State of North Carolina  
County of Avery

The Avery County Board of Commissioners held a Special Meeting on Monday, July 12, 2021 at 3:30 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: Proclamations and Awards; Public Comment; Board Appointments; Legislative Hearing – Sedimentation Ordinance; Resolution to Purchase Real Property; Appointment of Tax Assessor/Collector; Subdivision Approval—Sunset Lots at Eagles Nest S93-S117; Avery Communications Advisory Committee Bylaws; Finance Officer Report; County Attorney Report; Approval of Minutes; Agenda Consent Items; Informational Items; Upcoming Meetings; Tax Administrator Report.

Members Present: Martha Hicks, Chair; Tim Phillips, Vice-Chair; Dennis Aldridge; Blake Vance

Members Absent: Wood Hall Young, Jr.

Call To Order
Chair Hicks called the meeting to order at 3:30 p.m.
Chair Hicks led prayer.
Tim Phillips led the Pledge of Allegiance.

Proclamations and Awards
Lee Buchanan, Chief Deputy, presented an award to John Hicks who is the DARE officer. He has been a servant to the citizens of Avery County for 28 years.

Public Comment
John Millan spoke regarding honoring fallen officers. Mr. Millan requested that the Board ask the Department of Transportation to waive the fees for a sign that would dedicate a bridge or portion of road to a fallen officer. Currently there is one family that would like to have their family member recognized.

Board Appointments
Avery County Economic Development Advisory Committee
There is one vacancy on the Avery County Economic Development Advisory Committee. Jerry Moody has applied for this position and his application has been reviewed.

Motion by Blake Vance and second by Dennis Aldridge to appoint Jerry Moody to the Avery County Economic Development Advisory Committee. Motion unanimously approved with those in attendance (4-0).
Resolution to Appoint Tax Collector
Whereas, the Avery County Tax Collector serves a two year term appointed in odd-numbered years; and

Whereas, the Board of County Commissioners previously indicated that it desired the tax collector and tax administrator to be consolidated into the same individual; and

Whereas, the Board last appointed Bruce Daniels as tax administrator in July 2019 and the Board desires to appoint said individual to the combined office of tax administrator and tax collector; and

Whereas, the Board hereby, pursuant to NC GS 105-349, appoints Bruce Daniels as Tax Collector, with such term set to expire 1 July 2023 and reaffirms his appointment as tax administrator; and

Now, Therefore, Be it Resolved that the Avery County Board of Commissioners meeting in regular session on the ____ day of July 2021, pursuant to NCGS 105-349 appoints Bruce Daniels as Tax Collector effective 1 July 2021.

The Board of Commissioners further authorizes the Chair to sign this resolution.

Motion by Tim Phillips and second by Blake Vance to adopt the Resolution to Appoint the Tax Collector. Motion unanimously approved with those in attendance (4-0).

Review of Applicants for Avery County Airport Authority
Review of applications for two positions to the Avery County Airport Authority.

Resolution to Purchase Real Property
WHEREAS, it being known to the Avery County Board of County Commissioners that certain real property, containing approximately 1.23 acres, being of record in Book 270 Page 1272 and bearing parcel number 1836-19-51-6328 is available for purchase; and

WHEREAS, upon said property is a building suitable for office space for the County; and

WHEREAS, the Avery County Board of Commissioners, pursuant to NCSG 153A-158, finds that the County is authorized to acquire in real property for use by the County and that said purchase is in the best interest of the County;

NOW, THEREFORE, BE IT RESOLVED that: 1. The Board authorizes the purchase of that 1.23 acre tract of record in Book 270 Page 1272 of the Avery County Registry for the amount of $225,000.00, plus closing costs. 2. The County Manager is hereby authorized to execute any and all documents to purchase said property, including, but not limited to, the purchase contract, closing statement, and any other related documents.
Motion by Blake Vance and second by Tim Phillips to adopt the Resolution to Purchase Real Property. Motion unanimously approved with those in attendance (4-0).

**Tax Administrator Report – Bruce Daniels**

**Tax Collections**
The Tax Collections for the month of June 2021 is $90,732.18.

Motion by Tim Phillips and second by Dennis Aldridge to approve the Tax Collections for the month of June 2021 as presented. Motion unanimously approved with those in attendance (4-0).

Mr. Daniels stated that sales were still very solid for June 2021 with 116 sales. Last year for the month of June sales were at 69.

