

**STATE OF NORTH CAROLINA
COUNTY OF AVERY**

The Avery County Board of Commissioners met in a Regular Session on Monday, September 15, 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; Martha Hicks

Members Absent: Reo Griffith

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 otherwise there would be a time of public comment.

Glenn Johnson led prayer.

Public Comment

Contessa Gunter requested that the Board have a moment of silence for Anna Marie Smith, Appalachian State University student who had been missing. The Board honored a moment of silence.

Glenn Johnson stated that he did have motion to come before the Board. Chairman Poteat stated that he would accept that. Mr. Johnson read his statement:

*Whereas, Avery County's Manager retired on August 29, 2014; and
Whereas, a majority new Board will be taking office on December 1, 2014; and
Whereas, it would be presumptive for the majority of this Board to know what the majority of the*

*New Board would want to do about a County Manager; and
Whereas, Avery County has a County Manager style of government with important decisions to be Made and functioning without a County Manager is a bit like a ship without a captain; and
Whereas, the state statutes specifically state that in the absence of a County Manager we shall
Appoint an interim County Manager;*

*Therefore, Mr. Chairman and Board, I appoint Wood Hall Young, Jr. for the position of interim
County Manager for the ensuing 2 ½ month period of September, October and November; interim
Period to end at midnight on November 30, 2014; nomination to take effective immediately upon
passing.*

*Salaries and benefits would include \$40.00 per hour based upon 20 hours per week more or less
As the job might require. Benefits would include the use of a county vehicle and cell phone.*

Motion by Glenn Johnson and second by Phyllis Forbes to approve the above motion as presented.

Chairman Poteat stated that we have talked about the need for an interim county manager as it is statutorily stated that a county "shall" have someone in that position as quickly as possible. Chairman Poteat questioned if there was budgeted money for this position. Mr. Greene stated yes that Mr. Wiseman's salary was more than the salary proposed for Mr. Young. This would not require any new monies.

Mr. Johnson stated "Mr. Young is a native and lifetime resident of Avery County. He is well known and well respected throughout Avery County. Mr. Young has a vast general knowledge of Avery County government especially within the school system having been employed by the schools for 25 years. He has served on the Avery County Planning Board, Avery County Republican Executive Committee for decades and is currently employed by Northwestern Regional Housing Authority and Northwestern Housing Enterprises."

Phyllis Forbes added that the statute does say "shall designate" someone to be interim county manager so I feel it is our obligation to put someone in that position and not leave it vacate.

VOTE: Motion passes 3 to 1.

**FOR ----- Kenny Poteat, Glenn Johnson, Phyllis Forbes
AGAINST----- Martha Hicks**

Recess

Chairman Poteat called for a brief recess.

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

Chairman Poteat instructed the Clerk to make sure that the wording "appoint" was placed in the motion. This was agreed upon by Mr. Glenn Johnson and Phyllis Forbes.

Phyllis Forbes stated she really hated that Mr. Griffith was not here to help in making this important decision.

Martha Hicks stated that she really thought we should have a full board. I do not have anything against Mr. Young but I think it is sad that I did not know anything about this. No one told me that they were going to put Mr. Young up for nomination and I am part of this Board also.

Michaëlle Poore, County Attorney, stated "just to clarify the motion I would ask the Board to revote to appoint the interim county manager under the terms of the previous motion.

Motion by Glenn Johnson and second by Phyllis Forbes to appoint Wood Hall Young, Jr as Interim County Manager.

Vote: Motion passes 3 to 1.

FOR-----Kenny Poteat, Glenn Johnson, Phyllis Forbes

AGAINST-----Martha Hicks

Martha Hicks reported that Tim Greene, Cindy Turbyfill, Reo Griffith and Martha Hicks met to form a committee to start the process to select a manager. We have David Nichols from the NCACC scheduled to be here Friday at 9:00 a.m. to talk to us. We also picked Dawn Carpenter to be on that committee. One of the commissioners that is coming on Board will also be on that board. Peggy Wallace, Human Resources, is on the board also.

Phyllis Forbes stated that it takes a long time for that selection process. Another thing that came to my attention on the way over here I stopped at the convenience site to put out some trash and I was sitting there and a car pulled in and this man got out and had several bags of truck and I looked down and he had a Tennessee tag. I know we have tourists here using our facilities and rightfully so. I asked the guy at the convenience center if he knew the person and he said yes he lives in Linville Falls he just has a Tennessee tag. Is that not illegal? I know several residents of this county that has Tennessee tags and it disturbs me that taxpayers of Avery County have to pay for things that these other people are trying to get around doing. I wanted to comment on that.

Martha Hicks said she thought every taxpayer in Avery County should have a sticker on their windshield to be able to throw out their trash.

