

**STATE OF NORTH CAROLINA  
COUNTY OF AVERY**

The Avery County Board of Commissioners met in Regular Session on Monday, August 20, 2007 at 3:00 p.m. in their offices, Avery County Administrative Complex, Newland, NC.

Members Present: Kenny Poteat, Chairman; Susan Pittman, Vice-Chair; Dan South and Scott Heath  
Members Absent: Phyllis Forbes

**Call to Order**

Chairman Poteat called the meeting to order at 3:08 p.m. Dan South offered prayer.

**Proclamations & Awards**

The Manager advised that he has received a Resolution of Support from Linville Land Harbor for the High Impact Development Ordinance. Chairman Poteat read aloud the Resolution in Support of Adoption of a Permanent Ordinance Governing High Impact Industry. Mr. Poteat then thanked Linville Land Harbor for their support.

**Public Comments**

There were no public comments.

Chairman Poteat welcomed former Commissioner Joe Strickland to today's meeting.

Chairman Poteat advised that he, Dan South and Robert Wiseman attended the recent NCACC Conference in Fayetteville, NC. I was glad to attend and represent our county and I felt that it was an excellent convention, Poteat said.

Scott Heath commended the trash site workers at the Banner Elk center. He said they do a great job and friendly and helpful.

Dan South said he enjoyed the NCACC Conference in Fayetteville and felt it was a very educational experience for him as a new Commissioner. He added that at the recent countywide faculty meeting he was amazed at the small amount of turnover in the school staff, which means that we didn't have to lay off as many teaching assistants as first discussed. Three of them were re-hired due to funds available and the rest have all found other employment. Renovations at the High School are completed and another good school year has kicked off.

Chairman Poteat announced that the Annual Secondary Road Meeting will be held in this office tonight at 6:00 p.m.

Dale Benfield commented on the upcoming Commissioner's Fire Commission appointment today asking the Board to please think about the person they are appointing for that position and make sure that it is somebody who is looking out for the interest of both parties and not somebody who has an axe to grind or is biased in their opinion. We need someone who is looking out for the whole community and Avery County, Benfield said.

**Board Appointments**

**Fire Commission Appointments**

Chairman Poteat advised that the Board will appoint one person nominated by the Fire Association to the Fire Commission. Their recommendation is Michael Johnson, who is a very fine young man, and I am glad that someone of his caliber and integrity is willing to serve in this position, Poteat said. Poteat asked if there were further nominees by the Commissioners for this appointment. There were none.

**Motion by Dan South and second by Susan Pittman to accept the Fire Association recommendation of Michael Johnson to serve on the Avery County Fire Commission. Motion was unanimously approved with 4 members in attendance.**

The Chairman then advised that Bill Beuttell, Jake Owens and Daryl Smith have been recommended by the Commissioners to serve on the Fire Commission. He asked if the Board had any other recommendations at this time. There were none.

The Chairman then explained the voting process the Board uses for appointments. The Board is to rank the three recommendations in order of preference, from 1 to 3 on the ballot provided, with a #1 being the highest ranking (first choice), and #3 the lowest ranking (last choice). As in golf, the low score wins, Poteat said. The scores will be tallied by the Chairman and the Clerk to the Board and the results announced.

Scott Heath asked how we would be able to vote if we did not know some of the candidates. He said he would not feel comfortable trying to vote on someone he didn't know anything about. This time I know all the candidates, he said, but what if I didn't know them or even if they would like to be considered for the appointment or whether they are qualified for the appointment. In the future, I think we should have more advanced notice about the nominees, maybe the meeting before the appointment is to take place, he suggested.

Robert Wiseman advised that Phyllis Forbes had suggested that Bill Beuttell's name be placed in contention for this appointment. The Clerk to the Board called Beuttell on Friday and he said that he was agreeable to being considered for the position.

Susan Pittman asked how many appointments are to be made on the Fire Commission. Robert Wiseman advised that it is a 5-person Commission. Mr. Joe Perry and Mr. Danny Clark are both serving on the Fire Commission right now. Joe is a Commissioner appointee and Danny is the Fire Association selection. Michael Johnson is the Fire Association nominee and was approved today. The Commissioners pick one more member today. Then, the 5th seat is filled as follows: the 4 seated members on the Fire Commission will then select the 5th appointee, Wiseman said. In case the 4 seated members cannot come to a consensus on the 5th person within 30 days, then the Chairman of this Board would pick one of the Commissioners and Junior Sluder would pick a Fire Chief or member of the Association and those 4 would pick one more person and they would then vote on the 5th person, Wiseman said. The Board marked their ballots at this time.

