

**STATE OF NORTH CAROLINA  
COUNTY OF AVERY**

The Avery County Board of Commissioners met in a Special Meeting on Monday, August 11, 2014 at 3:30 p.m. in the Commissioners Board Room, Avery County Administrative Complex, 175 Linville Street, Newland, NC. The Regularly scheduled meeting for Monday, August 4, 2014 was postponed and rescheduled for August 11, 2014 due to a death in Martha Hicks' family.

Members Present: Kenny Poteat, Chairman; Glenn Johnson, Vice-Chair; Phyllis Forbes; Reo Griffith; Martha Hicks

Members Absent: None

**Call To Order**

Chairman Poteat called the meeting to order at 3:30 p.m.

Glenn Johnson led prayer.

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

**Public Comments**

Melissa Phillips, Mayland Community College, announced that Mayland is dedicating the welding lab on Thursday at 11:00 a.m. to Lynn and Carol Arthur and would like to extend an invitation to the commissioners.

Chairman Poteat said that this is in the midst of the NCACC Annual Conference in Asheville.

Ann Coleman extended an invitation to the Board for the annual farm tour sponsored by the Agricultural Advisory Board. We will depart from the extension office at 10:30 p.m. Transportation is provided. A meal is provided at Waightstill Avery's farm at the end of the tour.

Stanley Hollifield, Newland resident, stated that his sister Phyllis Hollifield had worked at the senior center for 28 years. She is working 20 hours a week which is 10 hours short of what she needs for insurance. I know that the budget for this year is already been approved but I would ask you to consider this in the future. In addition to working 20 hours a week, she donates 1-2 hours of her time as a volunteer. She is 56 years old and has not had any reliable insurance since before 1976. I think this is something the commissioners should consider.

Martha Hicks commented that the cleaning committee did talk about adding hours to Phyllis' time when we get the courthouse finished.

Martha Hicks thanked the Board for honoring her brother last Monday and thanked everyone that came to the visitation.

**Board Appointments**

**AMY Regional Library Board – Dr. Daniel Barron**

Dr. Daniel Barron stated that he appreciated the support that the Board had given the Library financially. If we don't meet the maintenance of effort, we don't qualify for state aid. We have lost 25% of our state aid in the past six years. We will not qualify for grants. All of our libraries have technology and ten mobile units. We have been able to put work stations in the domestic violence center. All of our staff has gone through domestic violence training. We are urging people to think about the library as a safe place for abused individuals. We have gone through the training with NC Works so all of the staff has been able to work with people to find jobs. Your support has helped us.

Doug Roberts is serving on the Morrison Library Board and this position is to serve on the Regional Board also.

**Motion by Phyllis Forbes and second by Martha Hicks to approve Mr. Doug Roberts to serve on the AMY Regional Library Board. This is a three year appointment. Motion unanimous with those in attendance (4-0).**

**Smoky Mountain LME/MCO County Commissioner Advisory Council**

Glenn Johnson explained that the Smoky Mountain LME/MCO County Commissioner Advisory Council is a new board. Due to state statutes, no longer does a county commissioner serve on the LME board. They created an advisory board and this is only an advisory board. It is state statute that a county commissioner serve on this board.

Phyllis Forbes stated that since we have been asked at this point in time to put a representative on this board and I think Avery County needs to be represented I think it would be rather foolish to put anyone

that is going off this Board on there. I think Martha has her share of boards and I think Reo needs to be put on that board. I would like to nominate him. He holds no board positions at this time.

There were no further nominations. Reo will be accepted by acclamation.

### **Reclaimed Resources**

Reclaimed Resources has been rescheduled until September.

### **Request for Avery Fire Commission Employees to Become County Employees – Bill Beuttell**

Bill Beuttell, Avery Fire Commission Chairman, explained that we are here to talk about the paid employees with the fire departments and relationship with the county. Approximately 65% of all of the services regarding fire in the nation is volunteer. The recruitment rate is not keeping up with the volunteer rate. We are trying to create an environment that is conducive to new recruitment. Some of the things we have done from the Fire Commission is sent a letter to Dr. John Boyd at Mayland Community College and to Mr. Burlison about trying to include classes for fire along with the rescue and law enforcement. With the economic times, it is hard to work a job and then take time off and use your own money to get accredited and get the certification. We are trying to work with the high school and community college to see if we can get some basic classes to try to get some possible new recruitments to be involved in fire and rescue. One of the ways we are looking in trying to serve the needs of the personnel, we are asking the county to take those nine employees and allow them to be classified as county employees so they can qualify for the retirement program. If the fire commission pays for the retirement out of the funding that comes to us versus if the county enrolls them on their own program it is approximately a quarter of a million dollars over 24 years. We are looking at about an extra \$10,000 per year. With this declining enrollment and declining participation over a period time, we are looking at the future to see what we can do to try to solve that potential problem and including them in the county retirement program we think that would be a step in the right direction.

