

**STATE OF NORTH CAROLINA
COUNTY OF AVERY**

The Avery County Board of Commissioners met in a Regular Session on Monday, August 15, 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

Members Absent: Glenn Johnson (vacation)

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.

Chairman Poteat led prayer.

Public Comment

Dallas Pate, Avery County Sheriff's Office, advised the Board that the new school at Banner Elk was open and the Sheriff's Office has had to place two officers every day at the school. The Department of Transportation has not placed any signs up. Mr. Pate indicated that he had called the NC DOT and requested school zone signs. Mr. Pate stated that when ski season started he was afraid that this problem would get worse. He said he was using two reserve officers but this was going to "kill our budget". Mr. Pate stated that in his opinion it was going to take a turn lane and a traffic light for this situation. Mr. Pate said that he was concerned about the budget because he didn't know what to do except put two officers every morning and every evening.

Chairman Poteat advised that there were projections for a turn lane in the future and Avery County is waiting on the state for that. Chairman Poteat stated that Dallas Pate, Sheriff Frye and the County Manager would plan to meet and come up with some ideas.

Robert Wiseman, County Manager, stated that the NC Department of Transportation in the last fiscal year allocated enough money to do planning for the turn lane and storm water control. When that planning process is completed, DOT can use those plans to come up with a valid and realistic cost estimate to do the actual construction. This does not include acquisition of right of way. The best case scenario is the day school is out next spring the contract would be let and the bids awarded.

Board Appointments

Avery County Fire Commission

There is a recommendation from the Avery Fire Association to approve Wayne Miller from the Banner Elk Fire Department to replace Paul Buchanan on the Fire Commission for a two year term.

Motion by Martha Hicks and second by Scott Heath to appoint Wayne Miller to the Avery County Fire Commission for a term of two years. Motion unanimously approved with those in attendance (4-0).

County Manager Updates- Robert Wiseman

Centennial Letter

A letter has been composed to be sent to the Avery Post and Avery Journal thanking the Centennial Committee for the efforts with the Centennial Celebration.

United Way

Tom Hughes is the United Way Board member for Avery County.

Parking at the Courthouse

One hour parking is completed.

Courthouse Security

Mr. Wiseman stated that he and the Finance Officer had spoken with Richard Taylor, E911 Board and he informed us that the E911 50% monies could not be spent for courthouse security. Sheriff Frye said that Judge Ginn had signed off on the courthouse security proposal.

Public Hearing – NC Tomorrow Project – Michelle Ball

Motion by Phyllis Forbes and second by Scott Heath to remove the Board from Regular Session and into a time of Public Hearing regarding the NC Tomorrow Project at 3:50 p.m. Motion unanimously approved with those in attendance (4-0).

Michelle Ball, High Country Council of Government, reported that there had been no guidelines sent from the state. Basically, there is some CDBG money available for each of the 16 council of governments in the state to develop an EDC strategy for their area. There is a requirement for two public hearings. Rick Herndon had come before the Board to ask Avery County to be the lead agency. The finished project will cover all 7 counties. Another public hearing will be in October. The deadline for application is November.

There were no public comments.

Motion by Scott Heath and second by Martha Hicks to go out of Public Hearing and back into Regular Session at 3:55 p.m. Motion unanimous with those in attendance (4-0).

County Manager Updates Continued--- Robert Wiseman
Toe River Health District Electronic Medical Record

Mr. Wiseman stated that he had been in contact with his counterparts in Yancey County and Mitchell County. At a previous meeting in Yancey County, the Yancey County Board agreed to take Toe River Health District's request under advisement for the next fiscal year. Mitchell County is not as committed to committing the monies in the next fiscal year. Mr. Wiseman said that Linda Kinnae's, Director of Toe River Health District, plea is to be able to take the monies necessary which is \$18,500 out of the contingency funds hoping that in the coming year's budget the counties would replenish that money. Chairman Poteat said that this is coming sooner or later and it would be much more costly in the future. Phyllis Forbes stated that it is not mandated that Toe River Health District do this or not do it but there would be a point in time where they will be fined so there is not much difference in being mandated or not. Chairman Poteat said that this would be able to be enacted at Toe River's expense with hopeful reimbursement in the future. Scott Heath stated that was the appropriate way to be handled through the contingency fund but he would not be for considering reimbursing that but keeping it in the regular budget process.