Avery County Comprehensive Transportation Plan Overview and Maps – David Graham

David Graham with the High Country Council of Governments and the High Country Rural Planning Organization informed the Board that the RPO provides cooperative and comprehensive transportation planning services for seven Western NC Counties. The core functions for the RPO is prioritizing transportation programs, providing transportation related information to local governments, providing a forum for public participating in the rural planning process and developing comprehensive transportation plans. An overview and maps are in your packets. There is a lot of information contained in your packet. Contained in the overview and the maps are Highway Projects; Widening projects, Unaddressed Deficiencies, etc. We wanted to update you on what we have been working on. Mr. Graham stated that he would like to have adoption of this comprehensive transportation plan at the October 6, 2014 meeting.

Mr. Graham stated that this process began in 2012. A steering committee was developed with representatives from Avery County. We have met every single month and hammered out all kinds of issues. We wanted to continue getting some feedback from Avery County so the steering committee said lets have some public involvement workshops. We did one at Riverside Elementary and the second one was at the Avery Senior Center and third one was at Banner Elk Town Hall. Comment forms were handed out at these public involvement workshops.

Mr. Graham will return on October 6, 2014 for adoption of the Avery County Comprehensive Transportation Plan Overview.

Reclaimed Resources, Inc – Ted Cox; Juergen Steyer

Buddy Norris, Solid Waste Director, explained that in April 2013 Avery County signed a contract with Reclaimed Resources, Inc. Ted Cox with Reclaimed Resources stated "this project has been possible due to the fact that we had participation from Avery County that meant a tremendous amount to the project and that was due to the fact that the commissioners believed in the project and doing something different for Avery County. We want to make sure that everyone understands that Avery County is not the only county that is participating in this. We have under contract enough feedstock to supply our facility for producing our product. We also have under contract our products that are made to be sold. That was

the third step in reaching our conclusion. The first was we had to have a host community and Avery County stepped up and was very gracious in going with the plan and helping us execute it. Since then I will say that we have come to have a lot of information about Avery County's waste. It is very important to take a project of this size to a final conclusion for engineering. It was very important that we brought this county first into the system. Why Avery County? As the commissioners are aware but the public is not, the concept of making an agreement with a county is not one of saying I would like to do this. You are under long term contracts and the board has to have the contracts approved for a period of time without interruption. In the case in Avery County, you were at a point in time where the contract was in the negotiating timeframe and that is the reason we approached Avery County. We have other municipalities that have not signed but we have letters of intent with them that when their contractual period becomes available at that time we will finalize an agreement with them. In the point of time we have been working with Avery County, we have recognized the numbers and been very successful in the recycling program. These are available through Buddy's office. I will go with the number of trees that was saved since we have been doing this project for Avery County. As of this past month there were 1303 trees that was saved by the material that was recycled. There was 2,743,000,000 BTU's of electricity saved through your recycling program. To put that into perspective, it takes 72 million BTU's per year to supply one house, that equates to saving enough electricity to supply 456 homes for one month. If someone says I don't know why we are doing this, that is a good example. As we developed our model and plans and presented that to the financial people that are interested in projects like this we developed a very solid program. Our technology is from Concord Blue Energy out of Germany. It is operating in seven other parts of the world. The best part that has helped us tremendously is that Concord Blue has signed a joint venture with Lockheed Martin and they have now become our engineering and contractual firm of choice. All of the contracts are in place and being able to represent to the lending agencies how solid the team is we have been able to secure 100% of our funding. We are funded for over \$200,000,000. The State of Tennessee has helped with incentive programs. We are in a position where we can immediately go forward.

Glenn Johnson stated that this project was in Bristol, Tennessee. We are not taking our trash any further distance. This has the potential for Avery County to become close to 100% recyclable with this project. Mr. Steyer stated that it was hoped that this project would be online by the end of next year.

High Country Community Health Grant – Alice Salthouse

Alice Salthouse with the High Country Community Health Organization said that High Country Community Health opened its doors in January 2013. Some funding is provided by the federal government for an organization who is financially sound and can provide care to everyone regardless of the ability of pay. We were in the health department and now we have purchased the Clark Family Medicine and we are practicing medicine and soon we will be in the old Sherman building. We are hoping that in October or November we will open the doors and start providing dental care. The grant that you have before you in the packet it was sent to you from the North Carolina Department of Commerce Building Reuse Program and they have granted to Avery County a sum of \$70,000 to be used for the renovation program of the Sherman Building for it to become the dental clinic. There were some questions from the county attorney about some things in the grant. I am here today to ask that Avery County execute this grant and someone must sign at the very last page of this grant to say that you agree with the terms in this grant. I think the biggest concern is that there is a term inside the grant application; it has a "claw back clause" saying if we don't not have the number of jobs created that we have said we would have created then we would have to give that money back to the state of North Carolina. When we opened and applied for this grant we had a grand total of 2.2 jobs in this county and that is when we were working in the health department and now we are in Dr. Clark's office and we have over 9 positions. When we open the dental clinic, we will have many more and we are putting on two new providers in the Clark Family Medicine which is High Country Community Health and we have no doubt that we can fill these positions. If we don't do it soon, we will lose it. I called the Department of Commerce and talked to Hazel Edmond who sent this to the county and in the grant it said we needed to respond within 30 days. It was sent to us in April. I talked to her and she said it was still there for us to use it. I am here asking that we execute this contract.