**Fiscal Year Tax Report**
Mr. Daniels stated that the 2020 Total tax levy was $21,784,536.01. The total taxes collected for 2020 were $21,431,219.81 with a collection rate of 98.38%. The total levy for years 2010-2020 tax bills was $203,187,391.57; the total collected was $202,194,887.58 with a collection rate of 99.51%. The total levy for real and personal property was $201,072,699.06; the total collected was $200,193,747.35 with a collection rate of 99.56%. There are $2,535.57 in payment agreements for 2020; $4935.98 for years 2010-2020. There are $6,355.96 in outstanding bankruptcies for 2020; $11,594.51 in outstanding bankruptcies for years 2010-2020. There are $3,720.58 in outstanding attorney pursuits in 2020; $181,945.50 in outstanding attorney pursuits for years 2010-2020.

**Legislative Public Hearing – Avery County Soil Erosion and Sedimentation Control Ordinance**
Motion by Tim Phillips and second by Dennis Aldridge to go into a time of Legislative Public Hearing regarding the Avery County Soil Erosion and Sedimentation Control Ordinance at 4:00 p.m. Motion unanimously approved with those in attendance (4-0).

Michaelle Poore, County Attorney, stated that this was the last ordinance that the Board needed to review for the 160D compliance. The planning board went through and made several changes and were approved by the planning board in March 2021.

There were no public comments.

Tommy Burleson, Planning and Inspections Director, stated that he had a few corrections on the Soil Erosion and Sedimentation Ordinance.

Section 4, paragraph a, the last sentence should say “except the Village of Grandfather”.

Section 6, E, subparagraph i add “matting in place” after Geo-T.

Section 6, H, add “days” after 21 working calendar.

Section 7, a, add “of undisturbed areas” after 10 (ten) acres.

There were no other public comments.

**Motion by Blake Vance and second by Dennis Aldridge to close the Legislative Hearing at 4:06 p.m. Motion unanimously approved with those in attendance (4-0).**

Ms. Poore stated that a Resolution needed to be considered by the Board with the changes that were made during the public hearing section. Dennis Aldridge questioned if this needed to go back to the planning board because of these changes. Ms. Poore stated that she did not think so because these were not substantial changes.

**Motion by Tim Phillips and second by Dennis Aldridge to adopt the Resolution to Amend the Avery County Soil Erosion and Sedimentation Control Ordinance. Motion unanimously approved with those in attendance (4-0).**

**Subdivision Approval—Sunset Lots at Eagles Nest S93-S117**

The Planning Board approved the plat for Sunset Lots at Eagles Nest S93-S117 on June 28 2021. The Inspection department has inspected the site. All the sedimentation and erosion control practices are in place. There is a 30,000 gallon self-filling fire department water point within ¾ of a mile from these lots. These lots are all ¾ of an acre or more.

**Motion by Blake Vance and second by Tim Phillips to approve the Sunset Lots at Eagles Nest S93-S117 Subdivision. Motion unanimously approved with those in attendance (4-0).**

Blake Vance stated that there had been citizens approach him concerning Eagles Nest. It is not our role as county commissioners to stop or hinder the free market. It is not our role to say you cannot sell your land. We have to make sure that we are fulfilling our role with the proper infrastructure and general statutes.

Dennis Aldridge stated that he had voiced concern about the density. It is our role to look 20 or 30 years down the road and try to understand what is going to happen.

**Avery County 911 Communications Advisory Committee**

The documents for the 911 Communications Advisory Committee were delayed so this agenda item was tabled.
Motion by Dennis Aldridge and second by Blake Vance to table the Avery County 911 Communications Advisory Committee until the August 2nd Regular meeting. Motion unanimously approved with those in attendance (4-0).

Finance Officer Report – Caleb Hogan

Budget Amendment
The Department of Central Dispatch has restructured their department in a way that places additional duties and responsibilities on Shift Supervisors. To compensate for the increased workload a budget adjustment will need to be made.

Motion by Blake Vance and second by Tim Phillips to adopt the Budget Amendment in the amount of $6,200.00 for the Central Dispatch Department with a debit of $5,000.00 to Salaries-Dispatchers (108200.0210); debit of $400.00 to FICA (108200.0500); debit of $600.00 to Retirement (108200.0600); debit of $200.00 to Comm-401K Law (108200.0800) and a credit of $6,200.00 to Fund Balance—Appropriated (103990.0000). Motion unanimously approved with those in attendance (4-0).

Budget Amendment
The Department of Central Dispatch needs additional money budgeted due to increased expenses for uniforms and training.

