

**STATE OF NORTH CAROLINA
COUNTY OF AVERY**

The Avery County Board of Commissioners met in Regular Session on Monday, November 7, 2016 at 3:30 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 3:30 p.m.

Reo Griffith led in prayer.

The Pledge of Allegiance was recited.

Chair Hicks read 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.

Chair Hicks announced that there would be a reception following the meeting for the outgoing commissioners.

Public Comments

Doug Gragg with Radio Shack thanked the Board for their efforts in helping to get wireless internet in the county.

Board Appointments

Dangerous Dog Committee

Chair Hicks stated it was the advice of the County Attorney to appoint another committee instead of the Board of Commissioners to hear appeals for dangerous dog designation. We have advertised and we have five applicants: Clayton Harpold, Maxine Laws, Jason Brown, Diane Creek, and David Webb. Tim Greene, County Manager, stated that the Sheriff was the one that designated a dog dangerous. If he deems a dog dangerous then the owner can appeal that decision to a committee. The Board of Commissioners was that committee but we have decided to do a separate board for that. We did not have this last month to review but the board has talked about this on a couple of different occasions. We can wait until next month and approve this board then or we can do it now.

Motion by Blake Vance and second by Maxine Laws to appoint the five applicants Clayton Harpold, Maxine Laws, Jason Brown, Diane Creek and David Webb to the Dangerous Dog Committee. Motion unanimously approved.

AMY Regional Library Board

Aneda Johnson has volunteered to serve on the AMY Regional Library Board. She is currently a member of the Morrison Library Board. The AMY Regional Library Board is requesting that the Commissioners appoint her to this board.

Motion by Maxine Laws and second by Blake Vance to appoint Aneda Johnson to the AMY Regional Library Board. Motion unanimously approved.

Mayland Community College 2016/2017 Budget – Dr. John Boyd

Dr. John Boyd reported that every year Mayland Community College, after the budget is passed by the trustees, must present the budget to each Board of Commissioners for approval. This is acknowledging the funds that Avery County has given us. We appreciate what the county has given us.

Motion by Blake Vance and second by Maxine Laws to approve the Mayland Community College 2016/2017 Budget that reflects Avery County's funding of \$328,000. Motion unanimously approved.

Commissioner Griffith questioned what the status of Basic Law Enforcement was at Mayland Community College. Dr. Boyd answered that it would be offered next fall. Commissioner Griffith stated that there were some very disgruntled law enforcement officers at the removal of Steve Clawson. Dr. Boyd stated that Mayland did not remove Steve that Steve wanted to leave; we asked him to stay. Dr. Boyd stated that Steve was encouraged to stay. He did not do the basic law enforcement training though. The basic law enforcement training will be offered in the fall. We are required to have by state law 10 students and we only had 7 sign up.

Citizen Participation Plan – Commerce Fellow's Grant

At a recent meeting several documents were approved for the Commerce Fellow's Grant, the Citizen Participation Plan was not included and needs to be adopted now.

Motion by Blake Vance and second by Maxine Laws to adopt the Citizen Participation Plan for the Commerce Fellow's Grant. Motion unanimously approved.

Public Transportation Consolidated Capital Call for Projects Program Resolution - Avery County Transportation

The Public Transportation Consolidated Capital Call for Projects Program Resolution is part of the Community Transportation Program grant that was approved at the October 17, 2016 meeting. This resolution needs to be adopted as part of that grant application.

Motion by Blake Vance and second by Maxine Laws to adopt the Public Transportation Consolidated Capital Call for Projects Program Resolution for the Community Transportation Program Grant. Motion unanimously approved.

Contract with Isaacs & Associates Architects for the Swimming Pool Project

Tim Greene, County Manager, stated that back in the spring the Board approved a project ordinance for the Swimming Pool project and the Agricultural Building project. We have had committees for both of these projects. We had a committee that recommended the architects to the Board for both projects and the Board decided to go with those two architects and authorized me to negotiate with them. Now we are looking at the contracts for each project. Isaacs and Associates instead of giving the standard AIA contract since we don't really know what we want in a swimming pool and still there is quite a bit of discussion that we want to have and want to have some community input, they thought it would make more sense to break it into pieces. On the second page of the document, the scope of work would be \$28,900 and they would conduct a community information session and after that they would summarize and bring all of that back to us what the community would like to see and then they would meet with the community and go over the input from the community and then they would go back and develop three schematic plans based on that input. They will give us three options and give us the advantages and disadvantages to those options. The three options would be presented to the community and then to the Board and then they would do the full schematic design. That is what this portion of the contract will be doing. It would be the full Board of Commissioners that decide what size, type, etc.

