

# **Ashe County**

*150 Government Circle  
Jefferson, NC 28640*



## **Meeting Minutes - Draft**

**Monday, October 3, 2016**

**9:00 AM**

**Commission Meeting Room**

### **County Commission**

*Chairperson Jeff Rose  
Vice Chairman Gary Roark  
Commissioner Brien Richardson  
Commissioner Larry Rhodes  
Commissioner William Sands*

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

*Chairman Rose called the meeting of the Ashe County Board of Commissioners to order at 9:00 a.m. in the commissioners' meeting room at the Ashe County Courthouse.*

**Present:** 5 - Chairperson Jeff Rose, Commissioner Larry Rhodes, Commissioner William Sands, Vice Chairman Gary Roark and Commissioner Brien Richardson

**II. Pledge of Allegiance/Opening Prayer**

*Commissioner Sands led the Pledge of Allegiance and Commissioner Rhodes offered the opening prayer.*

**III. Approval of Minutes**

[MIN 16-025](#) September 19, 2016 Regular Session Minutes

**Attachments:** [10-03-16 September 19, 2016 Regular Session Minutes](#)

*Vice Chairman Roark made a motion to approve the September 19, 2016 Regular Session Minutes as written. Chairman Rose seconded the motion. The motion passed with unanimous approval.*

**Approved**

**For:** 5 - Chairperson Rose, Commissioner Rhodes, Commissioner Sands, Vice Chairman Roark and Commissioner Richardson

**IV. Adoption of Agenda**

*Commissioner Rhodes made a motion to adopt the agenda with the addition of a proclamation recognizing Fire Prevention Week. Commissioner Sands seconded the motion. The motion passed with unanimous approval.*

**Adopted**

**For:** 5 - Chairperson Rose, Commissioner Rhodes, Commissioner Sands, Vice Chairman Roark and Commissioner Richardson

**V. Presentations**

[PRES](#)  
[16-090](#)

Extension Director Carolyn Shepherd - Departmental Update

*Extension Director Carolyn Shepherd introduced Sam Shumate who is the Extension Advisory Board Chair. Mr. Shumate offered opening remarks prior to a PowerPoint presentation that highlighted programs offered through Cooperative Extension.*

PRES  
16-091

## Charters of Freedom Monument Project

**Attachments:** [10-03-16 Charters of Freedom Monument Project](#)

*Foundation Forward, Inc. is a non-profit education organization that provides access to the Charters of Freedom by building monuments displaying the documents that founded our nation. Perry Snyder, representing Foundation Forward, Inc., told the Board that the documents include the Declaration of Independence, the US Constitution, and the Bill of Rights. When the founder of this organization visited the National Archives in Washington, he was impacted when he saw the original documents and decided to form this organization. The Charters of Freedom are a gift and no funding from the County is required. The County will need to supply a location along with any necessary grading and moving of power lines. After a period of questions from the commissioners, Chairman Rose made a motion to approve the Charters of Freedom Monument Project in Ashe County. Vice Chairman Roark seconded the motion. The motion passed with unanimous approval.*

**Approved**

**For:** 5 - Chairperson Rose, Commissioner Rhodes, Commissioner Sands, Vice Chairman Roark and Commissioner Richardson

PRES  
16-094

## County Manager Sam Yearick - Offer to Purchase Surplus Property

**Attachments:** [10-03-16 Surplus Property Offer](#)

*County Manager Sam Yearick explained an offer to purchase surplus property in the Beaver Creek Industrial Park. The first property is 1.175 acres and is property with a steep bank that will not be usable to anyone but the adjoining property owner who has made the offer. Commissioner Rhodes made a motion to utilize the upset bid process for surplus property for the 1.175 acre property in the Beaver Creek Industrial Park. Chairman Rose seconded the motion. The motion passed with unanimous approval.*

*County Manager Yearick told the Board that the second piece of property contains 5.1 acres and an offer has been placed on the property in the amount of \$12,500. The piece of property is not level and 3 of the 5 acres is in the floodplain. Commissioner Rhodes stated concern regarding the need to close Brooklane Road on the property. Commissioner Sands questioned if the property could be used for the fire training facility. The county manager answered that no, it could not be utilized for that purpose. Commissioner Rhodes requested that a vote be delayed until the October 17, 2016 meeting of the Board to allow time to research the closing of Brooklane Road. The Board was in agreement.*

