

# **Ashe County**

*150 Government Circle  
Jefferson, NC 28640*



## **Meeting Minutes - Final**

**Monday, October 24, 2016**

**9:00 AM**

**Special Meeting**

**Commissioners' 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 to order at the Ashe County Courthouse at 9:00 a.m.*

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

**III. Approval of Minutes**

[MIN 16-027](#) October 3, 2016 Regular Session Minutes

**Attachments:** [10-24-16 October 3, 2016 Regular Session Minutes](#)

*Commissioner Rhodes requested that a change be made to the October 3, 2016 Regular Session Minutes on page 2 under PRES 16-094 Offer to Purchase Surplus Property, to change the wording for closing of Brooklane Road to closing of the road that is not named. Vice Chairman Roark made a motion to approve the October 3, 2016 Regular Session Minutes with the amendment as requested by Commissioner Rhodes. 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

[MIN 16-029](#) October 3, 2016 Executive Session Minutes

*Vice Chairman Roark made a motion to approve the October 3, 2016 Executive 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**

*Vice Chairman Roark made a motion to adopt the agenda as presented. 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

**V. Presentations**

[PRES](#)  
[16-098](#)

Tax Administrator Keith Little - Monthly Tax Reports

**Attachments:** [10-24-16 Tax Report](#)

*Tax Administrator Keith Little submitted the monthly tax releases and refunds for September 2016 at \$996.60. Also presented were the Regular Billing Collection Report and the Motor Vehicles Collection Report through September 2016. Commissioner Rhodes made a motion to approve the August 2016 Release/Refund reports. 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](#)  
[16-099](#)

Elections Director John Shepherd - Election Update

*Elections Director John Shepherd provided an update on the elections process thus far. He told the Board that 1300 people have voted in one-stop voting through this past Saturday. It has been predicted that voter turnout will be 65% or more during this year's election. Mr. Shepherd also outlined voting hours up through Election Day.*

[PRO 16-000](#)

Amber Dixon, A Safe Home For Everyone (ASHE) - Proclamation  
Recognizing October as Domestic Violence Awareness Month

**Attachments:** [10-24-16 Domestic Violence Awareness Month Proclamation](#)

*Amber Dixon, representing A Safe Home for Everyone (ASHE), told the Board that the majority of domestic violence statistics in Ashe County involve our youth. Working with victims of domestic violence, they see the ripple effects of how violence affects both children and their support systems. They have seen 209 new and unduplicated victims from July 2015 through June 2016. And from July 2016 through October 3, 2016, they have already seen 102 new and unduplicated victims. Chairman Rose read the proclamation recognizing October as Domestic Violence Awareness Month. Commissioner Rhodes made a motion to approve the proclamation as presented. 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

[PRES](#)  
[16-100](#)

County Manager Sam Yearick - Offer to Purchase Surplus Property

**Attachments:** [10-24-16 Surplus Property Offer](#)

*This item was tabled until a later date.*

**Tabled**

PRES  
16-102

County Manager Sam Yearick - Combs Property Discussion

*County Manager Sam Yearick told the Board that the County conducted a property cleanup of the RJ Combs property during October 2011. Florence and Gabe Miller contacted the county manager regarding a judgment the County has on the property. Florence Miller inherited the property from RJ Combs. The judgment is \$22,906.53 for the costs associated with clean up of the property. In addition, there is \$10,471.34 in delinquent taxes on this property and two surrounding properties. The county manager proposed that the Millers pay the delinquent taxes on all three properties, and clean up the RJ Combs property and the Billy Hall property in negotiation of forgiving the lien. Commissioner Richardson stated his belief that this would be in the best interest of the County. Vice Chairman Roark suggested that the County forgive the \$22,906.53 lien for clean up of the RJ Combs property if the Millers pay the remaining delinquent taxes, clean up the property, and keep the property clean for a period of 10 years. Florence Miller addressed the Board asking the Board to consider working with them. Commissioner Rhodes would like to hear from the county attorney before a vote is taken regarding the suit filed by the Combs in 2014 against the County to see if that would affect the decision made today. Gabe Miller answered that Tommy Combs name will be taken off the property and it will be in his mother's name, Florence Miller. He agreed to clean up the property that is going to his mother. Vice Chairman Roark made a motion to forgive the \$22,906.53 lien the County has on the property in return for the Millers to pay all delinquent taxes, for the Millers to keep the property clean for 10 years, for the Millers to have the property cleaned up by July 15, 2017, and for the Millers to keep the property taxes paid on time for 10 years. Commissioner Richardson seconded the motion. The motion passed 3 - 2, with Commissioners Rhodes and Sands voting in opposition stating that they are in favor of the action, but they want the county attorney to review the Combs lawsuit against the County before a vote is taken.*

