The Avery County Board of Commissioners met in Regular Session on Monday, June 7, 2021 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; Wood Hall Young, Jr.

Members Absent: Blake Vance

Call To Order
Chair Hicks called the meeting to order at 3:30 p.m.
Dennis Aldridge led prayer.
Wood Hall Young, Jr. led the Pledge of Allegiance.

160D Ordinance Changes – Ben Hitchens
Michaelle Poore, County Attorney, introduced Mr. Ben Hitchens with Green Heron Planning. Mr. Hitchens is an adjunct professor with the North Carolina School of Government. We contracted with Mr. Hitchens to assist the county with certain language that the state required with Chapter 160D. Mr. Hitchens will do a brief overview for the board of the proposed changes. We have public hearings beginning at 5:00 p.m. on the various ordinances.

Mr. Hitchens gave a presentation of the changes in each ordinance. Mr. Hitchens stated that legislation was passed in 2019 regarding Chapter 160D. The legislation consolidates and updates the North Carolina land use statutes. Local governments have until July 1, 2021 to approve the ordinance changes. There are seven different ordinances that were affected.

Ms. Poore stated that the purpose of this was to update the ordinances and make sure we are up to date with the state. Dennis Aldridge questioned if there was any local input to these changes. Mr. Hitchens explained that the planning board had reviewed these changes and there was discussion but the vast majority of the changes were simply to comply with the state. The planning board has recommended adoption of these changes to the ordinances.

Proclamations and Awards
Resolution Celebrating the Retirement of Mike Sprayberry
WHEREAS, Mike Sprayberry has served as Director of Emergency Management since 2013; and

WHEREAS, Mike Sprayberry will retire in July; and
WHEREAS, Mike Sprayberry has been an invaluable counselor to Avery County and Avery County Emergency Management;

NOW, THEREFORE, BE IT RESOLVED that the Avery County Commissioners hereby express their gratitude to Mike Sprayberry for his service to Avery County; and

FURTHER RESOLVED that the Avery County Commissioners wish Mike Sprayberry continued success in all his endeavors and expresses our hope for his continued health, happiness, and prosperity.

FURTHER RESOLVED that a copy of this resolution be presented to Mike Sprayberry as a token of our respect.

Motion by Tim Phillips and second by Wood Hall Young, Jr. to adopt the Resolution Celebrating the Retirement of Mike Sprayberry. Motion unanimously approved with those in attendance (4-0).

Public Comment
Jim Ward, a part-time resident in Avery County and founder and chairman of the High Country Charitable Foundation spoke about the need for an animal service officer. Mr. Ward stated that last month Sheriff Kevin Frye asked for the Commissioners support for an animal service officer to take care of animals in distress. Sheriff Frye also had informed the Board that he had a donor that was willing to cover the costs of expenses for the new position. Because of the tremendous growth of the county, an animal service officer is needed. I am here on behalf of the High Country Charitable Foundation to offer $100,000 for the first year of operation.

Jim Swinkola invited the Commissioners to Lees McRae College on July 23rd at 6:30 p.m. to have a conversation with Warren Daniel and Dudley Greene about the needs of Avery County.

Board Appointments
High Country Workforce Development Board
Edward Hinson has expressed his desire to be reappointed to the High Country Workforce Development Board.

Motion by Wood Hall Young, Jr. and second by Dennis Aldridge to reappoint Edward Hinson to the High Country Workforce Development Board. Motion unanimously approved with those in attendance (4-0).

Review of Applicants for the Avery County Economic Development Advisory Committee
Review of applications for two positions to the Avery County Economic Development Advisory Committee. These will be considered for approval at the next board meeting.
Recess
Chair Hicks called for a brief recess until the time of the Public Hearing for the Fiscal Year Budget 2021/2022.

Chair Hicks declared the meeting to be back in session after a brief recess.

Public Hearing – Fiscal Year Budget 2021/2022
Motion by Tim Phillips and second by Dennis Aldridge to go into a time of Public Hearing regarding the Fiscal Year Budget 2021/2022 at 4:01 p.m. Motion unanimously approved with those in attendance (4-0).

Chair Hicks turned the meeting over to Phillip Barrier, Jr., County Manager to present the Budget Message for the FY Budget 2021/2022.

Dear Board of Commissioners and citizens of Avery County:

In accordance with North Carolina General Statute 159-11, the Avery County Fiscal Year 2021-2022 proposed budget is respectfully submitted for your review and consideration. This document provides the financial framework for the programs and services which Avery County government will be undertaking in the next fiscal year. The budget provides the resources needed to ensure the delivery of governmental services in a fiscally responsible manner. The proposed budget is a continuation of the financially sound and conservative practices Avery County government has established and embraced. The Board held budget workshops in order to make changes to the proposed budget. North Carolina General Statute 159-11 stipulates that a public hearing be held in order to inform the public and allow any interested citizens the opportunity to express their opinions on the budget after the budget message is presented. This budget message represents an explanation of the budgetary decisions derived as a result of in depth dialogue between the County Manager, Assistant County Manager, Finance Officer, Department Heads and changes made during budget workshops. The cumulative total of necessary operational and capital expenses considered in light of revenues generated by the departments, combined with State and Federal funding, determines the amount of funding which will be necessary from the citizens of Avery County.

The 2021/22 budget as presented is balanced based on a total property valuation of $4.237 billion. This represents an increase of $95 million dollars or 2.29 % over last year’s valuation of $4.142 billion. The general fund tax rate will remain at 48 cents ($0.48) per $100 valuation which will generate an estimated $20.0 million dollars in revenues. The county wide fire tax rate will remain at 7.0 cents ($0.07). The Fire Commission and volunteer fire departments will receive an estimated $2.8 million dollars in revenue.

The combination of these two rates results in an overall tax rate of 55 cents ($0.5500) for the 2021/2022 fiscal year. This rate is the same as the last fiscal year.
GENERAL FUND

Expenses

The total General Fund Budget is set at $31.4 million. This is a 3.67% increase from the 2020/21 fiscal year.