Chairman Poteat questioned Tim Greene if Avery County had any monetary commitment on this project. Mr. Greene stated that we had not spent any money on this today. Ms. Salthouse said that Avery County's participation in this grant would be 5% of \$70,000 which would be \$3500. I think this was approved when we applied for the grant.

Chairman Poteat questioned Ms. Salthouse if High Country Community Health did not meet the requirements did she see Avery County's portion exceeding \$3500. Ms. Salthouse answered that if we do not do what we said we would do we would have to pay back \$5000 for every job that we do not employee. We are supposed to employee 14 individuals and we currently have 9. When we open the dental clinic we will have seven employees immediately at the first of that.

Chairman Poteat stated that the bottom line is that Avery County's responsibility would be to pay back \$5000 for each job with the potential of \$70,000 to be paid back.

Ms. Salthouse said that they have until the end of 2015 to have these 14 employees in place. The claw back clause would only be for two years.

Michaëlle Poore, County Attorney, directed the Board's attention to another problem. If you look at the first page of the agreement this property is on property owned by Newland Shopping Center. This property is not on property owned by the county or by the grant applicant. All throughout this document the property owner has to sign off on this and that is not Avery County and that claw back also applies to the property owner. I have spoken with the property owner and they are not willing to sign these documents. Whenever I spoke with Ms. Salthouse in the spring it was my understanding that their attorney was going to work out some waiver with the state whereby the property owner did not have to sign these documents and I have not heard anything from the state or their attorney and it is my understanding that the property owner will not sign this and the grant funding is not available without the property owner signatures. I think any action by the county is not relevant because the property owner will not sign the documents. I did call the property owner and left a message and I have not heard back from them today and have not heard anything different to indicate that the property owner is ready to sign the grant application. Ms. Salthouse said she did not understand that the grant would not be executed without the property owner's signature. My request is that if we can get Newland Shopping Center owner's signature then can we move forward with the signature. Ms. Poore directed Ms. Salthouse to look at page 2, paragraph 3. Ms. Poore said getting the owner's signatures is the biggest hurdle that needs to be accomplished.

Ms. Hicks stated that we did on another project have a "claw back clause" and did not get our money back from that project that failed.

Ms. Poore said she did not think the Board needed to take any action on this until the owner's signed.

County Manager Updates

Renovation of Courthouse – Nick Montanez

Nick Montanez, Construction Manager for MB Kahn, stated the project is still under budget. The project is progressing as the schedule has been approved. The various departments that are occupying their permanent space would include the Clerk of Court, Register of Deeds, half of the Building Inspections Department, Guardian Ad Litem, and District Attorney. The contractor is working on finishing the rear portion of the structure which is removing the existing roof and totally replacing the roof structure on the back side of the courthouse and also renovating the current main courtroom itself. With the completion of those two segments that will basically wrap up the bulk of the construction and then the exterior portion which still start with the next 15 days or so. The whole courthouse will be painted. Landscaping will start shortly as weather permits and I will be working with the contractor as well as with the architect to see what other landscaping might be necessary to be implemented in the spring. In addition to doing the various renovations, we have worked with the Board of Elections to make sure the citizens have the opportunity to vote and try to reduce the impediments of the renovation work. Time extensions that have been granted to the contractor have been predominantly a result of major renovation work to the existing roof structure. Obviously, from the winter through the spring with the various snowfalls and ice conditions as well as rainfalls this has impacted some of the completion of the interior renovation due to water migrating into the building. We have had to experience some schedule extensions. The contractor has identified he will be completed with the bulk of renovation the latter part of October or first part of November. We are looking at trying to wrap up all the construction work as much as possible with weather permitting with intent to have a ribbon cutting at the end of November.

