STATE OF NORTH CAROLINA  
COUNTY OF AVERY  

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

Members Absent: None

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

Proclamations and Awards  
Resolution Recognizing the State Championship 1A Avery County High School Wrestling Team  
   Whereas, the Avery County Board of Commissioners takes pride in recognizing the accomplishments of all athletic teams in Avery County; and

   Whereas, the Avery County High School Wrestling Team won the 2021-22 Dual-Team and Individual Team State Wrestling Championships in the 1A division; and

   Whereas, this is the third-year for state championships in wrestling for Avery County High School including 2019-20 Dual-Team and Individual Team State Championships, 2020-21 Individual Team State Championship and 2021-22 Dual-Team and Individual State Championships; and

   Whereas, the Avery County Board of Commissioners recognizes this great accomplishment; and

   Whereas, this brings statewide recognition and distinction to all of Avery County.

   Now Therefore, Be It Resolved that the Avery County Board of Commissioners hereby publicly recognizes and congratulates the Avery County High School Wrestling Team for winning the 2021-22 NCHSAA Dual-Team and Individual Team State Wrestling Championships in the 1A division.

Motion by Blake Vance and second by Wood Hall Young, Jr. to adopt the Resolution Recognizing the State Championship 1A Avery County High School Wrestling Team. Motion unanimously approved (5-0).
Public Comments
There were no public comments.

Subdivision Approval – The Villages at Eagles Nest Units 90 & 96 through 102
The Avery County Planning Board approved The Villages at Eagles Nest Units 90 & 96 through 102 on February 28, 2022. The Avery County Planning Department has inspected the site and all sedimentation and control practices are installed and the approved grading plan is being followed. The road widths and emergency vehicle turn-arounds meet the guidelines of the Avery County Subdivision Ordinance. The road grades have been certified that the road grades do not exceed 18 percent as required per said ordinance.

Motion by Wood Hall Young, Jr. and second by Tim Phillips to approve The Villages at Eagles Nest Units 90 & 96 through 102.

Resolution Designating Sheriff Danny Phillips
WHEREAS, Chapter 67 of the North Carolina General Statutes addresses Dogs; and
WHEREAS, the Avery County Board of Commissioners shall designate a person responsible for determining whether a dog is a “potentially dangerous dog” pursuant to NCGS 67-4.1; and
WHEREAS, Kevin Frye was previously designated by the Board as such responsible person; and
WHEREAS, Kevin Frye has since retired as Sheriff of Avery County and Danny Phillips has been appointed as Sheriff;
NOW, THEREFORE, BE IT RESOLVED, that pursuant to North Carolina General Statutes 67-4.1 the Avery County Board of County Commissioners hereby designates Danny Phillips as the person responsible for determining when a dog is a potential dangerous dog.

Motion by Tim Phillips and second by Blake Vance to adopt the Resolution Designating Sheriff Danny Phillips as the person responsible for determining when a dog is a potential dangerous dog. Motion unanimously approved (5-0).

Approval of Increase in Funds—High Country Community Block Grant – Philip Adams
An increase in funds through the High Country Community Block Grant has occurred through the legislation at the state level for the Avery Senior Center. This requires approval by the Board of Commissioners. The increase in allocation was $10,832.00.

Motion by Wood Hall Young, Jr. and second by Blake Vance to approve the increase in allocation from the High Country Community Block Grant for the Avery County Senior Center. Motion unanimously approved (5-0).
Tax Administrator Report – Bruce Daniels

Tax Collection Report

The Tax Collection Report for the month of February 2022 was $304,787.98.

Motion by Tim Phillips and second by Blake Vance to approve the Tax Collections Report for the month of February 2022 as presented. Motion unanimously approved (5-0).

Releases

The Releases for the month of February 2022 was $1,067.00

Motion by Blake Vance and second by Wood Hall Young, Jr. to approve the Releases for the month of February 2022 as presented. Motion unanimously approved (5-0).