General Government is increasing $586,000. The increase is primarily attributed to an available for appropriation fund for unexpected capital expenditures, repairs and maintenance. The county continues to take a “proactive approach” with buildings, general maintenance, and capital service needs.

Public Safety is increasing $25,000. Capital expenditures for this current year include the vehicle rotation for the sheriff’s office, and new tower enhancements and repeaters for communications.

Transportation is increasing $15,000. The increase is due to needs in office equipment.

Environmental Protection is increasing $168,000 due primarily to the increase of tonnage now collected through the Solid Waste Department.

Economic and Physical Development is increasing $8,000. The increase is primarily due to operating expenses for the Avery community center.

Funding for Human Services is increasing $247,248. The increase is primarily due to new methods of the state Medicaid programs.

Cultural and Recreation is increasing $67,000. The primary reason is increased maintenance for the Parks and Recreation department, continued funding for the Mountain Alliance youth program, new funding for the Avery County Fair, and Wildcat Lake.

Education remains the same from the previous year’s budget. The primary reason is proper planning of capital expenditures. The budget also includes added security for Mayland Community Colleges main campus.

Public Safety is the largest expenditure for the County consuming 30% of the total budget. Education and the associated debt service is the next largest expenditure at 24%. Human Services is third largest at 17% while all other County functions total 29%.

Revenue

Property tax revenue is projected to increase $565,000 or 2.91% from last fiscal year. The increase is due to a $95-million-dollar increase in the ad valorem tax base.

Local Option Sales Taxes are projected to bounce back $490,000. Sales tax was estimated to decrease last fiscal year due to the COVID 19 pandemic effect on our economy.
Other Taxes and Licenses are projected to increase $150,000 mainly due to the increase in real estate sales.

Intergovernmental revenues are projected to increase $93,000 thousand dollars primarily due to increased state and federal payments.

Licenses and Permits are projected to increase $11,000 over last fiscal year.

Sales and Services are projected to decrease $51,000 primarily due to decrease in revenue in transportation fees.

Investment Earnings and Other Income are projected to decrease $145,000 due to lower forecasted investment income.

Property tax revenue will generate 64% of the County’s revenue, followed by sales taxes at 18%, intergovernmental transfers at 8%, sales and services at 7%, fund balance appropriation at 0% and all others at 3%.

**OTHER FUNDS**

*Fire Tax Fund*

The Fire Tax Fund budget for the 2021/22 fiscal year is $2.8 million dollars or $80,000 more than last fiscal year.

*E911 Fund*

The E911 Fund budget for fiscal year 2021/22 is $178,000. This is a decrease of $37,000 from the prior fiscal year.

*Revaluation Fund*

The Revaluation Fund budget is $153,000 for the fiscal year 2021/22. Avery County budgets annually for the mandatory revaluation. It should be noted that the County performs an in-house revaluation using existing staff as opposed to contracting this service out. January 2022 will be our next effective date for revaluation.

**FINANCIAL STABILITY**

Avery County is proud to report that the county fund balance exceeds the state requirements. This amount provides great financial stability and coverage in the event a catastrophic event was to strike the county. The County must have the financial resources available to address unknown and unexpected situations that could cripple our community, if we are found unprepared. This budget for 2021/22, as presented, does not include any fund balance appropriation, and plans for unexpected capital and disaster needs.

**CAPITAL PROJECTS**
Over the past several years, Avery County has developed and adhered to a financial plan designed to promote a “pay-as-you-go” capital philosophy. As a result of this philosophy, the county has funded and completed the Agricultural Center, the Avery Community Center, and the County Recreation Pool. The new Avery County High School addition is also currently under construction. As a result of proper capital planning the use of lottery funds, and the use of some fund balance Avery County has been able to avoid any tax rate increase for the construction of the high school.

The only current major capital project is:

**High School Addition & Renovation**
- Start fall 2019
- Finish fall 2021
- Estimated Cost - $20,296,000

Future proposed capital projects is the additional development of the recreation property.

**OVERVIEW**

The attached 2021/22 FY Budget Ordinance for Avery County contains the detailed breakdown of anticipated revenues and expenses for the year to end June 30, 2022. This Ordinance is respectfully presented for adoption this 7th day of June 2021.

Be it ordained by the Board of Commissioners of Avery County, North Carolina:

**SECTION 1:**

The following amounts are hereby appropriated in the General Fund for the operation of Avery County Government and its activities for the fiscal year beginning July 1, 2021 and ending June 30, 2022, in accordance with the chart of accounts heretofore established for this County:

- General Government: 4,489,543
- Public Safety: 9,398,646
- Transportation: 934,870
- Environmental Protection: 2,401,910
- Economic & Physical Development: 412,216
- Human Services: 5,436,101
- Cultural & Recreational: 654,387
- Education: 5,907,783
<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund Debt Service</td>
<td>1,611,772</td>
</tr>
<tr>
<td>Transfer to Revaluation Fund</td>
<td>153,000</td>
</tr>
<tr>
<td>Transfer to High School Renovation Project Fund</td>
<td>-</td>
</tr>
<tr>
<td>Transfer to Component Unit (Airport)</td>
<td>63,771</td>
</tr>
<tr>
<td><strong>Total Appropriations</strong></td>
<td><strong>31,463,999</strong></td>
</tr>
</tbody>
</table>

**SECTION 2:**

It is estimated that the following revenues will be available in the General Fund for the fiscal year beginning July 1, 2021 and ending June 30, 2022:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ad Valorem Taxes</td>
<td>19,987,000</td>
</tr>
<tr>
<td>Local Option Sales Tax</td>
<td>5,640,000</td>
</tr>
<tr>
<td>Other Taxes &amp; Licenses</td>
<td>630,000</td>
</tr>
<tr>
<td>Unrestricted Intergovernmental</td>
<td>234,934</td>
</tr>
<tr>
<td>Restricted Intergovernmental</td>
<td>2,448,578</td>
</tr>
<tr>
<td>Licenses &amp; Permits</td>
<td>341,500</td>
</tr>
<tr>
<td>Sales &amp; Services</td>
<td>2,099,987</td>
</tr>
<tr>
<td>Investment Earnings</td>
<td>30,000</td>
</tr>
<tr>
<td>Other Income</td>
<td>52,000</td>
</tr>
<tr>
<td>Fund Balance Appropriation</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total Estimated Revenues</strong></td>
<td><strong>31,463,999</strong></td>
</tr>
</tbody>
</table>

