

**STATE OF NORTH CAROLINA  
COUNTY OF AVERY**

The Avery County Board of Commissioners met in a Regular Session on Monday, October 6, 2014 at 3:30 p.m. in the Commissioners Board Room, Avery County Administrative Complex, 175 Linville Street, Newland, NC.

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.

Chairman Poteat stated if anyone would like to speak to an agenda item, they must sign up on the sheet with the clerk.

Martha Hicks led prayer.

**Public Comments**

Earl Trice, Avery County citizen, stated "this is in reference to a complaint about some bear hounds. This is from the previous meeting you had. Ryon Calhoun informed the board of a noise issue that took place on the property. His neighbor owns bear dogs that is on Avery County property. To his knowledge the dogs were not permitted to be on Avery County property. Mr. Calhoun suffers from insomnia and he brought the issue before the board in hopes that the issue could be resolved peacefully, however, until a new county manager or interim takes office Ryon Calhoun's issue cannot be addressed. Chairman Poteat assured Mr. Calhoun that the request would be taken seriously and handled as soon as possible once a new county manager is chosen. What date did we get a new interim county manager?"

The Clerk stated it was September 15, 2014.

Mr. Trice stated "I received a letter from the county attorney postmarked the 12<sup>th</sup> of September saying '*Dear Mr. Trice, I am writing to you as attorney for Avery County. The county owns a certain tract of land located at 1361 Old Toe River Road that you sold as a FEMA buyout. It has been brought to the attention of the county that you are keeping your dogs on this property. Please be advised that the county consider this to be a trespass. We hereby give notice that you have 30 days to remove your dogs, dog houses, pens, fencing from the property. If you fail to do so litigation may be instituted. If you have any questions, please let me know.*' I have had permission since 2006 from the retired county manager to keep my hound dogs tied there. I have taken care of the place. Robert Wiseman gave me permission. I get another letter September 16, 2014 which is the same thing just a different date. I have a letter from the closest neighbor where my dog was tied which says, '*Dear Mr. Trice, My wife and I have lived across from your dogs for over two years. We have never had any need to complain about the dogs. They bark when they see their owner's truck and other animals like other dogs do. They hardly bark at night. When they have gotten loose they are very friendly dogs. Sincerely, Jake Zellers.*' Did you have Mr. Calhoun bring a certified letter? You just took his word for it. I have mowed and kept that place up since 2006. I took on my own to take a backhoe when the rear tile got stopped up and remove the debris. I have taken care of the place. I did nothing wrong, I had permission. I will never mow it again. If it floods, I don't care. Someone jumped the gun on having the first letter sent."

Faith Lacey stated "this relates to the September 15, 2014 meeting. I would like to read from the NC General Statutes Section 153A-158.1 titled Acquisition and Improvement of School Property. Acquisition by County. A county may acquire by any lawful method any interest in real or personal property for use by a school administrative unit within the county. In exercising the care of eminent domain, the county shall use the procedures of Chapter 40A. The county shall use its authority under this subsection to acquire property for use by a school administrative unit within the county only if upon the request of the Board of Education on that school administrative unit and after a public hearing. I believe when you voted and passed to pay \$70,000 for 4/10<sup>th</sup> of an acre from Bobby Oakes there was no public hearing. I did not see any letter from the school board requesting this therefore the public would like an explanation because after I got home there was a lot of concern about it not being on the agenda and how you could pass without a public hearing since it is required to have one."

Chairman Poteat requested that the County Attorney, Michaelle Poore, pursue Ms. Lacey's concerns. Ms. Poore stated that we had already discussed having this on at a later date after we had the contract terms formalized in writing and had a survey to present so there will be further action by the Board at another meeting.

John Millan stated "This slightly relates to some background information for what is an agenda item. I wanted the Board to be aware that I had some general concerns. I welcome anybody as an elected official to call me out or have an issue with anything I say or do as a public official and I think everybody knows if we don't like people criticizing us we shouldn't be standing up here before the county.

Commissioner Forbes put on my Facebook that she had a problem with me ranting and saying things about this Board and in particular I had a concern that there might be something coming up for a vote about regulation of firearms which you are going to talk about in detail later on in this meeting. She basically said that she thought I made this stuff up. She has since deleted the post but there are a number of people in here that can attest that they have seen it and read it on my facebook. I would like to implore the Board to remember that when we are public officials and we chastise and call people out on a public forum or on the internet even if you take it down people remember it and it stays there especially if you are going to call someone a liar. I think that speaks poorly and I like Commissioner Forbes as a person. Some people says an apology is in order but that is between herself and her conscious. I would like the board to remember these things can come back to haunt them.”