Sales

There were 97 sales in the month of February. Revaluation figures are much closer to what the market values are. The state of North Carolina is a 100% market value state. There are no exceptions to this. The market value and the assessed value are intended to be 100% of each other.

Mr. Daniels explained that there is a book of laws called the Machinery Act that has to be followed in the revaluation process. We are not just sitting up there and looking at ways to do this; there are rules to be followed. There are 235 neighborhoods that has to be assessed county wide.

Resolution Board of Equalization and Review

WHEREAS, the Avery County Board of Commissioners, pursuant to N.C.G.S. §105-322, have determined to appoint a special Board of Equalization and Review for 2022; and

WHEREAS, the Board of Commissioners have determined that the qualifications for membership of the Board of Equalization and Review shall be that such individuals shall be owners of property located within Avery County, shall be eighteen years of age or more, shall be citizens and residents of Avery County, and that all shall take the oath of office as prescribed by N.C.G.S. § 105-322 and shall otherwise qualify as required by Article 21 of Chapter 105 of the North Carolina General Statutes.

BE IT FURTHER RESOLVED that membership of said special Board of Equalization and Review shall be determined by the solicitation of applications from qualified applicants for said Board of Equalization and Review, and that their term of office shall continue throughout the calendar year of 2022 as prescribed by N.C.G.S. §105-322, and for such extended times as therein provided, at the rate of ten dollars ($10.00) per hour.

BE IT THEREFORE RESOLVED that any vacancies which shall exist in the Board of Equalization and Review shall be filled by the then remaining members of the Board
by simple majority vote from a list of three names from the list of qualified applicants who are not selected for primary membership in the Board of Equalization and Review, said names to be provided to the remaining members of the Board of Equalization and Review by the County Tax Assessor.

**BE IT FURTHER RESOLVED** that any appeals any taxpayer may file before the Board of Equalization and Review shall have the right to appeal the decision of the Board of Equalization and Review to the Property Tax Commission of the Department of Revenue for the State of North Carolina.

Motion by Wood Hall Young, Jr. and second by Tim Phillips to adopt the Resolution to Appoint a Special Board of Equalization and Review. Motion unanimously approved (5-0).

**County Manager Updates – Phillip Barrier, Jr.**

**Economic Development Committee**
The Economic Development Committee will sponsor a “Finding, Keeping and Motivating Workers Workshop” on Thursday, June 9, 2022 at 11:00 a.m. at the Community Center at Heritage Park.

**Covid**
There were 78 positive cases this week. There were 441 positive cases for the month of February. There were 2098 people tested for Covid in the month of January.

**Broadband**
The Board had a workshop on Thursday regarding Broadband and the ARP funds. Unfortunately, the maps through the NC DIT says that Avery County is only 3.26% inadequate with internet.

**Needs Based Public School Capital Fund 2021 Grant Application**
The Needs-Based Public School Capital fund was established to assist counties with their critical public school building capital needs. Grant funds are available to eligible counties for construction of new school buildings and additions, repairs, and renovations of existing school facilities. There is 395 million dollars in the public school capital fund. Avery County is asking for $26,718,750.00. There needs to be board approval for the grant application.

Motion by Tim Phillips and second by Blake Vance to approve the Grant Application for the Needs Based Public School Capital Fund 2021 and authorize the chair to sign. Motion unanimously approved (5-0).

**Finance Officer Report – Caleb Hogan**

**Budget Amendment**
E911 NC DIT has notified the Department of Central Dispatch that the E911 fund will only cover maintenance for three primary CAD positions and not the five included in the maintenance agreement with Southern Software. There were also spare parts that
E911 will not cover in our maintenance agreement with Mobile Communications, and EMD cardset licenses that were not eligible E911 expenses. These ineligible expenses totaling $6,427.71 were for Fiscal Year 2020-2021 and will have to be paid back to the E911 fund.

