

**STATE OF NORTH CAROLINA
COUNTY OF AVERY**

The Avery County Board of Commissioners met in Regular Session on Monday, March 2, 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.

Tim Phillips led prayer.

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

Phillip Barrier, Jr., County Manager, requested that the Board amend the agenda to add the Resolution Supporting the State of North Carolina's Proposed FY 2019-2021 Budget.

Motion by Wood Hall Young, Jr. and second by Dennis Aldridge to amend the agenda to add the Resolution Supporting the State of North Carolina's Proposed FY 2019-2021 Budget to the agenda at 3.3E. Motion unanimously approved (5-0).

Proclamations and Awards

Mr. Barrier presented to the Board a Resolution recognizing the Avery County High School Wrestling Team for winning the 1A State Championship.

Whereas, the Avery County Board of Commissioners takes pride in recognizing the accomplishments of all athletic teams in Avery County; and

Whereas, the Avery County High School Wrestling Team won the 2019-20 NCHSAA Dual Team State Wrestling Championship and the Individual Team State Wrestling Championship in the 1A division; and

Whereas, this is the first ever state championship in any sport for Avery County High School; and

Whereas, the Avery County Board of Commissioners recognizes this great accomplishment; and

Whereas, this brings statewide recognition and distinction to all of Avery County.

Now Therefore, Be it Resolved that the Avery County Board of Commissioners hereby publicly recognizes and congratulates the Avery County High School Wrestling

Team for winning the 2019-20 NCHSAA Dual Team State Wrestling Championship and the Individual Team State Wrestling Championship in the 1A division.

Motion by Blake Vance and second by Dennis Aldridge to Adopt the Resolution Recognizing the State Championship 1A Avery County High School Wrestling Team. Motion unanimously approved (5-0).

Sheriff Kevin Frye recognized Beth Clark as Employee of the Month for the Avery County Sheriff's Office.

Sheriff Frye also recognized Mike Watson and Gregory Peck Taylor, II for receiving the criminal investigator certification.

Public Comment

Warren Daniel, State Senator, stated that he was honored to represent Avery County in Raleigh. Thank you for putting the Resolution regarding the passing of the state budget on the agenda. You are the first county to agree to do this.

Board Appointments

Dennis Quackenboss has applied for the Juvenile Crime Prevention Council.

Motion by Wood Hall Young, Jr. and second by Tim Phillips to appoint Dennis Quackenboss to the Juvenile Crime Prevention Council. Motion unanimously approved (5-0).

The Board will review applicants for JCPC and the Avery County Economic Development Committee to be appointed at the next regular meeting.

Resolution to Fund the Purchase of Apple, Inc. Products for Avery County Schools – Jeff Jaynes

WHEREAS, the Avery County Board of Education (“Board of Education”) desires to enter into a contract (the “Contract”) with Apple Inc. (“Apple”) for the lease and possible purchase of certain laptop computer hardware, software, and related equipment and services to be used for instructional purposes, such Contract effective as of 11 March 2020;

WHEREAS, the payment schedule for the Contract is as follows:

Fiscal year	2020-2021	\$369,925.51
	2021-2022	\$369,925.51
	2022-2023	\$369,925.51
	2023-2024	\$369,925.50
	Total Payments	\$1,479,702.03

WHEREAS, the Board of Education hereby advises the Board of Commissioners for the County of Avery (“Board of Commissioners”) that the new Contract will result in substantial savings over that of the current agreement and permit school children of Avery County to replace used computers with new updated computers to enable continued academic enhancement;

WHEREAS, the Board of Education intends to satisfy the full costs of the Contract out of the annual budget of the Board of Education during each fiscal year;

WHEREAS, the Contract between the Board of Education and Apple is not an obligation of the County of Avery and does not require direct funding from the Board of Commissioners to the Board of Education for successive fiscal years;

WHEREAS, pursuant to North Carolina General Statutes §115C-528(i), no deficiency judgment may be rendered against the Board of Education or the Board of Commissioners with regards to the sums to be paid by the Board of Education; and

WHEREAS, the Board of Education and Board of Commissioners intend that the entire cost of the Contract with Apple be covered by the Board of Education's annual budget, the Contract is nevertheless being approved by Resolution of the Board of Commissioners, at the request of the Board of Education, in order to comply with the technical requirements of North Carolina General Statutes §115C-441(c1) and 115C-528, to the extent such requirements are applicable to the Contract.

