

**STATE OF NORTH CAROLINA  
COUNTY OF AVERY**

The Avery County Board of Commissioners met in Regular Session on Monday, October 3, 2016 at 6:00 p.m. in the Commissioners Board Room, Avery County Administrative Complex, 175 Linville Street, Newland, NC.

Members Present: Martha Hicks, Chair; Maxine Laws, Vice-Chair; Reo Griffith; Faith Lacey; Blake Vance

Members Absent: None

**Call To Order**

Chair Hicks called the meeting to order at 6:07 p.m.

Chair Hicks read aloud 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.*

Reo Griffith led prayer.

John Millan led the Pledge of Allegiance.

Chair Hicks stated that at this time the agenda would be rearranged so that the Board could go into Closed Session regarding Attorney/Client Privilege and the invitees would be the Board, County Manager, County Attorney and Clerk.

**Motion by Blake Vance and second by Maxine Laws to go into Closed Session regarding Attorney/Client Privilege G.S. 143-318.11 (a)(3) at 6:09 p.m. Invitees are the Board, County Manager, County Attorney and Clerk. Motion unanimously approved.**

Chair Hicks declared the meeting to be back in Regular Session after a time of Closed Session at 6:45 p.m. During Closed Session, no vote was taken.

Chair Hicks asked the County Attorney to read a written statement from the Board.

County Attorney, Gerald McKinney, stated "the Board of Commissioners has reviewed several of the facebook posts that were supposedly made by John Millan together with complaints from several persons. With respect to Mr. Millan's office as coroner for Avery County, this is an elected office and as such the Board of Commissioners has no legal authority to take any legal action regarding Mr. Millan in his capacity as coroner.

That being said statements made by any elected official do not necessarily reflect the views of the Board of Commissioners.”

### **Public Comments**

John Millan stated “since you all have already brought it up and I appreciate you all saying that and that is actually what I was going to get up and say and save you the trouble. I speak as a private citizen and so I did at least want to have the courtesy to address the Board and the people of Avery County. A recent Charlotte media outlet asked me if I felt I owe an apology for what ended up on my facebook. I stated I didn’t think I owed an apology for something I didn’t put but I do regret that it caused an uproar and I apologize to the Board that you all had to endure some people that had an issue with what I said. What I will say for the record just to finish this thing out is to let the people of the county know, you know I am a strong advocate for law enforcement and I personally as a citizen not as an elected official have a problem with some of things that we have seen in the national media demonizing all police officers, calling for violence against police officers and acts of violence we have seen in relation to this topic and I continue to have a problem with that. I also think we have an obligation but to support law enforcement but demand ethical and appropriate behavior from law enforcement and hold them accountable if they don’t act appropriately. I would like to say publicly as a citizen and elected official of this county I think our local enforcement officers and families should be commended for the work they have done. One thing I have learned from this is I pay a lot more attention on what was on my facebook now. It is a good idea to review it periodically to clean it out. I changed my password and I will check it religiously and I do apologize that this caused you any grief. What I removed from facebook was not mine.”

### **Board Appointments**

#### **Agricultural Advisory Board**

We have reviewed the two applicants for the Agricultural Advisory Board, Amos Nidiffer and Anna Trivette. These are for three year terms.

**Motion by Faith Lacey and second by Blake Vance to appoint Amos Nidiffer and Anna Trivette to the Agricultural Advisory Board. Motion unanimously approved.**

#### **Avery Fire Commission**

We have reviewed the applicant for the Avery Fire Commission; Matt McClellan. This is a two year term.

**Motion by Blake Vance and second by Maxine Laws to appoint Matt McClellan to the Avery Fire Commission for a two year term. Motion unanimously approved.**

#### **Resolution Regarding Regular Meeting Time Change**

Tim Greene, County Manager, read aloud the resolution as follows:

**WHEREAS**, the Avery County Board of Commissioners has held its regular meetings at 6:00 p.m. in the Commissioners Board Room in the Avery County Administrative Complex; and

**WHEREAS**, the present Board of Commissioners wishes to conduct its regular meetings at 3:30 p.m.

**NOW, THEREFORE**, The Board of Commissioners hereby resolves pursuant to N.C.G.S. 153A-40(a) that:

1. Regular meetings of the Board of Commissioners shall, beginning with the November 7, 2016 meeting, be held at 3:30 p.m.