**SECTION 3:**

The following amounts are hereby appropriated in the 911 Emergency Telephone System Fund for the operation of the system for the fiscal year beginning July 1, 2021 and ending June 30, 2022:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Addressing &amp; Data Provisioning</td>
<td>-</td>
</tr>
<tr>
<td>Operating Expenses</td>
<td>151,095</td>
</tr>
<tr>
<td>Capital</td>
<td>27,200</td>
</tr>
<tr>
<td><strong>Total Appropriations</strong></td>
<td><strong>178,295</strong></td>
</tr>
</tbody>
</table>

**SECTION 4:**

It is estimated that the following revenues will be available in the 911 Emergency Telephone System Fund for the fiscal year beginning July 1, 2021 and ending June 30, 2022:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>911 Charges</td>
<td>125,844</td>
</tr>
<tr>
<td>Interest on Investments</td>
<td>375</td>
</tr>
</tbody>
</table>
SECTION 5:

The following amounts are hereby appropriated in the Fire Districts Fund for the operation of fire protection services for the fiscal year beginning July 1, 2021 and ending June 30, 2022, in accordance with the chart of accounts heretofore established for this County:

- Fire Association: 66,600
- Elk Park Fire Department: 73,260
- Crossnore Fire Department: 140,440
- Linville Fire Department: 68,380
- Frank Fire Department: 51,780
- Green Valley Fire Department: 75,155
- Banner Elk Fire Department: 51,780
- Newland Fire Department: 62,950
- Fall Creek Fire Department: 61,845
- Seven Devils Fire Department: 41,395
- Beech Mtn. Fire Department: 58,009
- Fire Commission: 2,074,660
- Avery County Ladder Truck Co.: 33,038
- Linville Central Rescue Squad: 68,989

Total Appropriations: 2,876,500

SECTION 6:

It is estimated that the following revenues will be available in the Fire Districts Fund for the fiscal year beginning July 1, 2021 and ending June 30, 2022:

- Fire Tax Levy Revenue: 2,876,500
- Transfer From General Fund: -

Total Estimated Revenues: 2,876,500

SECTION 7:

The following amounts are hereby appropriated in the Revaluation Fund for revaluation of property in Avery County during the fiscal year beginning July 1, 2021 and ending June 30, 2022, in accordance with the chart of accounts heretofore established for this County:

- Personnel Expenses: 126,132
- Operating Expenses: 32,000
SECTION 8:

It is estimated that the following revenues will be available in the Revaluation Fund for the fiscal year beginning July 1, 2021 and ending June 30, 2022:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transfer From General Fund</td>
<td>153,000</td>
</tr>
<tr>
<td>Fund Balance Appropriation</td>
<td>5,132</td>
</tr>
<tr>
<td><strong>Total Estimated Revenues</strong></td>
<td><strong>158,132</strong></td>
</tr>
</tbody>
</table>

SECTION 9:

The following amounts are hereby appropriated in the High School Renovation Project Fund for the construction of a new classroom and office building during the fiscal year beginning July 1, 2021 and ending June 30, 2022, in accordance with the chart of accounts heretofore established for this County:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Construction</td>
<td>18,080,304</td>
</tr>
<tr>
<td>Architect/Engineering/Consulting Fees</td>
<td>1,085,148</td>
</tr>
<tr>
<td>Permits, Insurance, Surveys, Other</td>
<td>305,098</td>
</tr>
<tr>
<td>Furniture</td>
<td>775,489</td>
</tr>
<tr>
<td>Attorney Fees</td>
<td>50,000</td>
</tr>
<tr>
<td><strong>Total Appropriations</strong></td>
<td><strong>20,296,039</strong></td>
</tr>
</tbody>
</table>

SECTION 10:

It is estimated that the following revenues will be available in the High School Renovation Project Fund for the fiscal year beginning July 1, 2021 and ending June 30, 2022:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transfer from General Fund</td>
<td>7,349,013</td>
</tr>
<tr>
<td>Proceeds from Bank Financing</td>
<td>11,000,000</td>
</tr>
<tr>
<td>Proceeds from Lottery Fund</td>
<td>1,947,026</td>
</tr>
<tr>
<td><strong>Total Estimated Revenues</strong></td>
<td><strong>20,296,039</strong></td>
</tr>
</tbody>
</table>

SECTION 11:

The following amounts are hereby appropriated in the Ag Building Community Room Project Fund for the construction of an community room addition during the fiscal year beginning
July 1, 2021 and ending June 30, 2022, in accordance with the chart of accounts heretofore established for this County:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Construction</td>
<td>1,395,000</td>
</tr>
<tr>
<td>Architect/Engineering/Consulting Fees</td>
<td>60,000</td>
</tr>
<tr>
<td>Permits, Insurance, Surveys, Other</td>
<td>30,000</td>
</tr>
<tr>
<td>Furniture</td>
<td>65,000</td>
</tr>
<tr>
<td><strong>Total Appropriations</strong></td>
<td><strong>1,550,000</strong></td>
</tr>
</tbody>
</table>

**SECTION 12:**

It is estimated that the following revenues will be available in the Ag Building Community Room Project Fund for the fiscal year beginning July 1, 2021 and ending June 30, 2022:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fund Balance Appropriation</td>
<td>1,550,000</td>
</tr>
<tr>
<td><strong>Total Estimated Revenues</strong></td>
<td><strong>1,550,000</strong></td>
</tr>
</tbody>
</table>

**SECTION 13:**

The following amounts are hereby appropriated in the Grants Project Fund for community development in Avery County during the fiscal year beginning July 1, 2021 and ending June 30, 2022, in accordance with the chart of accounts heretofore established for this County:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Neighborhood Revitalization Program</td>
<td>610,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>610,000</strong></td>
</tr>
</tbody>
</table>

**SECTION 14:**

It is estimated that the following revenues will be available in the Grant Projects Fund for the fiscal year beginning July 1, 2021 and ending June 30, 2022:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grant Revenue</td>
<td>610,000</td>
</tr>
</tbody>
</table>

**SECTION 15:**

There is hereby levied a tax at the rate of forty-eight cents ($0.48) per hundred dollars ($100) valuation of property listed as of January 1, 2021 for the purpose of raising revenue included in "Ad Valorem Taxes" in the General Fund in Section 2 of this ordinance.

