

**STATE OF NORTH CAROLINA  
COUNTY OF AVERY**

The Avery County Board of Commissioners met in Regular Session on Monday, January 5, 2015 at 3:30 p.m. in the Commissioners Board Room, Avery County Administrative Complex, 175 Linville Street, Newland, NC.

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

Members Absent: None

**Call To Order**

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

Chairman Griffith called for a moment of silence for all law enforcement.

Greg Gardner, audience member, led prayer.

Charlie VonCanon, audience member, led the Pledge of Allegiance.

Chairman Griffith stated that if anyone would like to speak to an agenda item, you must sign up on the sheet with the clerk otherwise there would be a time of public comment.

**Public Comments**

Bill Baulieu, Avery County citizen, congratulated the new commissioners. Mr. Baulieu said "I have a problem with the Historical Society. They came to me and asked if I would display a railroad car from a friend that had passed and I told them I would not sell it to them but I would display it. That went on for two years with the one that was running it at the time and then it came up missing. They had no idea where it was which turned out to be a complete lie and when I tracked it down it was in Bluff City and work had been done to it. I still do not have my car. I found out that this bunch has nothing to do with the county that they are a special interest group, a nonprofit. I researched and found out that the county has been giving them money. The problem with organizations like this and any organization is I don't see why the money used for running the county should ever go to a nonprofit or special interest group. It is earmarked and we pay the taxes to strictly run the county. Quite a few other counties have precedence that they do not pay any special interest groups. I think Avery County needs to make that decision that we no longer spend money on special interest groups or nonprofit groups. I think this needs to be voted on and stopped that no special interest groups or nonprofits be given county taxpayer money. I would like to have a vote on this."

Chairman Griffith advised that it was not possible at this time to vote on this matter but his concerns had been heard.

**Board Appointments**

**Smoky Mountain Local Management Entity County Commissioner Advisory Council**

Tim Greene, Interim County Manager, advised that Blake Vance had agreed to serve on this Board.

**Motion by Maxine Laws and second by Faye Lacey to appoint Blake Vance to the Smoky Mountain LME County Commissioner Advisory Council. Motion unanimously approved.**

**Toe River Health District Board**

Maxine Laws has agreed to serve on this Board.

**Motion by Blake Vance and second by Martha Hicks to appoint Maxine Laws to the Toe River Health District Board. Motion unanimously approved.**

**Juvenile Crime Prevention Council**

Faye Lacey has agreed to serve on this Board.

**Motion by Maxine Laws and second by Blake Vance to appoint Faye Lacey to the Juvenile Crime Prevention Council. Motion unanimously approved.**

**High Country Council of Government Executive Board**

Maxine Laws has agreed to serve on this Board.

**Motion by Blake Vance and second by Faye Lacey to appoint Maxine Laws to the High Country Council of Government Executive Board. Motion unanimously approved.**

### **High Country Rural Transportation Advisory Council**

Tim Greene has agreed to serve on the Rural Transportation Advisory Council.

**Motion by Martha Hicks and second by Maxine Laws to appoint Tim Greene to the Rural Transportation Advisory Council. Motion unanimously approved.**

### **Voting Delegate—NCACC Legislative Goals Conference**

**Motion by Maxine Laws and second by Faye Lacey to appoint Blake Vance as the Voting Delegate to the NCACC Legislative Goals Conference. Motion unanimously approved.**

Tim Greene stated that the appointments for the Avery County Joint Community Advisory Council, Northwestern Regional Housing Authority, and the Avery County Agricultural Advisory Board will be advertised in the newspaper and applications taken for these boards.

Chairman Griffith welcomed the Chairman of the Avery County Republican Party, Don Baker to the meeting.

### **County Manager Appointment**

Chairman Griffith opened the floor for nominations for a County Manager.

**Martha Hicks nominated Tim Greene for Avery County Manager. Blake Vance seconded the nomination. Chairman Griffith ceased nominations. By acclamation and a show of hands that was unanimous, Tim Greene was appointed as Avery County Manager.**

Chairman Griffith stated that Tim Greene had been with Avery County for 11 years as finance director. We talked to Mr. Greene extensively regarding county manager. This board is 100% behind Mr. Greene.

