

**STATE OF NORTH CAROLINA
COUNTY OF AVERY**

The Avery County Board of Commissioners met in Regular Session on Monday, April 4, 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 3:30 p.m.

Glenn Johnson led prayer.

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

Public Comments

There were no public comments.

Martha Hicks reported to the Board that a letter had been written to Governor Beverly Perdue requesting her presence at the 100th Centennial celebration on July 30, 2011. Consensus by the Board to send this letter to Governor Beverly Perdue.

Glenn Johnson introduced his grandson, Wade Johnson, who was in the audience working on a merit badge for boy scouts.

Tax Assessors Report – Phillip Barrier

Real and Personal Releases

Phillip Barrier, Tax Assessor, reported that the Real and Personal Releases for March 2011 are County Tax Release of \$31,447.29; Fire Tax Release of \$3,589.01 and Late List Penalty of \$1,333.53.

Motion by Martha Hicks and second by Glenn Johnson to approve the Real and Personal Releases for March 2011 as presented. Motion unanimous with those in attendance (4-0).

Real and Personal Refunds

The Real and Personal Refund for March 2011 are County Tax Refund \$789.01 and Fire Tax Refund of \$88.23. The Serenity Day Spa was double billed and they paid twice and are being refunded.

Motion by Scott Heath and second by Martha Hicks to approve the Real and Personal Refunds for March 2011 as presented. Motion unanimous with those in attendance (4-0).

2010 State Appealed Releases and Refunds

The 2010 State Appealed Releases are County Tax Release of \$1,079.29 and the 2010 State Appealed Refunds are County Tax of \$303.03.

Motion by Glenn Johnson and second by Martha Hicks to approve the State Appealed Releases and Refunds as presented. Motion unanimous with those in attendance (4-0).

Real Property Sales Statistics

For the month of March there were 13 sales but unfortunately there were 11 foreclosures.

Mr. Barrier reported that Monday, April 11, 2011 will be the first meeting of the Board of Equalization and Review. This is for any and all tax payers who own property in Avery County.

Tax Collectors Report – Mary Daniels Calloway

Mary Daniels Calloway, Tax Collector, reported that two bundles of tax foreclosures had been sent to the County Attorney. Ms. Calloway questioned what to do with people who are on disability and pay only \$25.00 a month on a \$2000 bill; they do not get the previous bill paid before the next year's bill comes along. Chairman Poteat stated that he and the County Manager would meet with the Tax Collector to help the Tax Collector to come to some kind of resolution to this matter.

The total Tax Collections for the month of March 2011 is \$654,921.78.

Motion by Martha Hicks and second by Glenn Johnson to approve the Tax Collectors Report as presented for the month of March 2011. Motion unanimous with those in attendance (4-0).

Mary Daniels Calloway announced that she would retire on July 1, 2011.

N.C. Home & Community Care Block Grant – R. D. Daniels

R.D. Daniels stated that it was the time of year to designate the lead agency for administration of the Home & Community Care Block Grant for North Carolina and appoint the Home & Community Care Block Grant Advisory Council.

Motion by Glenn Johnson and second by Scott Heath to designate the Avery Senior Service as the lead agency for the N.C. Home & Community Care Block Grant. Motion unanimous with those in attendance (4-0).

Mr. Daniels stated that there was a list of 12 people on the advisory committee for the Home & Community Care Block Grant for the Fiscal Year 2012.

Motion by Martha Hicks and second by Scott Heath to approve the list of individuals to serve on the Home & Community Care Block Grant Advisory Committee for the Fiscal Year 2012. Motion unanimous with those in attendance (4-0).

Agricultural Extension Agency – Jerry Moody

Jerry Moody, Director of the Avery Agricultural Extension Agency, invited everyone to the “Report to the People” on Tuesday, April 12, 2011 at Mountain Glen.

Mr. Moody advised that there had been word received that the state legislature is going to cut the agricultural extension budget 25-30% which would be a reduction of approximately 400 jobs. 90% of the money in cooperative extension is salaries. Mr. Moody stated that he is asking for the Board of Commissioners to help be an advocate and contact the legislatures and let them know how important the agricultural extension is. The loss of 400 jobs would include 200 county positions. Mr. Moody asked the Board to contact Mr. Ralph Hise and Mr. Phillip Frye through a resolution in support of the agricultural extension and a plea to keep the cuts down.

