

**STATE OF NORTH CAROLINA
COUNTY OF AVERY**

The Avery County Board of Commissioners met in Regular Session on Monday, December 5, 2022 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; Robert Burleson; Wood Hall Young, Jr.

Members Absent: None

Call To Order

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

Chair Hicks welcomed newly elected Commissioner Robert Burleson.

Chair Hicks led prayer.

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

Organizational Meeting

Election of Chair

Chair Hicks turned the meeting over to Phillip Barrier, Jr., County Manager. Mr. Barrier opened the floor for nominations for Chair of the Avery County Board of Commissioners.

Wood Hall Young, Jr. nominated Martha Hicks for Chair. Tim Phillips seconded the nomination. Unanimously approved (5-0).

Mr. Barrier turned the meeting back over to Chair Hicks.

Election of Vice-Chair

Chair Hicks opened the floor for nominations for Vice-Chair of the Avery County Board of Commissioners.

Wood Hall Young, Jr. nominated Dennis Aldridge for Vice-Chair. Robert Burleson nominated Tim Phillips for Vice-Chair.

Chair Hicks closed the floor for nominations.

Chair Hicks called for a vote on the two nominations. **Tim Phillips was elected Vice-Chair with a vote of 4 to 1.** (Martha Hicks; Tim Phillips; Dennis Aldridge; Robert Burleson voted for Phillips; Wood Hall Young, Jr. voted for Aldridge).

Election of Officers

County Manager

Wood Hall Young, Jr. nominated Phillip Barrier, Jr. for County Manager. Dennis Aldridge seconded the nomination. Unanimously approved (5-0).

County Attorney

Tim Phillips nominated Michaelle Poore as County Attorney. Wood Hall Young, Jr. seconded the nomination. Unanimously approved (5-0).

Finance Officer

Wood Hall Young, Jr. nominated Caleb Hogan as Finance Officer. Tim Phillips seconded the nomination. Unanimously approved (5-0).

Clerk/Assistant County Manager

Tim Phillips nominated Cindy Turbyfill as Clerk/Assistant County Manager. Dennis Aldridge seconded the nomination. Unanimously approved (5-0).

Public Comment

Greg Gardner from the Three Mile Community commented that government's first and foremost responsibility is the protection and safety of its citizens. With our new Sheriff, I believe our county has the opportunity to have qualified and well trained staff and I ask you to give Sheriff Henley the support and resources to do his job effectively. I am a government watchdog and I hold government accountable on the local, state and federal level.

Board Appointment

WAMY Community Action Committee

Motion by Tim Phillips and second by Dennis Aldridge to appoint Cathy Buresch to the WAMY Community Action Committee. Motion unanimously approved (5-0).

Annual Audit Report – Tara Fenner

Tara Fenner with Blackburn, Childers, and Steagall, PLC., explained that there was a letter that outlined the responsibilities of the auditors and the responsibilities of the County and what the opinion is of the audit. Avery County did have a clean opinion which is unmodified which is the best that you can get. Ms. Fenner went over the financials for Avery County. Ms. Fenner stated that this is a very good audit.

The Financial Highlights included:

- The assets and deferred outflows of resources of Avery County exceeded its liabilities and deferred inflows of resources at the close of the fiscal year by \$66,597,399.00
- The government's total net position increased for the current year by \$11,583,824 primarily due to improved revenue collection efforts and controlled expenses, as well as the addition of several funding sources that created new special revenue funds in the current year.
- Avery County's total long-term debt decreased by \$1,452,507 during the current fiscal year due to regularly scheduled payments.

Motion by Wood Hall Young, Jr. and second by Tim Phillips to approve the Annual Audit for Avery County for the period ending June 30, 2022. Motion unanimously approved (5-0).

Subdivision Approval—West Ridge at Eagles Nest

The Avery County Planning Board approved on November 28, 2022 the final plat for West Ridge at Eagles Nest Lots 32-35, 37-44, & Lots 47-52. The final plat has been through the planning board and planning department approvals.

Wood Hall Young, Jr. questioned about the turn around on a specific road that did not meet the county ordinance. Derek Buchanan, Eagles Nest representative, stated that this had been resolved.

Dennis Aldridge stated that in the planning board minutes that this plat was approved contingent on minor changes. Mr. Buchanan stated that those were all addressed and taken back to Mike Lacey for him to take a look at. Mr. Buchanan stated that he would like to have some clarification on what the planning board reviews and what is gone over in the meetings. It is my understanding that when you get into the survey standards all that is to be looked at is the survey stamp that meets the requirements of the ordinance. Ninety percent of the time is spent on going into great details and looking at every distance on the plat which I think per the ordinance oversteps the bounds of the planning board and puts everyone at a disadvantage. The review officer looks at the surveying seal and stamp and when they approve it we assume it is good. When we get to the planning board and they look at everything, it puts us at a disadvantage because we haven't been given the two weeks to correct what needs to be corrected before it comes to the planning board. All the other mountain counties that we deal with is like this. Mr. Aldridge said that he just wanted to make sure that all of the minor changes had been accomplished.