Chairman Poteat announced that if someone would like to speak to an agenda item they just sign up on the sheet with the clerk.

Earl Trice added that he had removed the hounds from the property September 22, 2014.

**Board Appointments**  
**Avery Fire Commission**

The Avery Fire Association has approved Johnny Mathes for another two year term on the Avery Fire Commission.

**Motion by Reo Griffith and second by Martha Hicks to approve Johnny Mathes for another two year term to the Avery Fire Commission. Motion unanimously approved with those in attendance (4-0).**

**Avery Fire Commission**

Joe Perry’s term on the Avery Fire Commission has expired.

**Motion by Glenn Johnson and second by Martha Hicks to approve Joe Perry for a two year term to the Avery Fire Commission as a Board of Commissioners appointee. Motion unanimously approved with those in attendance (4-0).**

**Joint Resolution - Mayland Community College – Dr. John Boyd**

Dr. John Boyd stated that the joint resolution was a resolution brought to the counties every year which acknowledges there is not equal funding. The other document is a document that the Chairman of the Commission signs off on for the budget.

(Phyllis Forbes entered the meeting at 3:46 p.m.)

Chairman Poteat stated that this predates Dr. Boyd. This is a gentleman’s agreement that the three counties share and share alike as much as possible. There is very little difference in the three counties with the money allotted for Mayland Community College.

Chairman Poteat asked how many students that Mayland Community College reached on an annual basis. Dr. Boyd said it was over 10,000 people. The enrollments are about equal between the three counties.

**Motion by Phyllis Forbes and second by Glenn Johnson to approve the Joint Resolution for Mayland Community College regarding uneven funding. Motion unanimously approved.**

**Avery County Comprehensive Transportation Plan – David Graham**

David Graham with High Country Council of Government explained that he was back again for approval of the Avery County Comprehensive Transportation Plan. I am here to answer any questions that you have before approval. Glenn Johnson said that he was involved in this process and basically this is a “wish list” from the county and when funding becomes available this is what Avery County would like to see. There were three workshops throughout the county that was well attended.

Michaelle Poore called the Board’s attention to the proposed resolution. In the fourth paragraph it indicates there was public hearings held but actually these were community meetings so “public hearings” need to be struck out and “community meetings” inserted.

**Motion by Glenn Johnson and second by Phyllis Forbes to adopt the resolution adopting the Avery County Comprehensive Transportation Plan and in the fourth paragraph of the resolution strike out “public hearings” and insert with “community meetings”. Motion unanimously approved.**

### **Resolution Regarding Agricultural Extension Funding – Jerry Moody**

Jerry Moody, Agricultural Extension Director, stated that the resolution before you is one that Surry County had also done and the principle behind the resolution is that one size does not fit all and each county needs the correct amount of agents. This will put us on record in voicing our concern to the state.

**Motion by Martha Hicks and second by Phyllis Forbes to approve the Resolution Supporting Current Staffing Levels in Avery County. Motion unanimously approved.**

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

#### **Total Tax Collections**

The total tax collections for the month of September is \$1,360,988.03.

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

#### **Regular Releases**

The Total Releases for the month of September 2014 is \$6,878.47; \$4000 of this gets rebilled.

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

#### **Refunds**

The Total refunds for the month of September 2014 is \$179.46. We sent this to Raleigh and they cannot figure out how this happened. They got billed on the old system and got the new Tax and Tag Together. I encourage and if you don't understand the vehicle bill when you get it, please call me. This is not the only place this has happened.

**Motion by Phyllis Forbes and second by Martha Hicks to approve the Motor Vehicle Refunds for the month of September 2014. Motion unanimously approved.**

#### **Real Property Sales Report**

This year we have 45 confirmed sales. For the month, the sales amount was higher than the tax value for September by 11%. We only had two foreclosures.

#### **Recess**

Chairman Poteat called for a 3 minute recess.

Chairman Poteat declared the meeting to be back in order after a brief recess.

### **County Manager Updates – Woodie Young**

#### **Renovation of Courthouse**

Woodie Young, Interim County Manager, stated that he was requested from the meeting of September 15, 2014 to check on three items. I met with the architects, construction management and inspections department on September 25, 2014. There were change orders per the inspections department concerning two fire doors which according to the inspections department was not up to code. The change orders have been issued and the solution is ongoing and being discussed to see what can be done the less expensive way to the county.