NOW, THEREFORE, BE IT RESOLVED that pursuant to North Carolina General Statutes §115C-441(c1), the Avery County Board of Commissioners agree to execute this Resolution and shall appropriate sufficient funds to the Avery County Board of Education in ensuing fiscal years in an amount which is sufficient to meet the Contract obligations set forth above, such total amount not to exceed \$1,479,702.03. Said funds for this Contract shall be part of, and not in addition to, the regular annual appropriations made to the Board of Education by the Board of Commissioners each year.

Wood Hall Young, Jr. said that when this was initiated that it was ½ million dollars and was paid 50/50; Commissioners paid for half and the school system paid for half out of their budget. This is approximately \$370,000 per year. How do you propose that this be paid?

Jeff Jaynes, Avery County School Finance Officer, stated that since the start of the project the amount has been a quarter of a million dollars out of capital outlay and the Board would like to continue the agreement and would come to the Board of Commissioners for the annual request for a quarter million out of capital outlay and with state and local funding we would pay the balance annually. We would be willing to discuss any options the commissioners would like to take during the budget process.

Dennis Aldridge stated that he did not have trouble with the initiative but the resolution says that the Board of Commissioners shall appropriate sufficient funds to meet this expenditure. It appears to me based on this that our projected investment is this total expenditure. Will that \$369,000 be presented as a capital expenditure at the budget? Mr. Jaynes said no it would not be. The Board has said that what we have been asking for annually of a quarter of a million dollars is what we will be asking for. Wood Hall Young, Jr. said the total expense has decreased from ½ million to \$369,000 so if we were partners in it to begin with why can't we be partners in it now and you use your NC State Technology money. Mr. Jaynes said I can't directly speak for the Board of Education but we will be willing to discuss that with you. That was the initial agreement. At that time it was a \$2 million dollar lease and we said we would pay half and you would pay half. This is our third round and what we are proposing is the authorization to

continue this and we are not asking for any more funds than we have asked for in the past. We would like to keep moving forward and when the time comes to discuss the budget we will present the funding as it has always been presented.

Blake Vance questioned how this differs from what we have been doing. Dennis Brown, IT Director for Avery County Schools, said what we have done in this new proposal is ordered Ipads for K-8 instead of the Macbooks. This did impact the cost by decreasing it. There is not a substantial difference other than decreasing the Macbooks to Ipads.

Michaelle Poore, County Attorney, stated that the Board had approved this in 2016 and 2011.

Motion by Blake Vance and second by Tim Phillips to approve the Resolution to Fund the Purchase of Apple, Inc. Products for Avery County Schools. Motion unanimously approved (5-0).

Resolution – 2020 Census Partnership

WHEREAS the U.S. Census Bureau is required by the U.S. Constitution to conduct a complete count of the population and provides a historic opportunity to help shape the foundation of our society and play an active role in American democracy;

WHEREAS Avery County is committed to ensuring every resident is counted;

WHEREAS federal and state funding is allocated to communities, and decisions are made on matters of national and local importance based, in part, on census data and housing;

WHEREAS census data help determine how many seats each state will have in the U.S. House of Representatives and are necessary for an accurate and fair redistricting of state legislative seats, county and city councils and voting districts;

WHEREAS information from the 2020 Census and American Community Survey is vital for economic development and increased employment;

WHEREAS the information collected by the census is confidential and protected by law;

WHEREAS a united voice from business, government, community-based and faith-based organizations, educators, media and others will enable the 2020 Census message to reach more of our residents;

WHEREAS Avery County will support a cross section of community members who will utilize their local knowledge and expertise to reach out to all persons of our county;

Now, therefore, **BE IT RESOLVED** that Avery County is committed to partnering with the U.S. Census Bureau and the State of North Carolina and will:

1. Support the goals for the 2020 Census and will help disseminate 2020 Census information;
2. Encourage all County residents to participate in events and initiatives that will raise the overall awareness of the 2020 Census and increase participation;
3. Facilitate Census advocates to speak to County and Community Organizations;
4. Encourage census takers as they help our County complete an accurate count; and,
5. Strive to help achieve a complete and accurate count of all persons within our borders.

Blake Vance stated that he had two issues with this resolution. In the first paragraph it says American democracy and we don't live in a democracy we live in a Representative Republic. The other is that the census is to find the number of citizens not the number of residents.

Michaëlle Poore, County Attorney, questioned if government could replace the word democracy and citizens replace the word residents. The Board agreed.

Motion by Wood Hall Young, Jr. and second by Dennis Aldridge to adopt the Resolution Regarding the 2020 Census Partnership with the changes listed above. Motion unanimously approved (5-0).

