

Ashe County

*150 Government Circle
Jefferson, NC 28640*



Meeting Minutes - Final

Monday, August 7, 2017

8:30 AM

Second Floor Conference Room

County Commission

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

WORK SESSION - 8:30 AM

Chairman Sands opened the Work Session at 8:30 a.m. in the second floor conference room at the Ashe County Courthouse.

Chairman Sands reminded the Board that pictures will be taken with the commissioners and a group of Boy Scouts at New River State Park at 1:00 p.m. today.

County Manager Sam Yearick told the Board that the North Carolina Association of County Commissioners Conference will be held in Durham beginning on Thursday.

Chairman Sands has been approached by several citizens with a request to hold commissioner meetings later in the day. A request was also made for the commissioners to hold a Public Forum to allow citizens an opportunity to express concerns regarding issues in the County. This will be added as an item of discussion by the Board on the August 21, 2017 agenda.

Next, Chairman Sands reviewed items on the meeting agenda.

County Manager Yearick told the Board that Environmental Services Director Scott Hurley has concerns on whether the vehicles belonging to Vixster, LLC subcontractor will be clearly marked when they bring trash to the landfill. Commissioner Rhodes requested that the county attorney review the contract with Vixster, LLC prior to the next meeting of the Board.

Emergency Management Coordinator Patty Gambill provided information regarding the request from Warrensville Volunteer Fire and Rescue for an ambulance franchise ordinance. Warrensville wants to provide backup service to Ashe Medics. She told the Board that Warrensville Volunteer Fire and Rescue has passed state inspection.

Ms. Gambill also updated the Board on the petition for election of a fire district on the agenda. She suggested that the fire departments hold a meeting and discuss this before the Board takes action.

With no further comment, the Work Session was closed at 8:53 a.m.

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 second floor conference 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

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

III. Approval of Minutes

[MIN 17-32](#) June 5, 2017 Budget Work Session Minutes**Attachments:** [08-07-17 June 5, 2017 Budget Work Session Minutes](#)

Commissioner Rhodes made a motion to approve the June 5, 2017 Budget Work Session Minutes as written. 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

[MIN 17-33](#) June 6, 2017 Budget Work Session Minutes**Attachments:** [08-07-17 June 6, 2017 Budget Work Session Minutes](#)

Commissioner Rhodes made a motion to approve the June 6, 2017 Budget Work Session Minutes as written. 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

[MIN 17-34](#) June 7, 2017 Budget Work Session Minutes**Attachments:** [08-07-17 June 7, 2017 Budget Work Session Minutes](#)

Commissioner Rhodes made a motion to approve the June 7, 2017 Budget Work Session Minutes as written. 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

[MIN 17-35](#) June 19, 2017 Regular Session Minutes**Attachments:** [08-07-17 June 19, 2017 Regular Session Minutes](#)

Commissioner Rhodes made a motion to approve the June 19, 2017 Regular Session Minutes as written. 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

[MIN 17-36](#) July 17, 2017 Regular Session Minutes**Attachments:** [08-07-17 July 17, 2017 Regular Session Minutes](#)

Commissioner Rhodes made a motion to approve the July 17, 2017 Regular Session Minutes as written. 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

[MISC 17-23](#) July 17, 2017 Executive Session Minutes

Commissioner Rhodes made a motion to approve the July 17, 2017 Executive Session Minutes as written. 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

IV. Adoption of Agenda

Commissioner Rhodes made a motion to adopt the agenda as presented. 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.

Rose Price from Creston stated concern for how the County and the Sheriff's Office are being run. She requested that the Board have a meeting at 7:00 p.m. in the evening, possibly a Monday evening, to allow citizens an opportunity to attend and make public comment. Chairman Sands stated that the Board discussed this during the earlier Work Session. The Board will need to discuss the suggestion and vote on this. Ms. Price added that the meeting needs to be advertised so the public will know of the meeting and that citizens need to have the opportunity to speak.

Donald Nelson referred to a Public Records Request that he submitted in May. He said that he has not heard anything from the County in response to the request. Three weeks ago County Manager Yearick reassured Mr. Nelson that the request for records is being worked on. Mr. Nelson stated that the records custodian is three months behind on records requests. He believes the commissioners and county manager need to get additional help in that office.

Sheriff Buchanan spoke to the comments made by Ms. Price. He explained that he has an open-door policy and will meet with anyone at any time and with as many citizens as possible.

No further comment was made.

VI. Presentations

[PRES 17-80](#) 9:05 AM - Jennifer Glass, Extension Agent - Introduction of North Carolina Association of County Commissioners (NCACC) Ashe County Youth Representative Savannah Scott

Attachments: [08-07-17 Introduction of NCACC Youth Representative](#)

Jennifer Glass, extension agent with Ashe County Cooperative Extension, introduced Savannah Scott who is a rising senior at Ashe County High School. Ms. Scott is the Ashe County Youth Representative for the North Carolina Association of County Commissioners Annual Conference that will be held in Durham later this week.