There is some concern about the floors in the hallway down the sides of the courtroom as well as the hallway in front of the courtroom that is due to the quality of the workmanship and materials used. The architect has been made aware and construction management and they are trying to work out a solution to that.

#### **Bank behind the Senior Center**

On the bank behind the senior center, grass has been sowed and sod put down. It is almost complete with the exception Mr. Joe Trivette is going to acquire from the state some dwarf dogwoods and crab apples to plant on the back to hold it from washing. This has been done with minimal cost to the county with obtaining a grant from soil and water conservation.

#### **Sam Rothman Property on Powdermill Creek**

On the 19<sup>th</sup> of September I accompanied Mr. Phillip Barrier to the Sam Rothman Property. It is an older development. There are two lots that seem to be both similar in size but there is very little timber. The upper lot is 2.4 acres but it appears to be landlocked. Phillip and I searched as best we could the adjoining property and we were unable to find a right of way. The other lot is 2.16 acres in size and is valued at \$7800 and is accessible from two sides. It is my recommendation to contact Ms. Rothman and tell her thank you but no thank you. The county is not in the real estate business. We could include the names and addresses of the adjoining property owners as they may be interested in purchasing this.

**Consensus by the Board to notify the property owners that Avery County was not interested in this property.**

### VA Memorial Committee

The appointed committee met on October 2, 2014 to do a study and get some ideas on a Veteran's Memorial. No decisions were made at all. Nick Montanez is to get some estimates together and as soon as that happens we will have another meeting.

### Sheriff's Office Sign

Martha Hicks stated that she met with Nick Montanez and Sheriff Kevin Frye regarding the Sheriff's Office sign. Two directional signs will be placed and a sign in front of the Sheriff's Office instead of on the building.

### **Ordinance Regulating Concealed Weapons in Local Government Buildings and Their Appurtenant Premises and Recreational Facilities**

Chairman Poteat said it was the prerogative of the chair to limit the time of the speakers to 3 minutes because of the number of speakers that have signed up to speak.

Chairman Poteat stated "I appreciate the good attendance here today whether it is exactly what I want to hear or not ; you have the right to say what you want to say concerning this issue. There are 13 persons signed up to speak. In just a moment after a little bit of discussion we will recognize the 13 people. Because of the numbers you will be limited to 3 minutes which is the prerogative of the chair. You will be warned when you have 1 minute left. There was a slight change concerning the ordinance which the wording was changed slightly. Does everyone have the newest copy? A little bit about what brought us here today. In the Chairman's opinion, this is not a county commissioner's generated issue rather Woodie Young has done a lot of research in this area. He came to me as chairman hoping to address this issue at a public meeting. I want everyone to know good or bad a commissioner did not come up with this idea whether or not we are for it will be determined. If you do not care Woodie, would you explain what is in this document? "

Woodie Young said "I would like to start and give you some background and for lack of better terms 'this is my baby'. I am the only one that is behind this 100%. The problem is it was completely blown out of the water by certain individuals who are here and I am not going to call them out because they know exactly who they are. This is not and was never intended in any way to be any kind of gun control. As far as I am concerned gun control is one thing and one thing only as far as I am concerned and that is being able to hit what you shoot at. This is a safety issue and when I say safety issue I say safety of employees. It has been splattered over the social media by people who in my honest opinion know better. They did not offer or bother to call or check in any way with myself or my secretary or anyone in this building to see what it was about and they just grabbed it and ran with it and formed their own opinion of it not knowing what it was. The social media can be a good thing but when it is not used correctly it is not. There have been a lot of things said and told on Facebook that absolutely are not true, nothing further from the truth. The reason I came up with this is because downstairs is without a doubt the most volatile place in Avery County; the Department of Social Services. They deal with things every day that most of us have absolutely no idea goes on down there. The employees down there for the most part are in danger. Across the road at the health department they deal with the same situations and the same people. This is nothing but to make a safer environment for the employees of Avery County. I know that a sign on a door is not going to keep some rampaging person from going in and doing something terrible but as this is proposed it will at best in the event something would happen the district attorney would have more teeth put in to the charges that he brings. This has been amended significantly since it was first proposed. Now the way it reads is anyone who currently legally holds a concealed weapons permit is excluded from this ordinance. "

Chairman Poteat said "We will use Phyllis Forbes as an example as she has her concealed carry permit. For example, if Phyllis has it registered and it has been approved and the ordinance is passed she can still carry her concealed handgun into this building." Mr. Young stated "yes that is correct."