Mr. Barrier stated that around March 12th the initial invitations to respond to the Census will be sent out. We will be doing a reverse 911 call to remind the citizens to complete their census. March 16-24 reminder letters will be sent out. The Senior Center will be working on this with the senior citizens.

Resolution Declaring Certain Real Property Surplus and Authorizing Its Sale

WHEREAS, Avery County owns certain real property which it acquired by virtue of certain tax foreclosure; and

WHEREAS, such property is more particularly described as follows: Being that property of record in Book 540 Page 681 of the Avery County Register of Deeds, and bearing parcel ID 1818-00-82-8938;

WHEREAS, North Carolina General Statute §160A-268 permits the County to sell real property that has been declared as surplus;

NOW THEREFORE, be it RESOLVED that the Avery County Board of Commissioners meeting in regular session on the 2nd day of March 2020 Resolves that:

1. The following described real property is hereby declared surplus: Being that property of record in Book 540 Page 681 of the Avery County Register of Deeds, and bearing parcel ID 1818-00-82-8938.
 2. The Board of Commissioners hereby authorizes the sale of the above property by private sale and upset bid.
 3. The County Manager is authorized to advertise the property for sale. Such property to be sold "As Is", with no warranties of title.
 4. The County reserves the right to withdraw the property from sale at anytime.
- This RESOLUTION is effective upon adoption this the 2nd day of March 2020.

Wood Hall Young, Jr. questioned where this property was located. Mr. Barrier stated that this was at The Views at Cranberry subdivision.

Motion by Wood Hall Young, Jr. and second by Tim Phillips to adopt the Resolution Declaring Certain Real Property Surplus and Authorizing Its Sale. Motion unanimously approved (5-0).

Tax Administrator Report – Bruce Daniels
Tax Collections Report

The Total Tax Collection for the month of February 2020 is \$503,978.84.

Motion by Wood Hall Young, Jr. and second by Blake Vance to approve the Tax Collection Report for the month of February 2020 as presented. Motion unanimously approved (5-0).

Releases

The Releases for the month of February 2020 is \$19.81.

Motion by Wood Hall Young, Jr. and second by Tim Phillips to approve the Releases for the month of February 2020 as presented. Motion unanimously approved (5-0).

Sales Statistics

There were 46 sales at 88% assessed ratio for February 2020; compared to 35 sales at 89% assessed ratio February 2019.

Special Board of Equalization & Review

There are applications for review for the Board of Equalization and Review. These applications will be considered for appointment at the next regular meeting.

Resolution Regarding the Special Board of Equalization & Review

WHEREAS, the Avery County Board of Commissioners, pursuant to N.C.G.S. §105-322, have determined to appoint a special Board of Equalization and Review for 2020; and

WHEREAS, the Board of Commissioners have determined that the qualifications for membership of the Board of Equalization and Review shall be that such individuals shall be owners of property located within Avery County, shall be eighteen years of age or more, shall be citizens and residents of Avery County, and that all shall take the oath of office as prescribed by N.C.G.S. § 105-322 and shall otherwise qualify as required by Article 21 of Chapter 105 of the North Carolina General Statutes.

BE IT FURTHER RESOLVED that membership of said special Board of Equalization and Review shall be determined by the solicitation of applications from qualified applicants for said Board of Equalization and Review, and that their term of office shall continue throughout the calendar year of 2020 as prescribed by N.C.G.S. §105-322,

and for such extended times as therein provided, at the rate of ten dollars (\$10.00) per hour.

BE IT THEREFORE RESOLVED that any vacancies which shall exist in the Board of Equalization and Review shall be filled by the then remaining members of the Board by simple majority vote from a list of three names from the list of qualified applicants who are not selected for primary membership in the Board of Equalization and Review, said names to be provided to the remaining members of the Board of Equalization and Review by the County Tax Assessor.

BE IT FURTHER RESOLVED that any appeals any taxpayer may file before the Board of Equalization and Review shall have the right to appeal the decision of the Board of Equalization and Review to the Property Tax Commission of the Department of Revenue for the State of North Carolina.

Motion by Blake Vance and second by Wood Hall Young, Jr. to adopt the Resolution Regarding the Board of Equalization and Review. Motion unanimously approved (5-0).