This rate of tax is based on an estimated total valuation of
SECTION 16:

There is hereby levied a tax at the rate of seven cents ($0.07) per hundred dollars ($100) valuation of property listed as of January 1, 2021 for the purpose of raising revenue included in "Fire Tax Levy Revenue" in the Fire Districts Fund in Section 6 of this ordinance.

This rate of tax is based on an estimated total valuation of property for the purpose of taxation of $4,237,125,784 and an estimated collection rate of 96.5%.

SECTION 17:

The Budget Officer is hereby authorized to transfer appropriations as contained herein in accordance with the Avery County Board of Commissioners Policy Manual.

SECTION 18:

Copies of this Budget Ordinance shall be furnished to the Clerk to the Board of Commissioners and to the Budget Officer and Finance Officer to be kept on file by them for their direction in the disbursement of funds.

Wood Hall Young, Jr. asked if the sales tax was up during Covid. Mr. Barrier stated that yes it was. A year ago the state recommended that we cut the sales tax in our budgets but Avery County has done well. Mr. Young also questioned about the E911 fund being down. Mr. Barrier stated that if we don’t use some of that money then the state decreases it.

Mr. Young stated I think we have done well with the budget. Tim Phillips agreed with Mr. Young and stated that we have done all of this without raising taxes. Mr. Aldridge said that last year when we did the budget we presented it with some fear and trepidation because of the unknowns. I think our budgeting process last year was hard but worked well considering that so much of what we projected did not come to pass. I am pleased with what we have done with this budget. We are very aware of the need to be fiscally conservative.

There were no public comments.
Motion by Dennis Aldridge and second by Tim Phillips to go out of the Public Hearing Regarding the FY Budget 2021/2022 at 4:18 p.m. Motion unanimously approved with those in attendance (4-0).

Motion by Wood Hall Young, Jr. and second by Tim Phillips to adopt the Fiscal Year Budget for 2021/2022. Motion unanimously approved with those in attendance (4-0).

Tax Administrator Report – Bruce Daniels
Tax Collection Report
The Tax Collections for the month of May 2021 is $55,102.96.

Motion by Tim Phillips and second by Wood Hall Young, Jr. to approve the Tax Collection Report as presented. Motion unanimously approved with those in attendance (4-0).

Sales
There were 102 sales for May 2021; compared to 31 sales for May 2020.

Subdivision Approvals—Eagle Crest Lots EC1 through EC12 Eagles Nest Holdings, LLC; Eagle Springs at Eagles Nest Lots ES70 through ES93
Derek Buchanan with Eagles Nest Holdings stated that he had gotten a phone call about two hours before the meeting stating that some of the board members had some heartburn about Eagles Nest. I had about 30 minutes to call around and get some of the contractors and subcontractors who work at Eagles Nest to come to the meeting to show their support. There are a lot of people that are working in Eagles Nest now. At any given time there are 1000 people working in Eagles Nest. The tax base in Avery County has grown because of Eagles Nest.

We have had some opposition from the planning board. I would ask that you look into this board. We have developments in Oklahoma, Pennsylvania, Tennessee, Watauga County and the only one we have a problem with is Avery County Planning Board. If it gets too difficult to work in Avery County, we can pull out but we want to have a partnership with Avery County.

Wood Hall Young, Jr. questioned what the smallest lot on the plat was. Mr. Buchanan stated ¾ of an acre up to two acres.

Tim Phillips stated that this was his second term. One of the things I talked about was keeping jobs in Avery County and I like to see local people getting to work in Avery County. As long as you do what is asked of you I promise I will do all that I can to help. We will look into the planning board and see if there is anything we can do to expedite the process. I know there are people that doesn’t like to see development but as long as we do it correctly I am good with it.
Wood Hall Young, Jr. commented that this company has gone above and beyond what the state requires. In our budget ordinance there is a 95 million dollar increase in the tax base. A large part of that came from Eagles Nest. This is the number one economic driver in the county right now.

Dennis Aldridge stated that one of the issues that he has is the fact that we get parts and pieces of the whole. We have this time the Eagle Spring Lots 70 through 93. The first lots have been approved 10 at a time. There is no question that economically this is good for Avery County but the concern is the impact 5 or 10 years down the road. There is a point where density and all of the things that come about begins to change the culture and demographics around by not having an overall view. The numbers begin to get massive after a while. It is not the individual impact but it is the totality. I think that is where the concern lies. I also think that going to the planning board should be difficult it shouldn’t be an easy process.

Derek Buchanan stated that he didn’t think it should be difficult. There should be a checklist. We have done three massive projects in Watauga County and it was not as difficult as it is in Avery County. We have updated our Master Plan for Eagles Nest about six times and have sent that to the planning board.

Martha Hicks stated when you buy property, you don’t tell people what to do with it. If you don’t tell us, we can’t fix the problems. We will do our best to do whatever we can to fix the problem.

Motion by Wood Hall Young, Jr. and second by Tim Phillips to approve the Eagle Crest Lots EC1 through EC12 and Eagles Spring at Eagles Nest Lots ES70 through ES93. Motion unanimously approved with those in attendance (4-0).

Chair Hicks stated that the agenda needed to be amended.

Motion by Dennis Aldridge and second by Tim Phillips to amend the agenda to add the Memorandum of Agreement for the Opiod Settlement under the County Attorney Report. Motion unanimously approved with those in attendance (4-0).