Commissioner Faith Lacey questioned if the soil had been tested to see if something could be built there. Mr. Greene stated that testing the soil would be a part of the process. Ms. Lacey questioned "do you think we should sign and pay this money before we can build it and according to the money that was put aside it was 1.6 million and the figures I have here now which she thinks we want which we have never voted on is between 2.3 and 2.5 million dollars. We need to go back to the table and figure out what we want and it is my understanding that we do not have a penny of grants and this pool is going to end up costing 3 million plus. What I am suggesting is we go back, decide what we want, vote on it and then come back." Mr. Greene stated that part of this contract would be helping us decide what we wanted. Ms. Lacey said you are still paying an architect to tell us what we want. Mr. Greene said they are to guide us to figure out what we and the community would like to see in a pool.

Commissioner Griffith stated "fellow board members it is the eleventh hour for at least two county commissioners. Two years ago there was a gentleman that sat in the Chairman's seat and sit there for 20 plus years. There was a huge project looming at that point in time and the eleventh hour was coming and the face of the board was going to change and Mr. Poteat did not bind another board to their actions. He could have bound the board that is sitting here now to a millions of dollar project."

Commissioner Maxine Laws stated "I have totally considered the other board, I have spoken with the county manager about this. This board signing that contract will not do

anything to the oncoming board. That board will have the opportunity to make all the decisions. They do not have to agree to any of this. This is a contract to at least have a starting point. We have beat this thing around since the spring. The next board is still going to have the ability to change and do what they choose to do. We are not saying that we are spending this kind of money yet, we are not saying that anything is written in stone yet. We are saying that we need to follow up and get started.”

Blake Vance stated “Mr. Griffith I assume the project you are talking about was Avery High School. That is comparing apples to oranges because that was not a project brought solely to the Board of Commissioners by the Board of Education. It may be the eleventh hour but this board is still making the decisions. It is the firm commitment by this Board and the Board that will be coming in next month to proceed with this project. I see no reason to delay this any further. I believe the public is very anxious to get this project underway. I have talked to a lot of people and people are excited about it.”

Maxine Laws stated “one reason that I feel strongly about this is that we have been told that this swimming pool cannot be used much longer. This could be the last year of use. I think we need to move forward.”

Mr. Greene stated “if the board did decide to approve this contract, we have a grant on the current pool that helped build that pool. We are still obligated to have a pool at that site. We are in the process of getting a change of use from the National Park Service. The plan is to get a change of use and we are pretty confident we are going to get it. We would continue to maintain this site as a recreational use. There is still the potential that the National Park Service has to allow us to do this. The State Recreation Resources have met with us and they are in full support of what the county wants to do and they feel confident that this will happen.”

Martha Hicks said “we have been told that the current pool is in a flood zone and we probably will not be able to do anything to it.” Mr. Greene said we do have issues with the pool and we have spent money and it is still leaking.

Motion by Blake Vance and second by Maxine Laws to approve the contract with Isaacs and Associates Architects for the Swimming Pool project.

VOTE: 3 to 2.

**FOR---Martha Hicks; Maxine Laws; Blake Vance
AGAINST---Reo Griffith; Faith Lacey**

Contract with Boomerang Design for the Agricultural Building Project

Mr. Greene stated that we have had a committee for the agricultural building project that has gone through the same process as the swimming pool. We will negotiate a fee. The fee will be 6% based on the estimated construction cost and we will determine what the estimated construction cost will be later. What we mean by that is right now we have given him some information that was based on the community input meeting that we

had. Boomerang has thrown out a figure of 2.5 million based on the wish list. The Board has not decided that is the kind of building that they want.

Motion by Maxine Laws and second by Blake Vance to approve the contract with Boomerang Designs for the Agricultural Building Project.

VOTE: 3 to 2.

