

**STATE OF NORTH CAROLINA  
COUNTY OF AVERY**

The Avery County Board of Commissioners met in Regular Session on October 19, 2009 at 3:30 p.m. in the Commissioners Board Room, Avery County Administrative Complex, 175 Linville Street, Newland, NC.

Members Present: Kenny Poteat, Chairman; Scott Heath; Martha Hicks; Glenn Johnson

Members Absent: Phyllis Forbes (due to illness in family)

**Call To Order**

Chairman Poteat called the meeting to order at 3:32 p.m.

Chairman Poteat led prayer.

Chairman Poteat stated if anyone would like to speak to an agenda item they must sign up on the sheet with the clerk but there would be a time of public comment also.

**Public Comment**

Robert Wiseman, County Manager, stated that Commissioner's Forbes husband, Kelly is at Mission Memorial Hospital and has started radiation. He said that Commissioner Forbes said to thank everyone for the gifts that the employees and friends had given to her.

Martha Hicks stated that there was a compliment on the cleaning of the courthouse which came from Mr. Thomas Webb who said that the cleaning had really improved.

**Toe River Health District Appointment**

The member for the Toe River Health District will be appointed at the first meeting in November.

**Approval of Minutes**

**Motion by Martha Hicks and second by Scott Heath to approve the minutes for the Regular meeting of September 21, 2009. Motion unanimously approved with those in attendance (4-0).**

**Agenda Consent Items**

**Agenda Consent Items adopted by Consensus.**

**Resolutions Opposing Consolidation of Hickory Processing and Distribution Center**

Glenn Johnson stated that the first Resolution for consideration was from the Mayor of the City of Hickory in opposition to loss of jobs at the Hickory Processing Center. The City of Lenoir has approved this resolution.

**Motion by Glenn Johnson and second by Martha Hicks to approve the Resolution by Avery County in opposition to the loss of jobs at the Hickory Processing and Distribution Center. Motion unanimously approved with those in attendance. (4-0).**

Mr. Johnson advised that the second resolution for consideration was written by Mr. Johnson which addresses the concerns that Mr. Johnson and Eric Wright, Newland Postal Worker had regarding the impact that the consolidation of the Hickory Processing and Distribution Center would have on the citizens of Avery County. Glenn Johnson read aloud the resolution.

**Motion by Martha Hicks and second by Glenn Johnson to approve the Resolution as read. Motion unanimously approved with those in attendance (4-0).**

**Recess**

Chairman Poteat called for a brief recess.

Chairman Poteat declared the Board to be back in Regular Session after a brief recess.

**Public Hearing---2010 Schedule of Values to be used for the 2010 Revaluation**

**Motion by Scott Heath and second by Glenn Johnson to go out of Regular Session and into a time of Public Hearing regarding the 2010 Schedule of Values to be used for the 2010 Revaluation. Motion unanimously approved with those in attendance (3-0) (Martha Hicks had stepped out of the room).**

Phillip Barrier, Avery County Tax Assessor, stated that today's step in the process of revaluation was a public hearing regarding the 2010 Schedule of Values to be used for the 2010 Revaluation. Mr. Barrier reported that this was the third revaluation that he had been involved in and that he would rather do the revaluation in house as opposed to hiring a company because it saved the citizens money and he was able to answer questions himself regarding the revaluation. Chairman Poteat stated that at one point this was hired out and the company was not from Avery County and did not know much about this area. Mr. Barrier advised that the Machinery Act required that counties appraise real property uniformly. For example, if the property next door sold for \$80,000 and your property is pretty much like it the value would

be pretty much the same. Market value is not always the price that the real estate market has it on for nor is it the price that it would be sold from a father to a son. The revaluation would become effective January 1, 2010 but will be reflected on the tax bills sent out in September 2010. Mr. Barrier presented a power point presentation explaining how the values were done. Mr. Barrier stated that if a citizen did not agree with the value of their property then they could call the Tax Assessor's Office in February and fill out a form for an appeal to the Board of Equalization and Review. There would be an informal review to verify that the information on the appraisal form was correct but the Board of E&R is the official assessment board. Mr. Barrier stated that he had three appraisers and himself and that they had been to every house and every single wide in the county. Scott Heath questioned if there was a ceiling on the assessed value of property in Avery County. Mr. Barrier stated that this was not true and that had circulated in the past.