Property Damage Release
Mr. Barrier stated the Property Damage Release is for the county to release Steve Tate Plumbing on the drain repairs at the Agricultural Building and authorize the insurance to release the funds to Mr. Tate.

Motion by Tim Phillips and second by Wood Hall Young, Jr. to approve the Property Damage Release. Motion unanimously approved with those in attendance (4-0).

County Manager Updates- Phillip Barrier, Jr.
Covid Update
We have had three positive cases this week. We are now listed as green which means our cases are low. We are still testing three days a week in the parking lot at the health department. We are still giving vaccines.

**Broadband**
The ARC grant has been forwarded to Skyline/Skybest and they are working in the Riverside area.

In the agenda consent items is a lease for Probation and Parole, we need to pull that from the agenda because that needs to be advertised for 30 days.

**Motion by Dennis Aldridge and second by Tim Phillips to exclude the Probation and Parole from the Agenda Consent Items. Motion unanimously approved with those in attendance (4-0).**

**Legislative Hearings**

**Maximum Building Height Ordinance**

**Motion by Wood Hall Young, Jr. and second by Dennis Aldridge to go into the Legislative Hearing for proposed changes to the Maximum Building Height Ordinance at 5:00 p.m. Motion unanimously approved with those in attendance (4-0).**

Michaelle Poore, County Attorney, stated that the proposed changes were included on the documents presented to the Board earlier and during the presentation by Mr. Hitchens.

There were no public comments.

**Motion by Tim Phillips and second by Wood Hall Young, Jr. to go out of the Legislative Hearing for proposed changes to the Maximum Building Height Ordinance at 5:03 p.m. Motion unanimously approved with those in attendance (4-0).**

WHEREAS, the North Carolina Legislature has enacted Chapter 160D of the North Carolina General Statutes which pertains to Local Planning and Development Regulation; and

WHEREAS, as a result of the enactment of Chapter 160D of the North Carolina General Statutes certain changes are necessary to the Maximum Building Height Ordinance for Avery County; and

WHEREAS, the Avery County Planning Board made a report to the Avery County Board of Commissioners on 24 May 2021 and recommended certain changes to the Maximum Building Height Ordinance for Avery County; and
WHEREAS, the Avery County Board of Commissioners held a Legislative Public Hearing on 7 June 2021 to address the proposed changes; and

WHEREAS, Notice of Legislative Hearing of the Avery County Board of Commissioners was duly published prior to said Hearing; and

WHEREAS, the Maximum Building Height Ordinance for Avery County was originally enacted in 1996; and

WHEREAS, after the Legislative Hearing on 7 June 2021 the Avery County Board of Commissioners made the below findings, and voted to adopt the proposed changes;

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Avery County, North Carolina, meeting in regular session on 7 June 2021, makes the following findings of fact: 1. That the Ordinance was originally enacted in 1996; 2. That the Avery Planning Board has recommended several changes to the Ordinance, as set forth on the Ordinance attached hereto.

NOW, THEREFORE, BE IT RESOLVED that the changes set forth on the attached Ordinance are hereby adopted. And NOW, THEREFORE, BE IT FURTHER RESOLVED that the Maximum Building Height Ordinance for Avery County is restated and amended to reflect the changes shown on the attached Ordinance and a copy of the Maximum Building Height Ordinance for Avery County as Amended shall be recorded in the Office of the Register of Deeds for Avery County.

Motion by Wood Hall Young, Jr. and second by Tim Phillips to Adopt the Resolution Regarding the proposed changes to the Maximum Building Height Ordinance. Motion unanimously approved with those in attendance (4-0).

Flood Damage Prevention Ordinance
Motion by Wood Hall Young, Jr. and second by Dennis Aldridge to go into the Legislative Hearing regarding proposed changes to the Flood Damage Prevention Ordinance at 5:05 p.m. Motion unanimously approved with those in attendance (4-0).

There were no public comments.

Motion by Tim Phillips and second by Dennis Aldridge to go out of the Legislative Hearing regarding proposed changes to the Avery County Flood Damage Prevention Ordinance at 5:06 p.m. Motion unanimously approved with those in attendance (4-0).

WHEREAS, the North Carolina Legislature has enacted Chapter 160D of the North Carolina General Statutes which pertains to Local Planning and Development Regulation; and
WHEREAS, as a result of the enactment of Chapter 160D of the North Carolina General Statutes certain changes are necessary to the Flood Damage Prevention Ordinance for Avery County; and

WHEREAS, the Avery County Planning Board made a report to the Avery County Board of Commissioners on 24 May 2021 and recommended certain changes to the Flood Damage Prevention Ordinance for Avery County; and

WHEREAS, the Avery County Board of Commissioners held a Legislative Public Hearing on 7 June 2021 to address the proposed changes; and

WHEREAS, Notice of Legislative Hearing of the Avery County Board of Commissioners was duly published prior to said Hearing; and

WHEREAS, the Flood Damage Prevention Ordinance for Avery County was originally enacted in 2008; and

WHEREAS, after the Legislative Hearing on 7 June 2021 the Avery County Board of Commissioners made the below findings, and voted to adopt the proposed changes;

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Avery County, North Carolina, meeting in regular session on 7 June 2021, makes the following findings of fact: 1. That the Ordinance was originally enacted in 2008; 2. That the Avery Planning Board has recommended several changes to the Ordinance, as set forth on the Ordinance attached hereto.

NOW, THEREFORE, BE IT RESOLVED that the changes set forth on the attached Ordinance are hereby adopted. And NOW, THEREFORE, BE IT FURTHER RESOLVED that the Flood Damage Prevention Ordinance for Avery County is restated and amended to reflect the changes shown on the attached Ordinance and a copy of the Flood Damage Prevention Ordinance for Avery County as Amended shall be recorded in the Office of the Register of Deeds for Avery County.

Motion by Wood Hall Young, Jr. and second by Dennis Aldridge to adopt the Resolution regarding the proposed changes to the Flood Damage Prevention Ordinance. Motion unanimously approved with those in attendance (4-0).

