

Ashe County

*150 Government Circle
Jefferson, NC 28640*



Meeting Minutes - Draft

Monday, July 17, 2017

9:00 AM

Commission Meeting Room

County Commission

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

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

Chairman Sands 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 - Commissioner Jeff Rose, Commissioner Larry Rhodes, Commissioner William Sands, Commissioner Gary Roark and Commissioner Paula Perry

II. Pledge of Allegiance/Opening Prayer

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

Approved

For: 5 - Commissioner Rose, Commissioner Rhodes, Commissioner Sands, Commissioner Roark and Commissioner Perry

III. Approval of Minutes**MIN 17-30** July 3, 2017 Regular Session Minutes

Attachments: [07-17-17 July 3, 2017 Regular Session Minutes](#)

Commissioner Rhodes stated that Commissioner Rose made the motion resulting from Executive Session action. Commissioner Rose made a motion to approve the July 3, 2017 Regular Session Minutes with the amendment as requested by Commissioner Rhodes. Commissioner Rhodes seconded the motion. The motion passed with unanimous approval.

Approved as Amended

For: 5 - Commissioner Rose, Commissioner Rhodes, Commissioner Sands, Commissioner Roark and Commissioner Perry

MIN 17-31 July 3, 2017 Executive Session Minutes

Commissioner Rose made a motion to approve the July 3, 2017 Executive Session Minutes as written. Commissioner Rhodes seconded the motion. The motion passed with unanimous approval.

Approved

For: 5 - Commissioner Rose, Commissioner Rhodes, Commissioner Sands, Commissioner Roark and Commissioner Perry

IV. Adoption of Agenda

Commissioner Rhodes made a motion to adopt the agenda with the deletion of PRES 17-79 Dr. Jeff Cox and Chris Robinson with Wilkes Community College. Vice Chairman Perry seconded the motion. The motion passed with unanimous approval.

Adopted

For: 5 - Commissioner Rose, Commissioner Rhodes, Commissioner Sands, Commissioner Roark and Commissioner Perry

V. Public Comment

Chairman Sands opened the floor for Public Comment.

Donald Nelson spoke to the Board stating concern for what he referred to as a "bottleneck" on a response to his requests for public records. He has placed two Public Records Requests that have not been completed. Mr. Nelson asked the commissioners and the county manager to address the problem. He referenced the importance of the public placing requests for public records. In addition, he explained to the Board guidelines set forth by the Attorney General and the State regarding compliance by local governments in responding to the requests. Mr. Nelson made a plea to receive the information in a timely fashion and stated that he does not believe his requests should take third place behind a high-priced lawyer's request.

No further comment was offered.

VI. Presentations

[PRES 17-76](#) 9:05 AM - Zak Ammar, CEO of Vixster, LLC - Application for Solid Waste Franchise

Zak Ammar, CEO of Vixster, LLC, told the Board that his company provides rural trash and recycling collection for citizens in the High Country. He is interested in expanding his business into Ashe County. Commissioner Rhodes asked if there are specific areas in the County that he is interested in. Mr. Ammar answered that he would like to operate the same as he operates in Watauga County which is within any area outside of the city limits. Commissioner Rhodes questioned if a base rate has been established. Mr. Ammar answered that he has not set a base rate because there is a fee at the landfill for residential garbage taken across the scale and he will need to take that fee into consideration when setting the rate. Mr. Ammar uses independent haulers assigned to different areas of the County. The trucks used will be marked as required by the Ashe County Solid Waste Ordinance. Chairman Sands asked what counties Vixster, LLC operates in. Mr. Ammar answered that the business operates in Watauga County and a small part of Avery County. Mr. Ammar questioned why the hauler has to pay a fee when they take garbage to the landfill. Environmental Services Director Scott Hurley explained the process in Ashe County and the option for anyone that pays a company to haul their trash to receive a refund of the Solid Waste Disposal Fee that is paid by each household annually on their property tax bill. Commissioner Roark questioned if it would be simpler to waive the landfill dumping fee for franchised haulers. Mr. Hurley answered that there would be a problem if the customer is a commercial business. Mr. Ammar explained that in Watauga County he provides a list to the County of all of his customers that are commercial. Commissioner Rhodes stated that the problem is with control. The Board has discussed the issue before and did not come up with a good way to handle the issue. Mr. Ammar told the Board that he could provide a customer list on a quarterly basis and he could operate exclusively residential if it is a concern. There were no further questions. The franchise request is required by law to be heard at two meetings of the Board. Therefore, this will be placed on the August 7, 2017 agenda for consideration by the Board.

[PRES 17-77](#) 9:15 AM - Tax Administrator Chris Lambert - Monthly Tax Report

[Attachments:](#) [07-17-17 Monthly Tax Report](#)

Tax Administrator Chris Lambert presented the Monthly Tax Report (Non-Vehicle by

Release) for June 2017 in the amount of \$48,068.93 and the Collection Reports for June 2017. Commissioner Rhodes made a motion to approve the Tax Report as presented. Commissioner Rose seconded the motion. The motion passed with unanimous approval. Tax Administrator Lambert also provided a departmental update.

Approved

For: 5 - Commissioner Rose, Commissioner Rhodes, Commissioner Sands, Commissioner Roark and Commissioner Perry

PRES 17-78 9:20 AM - County Manager Sam Yearick - Request for Approval to Permit LifeStore Bank to Place a Deed of Trust Against the Fire Training Facility Property

Attachments: [07-17-17 Fire Training Facility-LifeStore Bank Deed of Trust Request](#)

County Manager Sam Yearick requested the Board to allow LifeStore Bank to place a deed of trust against the fire training facility property which is located in the Beaver Creek Industrial Park. The USDA will be handling the long term financing of the facility, but the construction financing will be handled by LifeStore Bank. The bank is requesting the approval to place a lien against the property to secure the debt during the construction phase for the facility. LifeStore Bank will release the lien when construction of the facility is complete. Commissioner Rose made a motion to approve the property lien request for financing of the construction for the fire training facility. Vice Chairman Perry seconded the motion. The motion passed with unanimous approval.

Approved

For: 5 - Commissioner Rose, Commissioner Rhodes, Commissioner Sands, Commissioner Roark and Commissioner Perry

PRES 17-79 9:25 AM - Dr. Jeff Cox and Chris Robinson with Wilkes Community College - Expansion Update

This item was deleted from the agenda.

GENERAL SESSION

VII. Commissioner Comments

VIII. Announcements

IX. Executive Session

ES 17-13 Executive Session - G.S. 143-318.11 (a)(3) - Legal Issues (Tommy Combs Lawsuit)

Commissioner Roark made a motion to enter into Executive Session as provided for by G.S. 143-318.11 (a)(3) to discuss Legal Issues surrounding the Combs lawsuit. Commissioner Rose seconded the motion. The motion passed with unanimous approval. Chairman Sands declared the Board into Executive Session at approximately 9:25 a.m. and out of Executive Session at 9:56 a.m., with no action taken.

Approved

For: 5 - Commissioner Rose, Commissioner Rhodes, Commissioner Sands, Commissioner Roark and Commissioner Perry

X. Adjournment

Commissioner Rhodes made a motion to adjourn the meeting at approximately 10:00 a.m. Commissioner Rose seconded the motion. The motion passed with unanimous approval.

Approved

For: 5 - Commissioner Rose, Commissioner Rhodes, Commissioner Sands, Commissioner Roark 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