There were no public comments.

Chairman Poteat declared the Public Hearing to be closed at 4:27 p.m. and the Board to go back into a time of Regular Session.

### **County Manager Updates – Robert Wiseman**

#### **Meeting with Town of Banner Elk**

Robert Wiseman, County Manager, stated that the Meeting with Chairman Poteat, Scott Heath, a representative from the Board of Education and a representative from the Town of Banner Elk is scheduled for October 21, 2009 at 3:00 p.m.

#### **Annual Policy Review**

The County Manager stated that he had been going through the personnel policy and Board of Commissioners policy manual and there would be several changes.

#### **State Mandate Accommodations for Probation Offices**

The County Manager advised that he had been investigating the state mandate that came out for the counties to provide office space for the probation and parole officers. There are currently two offices in the courthouse and two other offices at Sugar Mountain that the state has been paying rent and the utilities. He stated that the county is looking at taking over the rent and the utilities and that it might be better to house the offices in Newland. The County Manager advised that this was an unfunded mandate from the state and that this was just another example of how the people in local government are paying for mismanagement at the state level.

#### **Intersection of Hwy 181 and Avery High School Road**

A feasibility study was done in September by the NC Department of Transportation. The feasibility study did not justify putting a traffic signal at the intersection. Scott Heath questioned if a street light could be located at the intersection. The County Manager stated that there was not a utility pole close by. He said that the states only recommendation was to lower the speed limit.

#### **Heritage Park**

The County Manager advised there had been an erosion problem at Heritage Park and thanks to the Inspections Department's relationship with the Soil and Water Division there is an action plan to put in place and will have an engineer put his stamp of approval on the action plan.

#### **Vicious Animal Grievance Committee**

The County Manager stated that currently the Board of Commissioners was designated as the grievance committee for vicious animals in accordance with General Statute 67-4.1(c). The sheriff is designated as the officer to investigate and if necessary to impound the vicious animal. The County Manager advised that he had been in contact with the police chief for the Town of Banner Elk, Lee Clark who handled the rabid animal complaints and they have both agreed to serve on this committee along with the County Manager to hear any grievance. The County Attorney stated that she was not sure if this could be done without an ordinance or public hearing. The County Attorney advised that if the Commissioners are going to set up a new board the board would need to set the terms and the appointment process. The County Attorney suggested that there be further investigation of this and it be brought up at the next meeting.

### **Finance Officer Report – Tim Greene**

Tim Greene, Finance Officer, requested the Board forward \$9,660.00 to the Rainbow Center for funds received from the Department of Juvenile Justice & Delinquency Prevention in the 2008-2009 fiscal year. Avery County did not receive the bill from the Rainbow Center until October 2010.

**Motion by Scott Heath and second by Martha Hicks to approve the Budget Amendment to forward \$9,660.00 to the Rainbow Center as a debit of \$9,660.00 (107000.6120) and a Credit of \$9,660.00 (103990.0000). Motion unanimously approved with those in attendance (4-0).**

**Budget Amendment #**

The Avery County Board of Elections has received funding from the Help America Vote Act (HAVA) to be used to make polling places 100% accessible and ADA compliant.

**Motion by Glenn Johnson and second by Scott Heath to approve the Budget Amendment for funding received from the Help America Vote Act (HAVA) to the Avery County Board of Elections with a debit to Grant Supplies (104300.3301) of \$22,514.00 and a debit to Capital Outlay (104300.7410) of \$8000 and a Credit to Elections Grant (103705.0000) of \$30,514.00. Motion unanimously approved with those in attendance.**

**Budget Amendment #**

The Department of Social Services has been allotted \$64,751.00 in ARRA funding to be used for Day Care. This is 100% money that is being passed through the county.