High Impact Ordinance
Motion by Wood Hall Young, Jr. and second by Tim Phillips to go into a time of Legislative Hearing for the proposed changes to the High Impact Protection Ordinance at 5:10 p.m. Motion unanimously approved with those in attendance (4-0).

There were no public comments.
Motion by Wood Hall Young, Jr. and second by Dennis Aldridge to go out of the Legislative Hearing for the proposed changes to the High Impact Protection Ordinance at 5:11 p.m. Motion unanimously approved with those in attendance (4-0).

WHEREAS, the North Carolina Legislature has enacted Chapter 160D of the North Carolina General Statutes which pertains to Local Planning and Development Regulation; and

WHEREAS, as a result of the enactment of Chapter 160D of the North Carolina General Statutes certain changes are necessary to the High Impact Protection Ordinance for Avery County; and

WHEREAS, the Avery County Planning Board made a report to the Avery County Board of Commissioners on 24 May 2021 and recommended certain changes to the High Impact Protection Ordinance for Avery County; and

WHEREAS, the Avery County Board of Commissioners held a Legislative Public Hearing on 7 June 2021 to address the proposed changes; and

WHEREAS, Notice of Legislative Hearing of the Avery County Board of Commissioners was duly published prior to said Hearing; and

WHEREAS, the High Impact Protection Ordinance for Avery County was originally enacted in 2007; and

WHEREAS, after the Legislative Hearing on 7 June 2021 the Avery County Board of Commissioners made the below findings, and voted to adopt the proposed changes;

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Avery County, North Carolina, meeting in regular session on 7 June 2021, makes the following findings of fact: 1. That the Ordinance was originally enacted in 2007; 2. That the Avery Planning Board has recommended several changes to the Ordinance, as set forth on the Ordinance attached hereto.

NOW, THEREFORE, BE IT RESOLVED that the changes set forth on the attached Ordinance are hereby adopted. And NOW, THEREFORE, BE IT FURTHER RESOLVED that the High Impact Protection Ordinance for Avery County is restated and amended to reflect the changes shown on the attached Ordinance and a copy of the High Impact Protection Ordinance for Avery County as Amended shall be recorded in the Office of the Register of Deeds for Avery County.

Motion by Tim Phillips and second by Dennis Aldridge to adopt the Resolution regarding the proposed changes to the High Impact Protection Ordinance. Motion unanimously approved with those in attendance (4-0).
Mountain Ridge Protection Ordinance
Motion by Dennis Aldridge and second by Wood Hall Young, Jr. to go into the Legislative Hearing regarding the proposed changes to the Mountain Ridge Protection Ordinance at 5:15 p.m. Motion unanimously approved with those in attendance (4-0).

There were no public comments.

Motion by Wood Hall Young, Jr. and second by Tim Phillips to go out of the Legislative Hearing regarding the proposed changes to the Mountain Ridge Protection Ordinance at 5:16 p.m. Motion unanimously approved with those in attendance (4-0).

WHEREAS, the North Carolina Legislature has enacted Chapter 160D of the North Carolina General Statutes which pertains to Local Planning and Development Regulation; and

WHEREAS, as a result of the enactment of Chapter 160D of the North Carolina General Statutes certain changes are necessary to the Mountain Ridge Protection Ordinance for Avery County; and

WHEREAS, the Avery County Planning Board made a report to the Avery County Board of Commissioners on 24 May 2021 and recommended certain changes to the Mountain Ridge Protection Ordinance for Avery County; and

WHEREAS, the Avery County Board of Commissioners held a Legislative Public Hearing on 7 June 2021 to address the proposed changes; and

WHEREAS, Notice of Legislative Hearing of the Avery County Board of Commissioners was duly published prior to said Hearing; and

WHEREAS, the Mountain Ridge Protection Ordinance for Avery County was originally enacted in 1983; and

WHEREAS, after the Legislative Hearing on 7 June 2021 the Avery County Board of Commissioners made the below findings, and voted to adopt the proposed changes;

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Avery County, North Carolina, meeting in regular session on 7 June 2021, makes the following findings of fact: 1. That the Ordinance was originally enacted in 1983; 2. That the Avery Planning Board has recommended several changes to the Ordinance, as set forth on the Ordinance attached hereto.

NOW, THEREFORE, BE IT RESOLVED that the changes set forth on the attached Ordinance are hereby adopted. And NOW, THEREFORE, BE IT FURTHER RESOLVED that the Mountain Ridge Protection Ordinance for Avery County is restated
and amended to reflect the changes shown on the attached Ordinance and a copy of the Mountain Ridge Protection Ordinance for Avery County as Amended shall be recorded in the Office of the Register of Deeds for Avery County.

Motion by Tim Phillips and second by Dennis Aldridge to adopt the Resolution regarding the proposed changes for the Mountain Ridge Protection Ordinance. Motion unanimously approved with those in attendance (4-0).

Approval of Minutes
Motion by Wood Hall Young, Jr. and second by Dennis Aldridge to approve the May 4, 2021 Regular Session Minutes. Motion unanimously approved with those in attendance (4-0).

Sexually Oriented Businesses Ordinance
Motion by Dennis Aldridge and second by Tim Phillips to go into the Legislative Hearing regarding the proposed changes to the Sexually Oriented Businesses Ordinance at 5:20 p.m. Motion unanimously approved with those in attendance (4-0).

There were no public comments.

Motion by Tim Phillips and second by Dennis Aldridge to go out of the Legislative Hearing regarding the proposed changes to the Sexually Oriented Businesses Ordinance at 5:21 p.m. Motion unanimously approved with those in attendance (4-0).