**Recess** – The Board took a 2-minute Recess for purpose of tallying the ballots.

Following the Recess, Chairman Poteat reported that the Board of Commissioners has chosen Mr. Daryl Smith to represent us on the Fire Commission.

Voting Results: Commissioners Poteat, South and Heath – Daryl Smith.

Commissioner Pittman – Bill Beuttell.

Commissioner Forbes was not in attendance and did not vote.

Vote was 3 to 1 for Daryl Smith.

Tally of Total Votes cast (low vote is the winner):

Daryl Smith – 5

Jake Owens – 9

Bill Beuttell – 10

Poteat reported that Joe Perry, Danny Clark, Michael Johnson and Daryl Smith are now members of the Fire Commission. Those 4 members will probably meet at their September meeting and select the 5th member of the Fire Commission, Poteat said.

### **Richardson, Smith, Gardner & Associates Engineers -Avery County C&D Landfill Project**

Buddy Norris, Solid Waste Director, introduced Mr. Stacy Smith and Mr. John Gardner from Richardson, Smith, Gardner & Assoc. Engineers, and Mr. Phil May, consultant and water quality specialist from Carolina Eco Systems, who are assisting us on our C&D Landfill Expansion Project. Buddy advised that these gentlemen will explain our C&D Landfill Expansion Project. Stacy Smith provided the Board with some background information on their company. He also discussed some of our options for this project. Mr. Smith provided maps of the C&D Expansion Project. Phase I is the original section of our C&D, and that phase has been closed. Phase 2 is near to being closed as well, so we need a Phase 3, which will be the expansion to the C&D, Smith said. There are approximately 80 acres at the C&D site and approximately 7-8 acres have been used with Phases 1 and 2. Stacy advised that in the RFP, we reviewed the feasibility of doing the expansion vs. just transferring the waste. Other opportunities this site has are permitting and expansion over the stream between these two phases.

If we do the stream expansion (closing in the valley between Phase 1 and Phase 2) the C&D site would give the County around 20 years of air space by impacting about 3 acres between the two phases in the stream. This is a real option for the County. The second option is lateral expansion to the north; which would also give 20 years and impacts approximately 7 acres. It would be developed due north, and would be contiguous to the Phase 1 area, Smith said. Summarization of costs for these options was discussed. Our original goal was to close Phases 1 and 2 and expand in a new area, but I think that if we expand between phases 1 and 2, it would bring you into the new rules, plus you would have less development cost being a 3 acre development vs. a brand new 7 acres. Smith said that they also looked at recycling options plus just continuing to transfer. You will have 20 years plus by expanding on your property, plus, if you do the stream expansion, you will also get an additional 20 years of capacity on the same site in addition to all of the capacity you were planning on before, Smith said. So, it maximizes a

lot of the use of the existing site. Considering current fuel costs and the current transfer situation, it became apparent that it wasn't as big a difference as we thought. A lot of times with 3,500 tons/year we don't see people wanting to expand, but in this case it was consistent and I think that expansion on the existing site is a good idea for Avery County, Smith said.

The Board asked Smith to explain how they could expand across the stream without harming the waters. Stacy Smith said there are a number of steps to move through to make this happen. When you do a project like this, you will also do some other water quality features to bring an older design up to newer standards. Phil May, Carolina EcoSystems, explained the steps required to move through the stream expansion option. He advised that the stream channel between the two phases is already heavily impacted just from its historical use and the things that biologists look for in a stream, such as significant aquatic habitat, was lacking in this stream channel. Also, there are trout waters downstream. We held a field discussion with the permitting agencies and they liked the concept and also concurred on our general mitigation approach, May said. Since we would be filling up the upper portion of the stream, officials asked that we clean up the sedimentation which has already occurred downstream from that point down to the confluence with a larger stream and let it naturally restore itself over time in order to improve the aquatic habitat of the stream.

Chairman Poteat asked if Phil feels confident about permitting being approved for working in these streams. Phil said yes, he does, and that is one reason why they invited those agencies out to look at the site and give their opinions. We can fill in that valley, cache the water and preserve the rest of the stream. Stacy advised that we can separate the waste from the water by the design of an under-drain for the stream and thus not be hampered by the landfill, plus it will protect the stream long-term.