Motion by Wood Hall Young, Jr. and second by Tim Phillips to adopt the Budget amendment in the amount of $6,427.71 with a debit of $6,427.71 to Transfer to E911 Fund (107000.6250); credit of $6,427.71 to Available for Appropriation (107000.6000); debit of $6,427.71 to E911 Fund Balance Appropriation (223990.0000); credit of $6,427.71 to Transfer –E911 System (223101.0000). Motion unanimously approved (5-0).

Budget Amendment
The Avery County Fire Commission is using fund balance to purchase two fire engines that were budgeted in previous years and never purchased. The county only allocates projected fire tax revenue as part of the annual budget ordinance. If the fire commission desires to spend in excess of this allotment by utilizing fund balance, then a budget amendment must be done to prevent a budget violation.

Motion by Dennis Aldridge and second by Wood Hall Young, Jr. to adopt the Budget Amendment in the amount of $900,000 with a debit of $900,000 to Fire Commission (206600.4012) and a credit of $900,000 to Fire Fund Balance— Appropriated (203990.0000). Motion unanimously approved (5-0).

Budget Amendment
The Department of EMS would like to send Samantha Knight, Community Paramedic, to a Mental Health First Aid Instructor training. This would allow Samantha to become an instructor and teach volunteers and staff of Freedom Life and others how to identify, understand, and respond to signs of mental health and substance use disorders. The class is $2200.00. We would need to do a budget amendment to EMS training line item since this had not been budgeted for in the current year budget.

Motion by Wood Hall Young, Jr. and second by Tim Phillips to adopt the Budget Amendment in the amount of $2,200.00 with a debit of $2,200.00 to Training (105300.1450) and a credit of $2,200.00 to Available for Appropriations (107000.6000). Motion unanimously approved (5-0).

Budget Amendment
The Solid Waste Department has received an insurance reimbursement for the 2008 East Trailer.

Motion by Blake Vance and second by Tim Phillips to adopt the Budget Amendment in the amount of $3,727.02 with a debit of $3,727.02 to Auto Supplies (105800.3100) and a credit of $3,727.02 to Insurance Reimbursements (103340.0000). Motion unanimously approved (5-0).
Approval of Minutes
Motion by Wood Hall Young, Jr. and second by Tim Phillips to approve the January 28, 2022 Special Meeting; February 7, 2022 Regular Meeting; and February 7, 2022 Closed Session. Motion unanimously approved (5-0).

Agenda Consent Items
Adopted by Consensus of the Board.

Recess
Chair Hicks called for a brief recess to wait for the County Attorney to arrive.

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

Memorandum of Understanding between Avery County and Avery County Board of Education
Michaelle Poore, County Attorney, advised that the Memorandum of Understanding gives the Board of Education all authority and supervision over the Avery County High School Stadium Project. I have spoken with the school board attorney and he had requested one additional line be added to the agreement but I do not see it would be anything that is different than what is already in the agreement. This follows the same model that the school board has on the high school project. The school board has complete authority over that project and supervision.

Wood Hall Young, Jr. stated that he did not see anywhere that it mentioned the total cost or where the money was coming from. Ms. Poore stated that there was no obligation from the county to pay for it. This would come out of the Board of Education’s budget.

Mr. Barrier stated that it was his understanding that the money is in place in capital to spend up to the $924,059 which is Option 2 of the bid. Dr. Brigman stated that was correct.

Wood Hall Young, Jr. questioned who would hold the liability in the event someone got hurt. Ms. Poore stated that in the agreement it would go to the Board of Education to the extent of the law.

Motion by Tim Phillips and second by Wood Hall Young, Jr. to adopt the Memorandum of Understanding between Avery County and the Avery County Board of Education. Motion unanimously approved (5-0).
Adjourn
Motion by Tim Phillips and second by Blake Vance to adjourn this meeting at 5:04 p.m. Motion unanimously approved (5-0).

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Martha Hicks, Chair
Avery County Board of Commissioners

ATTEST: ________________________________
Cindy Turbyfill, Clerk