

# Ashe County

*150 Government Circle  
Jefferson, NC 28640*



## Meeting Minutes - Draft

**Monday, December 4, 2017**

**8:30 AM**

**Commission Meeting Room**

### **County Commission**

*Chairman William Sands  
Vice Chair Paula Perry  
Commissioner Jeff Rose  
Commissioner Larry Rhodes*

**WORK SESSION - 8:30 AM**

*Chairman Sands called the Work Session to order at 8:30 a.m. at the Ashe County Courthouse.*

*Chairman Sands told the Board that Commissioner Gary Roark resigned his seat on the Board effective at midnight on November 30, 2017 after serving as a commissioner for seven years. Chairman Sands then read General Statute guidelines pertaining to filling a vacancy on the Board of Commissioners.*

*Since this is the first meeting in December, the election of chairman and vice chairman is on the agenda. Chairman Sands explained that since there are now four members on the Board, if there is a tie vote to fill the position of chairman, the current chair will continue until the fifth commissioner is voted in.*

*Chairman Sands then reviewed items on the agenda.*

*County Attorney John Kilby provided information on the request for a loan subordination. A citizen is requesting to borrow money from a lender that requires their deed of trust to be in first position. This will require the County to subordinate their deed of trust to second position. County Attorney Kilby sees no harm in the subordination and there will be no liability to the County on any condition.*

*County Attorney Kilby provided information regarding the scheduled Executive Session. Discussion will be held regarding recommendations made by counsel for the County. If the County decides to appeal the decision made by the Superior Court Judge, several actions will need to be made in Open Session.*

*No further comments were made and the Work Session was closed.*

**Present:** 4 - Commissioner Jeff Rose, Commissioner Larry Rhodes, Commissioner William Sands and Commissioner Paula Perry

**BUSINESS SESSION****I. 9:00 AM - Meeting Called to Order at the Ashe County Courthouse**

*Chairman Sands called the Regular Session to order at 9:00 a.m. at the Ashe County Courthouse.*

**Present:** 4 - Commissioner Jeff Rose, Commissioner Larry Rhodes, Commissioner William Sands and Commissioner Paula Perry

**II. Organizational Meeting - Election of Chairman & Vice Chairman**

*County Manager Sam Yearick opened the meeting and called for nominations for the position of chairman of the Board of Commissioners. Commissioner Rhodes made a motion to nominate Williams Sands to remain in the position of chairman. Commissioner Sands seconded the motion. The motion failed 2 - 0, with Commissioners Roark and Perry voting in opposition. County Manager Yearick called for additional nominations for the position of chairman. Commissioner Rose made a motion to nominate Commissioner Perry for the position of chairman. Commissioner Perry seconded the motion. The motion failed 2 - 0, with Commissioners Rhodes and Sands voting in opposition. County Manager Yearick asked if there were any other nominations. Commissioner Rhodes made a motion to close nominations. Commissioner Rose*

seconded the motion. The motion passed with unanimous approval.

County Attorney Kilby explained that with the current tie vote, the current chairman, William Sands, will remain in the position until a fifth board member is present to break the tie. The position of vice chairman will be voted on at the same time as the vote is taken for chairman.

### III. Pledge of Allegiance/Opening Prayer

Vice Chairman Perry led the Pledge of Allegiance and Commissioner Rhodes offered the opening prayer.

### IV. Approval of Minutes

#### MIN 17-48 Regular Session Minutes - November 6, 2017

Attachments: [12-04-17 November 6, 2017 Regular Session Minutes](#)

Commissioner Rose made a motion to approve the November 6, 2017 Regular Session minutes as written. Commissioner Rhodes seconded the motion. The motion passed with unanimous approval.

**Approved**

**For:** 4 - Commissioner Rose, Commissioner Rhodes, Commissioner Sands and Commissioner Perry

#### MIN 17-49 Regular Session Minutes - November 20, 2017

Attachments: [12-04-17 November 20, 2017 Regular Session Minutes](#)

Commissioner Rose made a motion to approve the November 20, 2017 Regular Session minutes as written. Commissioner Rhodes seconded the motion. The motion passed with unanimous approval.