Resolution of the Board of County Commissioners of Avery County, North Carolina Supporting the State of North Carolina's Proposed FY 2019-2021 Budget

Whereas, Avery County, North Carolina (hereinafter referred to as "the County of Avery") is a political subdivision of the State of North Carolina;

Whereas, the County of Avery is recognized as a center for agribusiness, high quality education, business growth, and tourism;

Whereas, the County of Avery and the communities within it provide essential public safety services, such as law enforcement and fire services, that often depend on funding support from the State;

Whereas, the excellent educational opportunities and business growth in the County of Avery are critically supported with state funding;

Whereas, Avery County Public Schools is among the highest performing public school systems in North Carolina, with graduation rates over 94% and 62% of schools exceeding growth;

Whereas, Mayland Community College is responsible for over \$60 million per year in income added by its graduates to the regional workforce and is recognized as one of the top ten Community Colleges in the nation;

Whereas, the County of Avery recognizes that strong partners in the community create a lasting positive impact for residents of Avery County and surrounding areas; and

Whereas, the current proposed bipartisan state budget for the FY 2019-2021 would include funding for several critical County and community investments, including:

- More than \$10 million in capital funding for K-12 schools
- Would open up capital funding for Mayland Community College
- \$75,000 for the Avery County Cooperative Extension Community Room
- \$25,000 for the Avery County Association for Exceptional People
- \$90,000 for Reaching Avery Ministry for families in need
- \$100,000 Grant for the Avery County Sheriff's Office
- \$200,000 for the Crossnore School and Children's Home
- \$100,000 for Blue Ridge Partnership for Children for support of the preschool SCOTTIE mobile classroom

Now Therefore, Be It Resolved, that the County of Avery strongly encourages all members of the General Assembly to act in accordance with the needs of the State and support the County of Avery by taking measures to ensure funding for these important programs for the institutions and communities that they will so clearly benefit.

Blake Vance said he would like to add in the last paragraph of the resolution after "members of the General Assembly" "and the Governor". The reason why I want to add that is because the General Assembly passed the budget and the Governor is holding the rest of the state hostage because he can't get Medicaid expansion. I think it would be important to send that message to Governor Cooper as well.

Motion by Wood Hall Young, Jr. and second by Blake Vance to adopt the Resolution of the Board of County Commissioners of Avery County, North Carolina Supporting the State of North Carolina's Proposed FY 2019-2021 Budget with the change to add the Governor to the Resolution. Motion unanimously approved (5-0).

County Manager Updates – Phillip Barrier, Jr.
Community Room

The bids will be opened for the Community Room on Thursday, March 5, 2020 at 3:00 p.m. in the Commissioners Board Room.

Broadband

Affordable reliable internet for all is a goal of this Board. AT&T called me and there are some things available for businesses. I had a meeting in February with Carolina West and they will be making an announcement in the future. Skyline/Skybest will also be making an announcement in the future. The GREAT grant is available for Tier 2 counties.

Lunch and Learn

The Economic Development Lunch and Learn is March 19th at 1:00 p.m. Participant cost is \$10.00. Pat Mitchell with the NC Department of Commerce will be here to speak.

Career Day

On March 12th we will be going to Career Day at Avery High School. EMS, Communications, Parks and Rec will also be at the job fair.

Emergency Management

Paul Buchanan, Emergency Management Director, has a meeting scheduled on Thursday regarding the Coronavirus. He has a lot of the key players invited to come to this meeting.

Crossnore School Roof Project

Mr. Barrier stated that the school board sought the services of Wolf Trail Engineering to get this project started. The engineering fees will be 8% of the total project which will open up later this spring. I would remind the Board that we do have available in our reserve \$683,000. Blake Vance questioned if 8% was high for the engineering fees. Jeff Jaynes stated that they had looked into three separate firms and they all came back with 8%.

Mr. Jaynes stated that we were hoping to enter into a contract this month and it would probably take 6 weeks to be ready to open bids. We were hoping in April to have the bid documents completed and have the contract before the end of the school year and during the summer months do the work. \$45,000 is the fee to get us through bid and once we open the bid the balance of the 8% is what we owe. This engineer is serving in a role as an architect so he is going beyond the normal confines of what an engineer usually does and that is where you would see the higher percentage.

Motion by Tim Phillips and second by Blake Vance to approve the \$45,000 for the engineering fees for the Crossnore School Roof Project. Motion unanimously approved (5-0).

Finance Officer Report – Tim Greene

Budget Amendment

The NC Department of Public Safety has allocated the Juvenile Crime Prevention Council additional funds for intervention and prevention services to delinquent youth and those at risk of delinquency. Avery County's portion will be \$10,967. There is no county match for these funds.

