

**STATE OF NORTH CAROLINA
COUNTY OF AVERY**

The Avery County Board of Commissioners met in Regular Session on Monday, April 2, 2012 at 3:30 p.m. in the Commissioners Board Room, Avery County Administrative Complex, 175 Linville Street, Newland, NC.

Members Present: Kenny Poteat, Chairman; Scott Heath; Martha Hicks; Glenn Johnson

Members Absent: Phyllis Forbes (vacation)

Call To Order

Chairman Poteat called the meeting to order at 3:33 p.m.

Glenn Johnson led prayer.

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

Dr. John Boyd left copies of the new Gateways magazine created by the Creative Arts Class at Mayland Community College.

Public Comment

Jean Taylor-Todd said her primary purpose of speaking to the Board today was the evils of “robo” signing. “This process has affected me personally and I have had recent conversations with the Register of Deeds and how they are contaminating our property records and chain of title. It is a major problem nationally and has received some state attention recently two weeks ago. The Register of Deeds in Guilford County filed a complaint. Ultimately, I believe I have been defrauded of my property. I believe I have been a victim of an illegal foreclosure in our courts. My home is currently on a public auction and they are taking bids for it now. I am doing everything to try to stop this. I am 100% confident this is fraud. I believe this affects the public. I have invited you to email me or discuss the information that I provided to the Board before the meeting.”

Ms. Taylor-Todd stated “in the public records request from the previous meeting regarding Judge Ginn and the courthouse security measures I do not recall seeing in there where you cited a statute that granted him that authority. I am still not clear on who granted him the authority and still not clear on whose authority these additional expenses were authorized properly in order for the county taxpayers to be paying the bill and would encourage you to take a look at that. My personal opinion is that Judge Ginn did not have the authority to mandate that. The third thing I wanted to mention was that unfortunately, I feel that I was maliciously misquoted here last month by a local newspaper and those remarks were taken out of context, incomplete and then they were published with malice.”

Cathy Miller with Mayland Citizens for Faith and Family Values thanked the Board for taking a stand on the marriage amendment in 2009 and for putting in on the agenda today.

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

Avery County Airport Authority – Ed Banta

Ed Banta, member of the Avery County Airport Authority, reported that approximately two months ago on request of the airport authority the Board saw fit to loan the airport authority \$50,000 to “tide” us over to pay vendors in a timely manner for a project at the Avery Airport. The due date for repayment of the funds was April 7, 2012 and we have the check today. Chairman Poteat thanked the airport authority board members for the replacement and said that he knew that they were men of their word.

Mr. Banta updated the Board on improvements at the Avery County Airport. The funds that were paid back were used to combine two taxiways that were dead ended and in addition a third taxiway was added and three hangar sites including water, sewer and power were developed. At this time one of the hangar sites has been leased and we will approve a lease for the second one for April. This coming fiscal year the authority will try to install a security fence along the street perimeter of the airport. We would like to put in an electronic gate so that tenants will have electronic access to the areas and be isolated from the general parking. This is a good thing for security and wildlife management. The other project is to relocate and install a new fuel pump. The tanks are obsolete because they are the single wall tanks and because of the large tank capacity on the aircraft there needs to be dispensers with faster delivery rates.

Tax Administrator Report – Phillip Barrier

Tax Collection Report

The Tax Collection Report for the month of March 2012 is \$563,306.92.

Motion by Martha Hicks and second by Glenn Johnson to approve the Tax Collections Report as presented. Motion unanimously approved with those in attendance (4-0).

Motor Vehicle Releases

The Motor Vehicle Releases for the month of March 2012 is \$376.90.

Motion by Scott Heath and second by Martha Hicks to approve the Motor Vehicle Releases for the month of March 2012. Motion unanimously approved with those in attendance (4-0).

Real and Personal Releases

The Real and Personal Releases for the month of March 2012 is \$217.28.

Motion by Glenn Johnson and second by Scott Heath to approve the Real and Personal Releases for the month of March 2012 as presented. Motion unanimously approved with those in attendance (4-0).