**Approved**

**For:** 4 - Commissioner Rose, Commissioner Rhodes, Commissioner Sands and Commissioner Perry

#### MIN 17-50 Executive Session Minutes - November 20, 2017

Commissioner Rose made a motion to approve the November 20, 2017 Executive Session minutes as written. Commissioner Rhodes seconded the motion. The motion passed with unanimous approval.

**Approved**

**For:** 4 - Commissioner Rose, Commissioner Rhodes, Commissioner Sands and Commissioner Perry

### V. Adoption of Agenda

No changes were made to the agenda. Commissioner Rhodes made a motion to adopt the agenda as presented. Commissioner Rose seconded the motion. The motion passed with unanimous approval.

**Adopted**

For: 4 - Commissioner Rose, Commissioner Rhodes, Commissioner Sands and Commissioner Perry

## VI. Public Comment

*Chairman Sands opened the floor for public comment.*

*Donald Nelson spoke regarding events that have happened in County government within the last year, specifically the recent resignation of Commissioner Gary Roark, Sheriff Buchanan's appointment to office, and events that have taken place since that time. Mr. Nelson stated that he believes inappropriate decisions have been made and that the Board should get better advice before making decisions.*

*Rose Price spoke about standing for your rights. She stated that people make good and bad choices and that there are resulting consequences for each. She is concerned for the effect the conflict is having on children in the County. Ms. Price would like to see the Board of Commissioners united and working together.*

*Larry Ward thanked the two commissioners that reached out to him for input regarding the resignation of Commissioner Roark. He made a request for the Republican Executive Committee to be allowed to provide input on a replacement. He asked the Board to give the committee time to provide input. He also spoke to comments made by Rose Price. He stated that costs are sometimes too high for decisions made. Mr. Ward stated appreciation for the service that Board members provide. He also thanked County Manager Sam Yearick and Animal Control Director Joe Testerman.*

*No further comment was offered.*

## VII. Presentations

PRES  
17-114

9:10 AM - Animal Control Director Joe Testerman - Request for Approval to Spend Grant Monies

Attachments: [12-04-17 Animal Control Request to Spend Grant Monies](#)

*Animal Control Director Joe Testerman made a request for approval to spend grant monies from donations received. The request is to use the money to purchase laptops for animal control trucks. This would allow access to records in real time and give them the ability to input information on site. Commissioner Rose made a motion to approve the purchase of laptops for animal control trucks from funds donated to the Animal Control Department. Vice Chairman Perry seconded the motion. The motion passed with unanimous approval.*

BUDGET AMENDMENT  
December 4, 2017

General Fund:

*To increase the department of Animal Control budgeted expenditures from \$265,882 to \$279,072; this increase will be made with an appropriation of \$13,190 from unexpended/unencumbered animal control donations and grants in the general fund - fund balance.*

**Approved**



For: 4 - Commissioner Rose, Commissioner Rhodes, Commissioner Sands and Commissioner Perry

PRES  
17-115

9:20 AM - Emergency Management Coordinator Patty Gambill -  
FY2017/18 Emergency Operations Plan Request for Approval

Attachments: [12-04-17 Emergency Operations Plan FY2017-18 Approval](#)

*Emergency Management Coordinator Patty Gambill presented the FY2017/18 Emergency Operations Plan for annual approval by the Board. Commissioner Rhodes made a motion to approve the FY2017/18 Emergency Operations Plan as presented. Commissioner Rose seconded the motion. The motion passed with unanimous approval.*  
**Approved**

For: 4 - Commissioner Rose, Commissioner Rhodes, Commissioner Sands and Commissioner Perry