Blake Vance thanked Mr. Greene for stepping up to be County Manager. We spent hours pouring over resumes and applications. We knew he was the man for the job.

Maxine Laws commented how excited that she was that Mr. Greene had accepted this position.

Martha Hicks said that she appreciated Mr. Greene and had worked with him for seven years. He is an outstanding person. I would like to thank all of the people who put in applications. We had 25 applications. I was pleased when Mr. Greene said that he would accept.

Faye Lacey commented that she could not say enough nice things about Mr. Greene and she looked forward to working with Mr. Greene.

Chairman Griffith instructed the clerk to send out a letter to the 25 applicants to let them know that a county manager had been promoted. He also instructed the county manager to be on the search for a finance director.

Tim Greene thanked the commissioners for their comments and appointing him as county manager. I will do the best that I can for Avery County. Originally I had said that I was not interested in the job but as time went on it developed in that direction. If it was not for the department heads and employees that we have in Avery County, I would not have considered it but we have some fine department heads. We have well trained, capable, hardworking employees and that makes any county manager's job much easier. We try to take our responsibilities serious. We are public servants. We will continue to try to do our best to manage the resources and provide the best services that we can. Thank you.

Gerald Mckinney, County Attorney, stated that he thought there needed to be a motion to set the salary for the new county manager. There is a salary schedule set for that position and that be inserted.

**Motion by Blake Vance and second by Maxine Laws that the new County Manager, Tim Greene, be under the same pay rate as our former County Manager, Robert Wiseman. Motion unanimously approved.**

### **Avery Agricultural Extension- Jerry Moody**

Jerry Moody, County Extension Director, stated that he had been with the county since 1995. The Extension's job is basically to bring research based information to the citizens of Avery County. The areas of expertise range from agricultural which is row crops, livestock, Christmas trees, ornamentals and 4H, Youth Development, Family Consumer Science, etc. One of the top things that we do is cider apple production; this has become a rage over the last couple of years across the country. We help write grants which allow producers to try a different type of production. Adam Keener has been working with Watauga County Extension for joint demonstrations for livestock. We have pesticide application certifications. Avery County is one of the few counties who have over 100 applicators to be recertified. Our YO program handles 200 children a day in six of the schools.

Those children get tutoring and nurturing. We also teach life skills. The Summer WOW program is a day camp for children in the summer time. We had between 65 and 85 kids a day last summer. Since 1991 Doug Hundley has provided Integrated Pest Management consulting for the Christmas tree growers. Mr. Moody gave other examples of services that the agricultural extension provides to Avery County.

Blake Vance and Maxine Laws commented on how they appreciated the services that the YO program and the WOW program provided to the children of Avery County.

Martha Hicks and Faye Lacey stated that they appreciated all that the agricultural extension done for Avery County.

Chairman Griffith thanked Mr. Moody and his staff for helping the citizens of Avery County.

### **Annual Audit Report – Sharon Gillespie**

Sharon Gillespie, Young, Miller, and Gillespie Auditors, reported that she had worked with Avery County's audit since 1997. You have lost the best finance officer since 1997. Tim has been without exception the one finance officer within all of my auditees that I know what he is doing.

Ms. Gillespie explained different tabs in the Annual Audit. If you want to know what happened with the county and you do not want to go through the whole audit you can look at the MDNA. As far as our report and the Avery Airport Authority report, we did not find anything that was materially misstated. We are not saying that we didn't find a posting error but we are saying that overall the financial statements that we refer to are accurate. We have not given Tim any journal entries in the past several years so what he is presenting to you on a monthly basis at your board meetings is exactly what you are seeing here. The financial highlights included:

1. The assets of Avery County exceeded its liabilities at the close of the fiscal year by \$30,893,960.00.
2. The government's net position increased by \$1,866,184 due to stable revenues and controlled expenditures.
3. Avery County's governmental funds reported ending fund balances of \$16,864,092; a decrease of \$674,495. The fund balance went down.
4. At the end of the fiscal year, unreserved fund balance for the General Fund was 20%.
5. Avery County's total debt decreased by \$1,076,777 during the current fiscal year primarily due to repayment of debt proceeds.