Stacy Smith advised that all of the potential costs with regard to the impacts of the streams, cost of permitting, etc. is included in our Feasibility Studies. Scott Heath asked how long this permit would cover and could we be grandfathered. Stacy said that once you receive the permit, it's done, and they can't come back later and close you down. Stacy referred to S.B. 1492 and some of the C&D rule changes. Some grandfathering and exemptions was a huge topic as to who has to change their operations and who can continue to expand and basically work under an old set of rules. Rules effective January 1, 2007 will immediately impact how we develop the site now, Stacy said. We will have to take Avery's C&D site into a newer set of rules as well. He added that S.B. 1492 was ratified August 2, 2007. There is a lot more environmental permitting required now than before, Scott said. North Carolina will move away from unlined to lined C&D facilities. In the future you may not see as many C&D's in North Carolina. Also in the future, we will have a \$2,750 Permit Review Fee per year in order to operate our C&D and a \$750 per year fee for our Transfer Station. There will also be a Solid Waste Disposal Tax (State imposed tax) of \$2.00 effective 2008, which is applied to both MSW and C&D materials.

Avery County is exempt from a number of the design issues. We are allowed, under the Act in existence today, to horizontally and vertically expand our existing landfill, Stacy said. That is the way it is written in the Act as it stands today. The true interpretation of this is yet to be finalized, so we are going to have some rules changes over the next year and basically, expanding sites won't have to look at all these buffering increases and design increases, etc. Buddy Norris and I will be working closely with that to see if there are any substantial changes, Stacy said.

Discussion held on length of time it will take to complete the project. Buddy Norris estimated it would take 18-24 months to complete, adding that we plan to begin on the project as soon as tomorrow. Today's meeting is for information and to show you where we are on the project, Buddy said. We had previously decided to develop 6 to 8 acres of this property, so today's meeting is for information only, Buddy said. Kenny Poteat asked if we have decided which expansion we are going to do. No, Buddy said, we know we have to do something and we are recommending the stream expansion option. Stacy Smith said that they are recommending the stream expansion option, but we can also include a site application for the entire site. We recommend to expand with the stream option and also encompass the entire site. We think that will lock this site in for future capacity no matter what happens with these rules if they change in the future, etc. If we can do it for the same fees, you are getting the same product and also locking in future air space, Stacy said.

Robert Wiseman said that Tim Greene, Buddy and I looked at these options in depth previously because we were told that we had to be out of the existing landfill by July 1, 2008, otherwise we would fall under a new set of regulations that would financially cripple us. We crunched the numbers and looked at the options we had. Doing nothing was not an option. We crunched the numbers of hauling everything to Bristol or Caldwell County. All of this is what brought us to this point today. We had to make all of those decisions before we did an RFP. It is our recommendation that we go with the stream expansion option,

Wiseman said. Scott Heath said that if we go with that option, it gives us 20 years. Plus, if we also go with the lateral expansion, that would give us another 20 years for a total of 40 years at this site. The tub grinder can also reduce the amount we are putting into our Expansion site, Scott said. He suggested reducing the amount that goes into the ground in order to extend the life of the permitted area. We could store it, then lease the grinder and use it semi-annually, then sell the mulch, etc.

Discussion on whether or not a public hearing would be required in order to select an option. Stacy said that no hearing is required since this is the expansion of an existing facility. Robert Wiseman said that if this were a new site, we might be required to hold a public hearing though. The County Attorney asked the Board to allow her some time to look into this matter before the Board takes any action. The Board agreed by consensus to allow the County Attorney some time to research this issue before they take action. The Chair advised that the Board would make a decision on this matter at their next Regular Meeting in September.

### **County Manager Report – Robert Wiseman**

Disaster Relief Funds – Robert Wiseman advised that the Disaster Relief funds which the County applied for were approved; we are now starting work on the new siding and roof for the Avery Senior Center with those funds.

### **Transfer Fee**

Chairman Poteat advised that the Transfer Fee was approved by our Legislature and has been signed into law, statewide. The State Bill calls for 4/10 of 1 percent (0.4%) We had asked for a 1% Transfer Fee in the bill that we presented to the Legislature, but it was not approved.

Robert Wiseman advised that the Transfer Fee is something which the Board needs to be in consensus on. Having attended the NCACC Meeting on this issue and speaking with Commissioners Poteat and South, I feel I am speaking for all of us when I say that the time frame we would have to meet between now and September would be so restrictive that it would be better to wait on making a decision about putting this issue on the ballot in the spring, since there is not enough time to get out the information to all of the parties that need to be apprised of it. Chairman Poteat added that he and Commissioner South attended two workshop sessions on this issue and that after talking with several other Commissioners at the NCACC, he feels it would not be wise to try to put this on a referendum too quickly. It would give us more time to decide on the wording of the referendum, etc. Poteat said he felt that getting it on this fall would be pushing it too quickly. South added that we also need to have further discussion about the sales tax option and whether the transfer fee or the sales tax would be better for us. Dan recommended that the board might want to hold a Workshop to discuss this issue in depth.