PRES  
17-116

9:30 AM - County Manager Sam Yearick - Approval of Subordination Request

*County Attorney John Kilby provided an explanation of the request for the Community Development Block Grant (CDBG) loan subordination. CDBG loans are used to upgrade water and septic systems for low income residents. The loan in question was initiated approximately three years ago and loan requirements have been fully complied with. The citizen is requesting to borrow money and the lender will loan the funds if the County will subordinate the deed of trust for the CDBG loan. The lender's deed of trust will move to first position thus moving the County's deed of trust to second position. Attorney Kilby explained that the County has never had to foreclose on a loan of this nature. Many times the County takes the second position at the beginning of the loan. Also the County has no obligation to the lender. Commissioner Rhodes made a motion to approve the request for a loan subordination. Commissioner Rose seconded the motion. The motion passed with unanimous approval.*

**Approved**

For: 4 - Commissioner Rose, Commissioner Rhodes, Commissioner Sands and Commissioner Perry

## Appointments

APP 17-16

Appointment to the Ashe County Library Board - Laura Bowers & Regional Library Board - Doug Butler

Attachments: [12-04-17 Library Board Appointment - Laura Bowers](#)  
[12-04-17 Regional Library Board Appointment - Doug Butler](#)

*Commissioner Rhodes made a motion to appoint Laura Bowers to the Library Board and to appoint Doug Butler to the Regional Library Board. Commissioner Rose seconded the motion. The motion passed with unanimous approval.*

**Appointment(s) Approved**

For: 4 - Commissioner Rose, Commissioner Rhodes, Commissioner Sands and Commissioner Perry

APP 17-17

Appointment to the Local Emergency Planning Committee (LEPC) - Adam

Orr & Ethan Osborne

**Attachments:** [12-04-17 LEPC Appointments-Ethan Osborne & Adam Orr](#)

*Commissioner Rhodes made a motion to appoint Adam Orr and Ethan Osborne to the Local Emergency Planning Committee. Commissioner Rose seconded the motion. The motion passed with unanimous approval.*

**Appointment(s) Approved**

**For:** 4 - Commissioner Rose, Commissioner Rhodes, Commissioner Sands and Commissioner Perry

### **Other Items for Consideration**

[MISC 17-31](#) North Carolina Association of County Commissioners (NCACC) Monthly Video Update

### **VIII. Commissioner Comments**

### **IX. Announcements**

### **X. Executive Session**

[ES 17-19](#) Executive Session - G.S. 143-318.11 (a) (3) - Legal Issues (Appalachian Materials Lawsuit)

**Attachments:** [12-04-17 Appalachian Materials-Resolution Directing Appeal & Pursuit of Stay](#)

*Commissioner Rhodes made a motion for the Board to enter into Executive Session under G.S. 143-318.11 (a) (3) to discuss legal issues regarding the Appalachian Materials lawsuit. Commissioner Rose seconded the motion. The motion passed with unanimous approval. Chairman Sands declared the Board into Executive Session at 9:35 a.m. and out of Executive Session at 10:03 a.m. The following action was taken: Planning Director Adam Stumb read the attached resolution. Commissioner Rhodes made a motion to adopt the resolution as presented. Vice Chairman Perry seconded the motion. The motion passed with unanimous approval.*

**Approved**

**For:** 4 - Commissioner Rose, Commissioner Rhodes, Commissioner Sands and Commissioner Perry

### **XI. Adjournment**

*Commissioner Rhodes made a motion to adjourn the meeting at 10:10 a.m. Commissioner Rose seconded the motion. The motion passed with unanimous approval.*

**Approved**

**For:** 4 - Commissioner Rose, Commissioner Rhodes, Commissioner Sands and Commissioner Perry

Citizens with disabilities requiring special needs to access the services or public meetings of Ashe County Government should contact the County Manager's Office three days prior to the meeting by calling (336) 846-5501.

---

**William Sands, Chairman**

---

**Ann J. Clark, MMC, NCCCC**  
**Clerk to the Board**