**Motion by Martha Hicks and second by Glenn Johnson to approve the Budget Amendment with regards to ARRA funding allotted to the Department of Social Services with a debit to Day Care for Children (106140.2000) of \$64,751.00 and a credit to Day Care (103631.0000) of \$64,751.00. Motion unanimously approved with those in attendance (4-0).**

**Banner Elk School Financing**

The Finance Officer stated that originally the Board had approved to go out for 6.5 million dollars and has time has went by and we have done other calculations it is decided we can take some additional monies from the capital reserve fund and lottery fund. The question before us is would we like to reduce the 6.5 million dollars down to a lower amount to borrow. There are other projects going on such as the jail project and landfill project. Chairman Poteat advised that he had met with every one of the commissioners one and one and the financing situation was talked at length with each one of the commissioners. Chairman Poteat stated that there is a new Banner Elk school at a projected cost of 9.4 million dollars; new jail on the horizon at an estimated cost of 9.18 million and a land transfer site that is an enlargement at a cost estimate of 1.45 million dollars. That is 20,030,000 in projects. Chairman Poteat said that basically this county, because of the wise use of money over several years and those actions taken by this board and various other members, would be able to accomplish \$20,030,000 worth of projects by borrowing \$5,000,000 or less. The lottery funds available now are \$563,000. He stated that in keeping with some wishes that the Board of Education shared with the Board of Commissioners that the lottery fund was set up to help build schools but the BOE made a request to leave some of that money intact in case of emergencies and that he felt the request should be granted. Chairman Poteat advised that to get the needed money to borrow down to 4.8 million dollars would require \$427,000 to be taken from the lottery money and that leaves intact some \$136,000 in the lottery fund. He said that the reason there needs to be action today is that the Finance Officer needs an amount that the County needs to borrow. Instead of borrowing \$20,000,000 to do worthy projects we are borrowing 5 million dollars or less. Chairman Poteat recommended that the amount of money to be borrowed be 4.8 million dollars to be applied directly to the new Banner Elk School and as part of that, \$427,000 be taken from the lottery proceeds which leaves intact \$136,000. Scott Heath stated that by the time we are paying out for the jail there may be overages and that 4% interest on the money is almost free money and that we needed to make sure we borrowed enough money. Chairman Poteat stated there could possibly be a cost for turn lanes at the new Banner Elk School also. Mr. Heath stated he didn't want to go over and borrow too much money and if the cost estimates are good numbers then he would suggest borrowing 5 million dollars. Ms. Hicks advised that she felt 5 million dollars would be the amount to borrow. Glenn Johnson said that we were a little better off on the lottery fund than before. Mr. Johnson stated he would stick with borrowing the 4.8 million dollars and that he believed that would be enough. Chairman Poteat suggested that \$450,000 could be taken from the lottery funds.

**Motion by Scott Heath and second by Martha Hicks to borrow \$5,000,000 to be applied to the new Banner Elk School and \$450,000 be taken from the lottery funds to enable Avery County to do this.** Glenn Johnson stated he would not vote against the \$5,000,000 but felt that the \$4,800,000 would be sufficient to borrow.

**Motion unanimously approved with those in attendance (4-0).**

**County Attorney Report – Michaelle Poore**

Michaelle Poore, County Attorney, stated that there are a couple of agreements and the first one is the memorandum regarding construction of the new Banner Elk School and that the Board of Education would be supervising that construction. The Board of Education actually signed that document last week and we will try to get that executed with the County. The execution of the document was approved at the joint meeting in September. The second agreement is in regard to the exchange of properties and that was approved by the BOE last week. I will be presenting that to the Board for consideration at the next meeting, said the County Attorney.

The County Attorney advised that last week there was a public hearing with regard to the Avery County Subdivision Ordinance proposed changes that were changes of dates and technical issues and because

there was not a full board it required two votes. There is a different resolution given to the Board than was in the agenda packet and the language was added indicating that the changes were voted on twice.

**Motion by Martha Hicks and second by Glenn Johnson to adopt the resolution to amend the Avery County Subdivision Ordinance. Motion unanimously approved by those in attendance (4-0).**

**Upcoming Meetings**

October 20, 2009 at 3:30 p.m. Grand Opening at Sugar Mountain Town Hall. Regular Meeting  
November 2, 2009 at 3:30 p.m. Joint meeting with the BOE November 23, 2009 at 4:00 p.m. Beginning  
with November the Board is back to one meeting a month.

**Adjourn**

**Motion by Scott Heath and second by Martha Hicks to adjourn this meeting at 5:25 p.m. Motion unanimously approved with those in attendance (4-0).**

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

ATTEST: \_\_\_\_\_  
Cindy Turbyfill, Clerk