**Approved**

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

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

PRES  
16-103

Representative Jonathan Jordan or Designee - Presentation

*House Representative Jonathan Jordan, on behalf of Governor Pat McCrory, presented Commissioner Larry Rhodes with the prestigious award, the Order of the Long Leaf Pine. The award is presented to people in North Carolina who have a proven record of service to their communities and to the State.*

[PRES](#)  
[16-104](#)

Larry Nelson - Request for Amendment to Animal Control Ordinance

**Attachments:** [10-24-16 Animal Control Ordinance Amendment Request](#)

*Mr. Nelson moved to Ashe County this past May. He has one issue and has tried to remediate the situation, which is barking dogs, roaming dogs, and dogs barking all hours of the night. He has found there is no way to address this issue. Mr. Nelson's request is for the Board to consider an amendment to County ordinances to address extreme situations where dogs bark incessantly. Vice Chairman Roark requested the county manager research issues that need to be considered regarding making any amendments to the Animal Control Ordinance. Commissioner Sands would like to see a report of how other counties handle this situation. Another item to consider is how barking dogs would be enforced. County Manager Yearick told the Board that he would study this and bring back before the Board within 30 - 45 days.*

**Continued**

[PRES](#)  
[16-105](#)

Sheriff James Williams - Budget Amendment Request

**Attachments:** [10-24-16 Sheriff's Office Budget Amendment Request](#)

*Sheriff James Williams told the Board that a patrol vehicle was recently wrecked. The vehicle had over 140,000 miles on it and was totaled. The insurance company issued a check in the amount of \$8994.71 for the vehicle and the cost for a replacement vehicle is \$25,578. Therefore, Sheriff Williams is requesting that the Board appropriate \$16,583.29 to purchase a replacement vehicle. Commissioner Rhodes suggested trading in the Ford Edge that was used by the county manager prior to the recent change in the county manager's employment agreement. Commissioner Richardson made a motion to trade in the Ford Expedition which is the old county manager vehicle, or sell the vehicle on GovDeals and appropriate the balance from the General Fund to replace the wrecked patrol vehicle. Commissioner Rhodes seconded the motion. Chairman Rose and Vice Chairman Roark would like to see what the Ford Expedition would bring. After further discussion by the Board, Commissioner Rhodes called the question. Chairman Rose asked for a vote to the motion on the floor. The motion passed 3 - 2, with Commissioner Rose and Roark voting in opposition because they would like to see what the Ford Expedition will bring before a vote is made.*

**Approved**

**For:** 3 - Commissioner Rhodes, Commissioner Sands and Commissioner Richardson

**Against:** 2 - Chairperson Rose and Vice Chairman Roark

[PRES](#)  
[16-106](#)

Elaine Graham & John Cannon - America Recycles Day Proclamation

**Attachments:** [10-24-16 America Recycles Day Proclamation](#)

*Elaine Graham and John Cannon spoke to the Board about the importance of America Recycles Day. November 15th has been designated as America Recycles Day and activities have been planned that include high school students in the hopes of bringing awareness to the importance of recycling. Ms. Graham told the Board that she would like to schedule a photo opportunity with the commissioners at the next meeting of the Board on November 7th. Commissioner Sands made a motion to approve the America Recycles Day Proclamation. Commissioner Rhodes seconded the motion. The motion passed with unanimous approval.*