Several particular aspects of the County's financial operations positively influenced the total governmental net position:

1. Continued diligence in the collection of property taxes by maintaining a collection percentage of 96.41% higher than the statewide average for 2013 for counties of comparable size.
2. Additional revenues due to a two and one-half cent ad valorem tax increase in the prior year.
3. Controlled expenditures.

Ms. Gillespie stated that overall it was a very good year and a good job in budgeting. There were no problems with any section of the audit.

Ms. Gillespie pointed out that there are monies that come straight from the state and federal governments to the citizens of Avery County that never come through the finance office. This is approximately \$22,000,000 of tax money that came back to Avery County citizens. The financial statements have another \$28,000,000 that actually flowed through Avery County so in all you are looking at about \$50,000,000 that has flowed through Avery County.

Ms. Gillespie said that overall this was a very consistent and good year.

Chairman Griffith stated "would it be safe to say with capital and general fund balance we have better than a 30% balance". Ms. Gillespie said yes if you count your capital funds.

Chairman Griffith stated that a copy of the audit would be on file in the Clerk's office.

Chairman Griffith asked to be recused from the vote on the annual audit because of a family member that works for the audit firm.

**Motion by Martha Hicks and second by Blake Vance to recuse Chairman Reo Griffith from voting on the Annual Audit for Avery County. Motion unanimously approved.**

Chairman Griffith turned the chair over to Maxine Laws, Vice Chair. Vice Chair Laws entertained a motion to adopt the annual audit.

**Motion by Martha Hicks and second by Maxine Laws to adopt the Annual Audit ending June 30, 2014 for Avery County. Motion unanimously approved with those voting (4-0) (Reo Griffith recused from voting).**

Vice-Chair Laws turned the meeting back over to Chairman Griffith.

**Tax Administrator Report – Phillip Barrier**

**Total Tax Collections**

The Total Tax Collections for the month of December 2014 is \$5,003,798.89.

**Motion by Martha Hicks and second by Maxine Laws to approve the Total Tax Collections for the month of December 2014 as presented. Motion unanimously approved.**

**Regular Releases**

The Regular Releases for the month of December 2014 is \$167.53.

**Motion by Maxine Laws and second by Faye Lacey to approve the Regular Releases for the month of December 2014 as presented. Motion unanimously approved.**

**Refund**

The Refunds for the month of December 2014 is \$1,597.04.

**Motion by Martha Hicks and second by Maxine Laws to approve the Refunds for the month of December 2014 as presented. Motion unanimously approved.**

**Recess**

Chairman Griffith called for a brief recess.

Chairman Griffith declared the meeting to be back in session after a brief recess.

**Human Resources Position**

**Motion by Maxine Laws and second by Faye Lacey to eliminate immediately the position and department of Human Resources. Motion unanimously approved.**

**County Manager Updates- Tim Greene**

Tim Greene, Interim County Manager, stated that the Avery County Board of Education had invited each commissioner for a tour of the schools. The clerk was instructed to get with the Board of Education and work out the dates for the commissioners to tour the schools.

Chairman Griffith stated that in lieu of the good audit report we had, I am going to suggest that no more money at this point in time be dumped into capital and my reasoning for that is that the last two years, one year we had a tax increase and the next year we did a revenue neutral to balance the budget and this year when we do our budget for 2015/2016 I hope we can show and do a very positive tax rate decrease. As you and I spoke the other day, we have had a cushion for the government and I would like that cushion to go back to the taxpayer. Would we need a resolution to not dump more money into the capital reserve fund? Mr. Greene said that this would be the meeting where he would have recommended that anything over 20% in the general fund be transferred to the capital reserve fund.

Maxine Laws and Blake Vance agreed with Chairman Griffith.

Martha Hicks stated “during our budget years we have had some equipment that has been taken out from the budget for many years. I have said it is going to come back and haunt us. Here is a good cushion that we have to help us out with this. Everyone knows that our high school has a problem with the sewer system. We need to leave this money alone if these issues come up.”

Faye Lacey stated that she agreed that there should be no more money put in the capital reserve fund and that the taxpayer’s should get a break. She said she wanted to take some of the capital money because there is a lot of need in the county and with county employees.

