake Vance and second by Tim Phillips to approve the subdivision Eagles Nest Holdings, LLC Timberline Section. Motion unanimously approved (5-0) Hicks—Aye; Phillips—Aye; Aldridge—Aye; Vance—Aye; Young—Aye

County Manager Updates – Phillip Barrier, Jr.

Covid-19 Update

As of today we have had 8 cases in Avery County with 6 active cases, three of those have been hospitalized; 873 have been tested so far.

Cares Act Funding is \$535,658.00. The regulations are unclear right now. There is FEMA money available also. We will do a budget amendment today because we just received this money. This money will go back into the general fund June 30, 2020 so we will need to do a budget amendment in July. Expenses up to June 30, 2020 are what we are going to turn in for that fiscal year and then we will proceed July through December.

Pool Opening Update

The pool opened up Friday. The health department and the county manager took a tour of the pool and the health department was very pleased with the way that we are doing things as far as sanitizing, social distancing, etc.

Broadband Update

There is a letter of support included in the packet for the ARC grant which the High Country Council of Government is helping with. There is extra money that can be funded.

Community Building Update

We just received the first application for payout. Blocks are being laid. Plumbers and electricians are there so floor can be poured.

Census

Census numbers shows that only 27.9% has responded. The state average is 57%. The problem is we have second homes and that is bringing our numbers down.

Recess

Chair Hicks called for a brief recess to sign the milar for the Eagles Nest Holdings Subdivision that was approved earlier in the meeting.

During the recess the County Manager had the commissioners sign a letter of support for the Appalachian Regional Commission grant for broadband.

Chair Hicks declared the meeting to be back in session after a brief recess.

The County Manager had provided an update to the Board before the recess regarding the letter of support for the Appalachian Regional Commission grant. The Board will need to approve this letter.

Motion by Wood Hall Young, Jr. and second by Blake Vance to approve the letter of support for the Appalachian Regional Commission Broadband grant. Motion

unanimously approved (5-0) Hicks—Aye; Phillips—Aye; Aldridge—Aye; Vance—Aye; Young—Aye

Contract for Grounds Maintenance

Mr. Barrier stated that there is a contract in the packet for grounds maintenance that would become effective July 1, 2020 and run through December 31, 2020.

Michaelle Poore, County Attorney, directed the Board to paragraph one of the contract. This is different from the prior contract that the county had on grounds maintenance. This proposed agreement adds the additional area around the new agricultural extension building and Heritage Park, emergency management storage building, Avery Cares Building, Parks and Recreation Gym Building, Green Valley Park, The Dive In Swimming Complex, Newland EMS Base, Banner Elk EMS Base and common areas of each of those. That is different from the previous agreement that the county had. The existing contract was set to expire the end of June. The existing contract had a 5% increase each year and this contract continues with that amount for six months but has the additional properties included. It is through the end of December and does not have an automatic renewal provision. It is up to the Board what they choose to do in December.

Dennis Aldridge questioned if the contractor was notified within the terms of the contract. Ms. Poore said the contractor was notified.

Motion by Tim Phillips and second by Wood Hall Young, Jr. to approve the contract for grounds maintenance.

The motion was modified per Tim Phillips and Wood Hall Young, Jr. to authorize the County Manager to sign the contract.

Motion unanimously approved (5-0) Hicks—Aye; Phillips—Aye; Aldridge—Aye; Vance—Aye; Young—Aye

Blake Vance stated that he didn't know why this was even put on a fiscal year that it needs to be on a calendar year so this will help us get that straightened out.

Finance Officer Report – Ashley Ingwersen
Budget Amendment

The Parks & Recreation Departments budget needs to be amended due to wages for seasonal employees. Included in the seasonal employees line item is football referees, basketball referees and seasonal pool workers.

Motion by Tim Phillips and second by Blake Vance to adopt the Budget Amendment for the Parks & Recreation department in the amount of \$31,770.00 with a debit of \$30,340.00 to Wages-Seasonal Workers (106200.0230); debit of \$1,430.00 to FICA (106200.0500) and a credit of \$31,770.00 to Fund Balance—Appropriated (103990.0000).

Blake Vance questioned if this was neglected in the budget process. Ms. Ingwersen stated that we had budgeted \$54,300. I don't know if it was increased enough to cover all of this. In the past we paid the basketball referees through accounts payable and now we are paying them through this line item. We have many more pool workers and they are making more per hour.

Dennis Aldridge said this is a significant amount of money over what we had budgeted. We need to look at the income generated to offset this expense. Mr. Barrier stated that on May 31, 2020 we were at \$62,675 in income.