Motion by Tim Phillips and second by Dennis Aldridge to adopt the Budget Amendment in the amount of $3,700.00 for the Central Dispatch Department with a debit of $2,500.00 to Training (108200.1000); debit of $1,200.00 to Uniform Shirts (108200.3600) and a credit of $3,700.00 to Fund Balance—Appropriated (103990.0000). Motion unanimously approved with those in attendance (4-0).

Budget Amendment
In Fiscal year 20/21 the Sheriff’s Office was awarded the Operation Pocket Change Grant in the amount of $2,500.00 to fund expenses related to the D.A.R.E. program. These funds were not spent and the department has requested that they be rolled over into the 21/22 fiscal year.

Motion by Blake Vance and second by Tim Phillips to adopt the Budget Amendment in the amount of $2,500.00 for the Sheriff’s department with a debit of $2,500.00 to DARE/Drug Prevention (105100.5100) and a credit of $2,500.00 to Fund Balance-Appropriated (103990.0000). Motion unanimously approved with those in attendance (4-0).

Budget Amendment
The Sheriff’s Office receives money from the Federal Drug Fund. At the end of each fiscal year any remaining monies must be carried forward to the next budget year. To be in compliance with the federal regulations we need to move the remaining money to FY 21/22.
Motion by Tim Phillips and second by Blake Vance to adopt the Budget Amendment in the amount of $12,854.47 for the Sheriff’s Office with a debit of $12,854.47 to Federal Drug Fund (105100.5702) and a credit of $12,854.47 to Fund Balance – Appropriated (103990.0000). Motion unanimously approved with those in attendance (4-0).

**Budget Amendment**
The Sheriff’s Office receives money each month for the proceeds from State Unauthorized Substances Excise Tax. At the end of each fiscal year the remaining monies must be carried forward to the next budget year. To be in compliance with state regulations we need to move the remaining money to FY 21/22.

Motion by Blake Vance and second by Tim Phillips to adopt the Budget Amendment in the amount of $32,992.60 with a debit of $32,992.60 to State Drug Fund Expense (105100.5703) and a credit of $32,992.60 to Fund Balance – Appropriated (103990.0000). Motion unanimously approved with those in attendance (4-0).

**Budget Amendment**
The Sheriff’s Office received the NC Department of Public Safety Governor’s Crime Commission Grant in 20/21. To finish out the Grant the remaining will need to be rolled over into the 21/22 fiscal year budget.

Motion by Dennis Aldridge and second by Blake Vance to adopt the Budget Amendment in the amount of $12,721.80 with a debit of $12,721.80 to Crime Control Grant (105100.7420) and a credit of $12,721.80 to Governor’s Crime Comm. Grant (103615.0000). Motion unanimously approved with those in attendance (4-0).

**Budget Amendment**
The E911 Department has received permission to pay a portion of radio communication upgrades out of E911 funds. These funds will come out of the E911 fund balance.

Motion by Dennis Aldridge and second by Tim Phillips to adopt the Budget Amendment in the amount of $46,700.00 with a debit of $46,700.00 to Capital-Equipment (226600.7430) and a credit of $46,700.00 to Emergency Telephone System Fund Bal. Appropriated (223990.0000). Motion unanimously approved with those in attendance (4-0).

**County Attorney Report – Michaelle Poore**
The position of attorney for the Department of Social Services is appointed by the Board of Commissioners. The prior attorney resigned effective June 30, 2021. The statute provides that the Board of Commissioners will designate the county attorney or appoint another attorney to serve as special county attorney for social service matters. This position must be filled for the Department to be in compliance with various requirements.
Motion by Dennis Aldridge and second by Tim Phillips to designate Michaele Poore as special county attorney for social service matters effective 1 July 2021 until such time as another attorney is appointed. Motion unanimously approved with those in attendance (4-0).

Approval of the Minutes
Motion by Tim Phillips and second by Blake Vance to approve the April 29, 2021 Budget Workshop and June 7, 2021 Regular Meeting. Motion unanimously approved with those in attendance (4-0).

Agenda Consent Items
Adopted by Consensus of the Board.

Upcoming Meetings
The next Regular Meeting will be August 2, 2021 at 3:30 p.m.

Adjourn
Motion by Blake Vance and second by Dennis Aldridge to adjourn this meeting at 4:46 p.m. Motion unanimously approved with those in attendance (4-0).

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Martha Hicks, Chair
Avery County Board of Commissioners

ATTEST:________________________________________
Cindy Turbyfill, Clerk