**Consensus of the Board to leave the capital reserve fund as it is and not transfer any more money into the capital reserve fund.**

Blake Vance stated that he was in full agreement with relieving some of the burden on the taxpayers.

**Finance Officer Report – Tim Greene**

Tim Greene, Finance Director, stated that the Sheriff’s bond must be presented to the Board after the election and is for the term of the office. By general statute, this bond is to be no more than \$25,000.

**Motion by Martha Hicks and second by Maxine Laws to approve and accept the Sheriff’s bond in the amount of \$25,000. Motion unanimously approved.**

### **County Attorney Report – Gerald McKinney**

Gerald McKinney, County Attorney, advised that there were two or three things that he has regarding tweaking the board policy. The first thing to look at is the desire that the regular meetings be changed to 6:00 p.m. instead of 3:30 p.m. We need a resolution to accomplish that which will need to be posted at the courthouse. Mr. McKinney read the resolution as follows:

Whereas, the Avery County Board of Commissioners has held its regular meetings at 3:30 p.m. in the Commissioners Meeting Room in the Avery County Administration Building; and

Whereas, the present Board of Commissioners wishes to conduct its regular meetings after traditional working hours in order to allow the citizens of Avery County to more easily attend said meetings.

Now, Therefore, The Board of Commissioners hereby resolves pursuant to N.C.G.S. 153A-40(a) That:

1. Regular meetings of the Board of Commissioners shall beginning with the February 2, 2015 meeting, be held at 6:00 p.m.
2. The 6:00 p.m. meeting time shall apply to both regular meetings held during the summer months when two meetings per month are held.
3. The place of the regular meetings shall remain at the Commissioners' Meetings Room in the County Administration Building.
4. A copy of this Resolution shall be posted on the Avery County Courthouse Bulletin Board at least ten days before the February 2, 2015 regular meeting.

### **Motion by Blake Vance and second by Faye Lacey to adopt the Resolution regarding the time change for the Commissioners Meeting.**

Martha Hicks stated that as far as she was concerned it did not bother her what time the meetings were held but that she had heard some comments from the public that they think 6:00 p.m. is too late especially some of the older folks that have attended the meeting for several years. I think we should set the time at 5:00 p.m. because most people are off of the job by then.

### **VOTE: Resolution passes 4 to 1.**

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

Mr. McKinney said that the Board had asked him to look specifically at the policy manual in the portion having to do with appointment to committees. It appeared to me that it had been a while since we had visited that one particular section and there were quite a few boards not in existence and it would be better to revamp the Section 6.1 to read differently and that it be placed in the policy manual. In particular I have been provided with a list of the particular boards, committees and commissions and members of them. There is a place in the resolution to insert a list of these boards. Mr. McKinney read the following resolution:

Whereas, Section 6.1 of the Policy Manual of the Avery County Board of Commissioners lists numerous Committees, Advisory Boards and Commissions to which the Board of Commissioners are to make appointments; and

Whereas, the said list of committees contains several committees that no longer exist; and

Whereas, the said list of committees does not include several committees to which the Boards or Commissions the Board of Commissioners does make appointments; and

Whereas, the Board of Commissioners wishes to establish an updated list of Committees, Boards, or Commissions to which it shall make appointments and, further, to declare that certain committees and/or Advisory Boards which were created by previous Boards of Commissioners no longer exist.

Now, Therefore, it is Resolved that:

1. The Board of Commissioners shall make appointments to the following Boards, Committees and Commissioners or other similar organizations:
2. In the event a Committee, Board or Commission previously created by the Board

Of Commissioners is not listed above, said Committees, Board or Commission is hereby dissolved.

3. Section 6.1 of the Board of Commissioners Policy Manual shall be amended to reflect this Resolution.

Chairman Griffith stated that with this resolution regarding Section 6.1 of the Policy Manual the chairman entertains a motion to adopt this resolution.

**Motion by Blake Vance and second by Faye Lacey to adopt the Resolution regarding Section 6.1 of the Policy Manual of the Avery County Board of Commissioners.**

Blake Vance stated that it had been brought to his attention that there was a cleaning committee of seven to supervise a staff of two. I want to make sure that is included in the cleanup that these duties will fall back to the county manager.

