

Ashe County

*150 Government Circle
Jefferson, NC 28640*



Meeting Minutes - Draft

Monday, February 19, 2018

9:00 AM

Commission Meeting Room

County Commission

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

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

Chairman Sands called the Regular 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 Paula Perry and Commissioner Todd McNeill

II. Pledge of Allegiance/Opening Prayer

Commissioner McNeill led the Pledge of Allegiance and Commissioner Perry offered the opening prayer.

III. Approval of Minutes**MIN 18-58** February 5, 2018 Regular Session Minutes

Attachments: [02-19-18 February 5, 2018 Regular Session Minutes](#)

Commissioner Rose made a motion to approve the February 5, 2018 Regular Session minutes as written. Commissioner Perry seconded the motion. The motion passed with unanimous approval.

Approved

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

MIN 18-59 February 5, 2018 Executive Session Minutes

Commissioner Rose made a motion to approve the February 5, 2018 Executive Session minutes as written. Commissioner Perry seconded the motion. The motion passed with unanimous approval.

Approved

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

MIN 18-60 February 8, 2018 Special Session Minutes

Attachments: [02-19-18 February 8, 2018 Special Session Minutes](#)

Commissioner Rose made a motion to approve the February 8, 2018 Special Session minutes as written. Commissioner Perry seconded the motion. The motion passed with unanimous approval.

Approved

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

MIN 18-61 February 8, 2018 Executive Session Minutes

Commissioner Rose made a motion to approve the February 8, 2018 Executive Session

minutes as written. Commissioner Perry seconded the motion. The motion passed with unanimous approval.

Approved

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

IV. Adoption of Agenda

Commissioner Rose made a motion for "MISC 18-37-Discussion Regarding Payment of Legal Fees for County Employees" to also include payment of legal fees for Commissioner Rose and County Manager Yearick. Commissioner Perry seconded the motion. The motion failed 2 - 3, with Commissioners Rhodes, Sands and McNeill voting in opposition. Vice Chairman Rhodes made a motion to adopt the agenda as presented. Commissioner McNeill seconded the motion. The motion passed 3 - 2, with Commissioner Perry and Rose voting in opposition.

Adopted

For: 3 - Commissioner Rhodes, Commissioner Sands and Commissioner McNeill

Against: 2 - Commissioner Rose and Commissioner Perry

V. Public Comment

Chairman Sands opened the floor for Public Comment.

Rose Price spoke regarding recent changes at the Sheriff's Office. She believes that all citizens need to be represented by the commissioners. She asked the Board if Mr. Boyles presented the Board with all of the receipts showing proof of monies he spent on K9 Nyla Jean. She added that the Board needs to be held accountable for monies spent. Ms. Price also stated that the County receives over \$2 million per year in revenues from the Solid Waste Disposal Fee for the landfill.

No further comment was offered.

VI. Presentations

PRES
18-148

9:05 AM - Tax Administrator Chris Lambert - 1) Monthly Tax Report, 2) Approval of Dates for 2018 Board of Equalization & Review, 3) Approval to Advertise Tax Liens on Real Property in April 2018, 4) Approval of Policy on Sale of Surplus Property Obtained through Tax Foreclosure, and 5) Approval of Resolution on Minimal Tax Collection and Refund

Attachments: [02-19-18 Tax Administration Issues for Approval](#)

1) Tax Administrator Chris Lambert presented the Tax Report for January 2018. Vice Chairman Rhodes made a motion to approve the report as presented. Commissioner Rose seconded the motion. The motion passed with unanimous approval.

2) Tax Administrator Lambert requested approval of April 2, 2018 at 1:00 p.m. as the date to convene and April 16, 2018 at 4:00 p.m. as the adjournment date for the 2018 Board of Equalization and Review. Vice Chairman Rhodes made a motion to set the Board of Equalization and Review dates as presented. Commissioner Rose seconded the motion. The motion passed with unanimous approval.

3) The tax administrator requested approval to advertise tax liens on real property during April 2018. Vice Chairman Rhodes made a motion to approve April 2018 as the month to advertise real property tax liens. Commissioner Rose seconded the motion. The motion passed with unanimous approval.

