

Minutes
Spruce Pine Town Council
Monday, August 9, 2021

A meeting of the Town Council was held on August 9, 2021. Present were Mayor Darla Harding and Council Members Rocky Buchanan, Larry McKinney and Jackie Rensink. Staff in attendance included Darlene Butler, Shelley Buchanan, Phillip Hise, Libby Phillips and Michael Wood. Others attended, including Russell Lankford, Wendy Smith, Nancy Reed, Lynn Holler, Alex Glover, Rocky Branch, Jonathan Silvers, William Wygand, Brenda Sparks, Jimmy Hinshaw, and Ariana Maniatis (Mitchell News Journal).

CALL TO ORDER

Mayor Darla Harding called the regular meeting to order at 5:30 PM. Rocky Buchanan gave the invocation. Larry McKinney led the Pledge of Allegiance.

APPROVAL OF AGENDA

Following the addition of two appointments, Larry McKinney moved to approve the agenda. Rocky Buchanan seconded the motion, which carried with all present in favor.

APPROVAL OF MINUTES

Larry McKinney moved to approve the minutes of the regular meeting held on July 12th, 2021. Jackie Rensink seconded the motion, which carried with all present in favor.

DEPARTMENT UPDATES

Water & Sewer

- Russell Lankford presented his water and sewer report from Veolia. Said report is incorporated by reference and attached to these minutes.

Public Works

- Phillip Hise presented open and closed work orders for July. He explained that the number of work orders was down for the month, giving the crew more time to work on other projects that need to be completed.
- He stated the guys will soon be pouring concrete for the permanent fixtures for the Story Book Trail at Riverside Park.
- The sewer project on Locust is near completion. Town Manager Darlene Butler requested the contractors have the sidewalks redone, as they were not replaced to the Town's standards.
- The sewer line project on Biggerstaff Hill is complete and working well.
- The new Kubota tractor should be in next week and Phillip plans to get all town areas mowed as soon as possible.
- Phillip discussed issues he is having with the street sweeper in recent weeks. He advised it has been in the repair shop twice in the last month, and the work being done is not covered under the Power Train warranty.
- Council Member Jackie Rensink asked Phillip if the water break at PRC is all taken care of. He replied that it is, all but fixing the paving.
- Council Member Rocky Buchanan asked where all the water is coming from that runs down Altapass Hwy by Blue Ridge Regional Hospital. Phillip responded that it is from a couple different things, the hospital's water collection system and their filtration system from their in-ground wells. He assured the Council it is not a leak of city water.

Main Street

- Libby Phillips presented the Main Street Director's Report for July, which is incorporated by reference and attached to these minutes.
- She elaborated on the downtown statistics report, which is incorporated by reference and attached to these minutes.

Parks & Rec

- Michael Wood presented his report for Parks and Recreation, which is incorporated by reference and attached to these minutes.
- Michael shared with the Council that the Brad Ragan pool is now open. He plans to open only on weekends until Labor Day and the admission cost will be \$2.00. He expressed his gratitude and pride in his staff for their hard work over the last few weeks to get the pool ready for the public and thanked the Council for their support.
- Florence Grant has approached Michael about placing a permanent compost bin at the back of the field at Riverside Park. She is going to put some plans together.

Police Department

- No one was able to attend the meeting from the SPPD. Darlene Butler stated the department continues to work hard to crack down on drug use and trafficking in the city.

Finance

- Crystal Young was unable to attend tonight's meeting but had left the July financials for the Council's review. Said reports are incorporated by reference and attached to these minutes.

APPOINTMENTS

Jonathan Silvers, Jonathan's Used Appliances- Mr. Silvers addressed the Council to ask for more information about a complaint Police Chief Bill Summerlin had come by his place of business and told him about. The complaint was concerning the appearance of the outside of his used appliance shop. He went on to say if the complaint was about the number of appliances outside his shop then that is his inventory. He is fixing them up to sell to the community to help the citizens. He said he has been very busy and came up on an opportunity recently he couldn't pass up. He asked why he and his business was singled out when there are other businesses in town that look just like his. Darlene responded that it was no one's intention to single him out. The Police Department had simply received a couple of complaints and they have to address them. Mayor Darla Harding asked if he owns all of the property his inventory sits on. To which Jonathan replied yes he does. Mayor Harding asked if he would ever consider putting up a privacy fence since his business is directly across from a funeral home. Jonathan said that is something he may look into in the future. She also mentioned to him that the Appearance Standards Committee has been formed and will be coming down the channels soon.

Rocky Branch, Pastor FBCSP- Mr. Branch read a letter of apology to the Council concerning inaccurate statements made during an issue with a sinkhole in their church parking lot. This letter is incorporated by reference and attached to these minutes.

ACTION AGENDA

Jackie Rensink made a motion to provide sewer at outside rates with no annexation to Intermountain Children's Services Inc. at 6342 Hwy 226 S Bakersville. Larry McKinney seconded the motion, which carried with all present in favor.