### **Banner Elk Day Care Facility**

Robert Wiseman referred the Board to a copy of a Resolution from the Town of Banner Elk to Avery County regarding the Banner Elk Day Care. This Resolution says that upon request, the Town Council will deed the property back to Avery County and Avery County will agree to provide day care services for the Banner Elk community, Wiseman said. We would actually provide the facility, and then lease it to someone to provide the service, he added.

Wiseman said he has met with Rick Herndon from High Country COG, met with Ms. Murphy, looked at the Loved Ones facility and met with our County Building Inspector. He is also waiting for an environmental assessment from the Health Department to make sure that there is no black mold, etc. Avery County will have to request that Banner Elk annex us into the town for provision of water/sewer for the facility. We also need a conditional use permit and we have to do a zoning petition to the Town of Banner Elk for educational and medical purposes, Wiseman said. Hugh Montgomery is going to lend assistance in completing some of this paperwork. This project will require some start up costs. The actual moving of the building is one of the smaller issues, Wiseman said. We have a quote from a moving company to move the facility to the school property. We could move it in one weekend with the exception of the fence, which is another issue. We will be using a flat area of the property; however, a small trout stream cuts across it, but there is no water in it right now. It will take a lot of permits in order to cross that stream, Wiseman said. He added that he will meet tomorrow with our engineering firm, Beeson, Lusk & Street, to discuss the project. We will have to present the Town Council with a site plan with an engineer's stamp on it. Hugh Montgomery advised that the Banner Elk Town Council has already set a public hearing for their next meeting for the voluntary annexation petition and rezoning of this property. Once you get that done, we can have a public hearing. By mid-October, we could have the site plan approved and the conditional use permit issued by the Board of Adjustments, Montgomery said.

Scott Heath commented that we have put millions of dollars into recreational and educational opportunities for our kids. That generally starts when they are 4 or 5 years old. We put money in

programs for Middle and High School and we also fund Mayland Community College, but what do we do for the 2 year old. I don't feel that the County should be in the day care business, but we are not getting into the business, we are just keeping one from closing. This will also help parents to be able to work and keep them off of welfare. I don't want to get into the day care business, but I think we should use this opportunity so we can utilize this time to help out those who use that facility in the northern end of the county and also to contribute to that age group, Scott said. Susan Pittman commented that this agency does provide day care to anyone in the county, not just the northern end of the county. Hugh Montgomery said that there are very few children who live in the city limits of Banner Elk that are currently using this facility. Michaelle Poore said that it appears to her that there could not be any restrictions in the deed that conveys title back to the County. That could perhaps be done under a separate agreement. So, once the county gets the property back, it is ours free and clear, Scott said. Mr. Montgomery assured the Commissioners that the Mayor of Banner Elk would be agreeable to a language change if that suits this Board.

The Chairman advised that Banner Elk will need to know something fairly soon on this issue. The Manager said that he wants this Board's blessing to proceed post haste with this project as winter is upon us. We don't have an action plan at this point other than what we have just talked about. After today's meeting, I will create an action plan and chart that will lay out the steps that we plan to take, with a beginning and a conclusion, Wiseman said.

Ms. Sarah Yackey, Executive Director of Partnership for Children, commented that this is an emotionally charged issue for the parents and as a Partnership for Children, we applaud you for taking this on. She advised that there is an issue with the existing building in that the heat is not satisfactory and neither is the air conditioning. If you don't take action, by mid-October we will be into the heating season and would have to do something temporary if we are not moved by then, and it can't be temporary heaters, Yackey said. Also, there is the month-to-month lease with the Town of Banner Elk that Region D is under. Those parents don't have the long term assurance that they previously had that a day care will continue in Banner Elk. They are going on a month to month basis, which is very emotional as well. Also, how will all of this fit in with the new Banner Elk School and is there a time-frame for that? Robert Wiseman said that the time frame of the Banner Elk School is the prerogative of the Avery Board of Education. They build the school and all we do is fund it. The money has been appropriated and it would appear that toward the close of this fiscal year that the planning process will be implemented, Wiseman said.

Kenny Poteat said if the facility requires additional heat, I can see Banner Elk's plight in this since they are not in a position to install a new heat system, so it is imperative that this Board get on with it and make our decisions. Hugh Montgomery advised that the school will have to be zoned M & E and the property would have to be annexed in any event, over time. So, it would be prudent to go ahead and get that part of the formality out of the way.