Mr. Young stated "also the exemption covers any current law officer, any retired law officer, military personnel. There is a long list of people who are exempt from this. Honestly, the reason I wanted this is I have family members working downstairs and I have a family member working across the road at the health department and there are several people in this building upstairs and downstairs that have concealed carry permits. There are nurses across the road that have concealed carry permits. Do they carry in their offices? No. I have spoken with several active and retired members of the highway patrol. I have spoken with several active law enforcement officers and several people within the judicial system and I have even done something that the people who blasted this all over Facebook have not done, I talked to the women in DSS and talked to the people in the health department and I know what they want, they want to be safe. Everyone I have talked to thought it would be a good idea. I have had two people and one approached me in Subway as I was eating lunch and when I explained my stand on this I believe he understood. I had another gentleman to call me at home and ask about it. They both had concerns.

Because of the concerns the resolution has been changed somewhat. The question was posed to me what about the fellow that goes squirrel hunting and comes to the trash dump to throw his trash out. This is a very valid point. The trash dump property is not going to be considered. In the event, that anyone gets out of a vehicle at a trash dump, outside this building, outside Ingles, banishing a firearm they are going armed in terror of the public and they can be picked up and charged. I know there are questions. I would like to ask Ms. Michaelle to read the ordinance. "

Michaelle Poore read aloud the revised ordinance as follows:

***An Ordinance Regulating Concealed Weapons in Local Government Buildings and  
Their Appurtenant Premises and Recreational Facilities***

*Whereas, North Carolina General Statute 153A-121(a) grants to counties the general police power to prohibit conduct detrimental to the safety of its citizens; and  
Whereas, North Carolina General Statute 14-415.23 grants to counties the authority To adopt an ordinance to prohibit, by posting, the carrying of a concealed handgun in Local government buildings and their appurtenant premises and certain recreational Facilities; and*

*Whereas, the Avery County Board of Commissioners is concerned about the increased Presence of concealed handguns in local government buildings and their appurtenant Premises and the threat that such an increased presence will pose to the health, safety And general welfare of the citizens of the County; and*

*Whereas, the Avery County Board of Commissioners desires to exercise the authority Authorized by said statutes;*

*Now, Therefore, Be it Ordained by the Avery County Board of Commissioners that:*

*Section 1*

*It shall be unlawful for any person while in a local government building and/or their Appurtenant premises, or a County Recreational Facility, to carry a concealed handgun, Upon the posing of a conspicuous notice or statement prohibiting such carrying on such Property. The County Manager is authorized and instructed to post appropriate Conspicuous signage on such property in accordance with law.*

*This ordinance shall not apply to the following:*

- 1. Those persons who have a concealed handgun permit issued in accordance with Article 54B of Chapter 14 of the North Carolina General Statutes, have a concealed Handgun permit considered valid under NCGS14-415.24 or are exempt from Obtaining a permit pursuant to NCGS 14-415.25.*
- 2. Those persons who meet the criteria set forth in NC GS 14-269(b), as amended;*
- 3. A concealed handgun permittee may secure the handgun in a locked vehicle within The trunk, glove box, or other enclosed compartment or area within or on the motor Vehicle while at a County Recreational Facility.*

*Section 2. Posting of Signs Required*

- 1. The County shall post appropriate signage on each local government building and/or Their appurtenant premises and Recreational Facility as defined herein indicating that Concealed handguns are prohibited therein.*
- 2. Said signs shall be visibly posted on the exterior of each entrance by which the General public can access such local government building and/or their appurtenant Premises or Recreational Facility.*
- 3. The County shall exercise discretion in determining the necessity and appropriate Location for other signs posted on the interior of the local government building and Their appurtenant premises, or Recreational Facility.*

*Section 3. County Recreational Facilities. County recreational facilities are defined as being the Following:*

- 1. The Rock Gymnasium ballfield, Newland, NC, and including any appurtenant facilities Such as restrooms, during an organized athletic event, if the field had been scheduled For use with the County Recreational Department.*
- 2. The Rock Gymnasium, Newland, NC. A facility used for athletic events.*
- 3. Green Valley Park, Green Valley, NC including any athletic fields, and any appurtenant Facilities such as restrooms, during an organized athletic event if the field had been scheduled for use with the County Recreational Department.*
- 4. The County swimming pool known as the Newland Pool, Newland, NC, including any Appurtenant facilities used for dressing, storage of personal items, or other uses relating to the swimming pool.*

#### *Section 4. Violations*

*Violations of this ordinance shall be a Class 3 Misdemeanor as defined by NCGS 14.4.*

#### *Section 5. Severability*

*It is the intention of the Board that the sections, paragraphs, sentences, clauses and phrases Of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section Of this Ordinance shall be declared unconstitutional or invalid by the valid judgment or decree On any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect Any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance, As the same would have been enacted by the Board without incorporation in this Ordinance Of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.*

#### *Section 6. Effective Date*

*This ordinance shall become effective upon adoption.*

Mr. Young stated "My last question to Ms. Poore is in Section 1 Paragraph 3 does that mean they may or they shall and there is a big difference. The answer is they may; they have an option."