Chairman Griffith stated that Ms. Hicks had served on several committees and will continue to do so. That committee is not listed in our latest version that was provided by legal counsel. I appreciate what you have done and would ask that if you are in a county building that you report your findings to the county manager.

Ms. Hicks stated that any commissioner if they see something that needs to be done it is your service to report the findings.

Chairman Griffith advised that the Veteran's Memorial board would be dissolved and at a later date and time and more veteran's input that board would be revisited in the near future and I hope that Ms. Hicks will consider heading that board.

Faye Lacey agreed with the resolution. We have people who have been on boards for over six years.

**VOTE: Motion passes 4 to 1.**

**FOR---Reo Griffith, Maxine Laws, Faye Lacey, Blake Vance  
AGAINST-----Martha Hicks**

Mr. McKinney stated that he was asked to answer several questions. I have several motions that deal with the policy. The best way to approach it is to actually go over the questions that were asked and the answers that were provided. The following are changes to the policy:

Section 1.4 of the Policy Manual shall be amended to read as follows:

Special Meetings may be called by the Chairman or by a majority of the Board by signing a written notice stating the time and place of the meeting and the subjects to be considered. The notice shall be delivered to the Chairman and the Board members at least 48 hours in advance of such meeting and shall be posted on the courthouse bulletin board at least 48 hours before the meeting. Notice shall also be posted at the County Administration Building and provided to the local media at least 48 hours before the meeting as required pursuant to N.C.G.S. 143-318.12. Only those items of business specified in the notice may be transacted at a special meeting, unless all members are present or those not present have signed a written waiver.

Section 7.4 is amended by replacing the word "and" at the end of the first line with the word "an".

Section 7.12B of the policy is amended to read as follows:

Effort should be made when new committees, board or commissions are created (and for existing committees, boards or commissions as well) to cause the terms of its members to expire during the same quarter of the year such term expires.

Create a new Section 6.8 to read as follows:

The Board may create ad hoc committees to address a specific issue and to exist for so long as the Board deems necessary to complete its designated task. The Board should follow the policies and procedures set forth in Sections 6 and 7 of the policy manual with respect to the appointment of the members of such committees.

Section 2.7 of the Board of Commissioners policy manual is amended by replacing the word "Board" as set out in the "Exception" paragraph at the end of said Section with the word "Chairman".

Section 13A is amended to read as follows:

13A shall appoint, with approval of the Board of County Commissioners and suspend and remove all County officers, employees, and agents except elected officials and appointments otherwise provided by law.

Section 13B is amended to read as follows:

13B shall make his/her appointments, suspensions, and removal in accordance with any general personnel rules, regulations, policies or ordinances adopted and approved by the Board of County Commissioners. The County Manager shall report each suspension or removal to the Board of County Commissioners at the Board's first regular meeting following the suspension or removal.

**Motion by Blake Vance and second by Faye Lacey to adopt the changes in the policy that goes from Section 1.4 to Section 13B with the typographical errors being corrected. Motion unanimously approved.**

**Closed Session**

**Motion by Martha Hicks and second by Maxine Laws to go into Closed Session at 6:04 p.m. regarding N.C.G.S. 143-318.11 (a)(3) Attorney/Client Privilege. Motion unanimously approved. Invitees are the Board, County Manager, County Attorney, Clerk.**

**Chairman Griffith declared the meeting to be back in Open Session after a time of Closed Session. During closed session, no action was taken.**

**Approval of Minutes**

**Motion by Maxine Laws and second by Blake Vance to approve the Regular Session Minutes for November 3, 2014; Special Meeting Minutes November 18, 2014; Regular Session Minutes for December 1, 2014. Motion unanimously approved.**

**Upcoming Meetings**

The next Regular Meeting will be Monday, February 2, 2015 at 6:00 p.m. The Board of Commissioners and Board of Education will meet Monday, January 26, 2015 at 6:00 p.m. The Board of Commissioners will hold a Board Retreat on Friday, January 9, 2015 at 8:30 a.m.

**Adjourn**

Chairman Griffith adjourned the meeting at 6:35 p.m.

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**Robert "Reo" Griffith, Chairman  
Avery County Board of Commissioners**

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