Motion by Wood Hall Young, Jr. and second by Tim Phillips to approve the West Ridge at Eagles Nest Lots 32-35, 37-44, & Lots 47-52. Motion unanimously approved (5-0).

Avery County Economic Development Committee Request – Ken Walter

Ken Walter, Chair of the Avery County Economic Development Committee, requested that the Board approve the ad to put in the Chamber of Commerce tourist guide. This was included in the budget and had been approved to go from a half page to a full page. Chair Hicks stated that the ad looked very good.

Motion by Dennis Aldridge and second by Tim Phillips to approve the layout for the ad for the Avery County Economic Development Committee as presented. Motion unanimously approved (5-0).

Toe River Health District Fees – Mason Gardner

Mason Gardner, Interim Director for Toe River Health District, explained that the Toe River Health District is suggesting that the Tattoo fees increase and that we set an Engineered Option Permit Fee (EOP) for Septic systems.

Several western North Carolina counties have increased their tattoo fees and we would like to stay in line with them. Also, tattoos are not without risk and the inks are not regulated and have recently been shown to contain high levels of heavy metals.

With the Engineered Option Permit Fee, we cannot charge for our services if we have not set the fee. An Engineer Option Fee is when a developer, homeowner, or other landowner bypasses the local health department for permitting. The Engineering firm assumes all the responsibility for the septic system; the local health department files the paperwork and attends the final. We would add this fee to offset our employee's time to file paperwork and participate in the finals. The NC General Statutes set this fee at 30% of the septic fee.

Dennis Aldridge questioned how prevalent are these Engineered Option Permits in the county. Mr. Gardner answered that since the state approved this, there has been less than 20. This is a rather expensive process. Mr. Aldridge questioned whenever that process begins and the engineer becomes involved, does it come back to the health department for final approval. Mr. Gardner stated no that the engineer firm would assume liability and the health department is only tasked with documenting paperwork and attending the final.

Tim Phillips said so my understanding is that this has been an option before you just wanted to get it on the books. Mr. Gardner said that the state had approved this option and we are just making sure our "house" is in order.

Chair Hicks stated if we don't approve this then we can't charge for it.

Robert Burleson questioned what the charge was for. Mr. Gardner stated that we are charging for us to do the signed document and for us to be on site at the final. The fee will be 30% of the septic system fee. Mr. Burleson said what if it is an individual homeowner and the site has to be engineered. Mr. Gardner said the homeowner would be charged. Mr. Burleson said then I am not for that.

Motion by Wood Hall Young, Jr. and second by Dennis Aldridge to approve the Tattoo fees and the Engineered Option Permit Fees as presented.

VOTE: 4 to 1. For: Martha Hicks; Dennis Aldridge; Tim Phillips; Wood Hall Young, Jr. Against : Robert Burleson

Tax Administrator Report – Andrea Turbyfill
Tax Collection Report

The Tax Collection Report for the month of November 2022 is \$4,647,314.02.

Motion by Tim Phillips and second by Dennis Aldridge to approve the Tax Collection Report as presented. Motion unanimously approved (5-0).

Releases

The Releases for the month of November 2022 is \$168.00.

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

Sales

There are 47 sales for the month of November 2022. There were 107 sales last year in November which shows that sales are slowing down.

Resolution for Sidearm

WHEREAS, North Carolina General Statutes Section 20-187.2 authorizes the Avery County Board of Commissioners to award the sidearm to a retiring member of the Sheriff's Office at the time of their retirement, provided that such individual meets the qualifications of NCGS Section 20-187.2 (a) and NCGS Section 14-402; and

WHEREAS, the Avery County Sheriff's Office has in its possession one sidearm being a Glock 23-.40 Cal., Serial Number ABKC463 for John Glenn Hicks; and

WHEREAS, the County deems these items to be surplus property.

NOW, THEREFORE, the Avery County Board of Commissioners meeting at its regular meeting on 5 December 2022 hereby **RESOLVES** that the sidearm being a Glock 23-.40 Cal., Serial Number ABKC463 is surplus and shall be awarded to John Glenn Hicks for due consideration, such sum being the amount of \$1.00;

Motion by Wood Hall Young, Jr. and second by Tim Phillips to approve the Resolution to Award John Hicks his Sidearm. Motion unanimously approved (5-0).

Radio Communication Company Contract

Mr. Barrier stated that the Board has had several special meetings about the contract with Radio Communication Company to upgrade our current radio system. At the last meeting RCC was approved by the Board and now we need to approve the contract. There is an Option #2 on the request for proposal but we do not have to do all of this.