Motion by Dennis Aldridge and second by Wood Hall Young, Jr. to adopt the Budget Amendment in the amount of \$10,967.00 with a debit of \$2,000.00 to CBA Juv SVC-Proj. Challeg (107000.6145); debit of \$3,000.00 to Teen Leadership Development (107000.6149); debit of \$5,967.00 to Juvenile Serv- Sentencing Circl (107000.6141) and a credit of \$2,000.00 to Project Challenge (103480.0000); credit

of \$3,000.00 to Teen Leadership Development (103496.0000); and credit of \$5,967.00 to Juvenile Serv – Sentencing Circl (103497.0000). Motion unanimously approved (5-0).

Budget Amendment

The Department of Social Services has received an additional \$587.00 allocation for the Low Income Energy Assistance Program (LIEAP). There is no county match.

Motion by Blake Vance and second by Tim Phillips to adopt the Budget Amendment in the amount of \$587.00 with a debit of \$587.00 to LIEAP (106800.6095) and a credit of \$587.00 to County Welfare (103634.0000). Motion unanimously approved (5-0).

Budget Amendment

The Department of Social Services has received an additional \$4,761.00 allocation for the Low Income Energy Assistance Program (LIEAP). There is no county match.

Motion by Wood Hall Young, Jr. and second by Dennis Aldridge to adopt the Budget Amendment in the amount of \$4,761.00 with a debit of \$4,761.00 to LIEAP (106800.6095) and a credit of \$4,761.00 to County Welfare (103634.0000). Motion unanimously approved (5-0).

Budget Amendment

The Avery County Economic Development Committee is hosting a Lunch and Learn Workshop on March 19, 2020. The cost for participating is \$10.00 per person. The funds will be used to provide lunch.

Motion by Wood Hall Young, Jr. and second by Tim Phillips to adopt the Budget Amendment in the amount of \$500.00 with a debit of \$500.00 to Training (104900.1000) and a credit of \$500.00 to Miscellaneous (103350.0000). Motion unanimously approved (5-0).

Budget Amendment

Mountain Electric has given a \$1200.00 grant to the Sheriff's Office to be used for the D.A.R.E. program.

Motion by Wood Hall Young, Jr. and second by Tim Phillips to adopt a Budget Amendment in the amount of \$1200.00 with a debit of \$1200.00 to Dare/Drug Prevention (105100.5100) and a credit of \$1200.00 to Donations (103345.0000). Motion unanimously approved (5-0).

Auditor's Contract

Request the Board make a motion to approve Sharon Gillespie, PA to audit the financial statements of the County of Avery as of and for the year ending June 30, 2020. The audit will begin in July 2020 and their report will be issued no later than October 31,

2020 at a price not to exceed \$36,400.00. This represents no increase from the prior fiscal year. The price also includes the Fire Commission Audit.

Motion by Blake Vance and second by Wood Hall Young, Jr. to approve the contract for the Auditor Sharon Gillespie, P.A. Motion unanimously approved (5-0).

County Attorney Report – Michaelle Poore

Ms. Poore said that she wanted to clarify something with the EDC budget amendment. That is just an in and out wash for the cost of the lunch and then any actual expenditure for the training process would be included in the existing budget which the board approved with a public hearing.

Mr. Barrier asked for the Board to amend the agenda to place Eric Foster, Solid Waste Director, under Staff Reports and Requests.

Motion by Wood Hall Young, Jr. and second by Tim Phillips to amend the agenda to add discussion about the Solid Waste Contract. Motion unanimously approved (5-0).

Mr. Foster stated that in the Board Workshop there was discussion of the bids for the solid waste contract and I am requesting that the Board move forward with the contract with Bristol.

Consensus by the Board to authorize Eric Foster, Solid Waste Director, to obtain a contract from Bristol Transfer Facility for the Board to approve at a later date.

Approval of Minutes

Motion by Wood Hall Young, Jr. and second by Blake Vance to approve the January 9, 2020 Special Meeting; January 28, 2020 Joint Meeting; February 3, 2020 Regular Meeting. Motion unanimously approved (5-0).

Agenda Consent Items

Adopted by Consensus of the Board.

Upcoming Meetings

The next Regular Meeting will be Monday April 6, 2020 at 3:30 p.m.

Adjourn

Chair Hicks adjourned the meeting at 5:06 p.m.

Martha Hicks, Chair
Avery County Board of Commissioner

Cindy Turbyfill, Clerk