Purchase of Property

Chairman Poteat stepped down as chairman and Glenn Johnson took over as Vice-Chair. Mr. Poteat stated that he would like to make a motion that Avery County purchase the property currently owned by Bobby Oakes adjoining the Avery County High School property currently known as option A that we have talked about in the past. Option A is 4/10 of an acre. It is very strategic to the high school. This particular location is on the market. This would help with ingress and egress to the high school. The purchase price is \$70,000. I am requesting that Mr. Oakes be allowed three calendar months beyond the closing date to vacate the premises and take out personal property. Also, I want to make sure that the property be conveyed to the appropriate party either Avery County or Avery County Board of Education to be determined at the time of closing. The line item that this would come out of would be 5000.7410.

Martha Hicks questioned how much was owed on the Banner Elk School and Crossnore School. Tim Greene, Finance Officer, answered that approximately \$5,000,000 was owed on the Banner Elk School and the Crossnore/Newland School would be paid off the next fiscal year.

Motion by Kenny Poteat and second by Phyllis Forbes to approve the above stated motion. Motion unanimous with those in attendance. (4-0).

Glenn Johnson relinquished the chair back to Kenny Poteat.

Chairman Poteat stated that this property was very important to Avery County High School whether it is two years or twenty years before a high school is built.

Finance Officer Report – Tim Greene

Budget Amendment

The Emergency Management Department has received a \$10,000 Haz Mat Emergency Preparedness Grant. The grant is for a two state, four county training exercise for a hazardous spill. This is a 100% reimbursement grant.

Motion by Phyllis Forbes and second by Martha Hicks to approve a grant of \$10,000 for the Emergency Management Department with a debit of \$10,000 to Training (105250.1000) and a credit of \$10,000 to HazMat Exercise Revenue (103802.0000). Motion unanimously approved with those in attendance (4-0).

Tim Greene said that there were a few items that were put on the agenda before we had an interim county manager and these items might be something that the interim county manager may work on in conjunction with the board. One of the items is the Sheriff's Office sign. There used to be a sign in front of the jail and as part of the construction the sign was removed. There needs to be a sign there to identify the building. There are a couple of proposals in the packet which does not include the wiring, lighting and conduit. Another option would be to have a sign on the building.

Another item is the VA monument that had to be removed because of the construction and it certainly at the time was the Board's intent to redo the monument. Mr. Greene said that there is money in the courthouse renovation project to do this. Do we want someone to design that and do we want JE Greene to build that, what kind of budget are we talking about, where should it be located, etc. is questions that needed to be answered?

Phyllis Forbes suggested that the Board form a committee to make some decisions on the Veterans Memorial, talk about it and make some recommendations to the Board. Martha Hicks stated that the old memorial was taken down and stored. Glenn Johnson suggested that a committee be appointed today. Consensus by the Board for Martha Hicks, Glenn Johnson, Sam Ray, Georgia Henry, Woodie Young, Tim Greene, and Nick Montanez to serve on this committee.

Discussion again about the Sheriff's Office sign. Martha Hicks will meet with the Sheriff and Nick for placement of the sign. Chairman Poteat stated that there were two quotes in the packet for the Sheriff's Office sign.

Motion by Martha Hicks and second by Glenn Johnson to approve CS Signs to prepare the Sheriff's Office sign. Motion unanimous with those in attendance (4-0).

County Attorney Report- Michaelle Poore

Old Banner Elk Daycare Building

Ms. Poore advised the first matter that she would like to discuss with the Board is the property matter with Lees McRae College. This is in regard to the use of the old Banner Elk Daycare Building by Lees McRae's Athletic Department. They would like to lease the property. The land that the EMS Building is on in Banner Elk is owned by Lees McRae College. The tax value for this area of land is approximately \$38,000 which is .77 acre tract. The proposal is that LMC deed this land to the county in exchange for a 10 year lease of the old Banner Elk Daycare Center. This will require that a survey be performed of the .77 acre tract and a deed prepared.

Chairman Poteat stated that basically you are saying that we will be gaining the land that our EMS Building is on for exchange of a 10 year lease of the old Banner Elk Daycare Building.

Majority Consensus of the Board for Michaelle Poore, County Attorney, to proceed with this and to obtain a survey.

Sam Rothman Property

The next matter I would bring the Board's attention to is in the informational materials. I have been contacted by a gentleman named Sam Rothman whose wife's trust owns a piece of property in the county. They do not wish to own the property and they would like to donate to the county. I am not asking for any action today. I think this would be something for the manager to look at. The property would need to be reviewed to make sure there are no environmental concerns on the property. The county manager was instructed to take a look at the property and give any recommendation at the next meeting.

Informational Items

Discussion about NC DOT Snow Removal Policy.

Adjourn

Motion by Phyllis Forbes and second by Martha Hicks to adjourn this meeting at 5:30 p.m. Motion unanimously approved with those in attendance (4-0).

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

ATTEST: _____
Cindy Turbyfill, Clerk