2. The 3:30 p.m. meeting time shall apply to both regular meetings held during the summer months when two meetings per month are held.

3. The place of the regular meetings shall remain at the Commissioners Board Room in the Avery County Administrative Complex.

4. A copy of this Resolution shall be posted on the Avery County Courthouse Bulletin Board at least ten days before the November 7, 2016 regular meeting.

**Adopted this 3<sup>rd</sup> day of October, 2016.**

**Motion by Maxine Laws and second by Blake Vance to adopt the Resolution Regarding Changing the Regular Meeting Time back to 3:30 p.m. Motion unanimously approved.**

Blake Vance stated that a lot of people had said that they would come to the meetings if they were changed to 6:00 p.m. One of the reasons we are changing this back is because we are not seeing any additional audience members like we had expected and also it is going to help the staff that are on the clock they are not going to have to stay so late. It was in the public interest and the public decided not to take advantage of it.

**Motion by Maxine Laws and second by Blake Vance to revise the Avery County Board of Commissioners Policy to reflect the meeting time change. Motion unanimously approved.**

**Recommendation from Swimming Pool Professional Selection Committee**

Chair Hicks stated that the Swimming Pool Professional Selection Committee has made a recommendation to present to the Board of Commissioners. Mr. Greene stated that three architectural firms were interviewed. The Committee recommends Isaacs and Associates.

**Motion by Blake Vance and second by Maxine Laws to approve the Swimming Pool Professional Selection Committee's recommendation of Isaacs and Associates.**

**Motion passes 3 to 2.**

**For---Martha Hicks; Maxine Laws; Blake Vance**

**Against---Reo Griffith; Faith Lacey**

Faith Lacey stated "I am definitely for fixing up the old pool. The new pool's upkeep is my concern. I checked with Watauga County and the total expense was \$369,300. If we even do better than that it is still going to take at least \$300,000 to maintain that pool. I don't feel like I want to burden the taxpayers for 20 years. We have the school coming up and we are obligated to keep the schools up and that is the reason for my no vote."

Maxine Laws stated "we asked Isaacs and Associates plus the other two architect firms about fixing up the old pool and they were all three very much against it because of its location, because it is in a flood plain and that it would be so expensive to try to fix it up and actually because of where it was located near the river and creeks that they would not actually get it approved. All three architectural firms said the same thing and in the next couple of years this pool is going to be out of commission totally. We were told that the underground is probably washed out is why we are having so much leakage due to the past floods that has happened here and they none were in favor of fixing up the old pool and that is why we have agreed to build a new pool."

Tim Greene stated "per our board policy it is up to the Board of Commissioners to negotiate the contract with the architect. I guess pending Gerald's approval of that they could delegate that to the county manager to at least bring the Board back my negotiation and then let you all approve that." Gerald McKinney said "yes, I think that would be fine because it could get cumbersome for the whole board to be involved in negotiating." Mr. Greene stated "I can bring that up at the second meeting and I can say here is what I came up with but here again you do not have to approve that. If we cannot negotiate a fee that is reasonable we can go with our next recommendation."

Chair Hicks stated "as I listened to everything that was told to us even though we have picked Isaacs and Associates for the architect we are going to have to get down and talk about this and we might have to do it in steps. We have one million dollars set aside and Robbie has talked to us about grants and even though we apply we will not get any money until after July and we may have to do it in steps. We have been concerned about whether to do an enclosed pool or open pool. We have talked about that and for where we live and our climate we feel like the best way to go is with an enclosed pool. In Highlands, they did their pool in steps. That might be what we have to do since we have two or three projects that we have been talking about. It is just something to think about when we really get down to deciding what to do whether we can do it in steps."