**Approved**

**For:** 5 - Chairperson Rose, Commissioner Rhodes, Commissioner Sands, Vice Chairman Roark and Commissioner Richardson



**PRES**                      National Fire Safety Week Proclamation  
**16-096**

**Attachments:**    10-03-16 Fire Safety Week Proclamation

*Commissioner Rhodes made a motion to adopt the National Fire Safety Week Proclamation as written. Chairman Rose seconded the motion. The motion passed with unanimous approval.*

**Adopted**

**For:**    5 -    Chairperson Rose, Commissioner Rhodes, Commissioner Sands, Vice Chairman Roark and Commissioner Richardson

**PRES**                      County Manager Sam Yearick - Fire Training Facility Lease Approval  
**16-095**

**Attachments:**    [10-03-16 Fire Training Facility Lease Approval](#)

*County Manager Sam Yearick told the Board that the Ashe County Fire Association is proceeding with a loan application with the USDA for the fire training center. The USDA requires that the Fire Association have a lease with the County for the property that the County is providing for the fire training facility. The request is for the commissioners to approve County staff to draft a 45-year lease with the Fire Association at \$1 per year with the usual terms as required by the County for a non-profit entity. The lease will meet the USDA requirement for the Fire Association to have control of the property for the length of the loan, 40 years, including a 5-year buffer. Commissioner Rhodes made a motion to approve the request for County staff to draw up a lease meeting USDA requirements for the Ashe County Fire Association's loan for the fire training facility. Chairman Rose seconded the motion. The motion passed with unanimous approval.*

**Approved**

**For:**    5 -    Chairperson Rose, Commissioner Rhodes, Commissioner Sands, Vice Chairman Roark and Commissioner Richardson

**PRES**                      Planning Director Adam Stumb - ESRI and Leica Geosystems Smart  
**16-092**                      Communities Innovation Challenge Application Approval

**Attachments:**    [10-03-16 Smart Communities Innovation Challenge](#)

*Planning Director Adam Stumb explained the ESRI and Leica Geosystems Smart Communities Innovation Challenge and asked for approval for County staff to prepare an application. The project is called a challenge, not a grant, and will award a government agency with a software package, training, and GPS hardware. If Ashe County is awarded the challenge, it would be used to boost the Ashe County GIS data system.*

*Commissioner Rhodes made a motion to approve the request to submit an application for the Smart Communities Innovation Challenge. Vice Chairman Roark seconded the motion. The motion passed with unanimous approval.*

**Approved**

**For:**    5 -    Chairperson Rose, Commissioner Rhodes, Commissioner Sands, Vice Chairman Roark and Commissioner Richardson

PRES  
16-093

## Planning Director Adam Stumb - Public Hearing - High Impact Land Use Ordinance

Attachments: [10-03-16 Public Hearing - High Impact Land Use Ordinance](#)

*Planning Director Adam Stumb made opening comments regarding the proposed High Impact Land Use Ordinance. Planning Board Chair Gene Hafer addressed what the Planning Board believes is needed regarding two classifications for high impact industries. After discussion by the Board regarding the two classifications, Commissioner Rhodes made a motion to amend the ordinance to include two classifications of high impact industries. Chairman Rose seconded the motion. The motion passed with unanimous approval. Chairman Rose then opened the Public Hearing at 10:28 a.m. The following citizens addressed the Board.*

*Michael Bell thanked the Planning Board and Board of Commissioners for the time and serious consideration taken on the High Impact Land Use Ordinance to protect the health and well being of the citizens of Ashe County.*

*Gary Wilcox who owns property near Todd General Store stated support of the High Impact Land Use Ordinance. He has a neighbor that is attempting to move a sawmill in the community within several hundred feet of homes. Mr. Wilcox considers the sawmill a threat to the value of surrounding properties. He believes there needs to be a balance to where a high impact business is located.*

*Joe Duvall encouraged the commissioners to approve the ordinance and to fully enforce the ordinance. He inherited a house in East Mill Creek and is concerned that a sawmill may be set up within 150 feet of his house. Mr. Duvall believes the sawmill will affect the values of surrounding properties. He requested the commissioners approve the ordinance and fully implement the provisions in the ordinance.*

*Pat Considine, on behalf of the Protect our Fresh Air Campaign, thanked the commissioners for developing an ordinance to protect the air, water, land and health of families in Ashe County.*

*Wesley Dennis asked for clarifications of setbacks in the ordinance. Planning Board Chair Gene Hafer provided the requested explanation. Mr. Dennis told the Board about an explosion in 2013 of a Blue Rhino propane plant. He commended the Planning Board for their work on the ordinance, but believes increased setbacks are needed where there is a possibility for explosions.*