Consensus of the Board through the County Manager’s Office and the County Attorney to word a resolution of support for the Agricultural Extension for Avery County and the chairman to sign it. This resolution will be presented at the “Report to the People” on April 12th, 2011.

Phyllis Forbes entered the meeting at 4:10 p.m.

County Manager Updates – Robert Wiseman
Economic Development Director Position

Robert Wiseman, County Manager, stated that there had been 14 applications received so far for this position. April 15, 2011 will be the last day to accept applications.

Ordinance Administrator

The County Manager advised that there was a resignation in the Register of Deeds and a resignation in Inspections of the Ordinance Administrator which is a reduction in force of two positions. Mary Calloway is retiring as Tax Collector and the departments will be combined to make a Tax Administrators department which will be a reduction in force in that department. These positions can be refilled if it is justifiable. There was one building permit last week. Due to the workload volume, the Ordinance Administrator position does not need to be filled at this time. He stated that at this point we need to appoint Tommy Burleson as the Ordinance Administrator rather than filling that position.

Motion by Martha Hicks to recognize the vacancy created by the Ordinance Administrator’s medical retirement and appoint Tommy Burleson as Avery County Ordinance Administrator.

Motion died for lack of a second.

Michaëlle Poore, County Attorney, advised that there needed to be an individual in this position to approve plats such as family subdivisions, etc. The County Manager stated that based solely on experience Garry Benfield could fill this position.

Motion by Scott Heath and second by Phyllis Forbes to appoint Garry Benfield as Ordinance Administrator. Motion unanimously approved.

Lora Elder

Lora Elder reported that less than a year ago the Board passed a resolution in support of a bicycle ride meant to boost tourism in Avery County. There were 100 cyclists from 10 different states. Ms. Elder stated that this was a huge success. Scott Heath said that the cycling was a budding industry and that the Economic Development Director should “jump” on this industry.

Toe River Regional Hazardous Mitigation Plan—David Charles Vance

David Charles Vance, Emergency Management Director, advised that the Board needed to approve a Resolution to adopt the Toe River Regional Hazardous Mitigation Plan. Mr. Vance said that about five years ago FEMA mandated that each county and municipality have a Hazardous Mitigation Plan to make them eligible for state funds in a natural disaster. A little over a year ago Avery, Mitchell, Yancey and McDowell counties asked if there would be the possibility of doing a regional plan. A grant was obtained to help put this in place. This has gone through the state and FEMA and they have approved the regional plan for the four counties. Each county and all the municipalities in Avery County have been given a copy of this plan and a resolution to approve. This plan must be adopted to make the county eligible for federal and state funds in a natural disaster. If this is not adopted, there would be no FEMA funding.

Motion by Scott Heath and second by Martha Hicks to approve the resolution to adopt the Toe River Regional Hazardous Mitigation Plan. Motion unanimously approved.

Jail Update- Jeff Hurd

Jeff Hurd, MB Kahn Management Company, stated that presently with the jail the construction is moving along very well. The next level is being formed and hopefully it will be poured by the middle of April. There have been meetings with the Department of Correction and the County Manager and Finance Officer to come up with a solution on how to best rearrange the schedule to close the gap on Phase I and Phase II. The goal is to keep the inmates on site during the construction and renovation process. The schedule to complete phase I would be late fall.

Banner Elk School Update – Jeff Hurd

Mr. Hurd reported that there were some issues with the Banner Elk School project. There are some issues with the mechanical portion of the project and a third party mechanical consultant was retained to be sure what MB Kahn was seeing needed to be corrected. The more that was investigated the more nonconforming work that was found. The sidewalks had already been identified as nonconforming, the demolition is 90% complete and the form work is starting to go back; there is a third party testing laboratory that will monitor this. There is no burden back to the client on the sidewalks. This past Friday a mandate was given through the engineer's office for a lot of the mechanical work to be condemned. Out of these events that have taken place, it was necessary for MB Kahn to recommend that the school board put the bonding company on notice. There will be a meeting tomorrow between the bonding company and the contractor. Mr. Hurd commented that the electrical and plumbing is first class.