Rocky Buchanan made a motion to provide water to William Wygand at 1838 Deer Park Lake Road. Jackie Rensink seconded the motion, which carried with all present in favor.

PUBLIC COMMENT

Nancy Reed- Ms. Reed lives on Summit Avenue and asked if there is anything that can be done about the sewer smell in that area. After some discussion it was revealed that the smell is usually there and at its worst on very hot and humid days. Phillip has been made aware of it previously and was going check on ordering some deodorizer. The Council advised they will check with Phillip to see if we can get that taken care of. Ms. Reed then stated the traffic on Summit Avenue is driving exponentially over the posted speed limit of 35 mph. Lynn Holler, who was also signed up for public comment, added that the problem is mostly large dump trucks running 60-70 mph. She asked what could be done to slow them down. And if the Town could put restriction signage and a new lower speed limit. Darlene Butler explained that this street is a state maintained road and any requests of that nature would have to go through NCDOT. This is something the Town could initiate if they decide to. Rocky Buchanan mentioned there had been a speed study done a few years back and he would like the police department to run radar for a couple weeks in that area again.

Jimmy Hinshaw- Mr. Hinshaw asked for the Council's permission to have the Toe Jam Festival at Riverside Park on September 11th from 12:00 pm to 10:00 pm. There will be food vendors and inflatables. He understands they will be expected to follow any Covid 19 guidelines in place at that time. Darlene advised him to work with Michael Wood on any questions he may have about the park. It was a consensus of the Council to give Mr. Hinshaw their support.

MAYOR/COUNCIL REQUESTS / COMMENTS

- ✓ Upon review of the contractual agreement for the Avery-Mitchell-Yancey Regional Library System, Jackie Rensink made a motion to adopt the updated agreement. Larry McKinney seconded the motion, which carried with all present in favor.
- ✓ Rocky Buchanan asked where we were in the process of purchasing portable cameras for the Police Department. Darlene responded that Chief Summerlin is currently working with Whitson Electric to get those cameras.

Town Manager

- ❖ Darlene presented two engineer qualification proposals for the Golden Leaf Project. One is from Withers Ravenel and the other from Mcgill. Darlene's recommendation to the Council was to use Withers Ravenel for this project

as they have been good to work with little issue. Rocky Buchanan made a motion to use Withers Ravenel for the Golden Leaf Project. Jackie Rensink seconded the motion, which carried with all present in favor.

- ❖ Darlene presented two properties in the city limits that have been deemed by Building Inspector Tommy Winchester as condemnable. 116 S Dale St is a home that burned more than one year ago and has not been cleaned up. Steps have been taken to notify the owners and attempt to get their cooperation in cleaning up the property with no response. Rocky Buchanan made a motion to proceed with condemnation at 116 S Dale Street. Larry McKinney seconded the motion, which carried with all present in favor. 37 Pitt Road. is an empty and dilapidated home that is an animal infested health hazard. The current owner is in an assisted care facility and would not be able to make this home livable in the future. Rocky Buchanan made a motion to proceed with condemnation. Larry McKinney seconded the motion, which carried with all present in favor.
- ❖ Darlene stated the sewer line project engineers requested a change order to extend the project into the first week of September.
- ❖ The Spruce Pine Public Library is having trouble with their building flooding almost every time it rains. This seems to be due to debris not being removed from a drain outside the library door. Rocky is going to mention at their next board meeting to see if the employees could clean that drain out daily to prevent flooding.


ADJOURNMENT

With no further discussion Rocky Buchanan moved to adjourn the meeting at 7:15 PM.

Shelley Buchanan, Town Clerk



Darla Harding, Mayor



Larry McKinney, Mayor Pro Tem



Rocky Buchanan, Council Member

Absent
James Acuff, Council Member

Jackie Rensink, Council Member



July 12-August 9, 2021 Monthly Report
Spruce Pine Water/Waste Plants
Operated by Veolia North America Water

Compliance: Both Plants and the wells ran in compliance for July.

Flows: The water plant produced 34.81 million gallons. That was average of 1.12 million gallons per day. We used 740,000 gallons to backwash our filters. The number 1 well produced 3 million gallons. The waste plant took in 18.37 million gallons. That was an average of 593,000 gallons per day treated.

Water: We averaged 3.18 NTU's on raw water turbidity. On the finished water turbidity we averaged .04 NTU's. The federal limit is .3. We averaged a chlorine residual leaving our plant of 1.56. We caught 7 bacteriological samples in the distribution system. They were all good. Last week we caught TOC's on source and finished water at the water plant. We also caught THM's and HAA5's in the distribution system. We are awaiting the results. A contractor disassembled and cleaned out both unloader valves at the river. They were totally packed full of mud to the top. One will have to be replaced on the next budget year from sand wear. But they both seem to be working fine now. We have brought in a new well contractor to look at well 2. Maybe an onsite visit will be scheduled in the next couple weeks. All the lightning damage at summit and cemetery are fixed. They added three lightning rods at the tank and tank controls. They also added more surge protection and in line fuses to try and save our equipment. It works because we got hit last Friday night at both places. I replaced fuses and both seem to be fine. All that is left from the original lightning strike is waiting on the new chlorine analyzer for the well. The one that we had was obsolete and parts were not available. Roberts filter is supposed to be here the last week of August to repair the PLC on the sedimentation basin cleaning system at the water plant. We had to have a new hot water heater at the water plant. It replaced the original one from 1993.