Chairman Poteat questioned if the nine employees of the fire commission were covered by a retirement plan. Charlie Franklin answered that they had a 401K. Chairman Poteat questioned if the fire commission intended to put the employees on the retirement plan even if the county was not willing to. Mr. Beuttell stated that the fire commission was asking that their employees be included on the county's retirement plan but that if this could not be done then the fire commission would pursue this on their own. Chairman Poteat stated that there had been some reason that the administration had been recommending that we not do this. Chairman Poteat questioned what Tim Greene, Finance Officer's, opinion would be if the fire commission employees became county employees then the county would cover them under all benefits and the county would be responsible for hiring, training, supervising, etc. and cover them under our workmen's compensation and general liability. They would certainly be under the county's personnel policy. Robert Wiseman, County Manager, stated we are talking about more than finance here. Back in 2004 when the fire commission was sworn in the intent of the committee that was establishing the bylaws to go to the fire commission was to have these gentlemen county employees. There were a lot of issues that had to be dealt with. If you make paid employees county employees, there are several things that need to be concerned with. If these individuals are county employees you are going to have to create a whole new department within the general fund. The ultimate responsibility would not be the fire commission it would come back to the county manager. That increases a whole new spectrum of liability, future expenses, who is going to be in control; these are things that need further investigation.

Chairman Poteat stated that the fire chiefs would not be in charge; these employees would be under the county manager.

Mr. Wiseman stated that he just felt that we needed to go slow on this issue.

Martha Hicks said that she and Charlie Franklin had talked about it. I think we need to talk about this more and look to see what it is going to cost. I am not against this.

Mr. Beuttell said that he thought the message he was getting is to go back to the fellow board members and say that the commissioners have requested more time to ponder this question and we need to decide whether we are going to wait or go on our own. Chairman Poteat stated that in fairness to the current board, sometime prior to November 30, 2014, we would entertain that thought before this board has a change if you would hold off on immediately doing that.

Charlie Franklin stated that he had been with the fire commission for 9 years. EMS and law enforcement in this county has retirement. The first person who puts their life on the line 9 times out of 10 is fire fighters. Give the fire commission employees the same due as the rest of the county employees. It is to the fire commission employees advantage to go through the fire commission for the retirement because if we start with the county we would start as new employees. All we are asking is to get retirement.

Glenn Johnson said that he had two concerns. I am big on the fire tax totally and completely funding the fire departments. I think the fire tax needs to be high enough to cover the expenses of the fire

departments. If we do this, is it legal and how do we separate these monies. I am not opposed to this. Perhaps it does need more investigation.

Phyllis Forbes stated that she was not at all opposed to this idea. I would like to table it to look at some of these things that the county manager brought up.

Mr. Beuttell said that we have two dates before us as far as the date of participation. One is October 1, 2014 which would be an annual amount of \$35,000 and if we waited until January 1, 2015 of next year it would be \$36,000 which would be an additional cost of \$1000.00.

Charlie Franklin said that there was \$35,000 included in the budget.

Reo Griffith stated that he felt that this needed more research by the county attorney. Right now the county stands at no liability under legislation, the fire commission does. There needs to be more research.

Chairman Poteat said that there will be a retirement plan set up for these worthy individuals. We will schedule this issue for the meeting September 15, 2014.

Mr. Beuttell also asked Chairman Poteat to speak with the Board of Trustees at Mayland Community College about allowing the curriculum for fire and rescue added.

#### **Avery Fire Commission Request Regarding Attorney's Fees – Bill Beuttell**

Mr. Beuttell stated that when the Fire Commission was speaking with the county attorney regarding the contract between the fire association and the county a few months ago the fire association retained the services of Ms. Hemphill. Subsequently, the fire association had requested that the fire commission pay the bill or allocate monies to pay the bill for Ms. Hemphill. Seeing there had been a precedent set a few months before that regarding some attorney's fees with these fees being paid out of private funds I, as chairman, and we as a fire commission did not feel correct in allocating the funding without consulting you and getting your approval or getting your expertise on how this should be taken care of. Michaelle Poore, County Attorney, stated that she spoke to Mr. Beuttell before the meeting and it was her understanding that the fire association has some unallocated funds in their bank account. These are funds that have been carried over year to year that are surplus that has been unbudgeted. These are funds that were acquired through fire tax. I think the request is that those funds can be used to pay their attorney's fees. That would be where the money would come from. I spoke to Mr. Beuttell and there has been some question in the past whether or not the fire commission could approve those requests. I think the fire association can use those funds because they are unallocated funds. The fire commission may want to establish a policy so when this happens again. Mr. Beuttell said that we wanted to bring this to your attention so that the fire association may pay for these legal services from their own budget. Mr. Griffith stated that this was a different bill from the previous bill for Ms. Hemphill. At some later date the attorney had been retained again and everyone has a right to good counsel but somebody else hiring work to be done and I have not approved it and then they want me to pay for it I don't know that I would be paying for it. Ms. Forbes said that she did not think we can set precedent for paying for an attorney after the fact. If you get permission and are informed that the attorney is being hired then that is different.

Glenn Johnson stated that we have appointed a fire commission to sort these things out for us and that needs to be done.