**Adopted**

**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.*

*Dr. Patricia Mitchell with the NC Department of Commerce, told the Board that Governor Pat McCrory notified her that Commissioner Larry Rhodes would be awarded the Order of the Long Leaf Pine. She reflected on nine years employment with the County of Ashe. As part of her duties with the Department of Commerce, she travels across the state extensively and has met a lot of fine public servants. She emphasized the fact that she has met very few with the care for community and high standards of Commissioner Rhodes.*

*Doug Helms with Ashe Medics addressed rumors surrounding staffing of emergency vehicles, required certification for paramedics, and the levels required at Ashe Medics.*

*No further comment was offered.*

**GENERAL SESSION**

**Appointments**

[APP 16-018](#) Ashe County Library Board Appointment - Lynn Rees-Jones

**Attachments:** [10-24-16 Library Board Appointment](#)

*Commissioner Rhodes made a motion to appoint Lynn Rees-Jones to replace the position on the Library Board vacated by the resignation of Alice Collins. The term will expire August 2018. Commissioner Sands 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

**APP 16-019** Long Term Care Advisory Committee Reappointment - Judy Bare**Attachments:** [10-24-16 Long Term Care Adv Comm Reappointment](#)

*Commissioner Rhodes made a motion to reappoint Judy Bare to the Long Term Care Advisory Committee. Commissioner Sands 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

**APP 16-021** Planning Board Reappointments - Rick Surber, Darryl Hamilton**Attachments:** [10-24-16 Planning Board Reappointments](#)

*Chairman Rose made a motion to table a vote on the reappointment of Rick Surber and Darryl Hamilton. Commissioner Richardson seconded the motion. The motion passed 3 - 2, with Commissioners Rhodes and Sands voting in opposition.*

**Tabled**

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

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

**APP 16-023** Local Emergency Planning Committee Appointments**Attachments:** [10-24-16 Local Emergency Planning Committee Appointments](#)

*Commissioner Sands made a motion to appoint Jennifer Schroeder and Tracie McMillan to the Local Emergency Planning Committee. Commissioner Rhodes seconded the motion. The motion passed with unanimous approval.*

*Chairman Rose made a motion to appoint Mark Kitts to the Emergency Planning Committee for the law enforcement seat. Commissioner Sands stated that he also serves on the Local Emergency Planning Committee and asked why Sheriff Williams who has served on the committee in the law enforcement position needs to be changed. Chairman Rose answered that Mark Kitts is a very educated law enforcement individual, has trained for the bomb squad, and he asked to be considered for the position. Board members continued discussion and Commissioner Rhodes called the question. Chairman Rose called for a vote to the motion on the floor. Commissioner Richardson seconded the motion. The motion passed 3 - 2, with Commissioners Rhodes and Sands voting in opposition.*

**Appointment(s) Approved**

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

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

**Other Items for Consideration**

**MISC 16-023** Approval of Amendments to Records Retention Schedule

**Attachments:** [10-24-16 Records Retention Schedule Amendments](#)

*Chairman Rose made a motion to adopt the Records Retention Schedule amendments as presented. 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

**MISC 16-024** Sales & Use Tax Consulting Tax Recovery and Review Agreement Approval

**Attachments:** [10-24-16 Sales & Use Tax Consulting Agreement](#)

*County Manager Sam Yearick explained details of the Sales and Use Tax Consulting Tax Recovery Agreement being presented to the Board for approval. Accounts payable records for the County will be reviewed for the past three years. The company will receive 30% of sales and use tax monies recovered and the County will keep 70% of the monies recovered. Commissioner Rhodes would like to include a time limit for the work to be done in the agreement, suggesting June 30, 2017. Commissioner Rhodes then made a motion to approve the agreement as presented with the inclusion of June 30, 2017 as the date for the work to be completed. 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

**VII. Commissioner Comments****VIII. Announcements****IX. Executive Session****ES 16-006** Executive Session - G.S. 143-318.11 (a) (3) - Legal Issues

*Vice Chairman Roark made a motion for the Board to enter into Executive Session to discuss legal issues under G.S. 143-318.11 (a) (3). 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 11:36 a.m., with no action taken.*

**No Action Taken**

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



**X. Adjournment**

*Commissioner Sands made a motion to adjourn the meeting at 11:37 a.m.*

*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

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**Jeff Rose, Chairman**

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