Chairman Poteat said he feels we should continue with what we are doing thus far, not saying that we are going to put that building in that spot, but rather "can" we put it there. Then we get into costs. The Board had no objections to handling this issue in the manner the Chairman suggested.

Dan South thinks we still need a lot of thought and discussion on this matter. He would like for us to describe the end state of where we are going to be with this three years down the road. Do we intend to add this facility to the new school? If that is true, in talking to some of my colleagues in the school system, they have a lot of questions about that. It is a much bigger issue than just simply having a day care on campus. We will also have a superintendent change, and that whole dynamic will have some issues associated with the school as well as the day care. If we move this facility to Banner Elk and set it up on a temporary basis, I would just like to have a footnote that indicates what temporary is; at what point do we say it is no longer temporary. Hugh Montgomery said that the Town of Banner Elk Board of Adjustment would issue a Conditional Use Permit for the site for 3 years, renewable on an annual basis. Dan said there are a lot of questions that he is concerned about on a long term basis, not just short term. We just need to know what the end state is going to be on this issue, South said. He added that he is all for the project. Scott agreed, saying that we just need to know what we are getting into on this.

Discussion continued. Robert Wiseman said that if this plan comes about and this facility is established on this site, I don't think that the property should be deeded to the Board of Education. I think the County should keep it because it is not going to be a part of the school facility.

#### **Marie Gwyn, DSS Director – Upcoming Retirement**

Marie Gwyn presented the Board with a time frame so the Board could know what is taking place and when certain things would occur in preparations for her retirement. Robert Wiseman advised that it is

up to the DSS Board to replace Marie. Marie said she just wanted to let the Board know that she is retiring and that the DSS Board will review everything and someone will come from the State in September to speak to the DSS Board. We will advertise my position at the end of September, October and November, and then screen candidates. The candidates will be certified by the State as meeting minimum requirements. Marie added that she will be willing to help the new candidate as soon as they are identified. She said that she hopes to be able to leave by the middle or end of next March. Susan Pittman congratulated Marie on her upcoming retirement, stating that Marie has done a wonderful job over the 13 years that she has known her. Marie said she will work with the Board to make this a smooth transition.

#### Personnel

Robert Wiseman advised that he and Tim Greene will come to the Board with some personnel changes and recommendations for salary adjustments, etc. He stated that they will be talking to the Board individually about these matters.

#### **Finance Office Report – Tim Greene**

##### **Budget Amendment #**

The Finance Officer advised that the Avery Sheriff's Dept. has received a \$5,000 grant from the National Assoc. of Drug Diversion Investigators, Inc. to use for enforcement and/or education of prescription drug abuse. These funds will go into the Sheriff Department Drug Fund.

**Motion by Susan Pittman and second by Scott Heath to approve the budget amendment of \$5,000 with a debit and credit of \$5,000 to the Drug Fund for the Sheriff Department.**

**Motion unanimously approved with 4 members in attendance.**

##### **Budget Amendment #**

The Avery Sheriff Dept. has received \$1,800 in proceeds from the Willie P. Richardson show to be used to buy educational material warning children about drugs and to buy equipment to combat drug use.

**Motion by Scott Heath and second by Dan South to approve an \$1,800 debit and credit to the Sheriff's Drug Fund from proceeds from the Willie P. Richardson show. Motion unanimously approved with 4 members in attendance.**

Note: Chairman Poteat advised that he attended this show and Willie P. told him that he was too ugly to be a Commissioner.

##### **Budget Amendment #**

The Avery County Sheriff's Dept. has received a Dept. of Crime Control & Public Safety grant for Drug Investigation Overtime in the amount of \$13,325.69. This is a 75%/25% reimbursement grant, which means that Avery County would contribute 25% of the total, or \$3,331.42, Tim said. Anytime that the Sheriff's office is putting in overtime work that is directly related to drug investigations, we can get reimbursed 75% for that money.

Kenny Poteat said that this overtime is basically inevitable, but now we will get 75% of that cost back. Poteat said that his concern was that, with no offense to any department, that in the future he would like for the Board to have advance notice before these monies are approved or expended as we would like to help make the decision as to whether we feel it is worthy enough to spend 25% or 50% of Avery County's money on it. The Board asked that the Finance Office/Manager place the request before the Board prior to applying for or accepting any grants that would require a County match.