Chairman Poteat stated "If you all cannot control yourself we have two fine armed deputies here and I will have to have you escorted out. If you have questions, you will get a chance to ask them."

Mr. Young said "my main purpose was to draw the attention to the general public and to the commissioners that there is a need for more security for some of the employees. This may not be the way to do it. That is entirely up to the commissioners. There is one thing about it at least now it is out in the open and people are aware that there is the potential for a problem. One thing if you have a concealed handgun permit it does not affect you at all."

Caleb Hollifield, Avery County citizen, said "if this is a building which holds only government offices neither I, nor you, nor when she gets her permit will be allowed to carry only probation and parole, Clerk of Court officials, Register of Deeds officials, Assistant district attorney and DA are the only people who can carry housing only government offices. I will not be able to carry my weapon here. A county ordinance cannot exempt me from state law. The only thing that this ordinance will do is hurt law abiding citizens from having their weapon on a county property at the ballfield where they could save lives with it. I am saying you cannot fully exempt people with a county ordinance."

Martha Hicks stated "I would like our attorney to explain to the public that this ordinance and what the ordinance is at the courthouse is two different things. I think there is a lot of misunderstanding. You are comparing this to the courthouse."

Michaëlle Poore, County Attorney said "there are specific state statutes for example 14-269.2 that address weapons on campuses or other educational property; 14-269.3 addresses carrying weapons into assemblies and establishments where alcoholic beverages are served; 14-269.4 addresses weapons on certain state property and in courthouses. In no way does the county's ordinance if it chooses to adopt one replace the existing state statutes. Those statutes still stand and individuals cannot take their guns on those properties if they are prohibited by those statutes. "

Reo Griffith stated "There have been two different documents one of which I got on Friday concerning the ordinance regulating the possession of deadly weapons on county property and one that was revised today of which has been read word for word. There would be no need in adopting this ordinance in accordance with N.C. General Statute 14-269 concerning carrying concealed weapons. If we adopted this ordinance if the legislature saw fit to amend the NC General Statute and we were not keeping up with this on a daily basis a gun rights group could come in and sue us for us not being in accordance with the NC General Statute. This is punishable if this were to be adopted today by a Class III misdemeanor, basically a fine or an infraction. For example, Ms. Michaëlle and I have been at odds for years we are mad at each other. Ms. Michaëlle knows that I am going to be here at 3:30 p.m. on Monday evening. She has a weapon and her most bitter enemy is a sitting duck in the commissioner's office so she is resolved that she will take care of business. She comes down and gets out of her car and keep in mind G.S. 14-17 is murder sometimes can be punished by your life being taken but she has resolved that she is going to kill me. She comes to the door and there is a sign on the door with a red circle with a red line drawn through it with a gun and maybe some verbiage who can come in with small print. Remember she has done resolved to commit a capital offense that could cost her life and she reads that and she sees she could be punished under a class III misdemeanor which is punishable by a fine. That stops her, that signs stops her and she turns around and goes back and gets in a car. I was going to read the whole ordinance this is public record and the clerk will make anyone a copy of the ordinances the old one and the new one. Thomas Jefferson said the laws that forbid the carrying of arms or laws of such a nature disarm only those who are neither inclined or determined to commit crimes. Such laws make things worse for the assaulted and better for the assailants. They serve, rather to encourage, to prevent homicides; for an unarmed man may attacked with greater confidence that an armed man. Taking away this right and you become in doing so the accompish of all bad men. Gun control is job security for criminals; that is Mr. John Locke from NC Grassroots. Retired Congressman Istook, Republican said for

liberals gun control is the ultimate government regulation. With all that being said, Mr. Chairman just in the last couple of weeks thank God for a reserved deputy sheriff in a food processing plant that was there and was armed and he could take the assailant out before the second person was beheaded.”

Chairman Poteat questioned the County Attorney, “With an ordinance, if there is one dissenting vote then the ordinance requires a second vote at a different meeting?” That is correct stated the County Attorney.