Waste: We averaged 229.5 on influent BOD. The effluent BOD average was 2. That is a 99 percent removal rate. We averaged 434 on influent TSS. The effluent TSS average was 4.4. That is a removal rate of 99 percent. Last week we sampled BRP. We also ran chronic toxicity, COD, TNTP, and hardness on effluent. The upper prison had a bad soft start that was replaced. We rebuilt our waste pump and replaced the surrounding valves at the waste plant. It is pumping much safer and better now. We had trash and grease pumped out of both prisons and carters ridge lift stations. I issued Kemp a PO from capital to order the stuff to replace our inside shaft/roller assembly. They have ordered the shaft and miscellaneous parts. We didn't

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haul any sludge away from the plant in July because our hauling permit was out. It has been approved now and we are back to landfilling it.

Safety: We covered compressed gas cylinders and hot work. These classes are online due to covid.

Work orders: We completed 172 work orders throughout our system last month.

Russell Lankford
Project Manager
Veolia North America

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Spruce Pine Main Street Directors Report

PR- We hosted the first 2 movies and had good turnout. Next 2 will be on Saturdays in August. We are looking for 5 blacksmiths to take vendor booths at the BBQ festival and then sell BBQ related wares at the tent. 40% of proceeds go toward the scholarship and the other 60% toward commission to those that submit stuff. BBQ forks will be donated and sold for \$40 each, proceeds benefiting the scholarship. I will need volunteers to help on festival day. PR discussed incorporating the mural sponsorship into the existing sponsorship form we use for park programming so there is only one ask for money and the donor can choose how their donation is used. Binders were finished and delivered to the hotel with great feedback. AMY Regional Preschool Story Time in the pocket park weekly beginning this month.

D&B- There is a possibility we will be able to utilize the mural artists for future work on the school project. Have a meeting with Penland when I get back to discuss budget, and possible expansion with additional community partners besides Montessori. I submitted TRAC's design request to NCMS and awaiting the response. They will be back in class this month and should have it back in a few weeks. I completed a master list of areas in town and who has taken care of those in the past for Darlene. Our plan is to clarify areas the town/contractor takes care of and we pick any additional spots for projects/work days. Richard presented a display case for the trains. I will purchase when I return and we can get those displayed and off the floor. Additional wayfinding signage has been added to the corner buildings on Crystal.

ERC- We hosted a 1- year anniversary ribbon cutting for Niki's. Only 2 board members attended so if there is a better time for everyone please let me know so I can change the time for better attendance. The Mayland closing has been pushed back with anticipated closing this month. Because of the early buyout and general expenses when we first purchased the building, Main Street will incur a loss (approximately \$1600-\$1800) which will be taken from general budget. The economic development workshop will be held on November 9th and 10th. **Board members are asked to participate in the workshop on Wednesday the 10th beginning at 8:00 am.** Council, local officials, local Realtors, property owners NCMS and ARC will be asked to attend/participate (see attached agenda). The focus will be on vacant underused buildings and how we can move these into viable properties.

Organization- The downtown statistics report has been completed. See attached. I have serviced the building for wasps and bugs by 1 time visit from Terminix and serviced the fire extinguishers, which will be an annual fee. I have created a new volunteer log book. Please log your time under your name instead of the committee now. I interviewed a young lady for the assistant position and will make a decision by next week.

20_21_ Main Street and Small Town Main Street Reinvestment Stats

Reporting Period: July 1, 2020 __ -June 30, 2021 __

Please only include statistics that occurred in the defined downtown district and projects that were completed.

below (PLEASE DO NOT DELETE FORMULAS)

Spruce Pine

07/27/21 (*Deadline is July 31*)

Libby Phillips

828-765-3008

spms@downtownsprucepine.com

Annual Statistics Report

Buildings & Property

# of <i>Facades Redone</i>	4
# of <i>Building Rehabilitation Projects Completed</i>	0
# <i>Public Improvement Projects Completed</i>	4
# New <i>Construction Projects Completed (In-Fill)</i>	0

Jobs

# New Full Time Jobs <i>Created</i> in Downtown	34
# Full Time Jobs <i>Lost</i> in Downtown	11
# Net Full Time <i>Gain (+/-)</i> Jobs in Downtown	23
# New Part Time Jobs <i>Created</i> in Downtown	40
# Part Time Jobs <i>Lost</i> in Downtown	2
# Net Part Time <i>Gain (+/-)</i> Jobs in Downtown	38