**Motion by Dan South and second by Susan Pittman to approve this Budget Amendment as presented with debits to Salary – Deputies \$6,189.36; Salary Detectives - \$6,189.36 and FICA-Administration \$946.97 and credit of \$9,994.27 to Drug Overtime Grant and credit of \$3,331.42 to Fund Balance Appropriated. Motion unanimously approved with 4 members in attendance.**

##### **Budget Amendment #**

Tim Greene advised that the General Fund needs to transfer an additional \$47,000 to the Health Department Project Fund in order to pay the remaining construction bills. This covers some things which the architect had not signed off on, Tim said. During the budget process we decided to use our capital reserve money for some different things in the budget process, so now we will need to transfer this money directly out of the General Fund to cover this expense. In the next month or so, we will be transferring some money back into the Capital Reserve Fund, Tim said. Tim said that he was aware that this transfer was going to be necessary. Funding is still fine, Tim said. It turns out that we are going to

have several thousands of dollars to transfer over into our Capital Reserve Fund in the next month from our prior fiscal year.

**Motion to transfer \$47,000 from the General Fund into the Health Department Project Fund by Scott Heath and second by Susan Pittman. Motion unanimously approved with 4 members in attendance.**

#### **Budget Amendment #**

The Senior Center has received a \$45,000 grant from the N.C. Dept. of Insurance to be used for counseling Medicare recipients on drug prescription plans, etc.

**Motion by Susan Pittman and second by Scott Heath to approve a \$5,000 grant to the Avery Senior Center for purpose of counseling Medicare recipients. Motion unanimously approved with 4 members in attendance.**

#### **County Attorney Report – Michaelle Poore**

Michaelle Poore advised that there are no new developments in pending litigation for the County since our last Board Meeting, so she has nothing to report at this time.

The Chairman asked if Ms. Poore could meet with Mr. Jim Brooks, member of the Fire Association Board, as there seems to be a lot of confusion by the Fire Association about the contents of the Contract between the County and the Fire Departments. Ms. Poore advised that she will attend the meeting tonight as requested.

#### **Approval of Minutes**

**Motion by Susan Pittman and second by Scott Heath to approve the Minutes of the August 6, 2007 Regular Meeting. Motion unanimously approved with 4 members in attendance.**

#### **Agenda Consent Items**

Dan South commented on the results of the survey in the Consent Items as performed by the Economic Development Commission. He said that in their survey the County government received a poor rating. In this survey, 67% of the people think that we do a poor job. He said that he felt we need to educate people who put out surveys for the sake of putting out a survey. We need to make sure the survey is well written and if it has been tested before it was sent out. Dan expressed concern about the percentage of people according to this survey who don't think we are doing a good job. Rachel Deal, member of the EDC, said that these surveys were given out to the general public at all the town hall meetings. She said that the EDC will come before this Board with our findings from each town and precinct. She added that she feels that these results are not about your performance, but rather it is about the general performance of government, Rachel said. She added that personally she feels that our general public needs to be educated about what the Commissioners do.

The Board approved the Consent Items by consensus.

#### **Upcoming Meetings:**

Chairman Poteat advised that there will be a Secondary Road Meeting tonight at 6 pm in our Board Room. The Commissioners and members of the DOT will discuss the upcoming Secondary Road Program for Avery County. Susan Pittman will Chair that meeting in my absence, Poteat said, as I must attend a meeting in Boone later this evening.

#### **Fire Department Contracts**

Robert Wiseman stated, for the record and for his and Tim's benefit, that he is operating on the premise that until the Fire Department Contracts are signed and received that there will be no monthly disbursement of funds. Chairman Poteat said that before we met with the Fire Association and Fire Chiefs, I had said that personally, I hoped that their funding would continue until we had a chance to get together on this. We have had that meeting and now my personal opinion is that we should follow exactly what the Manager has said, that there would be no more monies forwarded until the contracts are signed or we have some new development that we don't have as of this date. However, if some of you want to continue the funding, I would entertain that motion, Poteat said.

#### **Recess**

At 5:18 p.m., Chairman Poteat declared a Recess until 6:00 p.m. tonight, at which time the Board will meet with the Department of Transportation in a public meeting on Secondary Roads. Poteat advised that Susan Pittman will Chair that meeting because he has another meeting in Boone tonight.

**Reconvene**

**Annual Secondary Road Meeting – FY 2007-08**

Susan Pittman called the Public Meeting on Secondary Roads to order at 6:09 p.m.

Members Present: Susan Pittman, Chair; Scott Heath and Dan South

Members Absent: Phyllis Forbes and Kenny Poteat

There were six members of the public and press in attendance at this meeting.