Chairman Poteat questioned the other board members, “In light of what Michaelle has said does anyone have any objection to myself entertaining a motion to approve the ordinance and see if that goes anywhere and that may make all the comments unnecessary if this ordinance is not adopted.” Mr. Griffith stated that the citizens needed to be heard.

Chairman Poteat said the speakers would be allotted 3 minutes.

Greg Gardner stated “I am a Three Mile Resident, Christian Conservative and lifetime member of the National Rifle Association. I believe a law abiding citizen should be able to carry a firearm anyway, anywhere and anytime that they like in Avery County. Firearms in Avery County is heritage. Our gun rights are guaranteed in the US Constitution Second Amendment and also in the NC Constitution Section 30. I recently wrote to Senator Richard Burr and he responded: Thank you for contacting me about your second amendment rights. I believe the second amendment right to bear arms is the fundamental right of law abiding citizens. Neither the Federal government nor the State government should impede the individual freedoms that are reserved for the people of our constitution. In response to recent shootings and acts of violence, there has been considerable discussion about how we can prevent similar tragedies happening in the future. Unfortunately, rather than examining the root causes of violence, the President, his allies in Congress and members of the national media has focused almost exclusively on gun control and further restrictions on law abiding Americans. I have opposed all of these restrictions and I will continue to closely monitor this situation and will oppose any legislation that further infringes on second amendment rights. Congress Mark Meadows wrote: Thank you for contacting my office regarding gun control and the second amendment. Gun violence is something that must be stopped, however, some in Washington is calling for new legislation to create stricter gun laws. Please know that as a strong defender as the second amendment I will continue to try to secure law abiding citizens to purchase and bear personal firearms. Restricting the ability of law abiding citizens to defend themselves and families against harm by enacting strict gun control laws would further expose the innocent to violent crime. With that said I will continue to support the existing system. Mr. Gardner ask the commissioners to continue the position you have taken to protect our constitutional gun rights and freedoms which is in the will of the people of Avery County and I ask you to fill county positions with people who possess the same conservative traditional values as the overwhelming majority of Avery County. I was at the meeting of April 1, 2013 3.3A Resolution expressing support for preservation of the right to bear arms by Travis Proctor. Glenn Johnson made the position to approve the resolution and Reo Griffith seconded it and it was a unanimous decision.”

John Millan stated “There are a couple of issues that I wanted to resolve. Woodie was very courteous to me when I talked to him about this. I will say for the record as your county coroner charged with investigating due to the fault of another in this county that I have an inherent responsibility as a decent person to try to prevent deaths. I don't think there is anyone in here that will argue a responsible armed citizen can prevent acts of violence like we have seen in Oklahoma. If anybody ever thought we would have Muslim terrorist beheading Americans in little towns, we can't say it won't happen in Avery County anymore. This original proposal the way it was worded I thought was inappropriate. I will note that as far as the necessity of us taking our time here 14.269 bans concealed weapons without a permit on any property and this is not the governmental property that is prohibited that says state or federal offices. This is exclusively county offices. If they don't have a permit they are committing carrying a concealed weapon. Number 2 armed to the terror of the public can be applied. We already have laws to deal with these problems. Number 3 I would like to point out that in general guns are part of the culture here. I had put a post on the internet several weeks ago and a constituent said they were concerned that the commissioners might be doing this very same thing and I think it is odd timing that it in fact happened. Commissioner Forbes spoke to me during the break and said she thought I was out of line in pointing that out. I didn't say this was going to happen I said this is what I was told and it did happen. I have some trust issues not just with this board but government in general stepping on our concealed weapon rights. I will point out a well-regulated militia being necessary for a free state that right of the people to keep and bear arms shall not be infringed and that is from the second amendment of the Constitution. Two other individuals made a statement 'we now have by prohibiting access to firearms made our nation for its people and police officers;' this was said by Adolf Hitler and Joseph Stalin.”

David Vance said “I was born and raised in Avery County and been a police officer for 30 years. My reply to this was based on what I originally understood to be the ordinance which I strongly disagree with. State law has a lot more teeth than a county ordinance. What you can be charged with under this county ordinance would be less of a fine than if you went out here and sped 10 miles over the speed limit. Why pass a county ordinance to mirror state law? This board does not need to be in the gun business. State law speaks to that. The commissioners take an oath and I have a copy of it here. At the very end of it, it says they will not be inconsistent with the Constitution of the United States. The Constitution gave us the

right to bear arms. If someone comes in tomorrow with signs all around the building without a concealed carry permit and shoots up the whole downstairs building that ordinance violation the DA would dismiss it. There are plenty of laws on the books to take care of what he just did. You are mudding the water for something that doesn't need to be."