Businesses

# Businesses <i>Opened</i> in Downtown	15
# Businesses <i>Closed</i> in Downtown	4
# Net <i>Gain (+/-)</i> Businesses in Downtown	11
# Businesses <i>Expanded</i> in Downtown	

Investment

\$ of New <i>PUBLIC</i> investment	\$5,623,098
\$ of New <i>PRIVATE</i> Investment	\$1,131,719
\$ of New <i>TOTAL</i> Investment	\$6,754,817

Volunteer Hours

# of <i>Volunteer Hours</i> contributed to Downtown	306
# of Volunteer Hours X \$25.98 (<i>Value of N.C. Volunteer Hour</i>)	\$7,950

Total # of <i>Downtown Housing Units</i>	49
Total # of <i>Commercial Spaces</i> /# of <i>Vacant Spaces</i>	131/20
Total # of Square Feet of Downtown Property	941,809
ANNUAL Average Rental Rate in \$/sq. ft	5.47

Year to Year Stats												
Facades		2015-2016		2016-2017		2017-2018		2018-2019		2019-2020		2020-2021
Building Rehabs			5		9		7		6		1	4
Public Improvement Projects			1		1		0		0			
New Construction Projects			2		6		6		3		1	4
Properties Sold			2		0		0		0			
New Full Time Jobs Created			15		5		2		3		3	8
Full Time Jobs Lost			4		1		4		2		2	11
Net Gain +/- Jobs			11		12		12		25		3	23
New Part Time Jobs Created			30		13		13		24		3	40
Part Time Jobs Lost			4		5		13		5		0	2
Net Gain +/- Part Time Jobs Lost			26		8		0		19		3	38
New Businesses Opened			10		11		10		12		4	15
Businesses Closed			2		4		6		3		2	4
Net Gain +/- Businesses			8		7		4		9		2	11
Business Expansions			1		2		0		6		2	0
New Public Investment			\$ 177,000.00		\$ 302,100.00		\$ 203,750.00		\$ 634,385.00		\$ 3,212,000.00	\$ 5,623,098.00
New Private Investment			\$ 1,143,800.00		\$ 939,993.00		\$ 509,900.00		\$ 1,643,177.00		\$ 1,551,000.00	\$ 1,131,719.00
Total New Investment			\$ 1,320,800.00		\$ 1,242,093.00		\$ 713,650.00		\$ 2,277,562.00		\$ 4,763,000.00	\$ 6,754,817.00
Volunteer Hours contributed			782		1,544		1,214		823		472	306
Value of Volunteer Hours (\$23.41)			\$ 16,790.00		\$ 35,497.00		\$ 28,420.00		\$ 19,255.00		\$ 11,418.00	\$ 7,950.00
Annual Rental Rate			\$		5.65		\$ 5.79		\$ 5.81		\$ 5.81	\$ 5.47
Occupancy Rate					86%		79%		84%		83%	85%
Notes											Covid, MCC project	

Town of Spruce Pine Board Meeting

Report for Parks and Recreation Department

August 9, 2021

General Park Maintenance

- Mowing, weed eating, and weed removal
- Dragging baseball field
- Trash

Brad Ragan Park

- Pressure washed all-purpose court is complete

Riverside

- Fixed sink and toilet
- Cut down and hauled off tree limb beside small shelters by river bank

Shelter Reservations

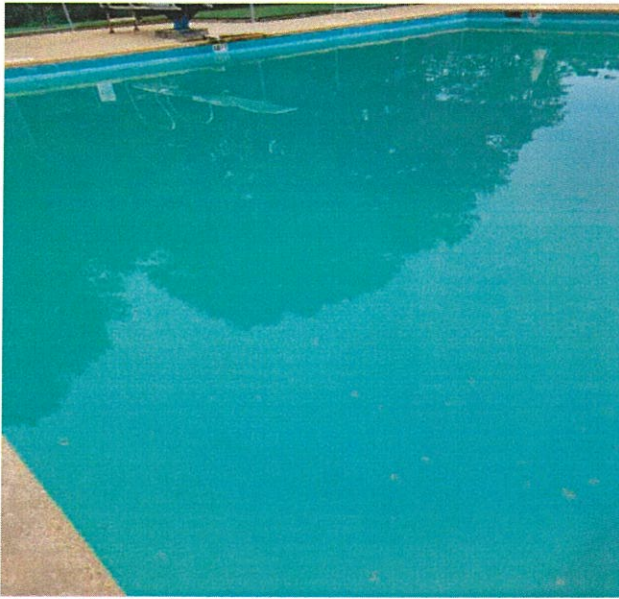
- 31 shelter reservations for the month of July, again this is just Fridays, Saturdays, and Sundays