Department of Transportation officials in attendance were: Michael Poe, District Engineer, Jerry Combs, Maintenance Engineer and Sam George, Right-of Way.

The Chair then turned the meeting over to Michael Poe, District Engineer, to present the Secondary Road Program for Avery County for FY 2007-08.

Mr. Poe briefly went over the criteria used by the DOT in developing the road programs. Funds will be used for paving unpaved roads and improving unpaved roads through spot stabilization, replace bridges, address safety of paved and unpaved secondary roads and improve secondary roads through widening projects, and also to address severe maintenance problems, Poe said.

The DOT has a paving priority system for paving of unpaved roads, Poe explained. He then explained the priority system and how this system works. Each unpaved road in the County is assigned a priority number based on the point system set up for the rating of these roads. The road with the highest number of points becomes a priority #1 and is the first road to be considered for paving.

The priority list we are using is based on an inventory of the roads which was taken in early 2005, Poe said. This road count is done every 4 years.

Poe presented the Annual Secondary Road Program for Avery County as follows:

FY 2007-08 Anticipated Allocation	
Highway Fund (GS 136-44.5b)	\$240,837
Highway Fund (GS 136-44.5c)	\$261,904
Trust Fund (GS 136-182)	\$819,838
Total	\$1,322,579.00

We will have a total of \$1,322,579.00 to spend in FY 2007-08.

Those monies will be broken down as follows:

Paving Unpaved Roads

1.2 miles – Dark Ridge Road (partial funding) \$ 980,000

The remainder of the cost will come out of the FY 2008-09 road program.

Alternate Roads:

Whittaker Branch Road 0.88 mi. (Priority 9F) \$ 670,000

Old Beech Mtn. Road 2.70 mi. (Priority 10F) \$2,100,000

(These roads would be next in line if Dark Ridge Road cannot be done.)

General Secondary Road Improvements

Paved Road Improvements

Replace Bridge #16 (Partial Funding) \$120,000

Maintenance on various roads as needed \$ 50,837

Unpaved Spot Road Improvements

Total of \$101,742 for unpaved spot road improvements.

Reserved for surveying, right of way acquisition, road additions, etc. - \$70,000

**GRAND TOTAL: \$1,322,579.00**

Poe advised that this program is subject to availability of funds. These are only projections, and if the actual allocations are greater, the N.C. Dept. of Transportation would continue down the paving priority list, but roads without rights of way would not be paved. They would then continue down the priority list to find additional road projects.

The floor was opened for questions.

Susan Pittman asked about paving existing roads which the DOT currently maintains. She said if everyone on the road has signed the right of way and the State maintains the road, can the DOT pave the portion that they already maintain without getting extra rights of way. Poe said it all depends on the road and how much easement we might need and what kind of right of way was obtained at the time. Yes, it is possible. Also, if it is an unpaved road, it would have to come up in priority order, whether there was a signed right of way or not, Poe said.

Scott Heath asked how the money is allocated and how does the State come up with \$1.3 million rather than \$1.4 million. Poe advised it is a complicated question after the new law change. He said that he will be glad to send Mr. Heath the information on the law which was passed by the General Assembly on July 1 regarding funding. (This law is going to be changed again in 2010-2011 and will be based on the miles of secondary roads paved or unpaved in the county vs. secondary road miles in the state, paved or unpaved.) Discussion on this issue. Scott asked if a side road in Avery County is compared to another side road in another county across the state, etc. Poe said that no roads in Avery County are compared to roads in surrounding counties. Funding depends upon the number of paved and unpaved miles in a county. Poe said that this coming year, we will get only about 50 percent of the allocation that we got last year. That is due basically to the fact that a lot of counties have a higher road mileage than Avery County does and so they get more money allocated to them. If we have a higher list of roads requesting to be a state maintained road, that would help us, Scott said, as far as the funding. Eventually this will be the total number of road miles in the county vs. the total number of road miles in the state, Poe said. For the next three years, we are in a mix, he added. Susan said this doesn't sound good to me. Last year we ran out of money for our roads. The mountain counties are really distressed and the counties in the Eastern part of the state don't have to go through with what we do up here in the mountains, Susan said.

Dan South asked if the County has any input into these decisions the state makes. Poe said that the General Assembly determines how the funds are allocated and that the Dept. of Transportation has no input other than to tell them how it is going to affect each county. Poe said that the DOT uses what funding they receive.

