

**STATE OF NORTH CAROLINA
COUNTY OF AVERY**

The Avery County Board of Commissioners met in Regular Session on Monday, August 15, 2016 at 6:00 p.m. in the Commissioners Board Room, Avery County Administrative Complex, 175 Linville Street, Newland, NC.

Members Present: Martha Hicks, Chair; Maxine Laws, Vice-Chair; Reo Griffith; Faith Lacey; Blake Vance

Members Absent: None

Call To Order

Chair Hicks called the meeting to order at 6:00 p.m.

Tim Greene led prayer.

Commissioner Reo Griffith led the audience in the Pledge of Allegiance.

Public Comments

There were no public comments.

Board Appointments

Morrison Library Board

Aneda Johnson has applied for the Morrison Library Board. This position was advertised and has been reviewed.

Motion by Faith Lacey and second by Blake Vance to appoint Aneda Johnson to the Morrison Library Board. Motion unanimously approved.

Avery County Joint Community Advisory Committee

Jean Ray has expressed her desire to be reappointed to the Avery County Joint Community Advisory Committee for a three year term. This position has been advertised and reviewed.

Motion by Blake Vance and second by Maxine Laws to appoint Jean Ray to the Avery County Joint Community Advisory Committee for a three year term. Motion unanimously approved.

Property Beside the Courthouse (Kelly Johnson Property)

Faith Lacey asked the Board if she could be recused.

Gerald McKinney, County Attorney, stated that it was the Board's decision whether or not to allow Ms. Lacey to be excused.

Chair Hicks asked for a motion to excuse Ms. Lacey.

Chair Hicks asked for a vote on excusing Ms. Lacey at this time.

Reo Griffith stated that he was not here on Monday for the workshop but I can't quote the policy but there is policy. I will ask the County Attorney, do you think she should be recused? Gerald McKinney stated "I explained to the board at the prior meeting. You look at three factors in determining whether or not a board member should be excused on account of a personal financial interest."

Maxine Laws said that this piece of property that we are discussing is only the Kelly Johnson property. She doesn't have a financial interest in it. It is his property and his money. We are talking about Kelly's property.

Gerald McKinney said the question is could it effect the value of the property that she owns by virtue of it being the property right next to it. That is the question that the board needs to answer. Blake Vance said "two say no and I will be the third to say no at this time but if we discuss this further in the future I might have another opinion on that so that is your three." Mr. McKinney stated that Ms. Lacey was not excused from this discussion.

John Cox, Feeding Avery Families, stated that they occupy a portion of the building on the Kelly Johnson property. We have about \$60,000 worth of freezer units in there. Our major concern is not if it is sold but as to what would happen to our location. It is going to take about \$10,000 to move this equipment. I have two questions number one do we have a building that we can find in the community. We are a volunteer unit and supply food to over 600 individuals. This is our dilemma where we can locate and the cost of moving.

Blake Vance thanked Mr. John Cox and Feeding Avery Families and the work that they do.

Motion by Blake Vance and second by Maxine Laws to go into Closed Session at 6:15 p.m. regarding G.S. 143-318.11 (a)(5) Acquisition of Property. Motion passes 3 to 2. Faith Lacey and Reo Griffith against. Invitees are the Board, County Manager, County Attorney and Clerk.

Reo Griffith stated that we have an audience here that is interested in this and why do we want to go behind closed doors. We have already talked about a price. If we were negotiating a price, but there has already been a price thrown out on the table. I think this is a very fitting time to discuss this purchase whether we buy it or whether we don't buy it while people sitting here that has an interest in the property.

Blake Vance stated this is advice from legal counsel in order to discuss some of the details of the purchase of real property and in order to protect the interest of Mr. Johnson and the county. We should discuss some of the details in closed session before they are public and that is absolutely completely proper and legal.

Reo Griffith stated that Mr. Vance was not legal counsel and he would like to hear from the attorney. Gerald McKinney, County Attorney, stated that was in fact what he had

said when you talk about negotiating terms of a real property in my opinion it is in the best interest until the terms are met to talk about it in closed session. Chair Hicks stated the board would now go into closed session.

Chair Hicks declared the meeting to be back in session at 6:41 p.m. after a time of closed session. During closed session, no vote was taken.

Blake Vance stated that one thing is crystal clear there is some spirited disagreement on the board about this property. I firmly believe that this board is not at any place to make an informed decision at this time. I don't feel like I can make a good and informed decision at this time. There are some questions that we need to have answered, what we will get in terms of parking spaces, what is the cost of demolition and is there any asbestos in the building? With those things in mind, I would move to postpone this item.

Motion by Blake Vance and second by Maxine Laws to postpone this issue until some of the questions have been investigated and satisfied.

Reo Griffith stated it is easy for government to compete with the private sector. This is rental property. I'm sure Mr. Johnson's property is worth every penny. We have crossed this bridge numerous times with the government competing with the private sector. I am not only for stopping the discussion of this but I am for shutting it down altogether. You have tenants here today that are all volunteers. You have families that are going to be displaced.

Faith Lacey stated "I would like to say that basically the cost of this project to the taxpayers would be more than they could afford but not maybe they could afford but it is a very expensive price that has been asked when the land value is about \$31,000 and for the commissioners to pay the price that has been asked it does not add up."

VOTE: Motion passes 3 to 2.

**For—Martha Hicks, Maxine Laws, Blake Vance
Against---Faith Lacey, Reo Griffith**

Dangerous Dog Committee

Tim Greene, County Manager, stated that it was the advice from our county attorney that we should appoint a committee instead of the Board of Commissioners to hear appeals when a dog has been deemed dangerous. We did find out that our county manager and emergency management director could not serve on this board because it is against the board policy.

Gerald McKinney, County Attorney, explained that about eight years ago the Board of Commissioners designated the Sheriff the person to determine a dog dangerous. The general statute sets out the criteria for this. The owner is notified and the owner can appeal that decision to the board to be reviewed as to whether or not it is a dangerous dog. The hearing must be within 10 days. My point is that you can have a board of citizens that can make this decision and that is my recommendation.

Motion by Blake Vance and second by Maxine Laws to have the two remaining positions on the Dangerous Dog Committee to be at-large positions and advertise and take applications. Motion unanimous with those in attendance (4-0). Reo Griffith had stepped out of the room.

County Manager Updates – Tim Greene

Gazebo at the Square

The bid for the Gazebo at the Square was awarded to Mike Gragg from Hospice. He will be starting on that soon.

Broadband

Skyline/SkyBest have not heard yet from the USDA grant. Country Cable did not do an application for this round of funding.

Finance Officer Report – Nancy Johnson

Budget Amendment

The Avery County E-911 department requests a budget amendment for contract maintenance due to a vendor's mathematical error.

Blake Vance questioned if the vendor made the mathematical error on their contract and signed the contract? Nancy Johnson stated yes. Mr. Vance said then they should stick with it. The County Attorney will look into this.

Motion by Blake Vance and second by Maxine Laws to table this budget amendment until the County Attorney can investigate this matter. Motion unanimously approved.

Agenda Consent Items

Adopted by Consensus of the Board.

Upcoming Meetings

The next Regular meeting will be held on Tuesday, September 6, 2016 at 6:00 p.m.. due to the Labor Day Holiday.

Adjourn

Motion by Maxine Laws and second by Blake Vance to adjourn this meeting at 7:10 p.m. Motion unanimously approved.

**Martha Hicks, Chair
Avery County Board of Commissioners**

ATTEST: _____
Cindy Turbyfill, Clerk