Collection Monthly Totals

The total collected through January 1, 2012 is \$14,847,760.90. The collection rate is now 94.54%.

State Appeals/Refunds

The State Appeals/Refunds for March 2012 are County Tax Refund of \$63.36 and Fire Tax Refund of \$7.68.

Motion by Martha Hicks and second by Glenn Johnson to approve the State Appeals/Refunds for March 2012. Motion unanimously approved with those in attendance (4-0).

Sales Statistics

There were 14 property sales for the month of March 2012. A year ago there were 10 sales.

NC Tomorrow Program – Michelle Ball

Michelle Ball explained that she was at this meeting to update the Board on what is going on with the NC Tomorrow Program. The Department of Commerce has given some CDBG funding of \$50,000 to each of the sixteen council of governments to help with a comprehensive economic development strategy. Avery County was chosen to be the lead agency for this funding. Universal surveys will be sent out. All the council of governments will put these plans together to have a statewide economic development strategy.

Amendments to the Avery County Farmland Preservation Ordinance – Ann Coleman

Ann Coleman, Chairperson of the Avery County Agricultural Advisory Board, reported that due to changes in the state legislature with the farmland preservation ordinance, the Avery County Farmland Preservation Ordinance needs to be amended to reflect the changes that were made. Ms. Coleman explained all the changes.

Michaëlle Poore, County Attorney, stated that a public hearing must be held to make any changes to an ordinance.

Motion by Glenn Johnson and second by Martha Hicks to set a public hearing May 7, 2012 to receive public comment for the amendments to the Avery County Farmland Preservation Ordinance. Motion unanimously approved with those in attendance (4-0).

Resolution in Favor of the NC Marriage Amendment

Dick Crews, resident at Land Harbor, spoke about Issue One. Mr. Crews said “do we need another law? No we don’t. North Carolina already has a law on the books restricting people of the same sex to be married. Is this legal? We have an issue that does not serve the requirements for something we need that is probably illegal. So I urge you to vote no on Issue One.”

Doug Owen, shop owner in Avery County and President of the Avery County Chamber of Commerce, stated “I appreciate you letting us speak on this. I commend you on your faith. I want to express a concern on the Amendment One making an amendment based on religious beliefs and not American beliefs and also my concern about bringing business into our community. There are over 75 CEO’s spoken out against this. I have not been able to find any other local government saying that they support this locally. I am concerned if we are risking businesses because we are taking an open stance on this issue. I have noticed that a number of Republican leaders in our state have opposed this amendment so I think this goes beyond party lines.”

Steve Horne, resident of Avery County, stated “I do agree with the law in North Carolina that marriage should be between a man and a woman and I am favor of that. I am afraid this will affect other people that are not gay or lesbian. Unfortunately, women get pregnant before they get married and if this law was passed this is going to affect these type people.”

Glenn Johnson stated “Avery County will not be the only county to pass this. Every southern state has already passed a marriage amendment; North Carolina being the only one. Even the liberal state of California passed a similar amendment. I will call to attention on February 2, 2009 Avery County did support a resolution to put the

Marriage Amendment on the ballot in the first place.” Mr. Johnson read portions of the previous resolution from February 2, 2009. Mr. Johnson stated that in keeping with this resolution he asks that this resolution be passed today.

Chairman Poteat stated in 2009 there were thirty states that had passed marriage amendments.

Martha Hicks stated “a lot of times we get criticized because we do not give you the right to vote. This is giving everybody a right to vote. It is not my opinion, our chairman’s opinion, it is registered voters here in the county voicing their opinion. It is on the ballot and on May 8th voice your opinion”.

Chairman Poteat read aloud the resolution in favor of passing the NC Marriage Amendment.

Motion by Martha Hicks and second by Glenn Johnson to approve the Resolution in Favor of Passing the North Carolina Marriage Amendment.

Chairman Poteat stated he greatly appreciated everyone being here and showing interest in this particular issue.