Mr. Beuttell said that the question before you is that we as the fire commission was brought before us a question about paying a bill. Because that bill was not approved by us and because there was somewhat of a precedent set before, we didn't know how to handle it.

Ms. Poore commented that this is a matter between the fire commission and fire association and it does not require formal action by the Board of Commissioners. There really is not anything that the Board of Commissioners would approve because this is a budgetary issue between the fire commission and fire association. I think the fire commission wanted to inform the commissioners on what is going on.

**Motion by Reo Griffith and second by Glenn Johnson that this matter goes back to the Fire Commission and Fire Association to handle in any way they see fit. Motion unanimously approved.**

#### **Tax Administrator Report – Phillip Barrier**

Mr. Barrier stated that he had charged the collection part of the office as Tax Administrator with collecting \$17,740,914.91 in taxes.

#### **Tax Collection Report**

The Total Tax Collections for the month of July 2014 was \$222,774.09. \$111,000 was the new 2014 bills.

**Motion by Martha Hicks and second by Glenn Johnson to approve the Tax Collections for the month of July 2014 as presented. Motion unanimously approved.**

#### **Regular Releases**

The Regular Releases for the month of July 2014 is \$849.07.

**Motion by Phyllis Forbes and second by Martha Hicks to approve the Regular Releases for the month of July 2014 as presented. Motion unanimously approved.**

#### **Motor Vehicle Releases**

There is one motor vehicle release for the month of July 2014 which is \$97.56.

**Motion by Glenn Johnson and second by Martha Hicks to approve the Motor Vehicle Releases as presented. Motion unanimously approved.**

#### **Real Property Sales**

Last year we only had 40 sales and this year we had 51. The tax sales amount is more than the tax value. Last year we had 3 foreclosures for the same time period and this year we have one.

Mr. Barrier reported some examples of revaluation sales.

#### **Renovation of Courthouse**

Mr. Wiseman reported that all pieces were in place to reopen the front door to the courthouse by the early part of the week. The only thing that was holding this up was the placement of the signs to refer everyone to the front of the courthouse. The back entrance of the courthouse will be chained off and the last major piece to the critical path is the replacement of the roof over what is now the handicapped access.

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

##### **Budget Amendment**

Tim Greene, Finance Officer, explained that the Emergency Management Department had received a State Homeland Security Grant. The money will be used to purchase three tablets and accessories. This is a 100% reimbursement grant.

**Motion by Glenn Johnson and second by Phyllis Forbes to approve a Budget Amendment in the amount of \$1,856.00 with a debit of \$1,856.00 to Capital Outlay (105250.7400) and a credit of \$1,856.00 to State Homeland Security Grant (103799.0000). Motion unanimously approved.**

Reo Griffith questioned if all the bills for all departments were in and paid through June 30, 2014. Tim Greene stated that 98% were in and paid. Mr. Griffith requested from Mr. Greene the revenue and expenditure reports for each department.

#### **County Attorney Report**

Michaelle Poore, County Attorney, stated as the Board may recall about a year or so ago we redesignated the courthouse door. I have been working with Lisa Daniels and she has spoken with the construction firm and they believe that they will have the door opened and the bulletin board moved by the 2<sup>nd</sup> of September. I have the proposed ordinance for the Board to consider. It does have one typo with the 3<sup>rd</sup> paragraph the beginning date is September 2014 not 2013. The importance of having the courthouse door designated is it is where the foreclosures are held.

**Motion by Martha Hicks and second by Phyllis Forbes to approve the Ordinance designating the Courthouse Door with the noted change. Motion unanimously approved.**

Ms. Poore reported that there had not been a decision yet in the Grandfather Mountain case.

#### **Closed Session**

**Motion by Phyllis Forbes and second by Martha Hicks to go into closed session at 5:18 p.m. concerning Personnel (G.S. 143-318.11 (a)(6); and Acquisition of Property (G.S. 143-318.11 (a)(5). Invitees are the Board, Clerk, County Manager, County Attorney and Finance Officer. Motion unanimously approved.**

Chairman Poteat declared the meeting to be back in Regular Session after a time of Closed Session at 6:49 p.m.

Motion by Glenn Johnson contingent on Robert Wiseman's letter of retirement on or before the 29<sup>th</sup> of August to make Mr. Kenny Poteat the interim county manager beginning on September 2, 2014 continuing until November 30, 2014.

Motion dies for lack of a second.

**Approval of Minutes**

Motion by Phyllis Forbes and second by Martha Hicks to approve the Regular Session June 2, 2014; Regular Session June 16, 2014; Special Meeting June 25, 2014. Motion unanimously approved.

**Agenda Consent Items**

Adopted by Consensus.

**Upcoming Meetings**

There will be no meeting for August 18, 2014. Next Regular Meeting will be September 2, 2014 at 3:30 p.m.

**Adjourn**

Motion by Martha Hicks and second by Reo Griffith to adjourn this meeting at 6:52 p.m. Motion unanimously approved.

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

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