**FOR---Martha Hicks; Maxine Laws; Blake Vance
AGAINST---Reo Griffith; Faith Lacey**

Motion by Blake Vance and second by Maxine Laws to authorize the Chairman to sign both contracts for the pool and the agricultural building.

VOTE: 3 to 2.

**FOR—Martha Hicks; Maxine Laws; Blake Vance
AGAINST---Reo Griffith; Faith Lacey**

Tax Administrator Report – Phillip Barrier
Tax Collections Report

The Total Tax Collections for the month of October 2016 is \$1,298,161.15.

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

Regular Releases

The Total Releases for the month of October 2016 is \$126.72.

Motion by Maxine Laws and second by Blake Vance to approve the Total Releases for the month of October 2016. Motion unanimously approved.

Mr. Barrier went over the sales for the month of October 2016. Last year the sales for October were 45 and this year it was 89.

County Manager Updates – Tim Greene

Community input meeting regarding swimming pool is scheduled for Tuesday, November 29th at 6:00 p.m.

Agricultural Committee Meeting with Boomerang Designs will be November 29th at 10:00 a.m.

Mr. Greene reported that Edward Hinson from Skyline/Skybest had informed him that they did not receive the grant for broadband services. They do plan on reapplying.

Gazebo at the Square

There was a nice dedication ceremony recently. We are planning on putting some lights in the gazebo. We also have talked about doing some benches. Martha Hicks and Faith Lacey will meet with the County Manager regarding the benches for the gazebo.

Finance Officer Report- Nancy Johnson

Budget Amendment

The Avery County Sheriff's Office requests a budget amendment for a non-matching grant received from the Governor's Crime Commission. The grant is to be used for equipment, training and overtime.

Motion by Blake Vance and second by Maxine Laws to adopt the Budget Amendment regarding the Governor's Crime Commission grant in the amount of \$24,620.00 with a debit of \$7,500 to Salary-Deputies (105100.0220); debit of \$3,120 to Training (105100.1000); debit of \$14,000 to Capital Outlay-Equipment (105100.7410) and a credit of \$24,620.00 to Governor's Crime Commission Grant (103615.0000). Motion unanimously approved.

Budget Amendment

The Avery County EMS Department requests a budget amendment for billing collection fees inadvertently left out of the budget. These fees will be offset by service fees charged.

Blake Vance asked for some more information on this budget amendment.

Mr. Greene stated that back last year Colleton Services was contracted with for EMS billing. The fees for the whole year were \$54,000. When it came to budget time in May, Jerry did not request the fee money and I didn't catch that. There will be enough collections to cover this.

Motion by Blake Vance and second by Maxine Laws to adopt the Budget Amendment regarding the billing collection fees for Avery County EMS in the amount of \$54,000 with a debit of \$54,000 to Contract Services (105300.5400) and a credit of \$54,000 to Emergency Medical Services (103630.0000). Motion unanimously approved.

County Attorney Report – Gerald McKinney

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 4:35 p.m. Invitees are the Board, Attorney, County Manager and Clerk.

Maxine Laws stated before we go into Closed Session I would like to thank everyone for their love and prayers. I appreciated the opportunity to serve the county. I think you will have two good people to fill these seats in December.

Chair Hicks declared the meeting to be back in Regular Session after a time of Closed Session. During Closed Session, no vote was taken.

Approval of Minutes

Motion by Blake Vance and second by Maxine Laws to approve the July 18, 2016 Special Meeting Minutes; September 6, 2016 Regular Meeting Minutes; September 6, 2016 Closed Session Minutes; October 3, 2016 Closed Session Minutes; October 7, 2016 Closed Session Minutes. Motion unanimously approved.

Agenda Consent Items

Adopted by Consensus of the Board.

Upcoming Meetings

December 5, 2016 at 3:30 p.m. will be the next Regular meeting.

Ms. Hicks invited everyone to stay for a reception in honor of the two commissioners that will be leaving. She said that she appreciated both of them and what they had done for the county.

Adjourn

Motion by Blake Vance and second by Maxine Laws to adjourn this meeting at 4:52 p.m. Motion unanimously approved.

Martha Hicks, Chair
Avery County Board of Commissioners

ATTEST: _____
Cindy Turbyfill, Clerk