VOTE: Motion unanimously approved with those in attendance. (4-0).

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 – Robert Wiseman

Broadband

Robert Wiseman, County Manager, stated that Avery County had expanded the scope of the composition of the Avery County Telecommunications Survey with no financial ramifications to Avery County. In the original layout, they were to identify certain industrial areas in Avery County to see how they fit in the map of the broadband. It is being expanded to deal more with residential access and small business access. We have applied for and received a 60 day extension. Mr. Wiseman had a draft of the Avery County Telecommunications Survey. He stated that the completed survey will be presented at the next meeting of the Board.

Chairman Poteat stated that he, Martha and Glenn met jointly with Yancey County and Mitchell County and were entertained by the NC Speaker of the House Thom Tillis. He said that he shared with Speaker Tillis that Avery County was the only county in North Carolina who provided a device to every child in Avery County but once they took the devices home that there was 40-45% with no internet access. Speaker Tillis said he would look into this issue.

Linville Cove

Avery County is the pass through for the \$192,000 grant for the sidewalks, utilities, etc. There is an engineering contract regarding the sidewalks, utilities, etc. that needs to be signed either by the chairman or county manager. This contract does not include the construction contract.

Consensus of the Board for the County Manager to sign the engineering documents in regards to Linville Cove.

Finance Officer Report – Tim Greene

Budget Amendment #

The Department of Social Services has received a larger allocation of the Crisis Intervention and the Low Income Home Energy Assistance Program (LIEAP) funds than were originally budgeted. These are 100% reimbursed.

Motion by Martha Hicks and second by Scott Heath to approve the Budget Amendment regarding the LIEAP funds with a debit of \$98,630.00 to Crisis Intervention (106800.6090), debit of \$27,877.00 to LIEAP (106800.6095) and a Credit of \$98,630.00 to County Welfare (103634.0000) and credit of \$27,877.00 to County Welfare (103634.0000). Motion unanimously approved with those in attendance. (4-0).

Budget Amendment #

Avery County has been awarded a \$192,000 Community Development Block (CDBG) 2010 Housing Development Grant. This grant will be used for the development of Linville Cove apartment building project.

Motion by Glenn Johnson and second by Scott Heath to approve the Budget Amendment for \$192,000 for the CDBG 2010 Housing Development Grant and to approve the grant project ordinance with a debit of \$192,000 to Revenue – Housing Development (413102.0000) and a credit of \$192,000.00 to Housing Development Grant 2010 (417000.6920). Motion unanimously approved with those in attendance (4-0).

County Attorney Report – Michaelle Poore

Ms. Poore advised that the County Attorney issues would be addressed in Closed Session.

Closed Session

Motion by Martha Hicks and second by Scott Heath to go into Closed Session at 5:15 p.m. regarding Attorney/Client Privilege (G.S. 143-318.11 (a)(3)). Invitees are the Board; County Manager; Finance Officer; County Attorney and others in audience that might be needed. Motion unanimously approved with those in attendance (4-0).

Chairman Poteat declared the meeting to be back in Regular Session at 6:29 p.m. after a time of Closed Session.

Approval of Minutes

Motion by Martha Hicks and second by Glenn Johnson to approve the Minutes of the Special Meeting with Avery Humane Society February 13, 2012; Minutes of the Joint meeting with the Board of Education February 21, 2012; Minutes of the Special Meeting with the Fire Commission February 28, 2012; and Closed Session Minutes March 5, 2012. Motion unanimously approved with those in attendance (4-0).

Agenda Consent Items

Adopted by Consensus of the Board.

Upcoming Meetings

The next Regular Meeting will be May 7, 2012. May starts two meetings a month. The first budget meeting will be May 3, 2012 at 4:00 p.m.

Adjourn

Motion by Scott Heath and second by Martha Hicks to adjourn this meeting at 6:36 p.m. Motion unanimously approved with those in attendance (4-0).

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

ATTEST: _____
Cindy Turbyfill, Clerk