STATE OF NORTH CAROLINA
COUNTY OF AVERY

The Avery County Board of Commissioners held a Board Workshop on Wednesday, January 11, 2023 at 1:00 p.m. in the Commissioners Board Room, Avery County Administrative Complex, 175 Linville Street, Newland, NC. The purpose of the meeting was to discuss and take any action necessary on the following items:

- Animal Services
- Budget
- Updates (Subdivision Ordinance; Broadband; FEMA; Community Development Block Grant; Occupancy Tax; Veteran's Monument)
- Opiod Settlement
- State Grants and Other Funds
- Discussion of Future (1-20 years) Capital Considerations
- Economic Development Business Expansion Tool Box

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 1:00 p.m.
Caleb Hogan led prayer.

Animal Services
Phillip Barrier, Jr., County Manager, questioned what the Board wanted as far as animal services. I have asked Michaelle Poore, County Attorney, to define what the County is required to do and what is optional.

Michaelle Poore, County Attorney, explained that a couple of months ago she had sent out a letter to the Board about what the County was required to do. There are some measures regarding rabies control that the County has to do. Another thing the County has to do is deal with dangerous dogs and designate an individual in regard to that which we have done. There is a whole set of problems tied into the dangerous dogs and what to do with any animal the County comes in possession of. It could be a rabid dog, dangerous dog or dog that the sheriff has to seize under the sheriff's authority and that leads to the question of what to do with the animal the county comes in possession of. Several counties had contracted with local humane societies in return for annual donations. Separate from that is the other things that counties may do but does not necessarily have to do. That would be to expand the dangerous dog ordinance, animal cruelty, lease laws, ID's; collars, other ways to contact the owner, strays and animal nuisances and exotic animals. This would have to be an ordinance if the county chooses to do so.

Mr. Barrier stated that he had been to meetings and talked to the Avery Humane Society's board about partnering with the humane society. They are a private entity and a no kill shelter. They will take animals seized by the sheriff but no court case can be tied to the animals and the animals must be adoptable. There was an incident before that there were 3 dogs and several cats and they would not or could not take those animals. Wood Hall Young, Jr. stated that they claim to be a no kill shelter but they will euthanize if the animal is severely injured or aggressive. Tim Phillips questioned if the county had an intake shelter could euthanization be contracted out. Mr. Barrier said he had spoken with Dr. Jewel and Dr. Jewel could not house animals but he could contract with the county for veterinarian services. Tim Phillips questioned what were the plans for the brick house beside Avery Humane Society; the nonprofit has closed down. Sheriff Mike Henley said that it has been mentioned the possibility of having a facility beside the humane society and working in conjunction with them. Mr. Barrier stated that he had talked with several counties to possibly contract with and no one has the room or the staff to help us.

Dennis Aldridge said that we have been examining this for some time now. This has been an issue and we have tried to maintain because none of us want to get into a strict ordinance driven environment. I don't think that is what the people want, however, I do think the environment is such now that we have to initiate moving forward with something because I would rather be ahead of this rather than be reactive. I think we need to establish a facility or something. There is a difference between animal control and animal welfare. We need to take care of the abused and dangerous animals that fall under the statutory guidelines. We don't need to be in animal welfare. We have to begin to look at some kind of a structure and guidelines where we do the rabies clinic, dangerous dog and move towards having someone directly in charge.

Commissioner Phillips commented that if we provide a shelter than we have to have someone to operate it; is that a private entity or the county? There are a lot of things involved here. Sheriff Henley advised that he did not think that there needed to be ordinances adopted. We need a facility or a partnership with a facility. From a law enforcement standpoint, we need the ability and tools to seize animals in cruelty cases. This would not be a full time job but we can combine other duties with this position. Tim Phillips said he agreed that we did not want an ordinance driven situation.

Consensus by the Board for the County Manager and the Sheriff to comply with the general statutes including article 47 which is cruelty to animals and work to get a contract with a 501c3 or humane society to receive the animals. Also, the County Manager and the Sheriff will identify the equipment that would need to be obtained and personnel.

Budget

Caleb Hogan, Finance Officer, gave an update to the Board about debt service. Starting August 1, 2023 the county can start paying an extra $600,000 on the high school loan without a penalty. The payoff amount is $9,091,116.94 and we can pay it off at a 1% prepayment penalty. One pro of paying it off is that it frees up annual budget

dollars. That would free up $920,000 annually of our budget. That would be an alternative to provide more money in the annual budget. A con would be if we intended to do any large projects in the 5-10 years we are not going to borrow the money at the rate. Another thing to consider is right now we are earning a healthy investment. One other thing for consideration is we have to retain 30% of Article 40 for school capital and 60% of Article 42. In fiscal year 2022, we had to spend 1.2 million dollars toward school capital and right now we are using debt service. We still have the Banner Elk School payment that we can't pay off early. Commissioner Aldridge stated that his opinion was to start making prepayments in August and the others agreed. Mr. Hogan stated that the $600,000 would come out of the fund balance as a budget amendment instead of including it in the budget ordinance.