Pool

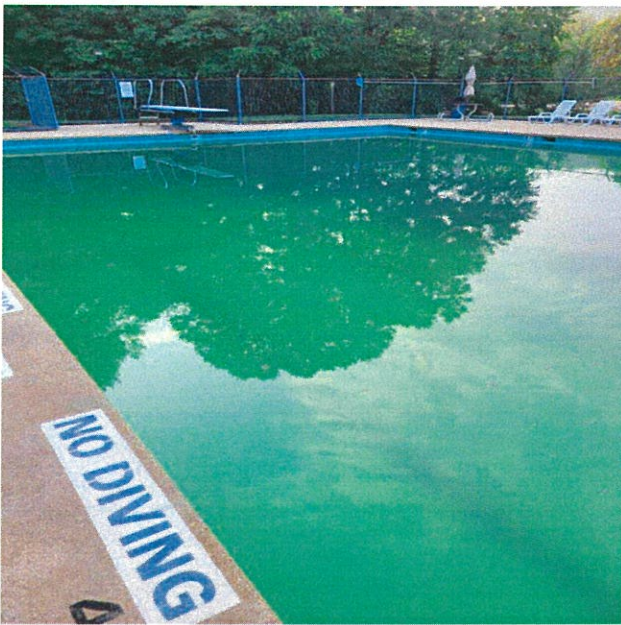
- Daily vacuuming and maintenance
- Pool pump has been installed
- Worked daily with chemicals and scrubbing down sides
- Opened the pool August 7th
- Both pool and park staff worked on the pool the last week of July and first week of August so the pool could open for weekends
- Pool hours are Saturday 11 to 7 and Sundays 1 to 7 until labor day weekend, not open through the week due to staff returning back to school

Other business

- Community service work program had 0 workers for the month of July
- Completed 15 work orders between parks and pool
- Community garden has requested to make a permanent compost site in the far back corner of the field



June 2021



July 2021



August 2021

Town of Spruce Pine Financials

Ending July 31st, 2021

1st Quarter

FY 2021-2022



2020-2021 Budget Figures				
		<u>2021-2022</u>	<u>Y-T-D July 31st,</u>	
		<u>Budget</u>	<u>2021</u>	<u>Percent</u>
General Fund Revenue				
Levied Taxes and Penalties		\$1,414,500	\$9,194	0.6%
Local Sales Tax		\$565,000	\$54,744	9.7%
Franchise Taxes		\$281,000	\$0	0.0%
Powell Bill		\$75,000	\$0	0.0%
Interest Earned		\$1,000	\$29	2.9%
Recreation Park Revenue		\$26,000	\$280	1.1%
Revolving Loan Repayments		\$39,122	\$3,427	8.8%
Misc Income		\$79,515	\$5,913	7.4%
Grants		\$24,110	\$0	0.0%
Fund Balance Appropriated		\$67,214	\$0	
General Fund Revenue		\$2,572,461	\$73,587	2.9%
General Fund Expenditures				
Governing Body		\$22,165	\$1,466	6.6%
Total Administration & Finance		\$232,585	\$95,601	41.1%
Cost of Elections		\$2,500	\$0	
Tax Collections Fees		\$4,600	\$366	8.0%
Economics		\$142,140	\$4,769	3.4%
Total Public Building & Facilities		\$209,509	\$16,946	8.1%
Fire Department		\$149,000	\$0	0.0%
Building Inspections		\$23,468	\$0	0.0%
Police Department		\$948,514	\$73,015	7.7%
Public Works		\$196,568	\$2,243	1.1%
Powell Bill		\$140,825	\$898	0.6%
Sanitation		\$79,913	\$121	0.2%
Parks & Recreation		\$293,557	\$22,310	7.6%
Library		\$103,577	\$7,809	7.5%
Trac Grant		\$5,000	\$0	0.0%
Cemetery		\$18,540	\$2,730	14.7%
Loan Disbursements		\$0	\$0	0.0%
Covid Relief Fund		\$0	\$0	
Total General Fund Expenditures		\$2,572,461	\$228,275	8.9%
<i>Excess (deficiency) of revenue over Expenditures</i>		\$0	-\$154,687	

Town of Spruce Pine Financials
Ending July 31st, 2021
1st Quarter
FY 2021-2022



	<u>2021-2022</u>	<u>Y-T-D July 31st,</u>	
	<u>Budget</u>	<u>2021</u>	<u>Percent</u>
<u>2020-2021 Budget Figures</u>			
<u>Water & Sewer Fund</u>			
Charges for Water	\$1,421,096	\$101,666	7%
Charges for Sewer	\$998,771	\$69,142	7%
Water & Sewer Taps	\$3,000	\$500	17%
Water & Sewer Interest	\$250	\$0	0%
Misc Revenues	\$30,500	\$3,679	12%
Retained Earnings Appropriated	\$0	\$0	0%
Water & Sewer Revenue	\$2,453,617	\$174,988	7%
<i>Water & Sewer Expenditures</i>			
Water & Sewer Debt	\$61,020	\$0	0%
Water & Sewer Administration	\$1,146,330	\$20,216	2%
Water Expense	\$611,288	\$48,109	8%
Sewer Expense	\$489,096	\$39,368	8%
Contingency	\$145,883		
Water & Sewer Expenditures	\$2,453,617	\$107,693	4%
<i>Excess (deficiency) of revenue over Expenditures</i>	\$0	\$67,294	

Town of Spruce Pine Finance
Notes
FY 2021-2022



- 1.) Auditors have been here for two days. They will be back the week of August 16th to finish up. Everything is going fine with the audit.