Motion unanimously approved (5-0) Hicks—Aye; Phillips—Aye; Aldridge—Aye; Vance—Aye; Young—Aye

Budget Amendment

The Parks & Recreation Departments budget needs to be amended due to an increase in utilities including electricity, water and sewage.

Motion by Dennis Aldridge and second by Tim Phillips to adopt the Budget Amendment in the amount of \$20,000.00 with a debit of \$20,000.00 to Utilities (106200.1300) and a credit of \$20,000.00 to Fund Balance Appropriated (103990.0000). Motion unanimously approved (5-0) Hicks—Aye; Phillips—Aye; Aldridge—Aye; Vance—Aye; Young—Aye

Budget Amendment

The EMS Department requests a budget amendment for increased costs of personnel. We have had medics quarantined and a combination of full time and part time employees have filled the vacant shifts. The costs of quarantine may be eligible for reimbursement by the Cares Act.

Motion by Blake Vance and second by Tim Phillips to adopt the Budget Amendment for the EMS Department in the amount of \$128,770.00 with a debit of \$42,510.00 to Salaries—Part-time (105300.0210); debit of \$80,360.00 to Salaries-EMT (105300.0500); debit of \$5,900.00 to FICA (105300.0500) and a credit of \$128,770.00 to Fund Balance—Appropriated (103990.0000).

Dennis Aldridge stated there is no way within this to know how much is Covid related. This covers the entire year. This is a lot of money basically three full time salaries that we are talking about here. Did we miss the ball tremendously on this one? Mr. Barrier stated that there were two employees on light duty which was \$35,000 to cover their shift.

Motion unanimously approved (5-0) Hicks—Aye; Phillips—Aye; Aldridge—Aye; Vance—Aye; Young—Aye

Budget Amendment

The County has received a payment from the Department of Health and Human Services. This is from the COVID-19 Recovery Act.

Motion by Blake Vance and second by Tim Phillips to adopt the Budget Amendment regarding the COVID-19 Recovery Act with a debit of \$535,658.00 to Cares Relief (105250.3700) and a credit of \$535,658.00 to Emergency Management Revenue (103812.0000). Motion unanimously approved (5-0) Hicks—Aye; Phillips—Aye; Aldridge—Aye; Vance—Aye; Young—Aye

Budget Amendment

The Department of Social Services needs to amend their budget due to an increase of children in foster care.

Motion by Wood Hall Young, Jr. and second by Blake Vance to adopt the Budget Amendment in the amount of \$161,920.00 with a debit of \$161,920.00 to State Foster Care IV-E (106800.6070) and a credit of \$161,920.00 to Foster Care IV-E Revenue (103652.0000).

Dennis Aldridge said this was not all covered with reimbursement. Mr. Barrier said that is correct but as long as this department is not over budget we are fine with the audit.

Motion unanimously approved (5-0) Hicks—Aye; Phillips—Aye; Aldridge—Aye; Vance—Aye; Young—Aye

Budget Amendment

Avery County will collect fire taxes in excess of budgeted figures. A budget amendment is required in order to pass through the additional tax collections.

Motion by Blake Vance and second by Dennis Aldridge to adopt the Budget Amendment in the amount of \$70,000.00 with a debit of \$70,000.00 to Fire Commission (206600.4012) and a credit of \$70,000.00 to Tax Collections-Fire (203100.0000). Motion unanimously approved (5-0) Hicks—Aye; Phillips—Aye; Aldridge—Aye; Vance—Aye; Young—Aye

County Attorney Report – Michaelle Poore

There is nothing to consider at this time.

Closed Session

Motion by Blake Vance and second by Tim Phillips to go into Closed Session at 4:30 p.m. regarding G.S. 143-318.11 (a)(6) Personnel and G.S. 143-318.11 (a)(3) Attorney/Client Privilege. Invitees are Board, County Manager, Clerk, County Attorney, Interim Finance Officer. Motion unanimously approved (5-0) Hicks—Aye; Phillips—Aye; Aldridge—Aye; Vance—Aye; Young—Aye

Chair Hicks called the meeting back into Regular Session after a time of Closed Session at 5:13 p.m. During Closed Session, no vote was taken.

Agenda Consent Items

Adopted by Consensus of the Board.

Upcoming Meetings

There will be a joint meeting with the Board of Education on Tuesday, June 23, 2020 at 5:00 p.m.

Adjourn

Motion by Wood Hall Young, Jr. and second by Blake Vance to adjourn this meeting at 5:20 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