Earl Trice stated "I think the gentleman here previously covered it all. My suggestion is to take the resolution and put it in "file 13".

Jeff Pollard stated "In March 2013 the commissioners passed a resolution to protect the 2<sup>nd</sup> amendment. I ask you to remember your resolve at that time and dismiss this proposed ordinance. NRA magazine puts a page in every issue called the Armed Citizen. I think when you put in an ordinance like this you are drawing a target on that office. You have made a soft target. In my opinion we need more Wyatt Earps and fewer Mayor Bloomborgs."

Nancy Morrison said "I don't really have a gun in this fight so to speak; I have a concealed carry permit but I am concerned that our rights are getting eroded. At one time I was director at Charlotte Detox and I got held at knife point overnight so I know about safety in the workplace. Finally, one of the nurses noticed about 4:00 a.m. and she let the police in the back door and they sneaked in and overpowered the guy who was holding a knife to my throat. It can get violent and very dangerous but no sign is going to do anything to stop that. I spent a couple of months in Mexico City. Mexico City is lovely, beautiful place. The drug curtail has ruined everything because none of the citizens can carry arms. Every time we have a school shooting or movie theater incident there is another little chunk out of our 2<sup>nd</sup> amendment rights and someday someone is going to take it all away if we are not extremely vigilant. Thomas Jefferson had it right if we disarm the people as they did in Germany then we have possible tyranny to overtake our country. It is bad enough in Washington right now we don't need to give them any more power."

Ricky Henson stated "A lot of the things I was going to say have been said. I see no need for something on the paper that muddies the water. I think we should stick with existing laws that we have. I don't think we need anything else on the books."

Bobby Bailey said "I work at the three lane dumpster. Me and Clint South had a guy come in and because we would not take his trash he was going to come back and shoot us. Ralph Coffey came down and issued a paper saying he was not allowed back on that property. What tells me that paper is going to keep him away from coming in and shooting at any one of us but without my gun which I have been told I can't keep on county property. I don't understand why this was brought up. There is no paper or sign that is going to stop anyone. If someone is going to bring a gun into his building wouldn't you rather have someone in this building with a gun."

Ken Price stated "I have watched my country federally deceptively and trickingly take this country down the road to socialism. I wanted to come and see if this was going on at a local level. You and I have no idea what is going on. If anyone would study history you would see the beginning of socialism. Hitler got a hold of the children's education first and then the firearms and if you have no firearms you have no way to rebel against the government. I hate to see this seeping in to the local governments."

Lynn Daniels said "Trying to ban concealed guns? If someone walks in the door with an AKA 47 you have law enforcement officers in here and three or four more with concealed weapon back them up and try to keep everybody from getting killed. If you have not got it and ban them, taking it here and taking it there, you have to go through a whole lot to get it. You can't get a concealed permit if you are a crook, they check you every way they are. I think it is the wrong thing to try to ban from taking a concealed gun anywhere. "

Caleb Hollifield stated "The way I read the statute it says that I am not allowed to carry in any government office building. This will not make me exempt from carrying in here. I cannot in here whether there is an assembly or not. What is a deadly weapon? A baseball bat is a deadly weapon. You can't stop a baseball player from bringing his bat to the ballfield. A sign like Reo said may make someone change their mind. This should say unlawful carry is banned. I don't want to see the county get sued. I don't want people to not have their guns where they should have them."

Stephen Goble stated "I think it is laughable that 3 minutes is allowed when it took 7 for her to read what we are debating; this is technically impossible to deal with honestly and I think you all know that. I don't know who you are or what makes you think you have the right to decide that other people's rights have been waived because of your paranoia. Can you show that you have been victimized in a county building by a firearm or any deadly weapon?" "I revoke consent from you all regardless because this is insane."

Gene Hollifield stated "Guns don't kill people, people kill people."

Chairman Poteat stated that we need to make a decision one way or the other today. If there is one dissenting vote, the ordinance could not be adopted today.

Woodie Young stated "What I set out to do here has been accomplished. I have drawn attention to the fact that we have employees that are not safe in the workplace. Downstairs it is a potential problem for disaster and yes you have to be stupid to think that a sign on the door would stop someone from deadly intent. Also, I don't know what the intention of the other people are here but my main intention was to bring notice to the fact for we have potential danger when people take children away and breaking up families; it is a very sensitive matter. With the acknowledgement of the Board, there are safety concerns. Is it permissible for me to withdraw the ordinance? Chairman Poteat stated that he felt we should go on with the vote.