Disposition of Banner Elk School

Mr. Wiseman stated that he had discussed with the County Attorney the last conversation that the Board had regarding disposition of Banner Elk School. There is a draft of a resolution in the Board packet that lists some of the issues that were discussed at the recent board meeting. There was no closure regarding sealed bid, negotiated offer, etc. Michaelle Poore, County Attorney, advised that if the Board wanted to proceed with sealed bid there is some information in a letter. One thing that can be done is the Board has the right to refuse any bid. If there was a high bid that the Board chose to accept, the Board can roll that bid over into an upset bid process where another individual would have an opportunity to place an upset bid to increase it. This procedure is combining the two. The Board could advertise for sealed bids but the bids would not be opened until the County received title to the property. As far as the resolution goes, if the Board wants to proceed with a sealed bid process, the Board can adopt this resolution but there needs to be a #4 added to the Resolution that states "such other items as deemed appropriate by the County Attorney and County Manager". If the County wanted to go ahead with sealed bids and adopt the resolution today, we can present something to the Board at the next regular meeting to see what the advertisement might look like. Chairman Poteat stated there may be a remote possibility that this school is still utilized as a school because the new school may not be ready August 4th. Mr. Wiseman advised that the school cannot be disposed of until the County gets title to it and the County cannot get title until the old school is vacated. The County Manager and the County Attorney will have a bid package put together to see what the process would be with more details and also have a proposed advertisement to accompany the resolution. The County Attorney said that the property is occupied and the County does not own it at this time so at the May meeting the thing to consider would be the scope of the advertising that the Board wanted to take for this property.

Finance Officer Report – Tim Greene

Budget Amendment #

Mr. Greene reported that the Department of Social Services has been awarded \$43,200 from the NC Department of Health and Human Services to be used to enhance the adoption services program. This money does not require a match from County funds.

Motion by Phyllis Forbes and second by Glenn Johnson to adopt a Budget Amendment of \$43,200 from the NC Department of Health and Human Services to the Department of Social Services to enhance the adoption services program with a debit of \$43,200 to Adoption Assistance IV-E(106800.6020) and a credit of \$43,200 to Adoption-Vendor Payments (1036654.0000). Motion unanimously approved.

Budget Amendment #

The Public Buildings and Grounds Department requests a planned 2011-2012 fiscal year tractor purchase be moved to the 2010-2011 fiscal year. This is a used tractor with a lot of equipment that is approximately worth \$50,000 to \$60,000. The price asking for this tractor is \$30,000. Scott Heath stated that if you just have a midyear budget amendment that is money out of savings and that is not within the budget. That is the problem I have with a midyear budget amendment. This money is being allocated in the 2011/2012 budget so we are "loaning" this money from the next budget which will come off for the budget next year. That does not mean there is extra money to spend.

Motion by Scott Heath and second by Martha Hicks to allocate the \$30,000 for the purchase of the tractor and implements and take it out of next year's already proposed budget with a debit of \$30,000 to Building & Grounds-Capital (105000.7410) and a credit of \$30,000 to Fund Balance-Appropriated. Motion unanimously approved.

County Attorney Report – Michaelle Poore

Michaelle Poore, County Attorney, reported that 50 letters were sent out regarding tax collections.

Approval of Minutes

Motion by Martha Hicks and second by Glenn Johnson to approve minutes for the February 7, 2011 Regular Meeting and the February 21, 2011 Special Meeting. Motion unanimously approved.

Agenda Consent Items

Adopted by Consent.

Upcoming Meetings

There will be a Public Hearing on April 19, 2011 at 4:00 p.m. regarding the Beer and Wine Voter Referendum. The meeting will begin in the Commissioners Board Room but can be moved to the courthouse if necessary. The next budget meeting is scheduled for April 28, 2011. Mr. Johnson and Mr. Poteat had a conflict with the April 28, 2011 meeting. The budget meeting will be moved to Tuesday, April 26, 2011 at 4:00 p.m.

Martha Hicks stated that she would like the other resolutions in the agenda consent items to be addressed and Avery County to send a resolution regarding the loss of county school construction dollars and the shift of state school funding responsibilities to counties.

Motion by Martha Hicks and second by Scott Heath to draft a resolution regarding the loss of county school construction dollars and the shift of state school funding responsibilities to the counties and authorize the chairman to sign. Motion unanimously approved.

Adjourn

Motion by Scott Heath and second by Martha Hicks to adjourn this meeting at 5:50 p.m. Motion unanimously approved.

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

Attest: _____
Cindy Turbyfill, Clerk