*Nancy Shannon asked the Board to support the ordinance to protect our children and grandchildren for the future.*

*With no further comments being made, Chairman Rose closed the Public Hearing at 10:45 a.m. Commissioner Rhodes made a motion to approve Ordinance Chapter 166; High Impact Land Use Ordinance with the amendment to include two classifications of high impact industries. Chairman Rose seconded the motion. The motion passed with unanimous approval. Chairman Rose made a motion to repeal Ordinance Chapter 159: Polluting Industries Ordinance and to cancel the Polluting Industries Ordinance Moratorium. Commissioner Rhodes seconded the motion. The motion passed with unanimous approval.*

**Approved**



For: 5 - Chairperson Rose, Commissioner Rhodes, Commissioner Sands, Vice Chairman Roark and Commissioner Richardson

## VI. Public Comment

*Chairman Rose opened the floor for Public Comment. No comment was offered.*

## GENERAL SESSION

### Appointments

**APP 16-016** Local Emergency Planning Committee Reappointments of James Williams, Jennifer Schroeder & Appointment of Tracie McMillan

**Attachments:** [10-03-16 LEPC Reappts - James Williams, Jennifer Schroeder; Appts - Tracie McMillan](#)

*Chairman Rose made a motion to table a vote on the Local Emergency Planning Committee appointments until the October 17, 2016 meeting of the Board. Commissioner Richardson seconded the motion. The motion passed with unanimous approval.*

**Tabled**

For: 5 - Chairperson Rose, Commissioner Rhodes, Commissioner Sands, Vice Chairman Roark and Commissioner Richardson

**APP 16-017** West Jefferson Extra-territorial Jurisdiction (ETJ) Reappointments - Delmer Roten & Shawn Horton

**Attachments:** [10-03-16 WJETJ Reappointments - Delmer Roten, Shawn Horton](#)

*Vice Chairman Roark made a motion to reappoint Delmer Roten and Shawn Horton to the West Jefferson ETJ Board. Chairman Rose seconded the motion. The motion passed with unanimous approval.*

**Appointment(s) Approved**

For: 5 - Chairperson Rose, Commissioner Rhodes, Commissioner Sands, Vice Chairman Roark and Commissioner Richardson

### Other Items for Consideration

**MISC 16-022** Road Petition for the Addition of Wallace Lane to the State Road System

**Attachments:** [10-03-16 Road Petition - Wallace Lane](#)

*Vice Chairman Roark made a motion to approve the road petition for the addition of Wallace Lane to the State Road System and to forward the petition to the North Wilkesboro Department of Transportation Office. Chairman Rose seconded the motion. The motion passed with unanimous approval.*

**Approved**

For: 5 - Chairperson Rose, Commissioner Rhodes, Commissioner Sands, Vice Chairman Roark and Commissioner Richardson

**VII. Commissioner Comments****VIII. Announcements****IX. Executive Session****ES 16-005**      **G.S. 143-318.11 (a)(6) - Personnel Issues**

*Vice Chairman Roark made a motion to enter into Executive Session under G.S. 143-318.11 (a) (6) to discuss personnel issues. Commissioner Rhodes seconded the motion and the motion passed with unanimous approval. Chairman Rose declared the Board into Executive Session at 10:55 a.m. and out of Executive Session at 11:33 a.m. Chairman Rose made a motion to amend the county manager's employment agreement beginning November 1, 2016 as follows: to amend #8 in the employment agreement to remove the County provided vehicle and replace it with a \$600 per month car allowance to be added to County Manager Sam Yearick's salary; to amend #4 in the employment agreement to increase the severance package from one year to two years of his then paid salary, plus insurance coverage and all other accrued benefits to which he is otherwise entitled; and to amend #4 to increase Sam Yearick's employment contract an additional two years. In addition, County Manager Yearick's salary will be renegotiated during budget work sessions. Commissioner Richardson seconded the motion. The motion passed 3 to 2, with Commissioners Sands and Rhodes voting against the motion.*

**Approved**

**For:** 3 - Chairperson Rose, Vice Chairman Roark and Commissioner Richardson

**Against:** 2 - Commissioner Rhodes and Commissioner Sands

**X. Adjournment**

*Commissioner Rhodes made a motion to adjourn the meeting at 11:33 a.m. Chairman Rose seconded the motion. The motion passed with unanimous approval.*

**Approved**

**For:** 5 - Chairperson Rose, Commissioner Rhodes, Commissioner Sands, Vice Chairman Roark and Commissioner Richardson

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**Jeff Rose, Chairman**

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