4) Tax Administrator Chris Lambert requested approval of a policy for the sale of surplus property obtained through tax foreclosure. Vice Chairman Rhodes made a motion to approve the policy as presented. Chairman Sands seconded the motion. The motion passed with unanimous approval.

5) Tax Administrator Lambert submitted a resolution on minimal tax collection and refund for approval by the Board. Vice Chairman Rhodes made a motion to approve the resolution as read. Commissioner Rose seconded the motion. The motion passed with unanimous approval.

Approved

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

PRES
18-150

9:15 AM - Building Inspector Jonathan Stansberry - Departmental Update

Attachments: [02-19-18 Building Inspections Departmental Update](#)

Inspector Jonathan Stansberry presented a departmental update for the Building Inspections Department. He told the Board that 356 building permits were issued in 2017 and 95 permits issued for new homes, the most permits for new homes issued since 2009. In 2017 a total of 1,121 permits were issued. Mr. Stansberry told the Board that they continue to offer next day inspections. Chairman Sands spoke about the need for an additional inspector in the department and Mr. Stansberry explained the time required to achieve the different levels of certification required by the State for building inspectors.

PRES
18-151

9:25 AM - Justin Rice, Field Director, Marsy's Law for NC - Proclamation in Support of Marsy's Law

Attachments: [02-19-18 Marsy's Law Proclamation](#)

Justin Rice, field director for Marsy's Law for North Carolina, presented a proclamation in support of Marsy's Law. He explained Marsy's Law and what it will do for victims of crime in North Carolina. North Carolina is one of 15 states that does not have rights for crime victims in their constitution. Passage of Marsy's Law will cause it to be placed into the North Carolina Constitution. Mr. Rice told the Board that the House has passed the bill and the Senate is expected to vote on it in May. Marsy's Law will then be placed on the November ballot for citizens to vote on. Polls show that 80% of citizens are in support of the bill. Thus far, 11 counties have passed a proclamation in support of the bill and 62 sheriffs across the state have endorsed it. There will be no cost to taxpayers if Marsy's Law is passed. Vice Chairman Rhodes made a motion to table action and allow the county attorney to research Marsy's Law and place consideration on a future agenda; and for the county attorney to obtain feedback from Ashe County's district attorney, senator and representative. Commissioner Perry seconded the motion. The motion passed with unanimous approval.

Tabled

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

PRES
18-152

9:40 AM - County Manager Sam Yearick - Sheriff's Office Position Changes and New Hire Approvals

Attachments: [02-19-18 Sheriff's Office Position Changes & New Hire Approvals](#)

County Manager Sam Yearick presented a request for Sheriff's Office position changes and approval of new hires. He explained that the Ashe County Personnel Policy grants the county manager authority to authorize employment of an applicant at a higher rate than the minimum rate upon approval by the Board. Therefore, the county manager is requesting to hire Courtney Miller for the position of Records Clerk at grade/step 61/3 at a salary of \$33,240 and Christopher Eldreth for the position of Captain at grade/step 71/5 at a salary of \$53,307. The Sheriff's Office has also made a request for a Lieutenant Detective position at grade 68 to supervise the Narcotics Division. And to move an Office Assistant IV, Gun Permits Clerk position at grade 61 to a Lieutenant Detective position. The necessary budget amendments will be addressed during the mid-year budget review. Vice Chairman Rhodes made a motion to approve the position changes and new hires as recommended by the county manager. Commissioner Rose seconded the motion. The motion passed with unanimous approval.

Approved

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

PRES
18-154

9:50 AM - Sheriff Jim Hartley - Disposition of K9 Nyla Jean

Chairman Sands stated that the handler for K9 Nyla Jean is no longer employed by the County. Several years ago, the Sheriff's Office received a \$3000 donation for the K9 and an additional \$2000 was raised through fundraisers. The K9 and the handler received free training through the SBI. Chairman Sands stated his belief that the decision regarding disposition of K9 Nyla Jean should be made by the Sheriff's Office. Sheriff Hartley told the Board that the K9 is the property of the County and the dog cannot be given away. Therefore, he believes the Sheriff's Office should sell the dog to handler Mickey Boyles for \$5000. The Sheriff's Office also has another dog, a cadaver dog, that it does not need. This dog was given to the Sheriff's Office and the person that donated the dog is willing to take it back. Vice Chairman Rhodes stated that receipts for any food, etc., would need to be brought in for reimbursement, the same as receipts submitted for expenses incurred by County employees. Sheriff Hartley stated that he will contact Mr. Boyles today. Proceeds of the sale will be used to purchase another K9 from the SBI and will include training expenses. If there are excess funds from the sale, the monies will be placed back into County funds.