WHEREAS, the North Carolina Legislature has enacted Chapter 160D of the North Carolina General Statutes which pertains to Local Planning and Development Regulation; and

WHEREAS, as a result of the enactment of Chapter 160D of the North Carolina General Statutes certain changes are necessary to the Sexually Oriented Businesses Ordinance for Avery County; and

WHEREAS, the Avery County Planning Board made a report to the Avery County Board of Commissioners on 24 May 2021 and recommended certain changes to the Sexually Oriented Businesses Ordinance for Avery County; and

WHEREAS, the Avery County Board of Commissioners held a Legislative Public Hearing on 7 June 2021 to address the proposed changes; and

WHEREAS, Notice of Legislative Hearing of the Avery County Board of Commissioners was duly published prior to said Hearing; and

WHEREAS, the Sexually Oriented Businesses Ordinance for Avery County was originally enacted in 2000; and
WHEREAS, after the Legislative Hearing on 7 June 2021 the Avery County Board of Commissioners made the below findings, and voted to adopt the proposed changes;

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Avery County, North Carolina, meeting in regular session on 7 June 2021, makes the following findings of fact: 1. That the Ordinance was originally enacted in 2000; 2. That the Avery Planning Board has recommended several changes to the Ordinance, as set forth on the Ordinance attached hereto.

NOW, THEREFORE, BE IT RESOLVED that the changes set forth on the attached Ordinance are hereby adopted. And NOW, THEREFORE, BE IT FURTHER RESOLVED that the Sexually Oriented Businesses Ordinance for Avery County is restated and amended to reflect the changes shown on the attached Ordinance and a copy of the Sexually Oriented Businesses Ordinance for Avery County as Amended shall be recorded in the Office of the Register of Deeds for Avery County.

Motion by Tim Phillips and second by Wood Hall Young, Jr. to adopt the Resolution regarding the proposed changes to the Sexually Oriented Businesses Ordinance. Motion unanimously approved with those in attendance (4-0).

Watershed Protection Ordinance
Motion by Wood Hall Young, Jr. and second by Dennis Aldridge to go into a Legislative Hearing regarding proposed changes to the Watershed Protection Ordinance at 5:25 p.m. Motion unanimously approved with those in attendance (4-0).

There were no public comments.

Motion by Dennis Aldridge and second by Tim Phillips to go out of the Legislative Hearing regarding proposed changes to the Watershed Protection Ordinance at 5:27 p.m. Motion unanimously approved with those in attendance (4-0).

WHEREAS, the North Carolina Legislature has enacted Chapter 160D of the North Carolina General Statutes which pertains to Local Planning and Development Regulation; and

WHEREAS, as a result of the enactment of Chapter 160D of the North Carolina General Statutes certain changes are necessary to the Watershed Protection Ordinance for Avery County; and

WHEREAS, the Avery County Planning Board made a report to the Avery County Board of Commissioners on 24 May 2021 and recommended certain changes to the Watershed Protection Ordinance for Avery County; and
WHEREAS, the Avery County Board of Commissioners held a Legislative Public Hearing on 7 June 2021 to address the proposed changes; and

WHEREAS, Notice of Legislative Hearing of the Avery County Board of Commissioners was duly published prior to said Hearing; and

WHEREAS, the Watershed Protection Ordinance for Avery County was originally enacted in 1997; and

WHEREAS, after the Legislative Hearing on 7 June 2021 the Avery County Board of Commissioners made the below findings, and voted to adopt the proposed changes;

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Avery County, North Carolina, meeting in regular session on 7 June 2021, makes the following findings of fact: 1. That the Ordinance was originally enacted in 1997; 2. That the Avery Planning Board has recommended several changes to the Ordinance, as set forth on the Ordinance attached hereto. NOW, THEREFORE, BE IT RESOLVED that the changes set forth on the attached Ordinance are hereby adopted. And NOW, THEREFORE, BE IT FURTHER RESOLVED that the Watershed Protection Ordinance for Avery County is restated and amended to reflect the changes shown on the attached Ordinance and a copy of the Watershed Protection Ordinance for Avery County as Amended shall be recorded in the Office of the Register of Deeds for Avery County.

Motion by Tim Phillips and second by Dennis Aldridge to Adopt the Resolution regarding the proposed changes to the Watershed Protection Ordinance. Motion unanimously approved with those in attendance (4-0).

Subdivision Ordinance
Motion by Tim Phillips and second by Dennis Aldridge to go into a Legislative Hearing for the proposed changes to the Subdivision Ordinance at 5:30 p.m. Motion unanimously approved with those in attendance (4-0).

Ms. Poore stated that there were several changes required to the Subdivision Ordinance which was in the presentation by Mr. Hitchens. We are asking that the Board approve all those changes as set forth.

There were no public comments.

Wood Hall Young, Jr. asked if it would be up to the planning board to see that these are adhered to. Ms. Poore stated it would be up to the planning board and Tommy Burleson as the Ordinance Administrator.

Motion by Dennis Aldridge and second by Tim Phillips to go out of the Legislative Hearing regarding the proposed changes to the Subdivision Ordinance at 5:35 p.m. Motion unanimously approved with those in attendance (4-0).
WHEREAS, the North Carolina Legislature has enacted Chapter 160D of the North Carolina General Statutes which pertains to Local Planning and Development Regulation; and

WHEREAS, as a result of the enactment of Chapter 160D of the North Carolina General Statutes certain changes are necessary to the Avery County Subdivision Ordinance; and

WHEREAS, the Avery County Planning Board made a report to the Avery County Board of Commissioners on 24 May 2021 and recommended certain changes to the Avery County Subdivision Ordinance; and

WHEREAS, the Avery County Board of Commissioners held a Legislative Public Hearing on 7 June 2021 to address the proposed changes; and WHEREAS, Notice of Legislative Public Hearing of the Avery County Board of Commissioners was duly published prior to said Hearing; and

WHEREAS, the Avery County Subdivision Ordinance was originally enacted in 1993; and

WHEREAS, after the Legislative Public Hearing on 7 June 2021 the Avery County Board of Commissioners made the below findings, and voted to adopt the proposed changes;

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Avery County, North Carolina, meeting in regular session on 7 June 2021, makes the following findings of fact: 1. That the Ordinance was enacted in 1993 and several amendments have been approved by the Avery Board of Commissioners since that time; 2. That the Avery Planning Board has recommended several changes to the Ordinance, as set forth on the Ordinance attached hereto.