**Chairman Poteat entertained a motion to approve the ordinance as printed as the revised edition.**

**There was no motion or second. The ordinance is null and void.**

Phyllis Forbes stated that the thing that upsets her about this is the rumor mill. People came here thinking that was what we were going to do. When you hear rumors and people post things on social media don't believe everything you hear or read.

Chairman Poteat stated that if this had come to a vote he would have voted against it because I was elected by the people and in my opinion a vast majority of Avery County would not want this ordinance to pass.

Martha Hicks stated that she did not have any intention of voting for this ordinance. My brother who passed away said it is better to fire a gun than to fire words because you can't take words back but you might miss with a gun. I didn't have any intention of voting on this ordinance.

### **Recess**

Chairman Poteat called for a brief recess.

Chairman Poteat declared the meeting to be in order after a brief recess.

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

#### **Budget Amendment**

The Department of Social Services is planning on using seven of the vacant offices at the Health Department. Monies are requested for painting and for connecting the building with fiber optic cables for network connectivity and phone network connectivity. Through DSS we get reimbursed for salaries and certain things and approximately 60% of that will be reimbursed. Phyllis Forbes stated that at some point in time the state is going to come in and tell us that we need more space for DSS. Those offices are empty and need to be utilized and this is a good way to utilize them. This is a good thing for saving money for the county. Martha Hicks said it would give a lot more room downstairs. Some of them are actually in closets.

**Motion by Martha Hicks and second by Phyllis Forbes to approve the Budget Amendment of \$15,400 with a debit of \$5,400 to Repair/Maint-Equipment (106100.1510) and a debit of \$10,000 to Capital Outlay (106100.7400) and a credit of \$15,400 to Fund Balance Appropriation (103990.0000) Motion unanimously approved.**

#### **Budget Amendment**

The Avery County Jail has received a US Department of Justice State Criminal Alien Assistance Program grant in the amount of \$2868.00. This is a grant that can only be used for correctional purposes only. Part of the proceeds we get from the grant we will be paying for securing the grant. This has been an annual thing for the last several years.

**Motion by Glenn Johnson and second by Martha Hicks to approve the Budget Amendment of \$2868.00 from the US Department of Justice State Criminal Alien Assistance Program grant with a debit of \$2,868 to Security (105200.1475) and \$2,868 for the US Department of Justice Grant (103614.0000). Motion unanimously approved.**

#### **Budget Amendment**

The Conservation and Development department obtained a Community Conservation Assistance Program grant to be used to correct drainage problems on the bank behind the courthouse.

**Motion by Phyllis Forbes and second by Martha Hicks to approve the Budget Amendment of \$1,279.00 for the Community Conservation Assistance Program grant with a debit of \$1,279.00 to Repairs & Maintenance (105000.1510) and a credit of \$1,279.00 to NC Soil & Water Conservation (103695.0000). Motion unanimously approved.**

#### **Budget Amendment**

The Senior Center has been notified of a \$3,340 reduction in the Home and Community Care Block Grant. In addition, there has been a reduction in the in-home aides and this service will be added to the contract with High Country Home Care.

**Motion by Phyllis Forbes and second by Glenn Johnson to approve the Budget Amendment of \$18,729.00 with a debit of \$15,389.00 to Contracted Service-Home Care (105960.5430) and a debit \$3,340.00 to Senior Services (103670.0000) and a credit of \$18,729.00 to Salaries (105960.0210). Motion unanimously approved.**

**County Attorney Report – Michaelle Poore**

Grandfather Mountain did file an appeal at the State Supreme Court level. It may be 4 to 9 months before we hear back from this.

**Approval Of Minutes**

**Motion by Martha Hicks and second by Phyllis Forbes to approve the July 7, 2014 Closed Session; July 21, 2014 Regular Session; August 11, 2014 Special Meeting; August 11, 2014 Closed Session; September 2, 2014 Regular Session; September 2, 2014 Closed Session. Motion unanimously approved.**

**Agenda Consent Items**

Adopted by Consensus.

**Upcoming Meetings**

The next Regular meeting will be Monday, October 20, 2014 at 3:30 p.m. There will be a Public Hearing at 3:50 p.m. on the Rural Operating Assistance Program.

**Adjourn**

**Motion by Phyllis Forbes and second by Martha Hicks to adjourn this meeting at 6:02 p.m. Motion unanimously approved.**

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

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