**Motion by Blake Vance and second by Maxine Laws to authorize the County Manager to negotiate the contract with Isaacs and Associates on behalf of the Board of Commissioners and bring this back to the Board at a regular meeting.**

**Motion passes 3 to 2.**

**FOR---Martha Hick; Maxine Laws; Blake Vance**

**AGAINST---Reo Griffith; Faith Lacey**

**Recommendation from Agricultural Building Project Professional Selection Committee**

Tim Greene, County Manager, stated that there were four good candidates that the selection committee interviewed. Blake Vance stated that the board will be soliciting input from the citizens of Avery County at the next regular meeting on October 17<sup>th</sup>. The recommendation from the Agricultural Building Project Professional Selection Committee is Boomerang Designs.

**Motion by Blake Vance and second by Faith Lacey to accept the recommendation from the Professional Selection Committee Boomerang Designs as the architect for the Agricultural Building Project. Motion unanimously approved.**

**Motion by Maxine Laws and second by Blake Vance to authorize the County Manager to negotiate the contract with Boomerang Designs and present to the Board. Motion unanimously approved.**

**Tax Administrator Report – Phillip Barrier**

**Tax Collections Report**

The Tax Collection Report for the month of September 2016 was \$1,400,096.32.

**Motion by Maxine Laws and second by Blake Vance to approve the Tax Collections Report for the month of September 2016 as presented. Motion unanimously approved.**

**Regular Releases**

The Regular Releases for the month of September 2016 is \$2,944.29.

**Motion by Blake Vance and second by Maxine Laws to approve the Regular Releases for September 2016 as presented. Motion unanimously approved.**

Mr. Barrier stated that there were 69 sales for the month of September 2016.

**County Manager Updates – Tim Greene**

Mr. Greene stated that the Swimming Pool Ad Hoc Committee will meet on October 10, 2016 at 1:00 p.m. We need to set a date for the Agricultural Ad Hoc Committee. The date will be October 18, 2016 at 8:30 a.m.

#### Ad Hoc Committee for Charters of Freedom Placement

The Charters of Freedom are raising the money to put the Charters of Freedom at the Square. There needs to be an ad hoc committee formed to determine the location of the monument and some other things. It was suggested that the new board in December decide on this.

#### Finance Officer Report – Nancy Johnson

##### Budget Amendment

A budget amendment is needed for the CDBG Fund to allocate funds for the Commerce Fellows Grant received.

**Motion by Blake Vance and second by Maxine Laws to approve the CDBG Commerce Fellows Grant with a debit of \$50,000 to Commerce Fellows Grant Expense (41.7000.6955) and a credit of \$50,000 to CDBG Revenue (41.3100.0000). Motion unanimously approved.**

##### Budget Amendment

The Avery County Parks and Recreation Department requests a budget amendment for demolition of the yellow house located at 246 Shady Street, Newland, NC.

**Motion by Blake Vance and second by Maxine Laws to approve the budget amendment in the amount of \$5,000 with a debit of \$5,000 to Capital Outlay (10.6200.7400) and a credit of \$5,000 to Appropriated Fund Balance (10.3990.0000). Motion unanimously approved.**

##### Budget Amendment

A budget amendment is needed to re-budget equipping the backup center for Communications.

**Motion by Blake Vance and second by Maxine Laws to approve the budget amendment in the amount of \$100,000 with a debit of \$100,000 to Capital Outlay-Equipment (22.6600.7430) and a credit of \$100,000 to Appropriated Fund Balance (22.3990.0000). Motion unanimously approved.**

#### County Attorney Report – Gerald McKinney

No report.

#### Approval of Minutes

**Motion by Maxine Laws and second by Blake Vance to approve the May 5, 2016 Budget Workshop; May 12, 2016 Budget Workshop; May 16, 2016 Special Meeting; May 16, 2016 Budget Workshop; August 15, 2016 Regular Session; August 25, 2016 Special Meeting; August 29, 2016 Special Meeting. Motion unanimously approved.**

**Agenda Consent Items**

Adopted by Consensus of the Board.

**Upcoming Meetings**

The next Regular Meeting is October 17, 2016 at 6:00 p.m. There will be a public hearing regarding the Avery Transportation grant at 6:30 p.m.

**Adjourn**

**Motion by Maxine Laws and second by Blake Vance to adjourn this meeting at 7:24 p.m. Motion unanimously approved.**

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

ATTEST: \_\_\_\_\_  
Cindy Turbyfill, Clerk