NOW, THEREFORE, BE IT RESOLVED that the changes set forth are hereby adopted. And NOW, THEREFORE, BE IT FURTHER RESOLVED that the Avery County Subdivision Ordinance is restated and amended to reflect the changes shown on the attached Ordinance and a copy of the Subdivision Ordinance for Avery County as Amended shall be recorded in the Office of the Register of Deeds for Avery County.

Motion by Tim Phillips and second by Wood Hall Young, Jr. to adopt the Resolution regarding the proposed changes to the Subdivision Ordinance. Motion unanimously approved with those in attendance (4-0).

Finance Officer Report – Caleb Hogan
Budget Amendment
The Department of Social Services has received an allocation of $17,529.73 from the state for pandemic LIEAP (Low Income Energy Assistance Program).
Motion by Wood Hall Young, Jr. and second by Dennis Aldridge to adopt the Budget Amendment for the LIEAP in the amount of $17,529.73 with a debit of $17,529.73 to LIEAP (106800.6095) and a credit of $17,529.73 to County Welfare (103634.0000). Motion unanimously approved with those in attendance (4-0).

Budget Amendment
The Avery County Board of Elections has received reimbursement from the State for supplies and labor used in the 2020 General Election in the amount of $30,057.28.

Motion by Dennis Aldridge and second by Tim Phillips to adopt the Budget Amendment for the Board of Elections in the amount of $30,057.28 with a debit of $20,257.45 to Wages-Poll Workers (104300.0240) and a debit of $9,799.83 to Cares Act (104300.3700) and a credit of $30,057.28 to Elections Revenue (103706.0000). Motion unanimously approved with those in attendance (4-0).

Budget Amendment
The Sheriff’s department has been awarded the Operation Pocket Change Grant in the amount of $2,500.00 to fund expenses related to the D.A.R.E. program.

Motion by Wood Hall Young, Jr. and second by Tim Phillips to adopt the Budget Amendment for the Sheriff’s department in the amount of $2,500.00 with a debit of $2,500.00 to DARE/Drug Prevention (105100.5100) and a credit of $2,500.00 to ACH-SRO Program (103506.0000). Motion unanimously approved with those in attendance (4-0).

Budget Amendment
The County of Avery has received lottery fund reimbursement in the amount of $350,000.00 to pay for the completion of the Crossnore School Roof Project.

Motion by Wood Hall Young, Jr. and second by Tim Phillips to adopt the Budget Amendment regarding lottery fund reimbursement in the amount of $350,000.00 with a debit of $350,000.00 to Avery County Schools Capital Outlay (107000.6115) and a credit of $350,000.00 to Proceeds from Lottery Funds (103820.0000). Motion unanimously approved with those in attendance (4-0).

Budget Amendment
The Avery County Department of Transportation has received $15,299.00 to provide reimbursement for the costs associated with offering transportation to citizens needing the COVID-19 vaccine.

Motion by Tim Phillips and second by Dennis Aldridge to adopt the Budget Amendment regarding Avery Transportation in the amount of $15,299.00 with a debit of $15,299.00 to CARES Act (106300.3700) and a credit of $15,299.00 to Transportation Revenue (103610.0000). Motion unanimously approved with those in attendance (4-0).
**Budget Amendment**
The County of Avery has received FEMA reimbursement for expenses related to pandemic response.

Motion by Wood Hall Young, Jr. and second by Tim Phillips to adopt the Budget Amendment regarding FEMA reimbursement in the amount of $46,309.83 with a debit of $46,309.83 to FEMA (105250.3304) and a credit of $46,309.83 to Emergency Management Revenue (103812.0000). Motion unanimously approved with those in attendance (4-0).

**Resolution to Establish and Maintain the Avery County American Rescue Plan Grant Fund**

WHEREAS, the Board finds that it may establish and maintain a Special Revenue Fund for grant projects pursuant to NCGS 159-26(b)(2); and

WHEREAS, the County of Avery desires to accept grant funds from the American Rescue Plan funds; and

WHEREAS, the Board of Commissioners find that it is necessary to establish a Special Reserve Fund for such grant funds; and

WHEREAS, the Board of Commissioners further finds that it is appropriate to allow the Finance Office and the County Manager to execute any reports, disbursement schedules, and other forms to facilitate the receipt and accounting of such funds;

NOW, THEREFORE, be it resolved as the Avery County Board of Commissioners meeting in regular session on the 7th day of June 2021 hereby establishes a Special Revenue Fund for the purposes of receiving funds from the American Rescue Plan and documenting and accounting for the same. Be it further RESOLVED that the County Manager and County Finance Officer are authorized to execute any reports, disbursement schedules, or other forms for the accounting of such funds.

Motion by Wood Hall Young, Jr. and second by Dennis Aldridge to adopt the Resolution to Establish and Maintain the Avery County American Rescue Plan Grant Fund. Motion unanimously approved with those in attendance (4-0).

**County Attorney Report – Michaelle Poore**
Ms. Poore reported that there has been a lot of work on the Managed Care Agreement with One-Call. This is the Medicaid Managed Care Provider. This agreement is now ready for approval by the Board.

Motion by Dennis Aldridge and second by Tim Phillips to approve the Medicaid Managed Care Provider Agreement. Motion unanimously approved with those in attendance (4-0).
There is another provider that we are negotiating with currently.

Ms. Poore also reported that the State has been negotiating a settlement in regards to the Opiod Litigation. There is a Memorandum of Agreement with the counties and the state so that the county will be eligible to receive a portion of the settlement proceeds. The Board would need to consider and vote on this.

Motion by Dennis Aldridge and second by Tim Phillips to adopt the Resolution regarding the Opiod Settlement agreement. Motion unanimously approved with those in attendance (4-0).

Agenda Consent Items
Adopted by Consensus excluding the Probation and Parole Lease.

Upcoming Meetings
The next meeting will be Monday, June 21, 2021 at 3:30 p.m.

Adjourn
Motion by Tim Phillips and second by Wood Hall Young, Jr. to adjourn this meeting at 5:55 p.m. Motion unanimously approved with those in attendance (4-0).

____________________________________
Martha Hicks, Chair
Avery County Board of Commissioners

ATTEST: _______________________
Cindy Turbyfill, Clerk