- 2.) Tax file has been received from the County, and sent to our software company, Southern Software for processing. They are supposed to have this file back to us by August 25th. Hope to have tax bills in the mail by end of month.

- 3.) LIHWAP (Low Income Household Water Assistance Program) - New program to provide funds to assist households with water and wastewater bills. They are now in the early stages of developing the vendor agreement. Program is supposed to start in January 2022, and will be ran by the Department of Social Services. The State will be reaching out to all water/wastewater vendors to discuss the program and hold a webinar.

- 4.) E-mail Billing - So far we have had 39 customers sign up to receive their bill via email.

- 5.) Delinquent Taxes - (Jean Johnson) - Will be sending the delinquent taxes to the Clerk of Court to process when closing her Estate.



FIRST BAPTIST CHURCH SPRUCE PINE

To The Mayor and City Council Of Spruce Pine, NC

August 9th 2021

Subject: Apology for inaccurate statements.

I Dr. Rocky Branch would like to address the Mayor and the city council on behalf of statements made at prior city council meetings concerning the sinkhole and water problem that appeared in the church property known as FBCSP.

I would like to apologize for myself and our chairman of trustees Alex Glover on behalf of our information concerning James Phillips grading and James Phillips.

In the process that brought our opinion to the forefront was based on a camera entering into a sinkhole on the church property.

The sinkhole appeared to be coming from a failed connection of 2 pipes. We were informed by the camera operator that the sinkhole was there because the pipes were not fitted together.

However, upon understanding there was a conflict with James Phillips grading and the town council and the Mayor.

I ask to meet with James Phillips and Jeff Harding.

We did meet successfully and I was explained by James that when he did the work for the city in 2014 the pipes were put together but one was galvanized and 1 was plastic and over the period of time the erosion came because they could not be fastened together.

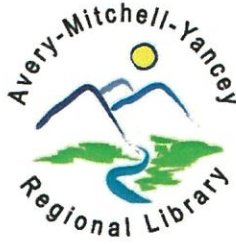
So we were Accurate concerning the reason of the sinkhole but not correct. We were accurate in our statement but incorrect in our knowledge therefore we would like to apologize to the city council also to James Phillips which I've already done and any other ones it might have been offended at this meeting or any other time.

Thank you granting us this time before The Mayor and the City Council.

Sincerely,

Dr. Rocky Branch, Senior Pastor FBCSP

Dr. Alex Glover Chainman Of Trustees FBCSP



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director@amyregionallibrary.org
www.amyregionallibrary.org

July 21, 2021

Spruce Pine Town Council
PO Box 189
Spruce Pine, NC 28777

Dear Spruce Pine Town Council,

The AMY Regional Library System adheres to the North Carolina Administrative Code governing the State Library of NC. As a regional library system, we are required to have a 10-year, inter-local contractual agreement on file to qualify for State Aid. According to those By-Laws:

At the end of the ten-year agreement period, the Regional Library Board shall review the agreement, recommend any modifications, and submit it for review and renewal to each of the local governmental units which shall review, suggest modifications, and vote to extend or rescind the agreement.

This agreement is critical for us to receive state funds that support so much of what we do as individual libraries and as a collective library system.

I have reviewed the existing contractual agreement with our State Library Consultant, and the Regional Library Board has met in person and thoroughly reviewed the agreement and has two recommendations: (1) the change of terms to *1 July 2021 through 30 June 2031* and (2) the inclusion of a date on the signature line for each county/town government, as it is stated under section VIII Review and Termination. Apart from these modifications, the Regional Library Board is highly satisfied with the wording of this contractual agreement and submits it for your review at your next regularly scheduled Commissioners meeting.

We appreciate all you do for our region and for the town of Spruce Pine, and I look forward to seeing each of you in person for our Regional Library yearly report.

Sincerely, and on behalf of the Regional Library Board,

Amber Westall Briggs, MLS
Director

Serving the People of the Toe River Valley

Avery County Morrison Library 150 Library Place Newland, NC 28657 828.733.9393	Mitchell County Public Library 18 North Mitchell Avenue Bakersville, NC 28705 828.688.2511	Yancey County Public Library 321 School Circle Burnsville, NC 28714 828.682.2600	Spruce Pine Public Library 42 Walnut Avenue Spruce Pine, NC 28777 828.765.4673
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THE GREAT STATE OF NORTH CAROLINA
Counties of Avery, Mitchell, Yancey
and the Town of Spruce Pine

Contract for the AMY Regional Library

WHEREAS, the mission of the Avery-Mitchell-Yancey Regional (AMY) Library is to be an integral part of the lives of the people in the three counties by providing them with excellent educational, recreational, informational and cultural services and;

