

**STATE OF NORTH CAROLINA  
COUNTY OF AVERY**

The Avery County Board of Commissioners met in a Regular Session on Monday, September 19, 2011 at 3:30 p.m. in the Commissioners Board Room, Avery County Administrative Complex, 175 Linville Street, Newland, NC.

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

Members Absent: None

**Call To Order**

Chairman Poteat called this meeting to order at 3:34 p.m.

Glenn Johnson led prayer.

Chairman Poteat stated that if anyone would like to speak to an agenda item that they must sign the sheet that the clerk has in order to be recognized otherwise there would be a time of public comment.

**Public Comments**

There were no public comments.

Martha Hicks commented that the benches in front of the courthouse looked very nice.

Chairman Poteat stated that the agenda would be rearranged to allow the County Manager Updates to be reported first.

**County Manager Updates – Robert Wiseman**

**Courthouse Security**

The equipment for the courthouse security system is currently being installed.

The administrative building has the capability for a public address system and we are working on a plan that would utilize that capability in case of a hostage situation, etc.

**ARC/Broadband Grant**

Phil Trew, Kurt Frenzel, and Robert Wiseman will be meeting day after tomorrow to execute the documents for the ARC grant. There is a two month extension for the ARC grant.

**Linville Cove**

The Linville Cove project is off and running. Hobbs, Upchurch & Associates met with Mr. Wiseman and Tim Greene, Finance Officer, last week. Hobbs, Upchurch & Associates are in the process of drafting an agreement that would have an attachment that would hold Avery County harmless for any breach of contract that is a result of the developer or anyone in the process.

**Toe River Health District**

In the board packet is an attachment from Lynda Kinnae, Ms. Kinnae is asking for a commitment for the \$18,300 at this point in time to be allocated July 1, 2012. Yancey County has committed but Mitchell County has not.

**Motion by Phyllis Forbes and second by Scott Heath to commit \$18,333 as Avery County's share for the Home Health Point of Care Match in the 2012/2013 budget year contingent upon the other counties putting in their share. Motion unanimously approved.**

**Public Hearing – Rural Operating Assistance Program – Avery County Transportation – Linda Cuthbertson**

**Motion by Glenn Johnson and second by Martha Hicks to go out of Regular Session and into a time of Public Hearing at 3:50 p.m. regarding the Rural Operating Assistance Program for Avery County Transportation. Motion unanimously approved.**

Linda Cuthbertson, Avery County Transportation Director, advised that the Rural Operating Assistance Program was administered by the North Carolina Department of Transportation and provided funding for the operating cost of passenger trips and for other transportation services for counties within the state. She said that Avery Transportation would be receiving \$28,231 less than last year. This is 100% grant money with no local match. Avery Transportation will receive \$106,012 for this year. The ROAP grant enables ACT to use the monies for elderly and disabled transportation, employment transportation and the general public transportation.

There were no public comments.

**Motion by Phyllis Forbes and second by Scott Heath to go out of a time of Public Hearing and back into Regular session at 4:00 p.m. Motion unanimously approved.**

**Motion by Martha Hicks and second by Glenn Johnson to approve the Certified Statement for Fiscal Year 2012 Rural Operating Assistance Program of Avery County. Motion unanimously approved.**

### **New River Mental Health – Bob Wilson**

Bob Wilson, Director of New River Mental Health in Avery County, gave a report on the services that New River Behavioral Health Care provided in Avery County. There are 27 full time employees and three part-time employees. New River is currently providing services for 715 clients. Last year services were provided for 423 children and 1747 adults. New River has begun serving the Cranberry House residents.

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

#### **Old Yonahlossee Road**

Mr. Wiseman stated that he and Chairman Poteat had ridden up Old Yonahlossee Road a couple of weeks ago. The road is approximately 1.5 miles long. Two concerns that were brought up by Chairman Poteat was the availability of the use of that road for the Highland Games. There is a lot of traffic on the road during the Highland Games which cuts down on the congestion for Hwy 221. Mr. Wiseman said he had contacted Mr. Frank Vance who had the same concerns. The other concern was that there are containers for trash that is placed during the Highland Games. Mr. John Blackburn was contacted and Mr. Blackburn assured Mr. Wiseman that the Highland Games would have access to this road and the gate on the upper end would be back to a point where the container sites would not be blocked. Martha Hicks stated that she had been contacted by several local people asking that the road not be closed. Chairman Poteat said that there had been people talk to him about this and that now the negatives outweigh the positives. Scott Heath stated that he did not fall on one side or the other of this issue and would like to have more research on this issue. Glenn Johnson said he had about five people approach him against closing this road. He stated he was not closing off and making more gated communities and setting other folks apart from the general public.

Matthew Hundley, citizen, said that he was taking off his reporter hat and speaking as a citizen. The positive for closing the road would be that the people on that road would be able to increase their property values or keep local folks off the road. If there is trouble with trespassing, there is legal recourse for that. To allow this to happen would be essentially denying local folks access to a legitimately used avenue for getting around 221 or for enjoying the scenery.

Chairman Poteat stated, in his opinion, no action would mean Old Yonahlossee Road would remain open.

#### **Motion by Martha Hicks and second by Glenn Johnson that Old Yonahlossee Road remain open.**

Scott Heath said so we are denying the request for Linville Resorts. He stated that he thought this issue should be tabled until there was further research. Martha Hicks stated that in the last meeting it was said that we would talk further about it and people think we are going to vote on it today. Mr. Heath said that he would have to say no to the motion because he was not ready to vote on this issue yet. Phyllis Forbes said she would have to vote no because she was not ready to make this decision. Michaelle Poore, County Attorney, advised that there was a motion with a second. If the board wanted to bypass the step of a revote, the motion could be withdrawn with the provision that it be placed on the agenda at the next meeting. Ms. Poore stated that any time there is new information to consider on the matter the issue could be brought back up. Glenn Johnson said he would be willing to withdraw his second of the motion which would allow the road to remain open but with the caveat that it be placed on the agenda at the next meeting in order to receive more input from the citizens and the county attorney. Martha Hicks said she would withdraw her motion on the grounds that the Board votes on this issue at the next meeting.

#### **Motion withdrawn.**

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

No report today.

### **County Attorney Report – Michaelle Poore**

No report today.

### **Approval of Minutes**

**Motion by Martha Hicks and second by Phyllis Forbes to approve the Regular Session Minutes for August 1, 2011. Motion unanimously approved.**

### **Agenda Consent Items**

**Adopted by consensus of the Board.**

### **Informational Material**

Sheriff Kevin Frye stated that Avery County was one of six or seven chosen sites in the state of North Carolina that the SBI will do a training session and Avery County will be the lead agency with this training session. This will necessitate some overtime.

### **Upcoming Meetings**

The next Regular meeting will be October 3, 2011 at 3:30 p.m. There will be a meeting with the Fire Association possibly the third Monday in November but this will be finalized at a later date.

**Recess**

**This meeting was recessed at 5:05 p.m. The Board will reconvene at 5:30 p.m. in a joint meeting with the Board of Education.**

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

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