A gentleman in the audience who lives on McGuire Road stated that this road was supposed to be paved a couple of years ago, but when they had the bad storms down east that his road didn't get worked on. Mr. Poe said that just because you receive funding for your road this FY does not necessarily mean that you will get work done on your road this year. A lot of other work has to be done first before we can begin the actual construction such as right of way, environmental commitments, etc. Mc. McGuire said that they started cutting the right of way on his road, and then they just quit.

Susan Pittman asked the allocated amount for the entire state of N.C. for roads. Poe advised that \$164,821,872.53 is the projected allocation for this coming FY for the state.

Scott Heath shared a road problem regarding Hickory Nut Gap Road on the Banner Elk side. A few years ago a gravel top coat was placed on the road for a few miles, but when the temperature got hot, the road surface started to come up in large chunks over the entire two miles, and the road has not been repaired since then. There are now large holes in the road. He asked what the process is for getting that fixed and if the contractor would be held liable for faulty work, etc. He felt that the quality control was bad on that project, adding that he didn't want what little money we get up here to be wasted. Michael Poe said that this problem is different from the paving of unpaved roads, which is what we are discussing tonight. Resurfacing is a different allocation of money, Poe said.

Scott Heath also mentioned the fact that on Sam Eller Road the upper and lower parts of the road are paved, but there is an unpaved section right in the middle. He asked if that section can be paved and thus connect the two parts of the road. A member of the public commented that there was a right of way problem at the time the road was paved, which is why that middle section was not paved. Michael Poe said that the DOT may not have been able to get right of way and that was why they had to leave a gap in the road.

Dan South commented that \$164 million was allocated for the state. It seems the citizens are out of the loop and evidently there is no way to get the local government or County Commissioners input into this process. Out of the \$164 million, I think that \$1.3 million is a pretty small piece of the pie, South said. I know that there is a tremendous argument to be made about Winston Salem and all the traffic and road needs down there, but that doesn't help in getting an ambulance to somebody out here in the country; they need help too. For our part, I think you can take back to the State that we don't feel this is fair.

We pay higher gas prices where we live and we pay the same gas tax as everybody else does. N.C. also has the 3<sup>rd</sup> highest gas tax in the United States, South said. We are not asking for 4-lane roads down every holler, but we would like to have decent roads for our people to get in and out of in the winter and to have the potholes paved. In Carter County, TN, there is not a single gravel road. They have paved every road, even the ones leading to the cemeteries. Please share this with the people in Raleigh, South said.

Susan Pittman thanked the DOT on behalf of residents of Whittaker Branch Road for their assistance during the recent storms and damage they received on their road.

Rachel Deal advised of a safety issue on 3 miles of Hwy. 221 where there have been 4 or 5 fatalities over the past 15 years at the intersection where Hwy. 221 meets Hwy. 181, and on Hwy. 221 and Hwy. 194 at the yield sign where a dump truck hit and killed a lady from Roaring Creek a few years ago. The DOT has taken down the flashing light at the site of the upgrade on Hwy. 221 into Crossnore Drive. Dump trucks and everybody else are now going 45 or 50 mph through that section of road, Rachel said. School buses also have to come in and out of that intersection and we certainly don't want a fatality with the school buses. There have also been fatalities at Altamont on Hwy. 221. She also advised that there needs to be both white and yellow lines re-installed on Hwy. 184 at Banner Elk as those lines are especially helpful for people who have trouble driving at night. She asked if we are out of money for that type of project. Jerry Combs advised that we would need to take that issue up with Mr. Ledbetter.

Michael Poe then provided the Commissioners with the options they can take regarding approval of tonight's Secondary Road Allocation funds for Avery County. The Board can concur with this program, they can take no action, or they can make recommendations for deviations in the program except as to paving projects and priority of projects, Poe said.

Susan Pittman advised Jerry Combs that we need more guardrails installed on Squirrel Creek Road. Mr. Combs stated that they have some guardrails that are going to be installed on that road.

**Approval of Secondary Road Program**

**Motion by Scott Heath to adopt a Resolution approving the monies allocated for the Secondary Road Program in Avery County for FY 2007-2008, as presented. Motion seconded by Dan South and unanimously approved with 3 members in attendance.**

**Adjourn**

**Motion by Scott Heath and second by Dan South to adjourn this meeting at 6:55 p.m. Motion unanimously approved with 3 members in attendance.**

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**Kenny Poteat, Chairman  
Avery County Board of Commissioners**

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**Susan Pittman, Vice-Chair  
Avery County Board of Commissioners**

**ATTEST:** \_\_\_\_\_  
**Nancy H. Cook, Clerk to the Board**