GENERAL SESSION

Resolutions

RES 18-10

Resolution Setting a New Schedule of the Regular Meeting Time of the Ashe County Board of Commissioners

Attachments: [02-19-18 Resolution Setting Meeting Time for Board of Commissioners](#)

Vice Chairman Rhodes made a motion to adopt the resolution setting a new schedule of the Regular Meeting time of the Board. Commissioner Rose seconded the motion. The

motion passed with unanimous approval.

Adopted

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

Other Items for Consideration

MISC 18-36 Discussion Regarding Personnel Policy Amendments from October 2017; Sick Leave Policy; and Longevity Pay

Attachments: [02-19-18 October 2017 Board Discussion on Personnel Policy Amendments](#)
[02-19-18 Personnel Policy Proposed Change to Sick Leave & Longevity Pay](#)

Due to questions raised at a recent meeting of the Board regarding the existence of a Personnel Policy Committee, Chairman Sands stated that he spoke with two previous county managers and was told that the Personnel Policy Committee has been in existence since the late 80's. The committee has operated independently and without involvement of the county manager. The committee is made up of a dozen employees of the County from all different levels of employment that have an interest and involvement with the County. Changes to the Personnel Policy submitted by County Manager Yearick on today's agenda need to be brought before the Personnel Policy Committee and then presented to the Board for approval. Chairman Sands recommended that the Personnel Policy Committee continue as it has, reviewing and recommending changes with final approval from the Board of Commissioners. Commissioner McNeill stated that being a business owner himself, he believes there is nothing more vital to the efficiency and overall function of business than his employees and for the employees to be empowered. Vice Chairman Rhodes stated that the Personnel Policy Committee was active when Jerry Powers was a commissioner. The committee can only make a recommendation to the county manager and the Board must vote on any recommendations. Vice Chairman Rhodes made a motion to officially establish the Personnel Policy Committee and the Safety Committee by resolution adopted by the Board at the next meeting. Commissioner Rose seconded the motion. Chairman Sands opened the floor for discussion. County Attorney John Kilby told the Board that there is no harm for the committees to continue as ad hoc committees. Vice Chairman Rhodes requested that members of the committees be listed in the resolutions and for Patty Gambill and Angie Eggers to chair the committees. With no further discussion, Chairman Sands called for a vote to the motion on the floor. The motion passed with unanimous approval.

Approved

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

MISC 18-37 Discussion Regarding Payment of Legal Fees for County Employees

Attachments: [02-19-18 Invoice for Legal Expenses of County Employees](#)

Vice Chairman Rhodes made a motion to approve an appropriation of \$4280 for the payment of legal fees for County employees Ann Clark, Cyrus Hurley and Todd Chapman. Commissioner McNeill seconded the motion. Chairman Sands opened the floor for discussion by the Board. Commissioner Rose would like to include payment for his and County Manager Yearick's legal fees also. Commissioner Perry stated concern that this would set a precedent for the County to pay all legal fees for employees. Commissioner McNeill read a section of court documents relating to the case as a result

of being investigated by the Sheriff's Office, the three county employees had to seek legal counsel due to fulfilling a public records request in the course of their jobs. Commissioner Perry stated that County Manager Yearick and Commissioner Rose both need to be included in having their legal fees paid. Commissioner Rose stated that "in the course of their jobs" applies to everyone involved. With no further discussion, Chairman Sands called for a vote to the motion on the floor. The motion passed 3 - 2, with Commissioners Perry and Rose voting in opposition.
Approved

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

VII. Commissioner Comments

VIII. Announcements

IX. Executive Session

X. Adjournment

Commissioner Perry made a motion to adjourn the meeting at 10:08 a.m. Commissioner Rose seconded the motion. The motion passed with unanimous approval.
Approved

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

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.