Mr. Young questioned what will determine whether we need to upgrade the Wes Brewer site and the Seven Devils site which is Option #2. Paul Buchanan, Emergency Management Director, stated that we know for a fact that we want to do the Wes Brewer site. That site will help with radio service in the Town of Newland. We will not know about the Seven Devils site until we actually get into the upgrade. We will need to see if this helps in the Tynecastle area. Mr. Young questioned how this upgrade would work at Hawshaw with Viper being put in also by the state. Mr. Buchanan stated that barring any weather it should fit in the timeline and we are actually looking at the same timeline.

Motion by Tim Phillips and second by Dennis Aldridge to approve the contract for Radio Communication Company. Motion unanimously approved (5-0).

County Manager Updates- Phillip Barrier, Jr.

Broadband

Mr. Barrier reported that currently we are waiting on the paperwork to get the Great grant up and going. We will apply for the CAB grant once we get the paperwork signed for the Great grant.

Housing

I had a meeting with Dogwood Trust. The Survey inventory should be finished in January. I also had a meeting with a NC Housing Finance representative and Ned Fowler talking about the need for workforce housing in Avery County.

Drug Crisis

We were successful in the grant for the reentry housing. There will be other opportunities for grants and I have been working with Freedom Life regarding this.

Tier System Designation

Avery County has now been placed in Tier 3 which could hurt us with receiving grants.

Finance Officer Report – Caleb Hogan

Budget Amendment

The Sheriff's Office has received an insurance reimbursement for the 2019 Dodge Durango.

Motion by Tim Phillips and second by Wood Hall Young, Jr. to adopt the Budget Amendment in the amount of \$3,990.71 with a debit of \$3,990.71 to Auto Supplies (105100.3100) and a credit of \$3,990.71 to Insurance Reimbursements (103340.0000). Motion unanimously approved (5-0).

Budget Amendment

The DSS Project Ordinance needs to be adjusted. The projected estimate for architectural fees needs to be modified to reflect actual project estimates.

Motion by Wood Hall Young, Jr. and second by Dennis Aldridge to adopt the Budget Amendment in the amount of \$130,000 with a debit of \$130,000 to Architect/Engineering Fee (536600.4005) and a credit of \$130,000 to General Construction (536600.4004). Motion unanimously approved (5-0).

Budget Amendment

The Department of Central Dispatch is requesting funding for a complete radio tower upgrade.

Motion by Wood Hall Young, Jr. and second by Tim Phillips to adopt the Budget Amendment in the amount of \$1,217,000 with a debit of \$1,217,000 to Capital – Radio Equipment (108200.7410) and a credit of \$1,217,000 to Fund Balance – Appropriated (103990.0000). Motion unanimously approved (5-0).

Budget Amendment

The Sheriff's Office is requesting funding to purchase two new Sheriff's vehicles along with the necessary upfitting, undercoating and striping. This will replace the one totaled vehicle and add one new vehicle to the current fleet. We will receive an insurance reimbursement for \$32,640.00 which will help offset this expense. Law enforcement vehicles are proving difficult to locate and this will help the Sheriff's office stay fully equipped.

Motion by Tim Phillips and second by Wood Hall Young, Jr. to adopt the Budget Amendment in the amount of \$114,800 with a debit of \$114,800 to Capital Outlay-Auto (105100.7400) and a credit of \$32,640.00 to Insurance Reimbursements (103340.0000) and a credit of \$82,160.00 to Fund Balance-Appropriated (103990.0000). Motion unanimously approved (5-0).

Budget Amendment

The Avery County Jail was shut down from August to mid October. During this time, inmates were housed at out of county detention centers. This resulted in an increase in inmate housing contract expenses.

Motion by Tim Phillips and second by Dennis Aldridge to adopt the Budget Amendment in the amount of \$59,729.10 with a debit of \$58,996.35 to Inmate Housing (105200.5400); a debit of \$732.75 to Gas/Diesel Fuel (105100.3110) and a Credit of \$59,729.10 to Fund Balance –Appropriated (103990.0000). Motion unanimously approved (5-0).

Approval of Bonds

Motion by Wood Hall Young, Jr. and second by Dennis Aldridge to approve the bonds for the Sheriff, Finance Officer, Tax Collector, Register of Deeds, County Manager and Chair of the Board. Motion unanimously approved (5-0).

County Attorney Report – Michaelle Poore

Nothing to report at this time that requires the Board's attention.

Approval of Minutes

Motion by Wood Hall Young, Jr. and second by Dennis Aldridge to approve the October 10, 2022 Special Meeting; October 24, 2022 Special Meeting; November 7, 2022 Regular Meeting; November 14, 2022 Special Meeting. Motion unanimously approved (5-0).

Agenda Consent Items

Adopted by Consensus of the Board.

Upcoming Meetings

The Christmas Lunch will be held on December 14, 2022 at 12 noon.

Adjourn

Motion by Wood Hall Young, Jr. and second by Tim Phillips to adjourn this meeting at 4:44 p.m. Motion unanimously approved (5-0).

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

ATTEST: _____
Cindy Turbyfill, Clerk