WHEREAS, recognizing the diverse communities served and the specific individual needs of their residents, four governments and their four libraries collaboratively are committed to the education, economic development and quality-of-life contributions that libraries uniquely are able to provide and;

WHEREAS, this collaboration provides for the most effective and efficient use of local resources for the benefit of their residents and;

WHEREAS, this collaboration provides opportunities for service and resource allocations otherwise beyond the financial and service capacities of the individual governments and libraries;

NOW, THEREFORE, pursuant to resolutions duly adopted by their governing boards, the parties, on this the Sixtieth Anniversary of the original agreement, hereto renew their commitment for the organization of the Avery-Mitchell-Yancey Regional Library upon the terms set forth below therein for a term extending from 1 July 2021 through 30 June 2031.

I. Governments Involved

- a. Avery County
- b. Mitchell County
- c. Yancey County
- d. Town of Spruce Pine

II. Purpose statement

- a. This agreement is to perpetuate excellent library and information services to the residents of the areas included within the jurisdictions of the aforementioned governing bodies through their collaborative and collective efforts under the legal authority of N.C.G.S. 153A-270 and N.C.G.S. 160A, Article 20, Part 1.

III. Board of Trustees

- a. The Board of Trustees shall be the governing body of the Regional Library.
- b. Membership
 - i. There shall be 12 members of the Board of Trustees providing equitable representation of each participating governmental unit.
 1. Avery County: 4 members appointed by the Avery County Board of Commissioners.
 2. Mitchell County: 2 members appointed by the Mitchell County Board of Commissioners.
 3. Yancey County: 4 members appointed by the Yancey County Board of Commissioner.
 4. Spruce Pine: 2 members appointed by the Spruce Pine Board of Alderman.
 - ii. Members shall be appointed from the membership of the local library boards according to bylaws and policies approved by each governing body for that library.
 - iii. Members shall be appointed in staggered terms to promote consistency as well as to accommodate change. Regional Bylaws shall clearly define the

term limits and how staggered terms shall be accomplished among the counties and town. Members shall serve no more than two consecutive terms with no single term longer than three years.

- iv. Vacancies on the Board shall be filled with appointments by the appropriate governing body for the length of the term of the member creating the vacancy.
- c. Powers and Duties delegated to the Regional Library Board of Trustees by the Counties of Avery, Mitchell, and Yancey and the Town of Spruce Pine.
 - i. The Board of Trustees shall be delegated the power to adopt bylaws and rules for its own governance.
 - ii. The Board of Trustees shall be delegated the power to adopt policies for the regional library system's administration and operation.
 - iii. The Board of Trustees shall be delegated the power to select, appoint, remove, determine salary and other terms of employment of a regional library director.
 1. These actions shall require a majority vote of the Board at which a quorum is present.
 2. The AMY Regional Library Director shall:
 - a. Have a valid North Carolina Public Librarian Certificate;
 - b. Be the chief executive and administrative officer of the AMY Regional Library and function in accordance with the approved policies of the AMY Regional Library Board.
 - iv. The Board of Trustees shall develop and approve an annual budget which shall:
 1. Be administered under the same provisions as units of local government (G.S. 159), with all state funds administered by the regional library and expended throughout the region as described in 07 NCAC 021.0202.
 2. Be a composite of the separate budgets of each county library, with an agreed upon amount paid by each county for the materials, salaries, and operating expenses that are shared within the region which shall be sent to the Finance Officer in monthly or quarterly payments as negotiated by the Finance Officer and the local county or town;
 3. Include a specified amount of funding for each library's operating costs with gifts, special memorials, endowment and trust income, and appropriations for capital outlay earmarked for the designated purpose.
 - v. The Board of Trustees shall be delegated the power to appoint a regional finance officer who shall:
 1. Ensure expenditure of funds consistent with the budget adopted by the Board;
 2. Report directly to the Regional Library Director and at all meetings of the Board.
 - vi. The Board of Trustees shall be delegated the power to assure compliance with all applicable State and Federal law and eligibility for the receipt of State and Federal Funds.
 - vii. The Board of Trustees shall be delegated the power to make recommendations to the governing units concerning the construction and improvement of the physical facilities of the libraries within the region; however, construction and facility maintenance shall be responsibility of the local governing unit unless the Regional Board negotiates and approves a collaborative effort.

- viii. The Board of Trustees shall make regular reports related to services and operations to each governing body as conveyed by approved reports of the Regional Library Director.
- ix. The Board of Trustees shall obtain an annual independent audit of regional library accounts consistent with generally accepted accounting principles, and submit a copy of this audit to the State Library of North Carolina.

IV. Terms of Property Ownership

- a. A major benefit of regional cooperation is that scarce resources may be shared among the various county residents without wasteful duplication; however, certain ownership restrictions shall apply:
 - i. All buildings, grounds, and other facilities of each library shall remain the property of their respective county or town.
 - ii. All books, technology, or other resources paid for with local funds shall remain the property of the respective county or town.
 - iii. All books, technology, or other resources paid for with Regional or State funds shall remain the property of the Regional Library System.