PRES 17-81 9:15 AM - Zak Ammar, CEO of Vixster, LLC - Second Reading of Application for Solid Waste Franchise

Attachments: [08-07-17 Vixster LLC Franchise Ordinance](#)

[08-07-17 Vixster LLC-Letter of Intent-Waived Residential Dumping Fees](#)
[08-07-17 Vixster LLC-Solid Waste Mgmt Contract](#)

Zak Ammar, CEO of Vixster, LLC, was present for the second reading of his application for a Solid Waste Franchise. His company would like to provide residential trash collection to the rural areas in Ashe County. A Letter of Intent was presented to the commissioners from Mr. Ammar with a request to waive residential dumping fees. County Manager Yearick explained that the Ashe County Solid Waste Ordinance allows customers of a franchised garbage hauler to request a refund of the annual \$130 Solid Waste Disposal Fee. Due to that, Mr. Ammar's request for a waiver of residential dumping fees was not approved. With no further discussion, Commissioner Rhodes made a motion to approve the Solid Waste Franchise for Vixster, LLC. Commissioner Rose seconded the motion. The motion passed with unanimous approval. The Board did not vote at the first reading of the franchise application on July 17, 2017 which will result in the need for one additional reading of the franchise. This will be added to the August 21, 2017 agenda and the county attorney will review the contract prior to that meeting.

Approved

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

PRES 17-82 9:25 AM - Public Hearing - Emergency Management Coordinator Patty Gambill - First Reading of Ambulance Franchise Ordinance for Warrensville Volunteer Fire & Rescue

Attachments: [08-07-17 Ambulance Franchise Request-Warrensville VFD](#)

Emergency Management Coordinator Patty Gambill told the Board that Warrensville Volunteer Fire and Rescue is requesting to be granted a franchise to serve as a back-up emergency provider to Ashe Medics. County Attorney Kilby has reviewed the request. Ashe Rescue, Fleetwood Fire Department, and Helton Ambulance all have a franchise and also serve as back-up to the County's ambulance service provider. The back-up providers are not in competition and do not charge for services.

Chairman Sands opened the Public Hearing at 9:30 a.m. No comment was offered and the hearing was closed at 9:31 a.m. Commissioner Rhodes made a motion to approve the first reading of the Ambulance Franchise Ordinance for Warrensville Volunteer Fire and Rescue. 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

PRES 17-83 9:35 AM - Emergency Management Coordinator Patty Gambill - Grant Award Budget Amendment Request

Attachments: [08-07-17 Budget Amendment-Grant Award](#)

Emergency Management Coordinator Patty Gambill presented a request for the commissioners to approve a budget amendment for a Tier II Non-Competitive Grant award in the amount of \$1000 from the NC Department of Public Safety. The grant will be used to fund the Local Emergency Planning Committee hazardous materials emergency response training exercises. Commissioner Rhodes made a motion to approve the budget amendment for the \$1000 NC Department of Public Safety Grant. Commissioner Rose seconded the motion. The motion passed with unanimous approval.

BUDGET AMENDMENT
August 7, 2017

General Fund:

To increase the appropriation for the department of Emergency Management from \$152,699 to \$153,699; this increased appropriation of \$1,000 to be made with increased revenues of \$1,000 from a State Emergency Management Grant.

Approved

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

PRES 17-85 9:45 AM - Ross Mast - Petition for Fire District Election

Attachments: [08-07-17 Fire District Election Petition](#)

Ross Mast presented a petition to move property owners from the Lansing Fire District to the Pond Mountain Fire District. Each property owner within two miles of the new Pond Mountain Meadowview Substation were contacted regarding the petition. Mr. Mast told the Board that there have been several times that the Lansing Fire Department was the third department to arrive on the scene of an emergency in their area. By changing the fire district, the affected property owners will receive lower insurance rates since they are two miles from the new substation. Chairman Sands explained to Mr. Mast that this was discussed in the Work Session held earlier today. The Board agreed to allow the two affected fire departments to meet and discuss this request. Emergency Management Coordinator Patty Gambill referenced requirements that must be adhered to in the General Statutes if the property owners move to a different fire district. No further comment was offered.

GENERAL SESSION

VII. Commissioner Comments

VIII. Announcements

IX. Executive Session

[ES 17-14](#)**Executive Session - G.S. 143-318.11 (a)(3) - Legal Issues (Shatley Lawsuit)**

Commissioner Rhodes made a motion for the Board to enter into Executive Session to discuss Legal Issues regarding the Shatley lawsuit as provided for under G.S. 143-318.11 (a)(3). Commissioner Roark seconded the motion. The motion passed with unanimous approval. Chairman Sands declared the Board into Executive Session at 9:32 a.m. and out of Executive Session at 9:58 a.m., with no action taken.

Approved

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

X. Adjournment

Commissioner Roark made a motion to adjourn the meeting at 9:59 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