Updates

Subdivision Ordinance and Planning

Michaelle Poore, County Attorney, stated that she had met with Allison Kidd, Inspections Director; Paul Buchanan, Emergency Management Director/Fire Marshal and Phillip Barrier, Jr., County Manager regarding the Subdivision Ordinance. There are some further issues that Paul needs addressed in the Subdivision Ordinance. Allison and I have discussed getting together and going through the ordinance again, cross referencing, and trying to figure out what she feels needs to be addressed also. Then we would get with the consultant and get his input on the areas of concern that we have. We would like to make sure everything is consistent within the ordinance.

Wood Hall Young, Jr. questioned if the county was going to set a precedence with issuing a variance. Ms. Poore stated that any type of subdivision ordinance or other ordinance the Board needs to have the ability to issue a variance if the Board thinks it needs to. That is a common process to have in place. The board would look at this and it would be up to the Board to decide whether or not to grant the variance.

Broadband

Mr. Barrier stated that he got an email on Friday from the state regarding the Great grant. We were promised the paperwork would be in October and it has been delayed. The state does not have the paperwork ready for the Great grant yet. We cannot apply for any other grants until the Great grant is signed.

FEMA

We have submitted $533,000 up to this point through FEMA.

CDBG

The money has not yet been released for the CDBG Rehabilitation grant. We will have three new constructions, three rehabilitations and emergency repairs. The emergency repairs will be managed through WAMY.

Occupancy Tax

Dudley Greene, state representative, will reintroduce the bill for the occupancy tax. Ralph Hise has asked for the resolution and he will start pushing on this also.

Veterans Monument
The company that places the names on the monument will only come when we have 50 names. We are working on a list. We will speak with Michael Hardy about the Civil War veterans.

Recess
Chair Hicks called for a brief recess.
Chair Hicks declared the meeting to be back in session.

Opiod Settlement
High Country Council of Governments has hired two people to help with the opiod money. This money comes over the next 18 years. We have a drug crisis roundtable that meets the third Monday of every month. The drug crisis roundtable wants to set goals for prevention and rehabilitation. I am suggesting that you allow me to go back to the roundtable and plan and make some goals. We have partnered with Freedom Life and Dogwood Trust who has given us $300,000. If we take the Opiod money and divide for 20 years we will spend approximately $85,000 a year. Freedom Life is ready to get started. We are looking at 75% on rehabilitation for Freedom Life and the other 25% of the funds for prevention. I would like your thoughts on what direction we should take.

Commissioner Young questioned if there some more companies added to this settlement recently. Mr. Barrier stated that yes there is and there will be more money coming. Tim Phillips questioned what the timetable for Freedom Life is. Mr. Barrier stated that they have hired a person. We were looking at the Avery Cares building but it is in worst shape than what we thought. Commissioner Aldridge stated that he didn't think that the funding should be 75% with Freedom Life and that he did not want to exclude other programs. We need to make sure we have access to other programs and other departments and give them an opportunity to come to the table.

Mr. Barrier stated that the County had received a reentry housing grant. I have asked for 20 acres from District 11 at the old prison property. This grant is for three years as of January 1, 2023.

State Grants
As far as the DSS Building is concerned, the bids will not be opened until January 26, 2023. The environmental review has been done and there is no asbestos. There were only two bids so we had to re-advertise and this pushed the bid opening until January 26th.

Tim Phillips stated he thought that we should look at tearing the Avery Cares Building down and put Probation and Parole there. Consensus by the Board to look at demolition of the Avery Cares Building and using the grant money from the state to locate Probation and Parole there. The County Manager was directed to send out a request for proposal for demolition of the building.

Mr. Barrier discussed the two Capital improvement state grants, the unappropriated interest income from the American Rescue Plan fund and the local tribal consistency fund. These grants and funds could be used to help fund the DSS building.

Discussion of Future Capital Considerations

There was discussion about future capital projects including a Recreation Center. Tim Phillips stated that the property was bought for a recreation center and that this project had been kicked down the road for a long time. There was discussion about putting out a request for proposals for an architect for the recreation center and the County Manager was instructed to do this to get some cost estimates.

Mr. Barrier mentioned that the property at the Waterfalls in Newland was currently for sale.

Adjourn

Motion by Tim Phillips and second by Wood Hall Young, Jr. to adjourn this meeting at 4:11 p.m. Motion unanimously approved (5-0).

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Martha Hicks, Chair
Avery County Board of Commissioners

ATTEST:_____
Cindy Turbyfill, Clerk