V. Insurance Coverage and Indemnification

- a. Insurance Coverage
 - i. The local government units shall maintain insurance coverage for the building and grounds and other facilities for each of their individual libraries including general liability insurance.
 - ii. The Regional Library shall maintain insurance coverage for the contents of the buildings, the Regional Library Office, and the vehicles used to provide service.
- b. Indemnification
 - i. The Regional Library shall, to the extent legally permissible, indemnify each person who may serve or who has served at any time as an officer, director, board member, or employee against all expenses and liabilities, including, without limitation, counsel fees, judgments, fines, excise taxes, penalties and settlement payments, reasonably incurred by or imposed upon such person in connection with any threatened, pending or completed action, suit or proceeding in which he or she may become involved by reason of his or her service in such capacity; provided that no indemnification shall be provided for any such person with respect to any matter as to which he or she shall have been finally adjudicated in any proceeding not to have acted in good faith in the reasonable belief that such action was in the best interests of the corporation; and further provided that any compromise or settlement payment shall be approved by a majority vote of a quorum of directors who are not at that time parties to the proceeding.

VI. Provisions for Amendment

- a. This agreement can be amended providing that all parties accept those amendments in a regular meeting of those parties.
- b. Recommendations for amendments shall be forwarded to each of the county and town governments in writing with a thirty-day period for consideration given. At the next regular meeting of the county and town boards after this thirty-day period, the amendments shall be voted on by those bodies.
- c. Disagreements related to this agreement shall be resolved first by a committee of representatives from each governmental unit and then by their legal councils if necessary.

VII. Provisions for Withdrawal

- a. A member proposing to withdraw from the AMY Regional Library System shall give written notice on or before July 1 to the Regional Library Board, the other

participating local governmental units and the State Library of North Carolina. The withdrawal shall be effective the following June 30.

- b. Should that member decide within this time period to rescind the proposal, that member shall remain a part of the Regional Library System under the same conditions and requirements as the agreement under which they became a member.
- c. Should that member fully withdraw, the Terms of Property Ownership as stated in Section IV shall apply.
- d. The AMY Regional Library System may be dissolved if three of the four parties withdraw in accordance with the procedures stated above.
- e. As included under NCGS 160A, Article 20, Part 1, Joint Exercise of Power, property purchased by the region is owned jointly as tenants in common by the participating counties; therefore, if the AMY Regional System is dissolved, the counties of Avery, Mitchell, and Yancey and the Town of Spruce Pine shall divide the joint assets equally among themselves.
- f. The distribution of properties and resources jointly owned shall be accomplished by a committee composed of representatives from each governmental unit, the current Regional Library Director, and a representative from the State Library of North Carolina.
- g. After all outstanding debts are resolved, any remaining State or Federal Funds previously distributed to the Regional Library shall be returned to the State Library and remaining funds from local governmental units shall be returned to them. Any land and building property owned by the Regional Library shall be sold and the proceeds distributed to the local governmental units. Other property such as the bookmobile, outreach van, computers and other technology, books, and any other assets shall be sold at auction and the proceeds divided among the units or distributed in some other equitable manner as agreed upon by the committee of representatives.

VIII. Review and Termination.

- a. This agreement shall continue to be in effect for Ten Years from the dated signatures on the contract unless reasonable cause is presented in writing to each of the local governmental units and the State Library of North Carolina.
- b. The agreement may be reviewed at any time by any local governmental body or the Regional Library Board and, if modifications are deemed reasonable and necessary, amendments may be made according to the procedures stated above.
- c. At the end of the ten-year agreement period, the Regional Library Board shall review the agreement, recommend any modifications, and submit it for review and renewal to each of the local governmental units which shall review, suggest modifications, and vote to extend or rescind the agreement.
- d. The agreement may be terminated if reasonable cause is presented in writing by a local governmental unit to the other members of the region, the Regional Library Board, and the State Library of North Carolina.
- e. The effective dates for termination shall be the same as a withdrawal from the System.
- f. If the agreement terminates, and no successor agreement is to be executed, the AMY Regional Library System shall be dissolved and joint assets distributed as described above in Section VII.

This AGREEMENT shall be effective upon acceptance by all parties.

IN WITNESS WHEREOF, this agreement has been executed by the principal official of the governing board of each party hereto, pursuant to authority of each respective board.

Attest:

AVERY COUNTY

_____ by _____ on _____
Clerk to the Board Board of Commissioners, Chair Date

MITCHELL COUNTY

_____ by _____ on _____
Clerk to the Board Board of Commissioners, Chair Date

YANCEY COUNTY

_____ by _____ on _____
Clerk to the Board Board of Commissioners, Chair Date

TOWN OF SPRUCE PINE

Shelley Buchanan by *Debra Stupid* on *8/9/2021*
Clerk to the Board Board of Commissioners, Chair Date