ARC Grant/Broadband

Mr. Wiseman stated that everyone was aware of the \$13,500 grant from ARC that Avery County has been awarded to carry out an inventory asset analysis. The Board is committed to honor this promise that was applied for. Bret Gardella, EDC Director, has been trying to find some extraneous sources that could help fund Avery County's part of this grant. There does not need to be a commitment today by budget amendment but would request that the Board authorize the chairman to execute this agreement. This project is the mapping of the existing infrastructure by fiber, coax, etc. identifying future needs and producing detailed maps of infrastructure for economic development purposes. If the Board sees fit to execute this contract, that will release the County Manager and Phil Trew to pursue an extension of the time period. Given the size of the contract, the County does not have to go through the bid process. Mr. Wiseman asked the Board to consider by motion to authorize the Chairman to execute this agreement.

Motion by Scott Heath and second by Martha Hicks to execute the agreement for the ARC grant and the chairman to sign the agreement. Motion unanimous with those in attendance (4-0).

Abandonment of a Portion of the Old Yonahlossee Road

Mr. Wiseman stated that he didn't think that this is something that the Board needed to act on today but that legal counsel needed to look at this and give her recommendation. Chairman Poteat said that he and the County Manager would take a look at this road and any other commissioners that would like to.

High Country Regional Bike Plan

Mr. Wiseman reported that the High Country Council of Government has contracted with the NC Department of Transportation to develop a regional bike plan. The Council of Government has asked each of the seven counties to appoint three people to this study committee. The main point is to develop local as well as regional trails that would emphasize safety and adequate signage. This committee would meet twelve times in 24 months in Boone in an advisory capacity to share ideas and see how we can improve on the situation with the bikes on the mountain roads. Mr. Wiseman stated that his recommendation was Ted Sliver, Bret Gardella, and Doug Owen be appointed to this committee.

Motion by Phyllis Forbes and second by Martha Hicks to appoint Doug Owen, Ted Silver, and Bret Gardella to the High Country Regional Bike Plan. Motion unanimously approved with those in attendance (4-0).

Letter of Support for WAMY

WAMY is applying for a Housing Preservation Grant through the US Rural Development Office. The funds being applied for will be to repair and/or rehabilitate 8 homes total (5 in Watauga and 3 in Avery). The maximum grant amount is \$100,000. As part of the grant application, there must be a letter of endorsement from each county. The letter will include that Avery County cannot commit any local funds as matching funds at this time.

Motion by Martha Hicks and second by Phyllis Forbes to approve the letter of support for WAMY for the Housing Preservation Grant. Motion unanimously approved with those in attendance (4-0).

County Attorney Report – Michaelle Poore

Michaelle Poore, County Attorney, stated that the Board may or may not recall that whenever the financing was done on the new Banner Elk School the property was not deeded to the school because of the financing requirements. The MOU provided that once the school board no longer needed the old school, the county would transfer title of the new elementary school. That is not possible with the financing. We will do a long term lease agreement back to the school board similar to what we did with the high school property. A draft of the lease agreement was exchanged with the school board's attorney when the financing was done. This will need to be approved by both boards and will be presented at a later meeting.

Ms. Poore advised that at the last meeting there was discussion about changing the agenda format. The proposal is to add an informational item that would be numbered 3.9 which would be information items for the board and then the other items would be renumbered 3.10 and 3.11. Consensus by the Board to change the agenda format. This will begin at the next meeting in September.

Approval of Minutes

Motion by Martha Hicks and second by Phyllis Forbes to approve the minutes of the budget workshop June 8, 2011; Special Meeting June 15, 2011; Budget workshop June 15, 2011; Special Meeting June 17, 2011. Motion unanimously approved with those in attendance (4-0).

Agenda Consent Items

Adopted by Consensus of the Board.

Upcoming Meetings

The NCACC meeting will begin on Thursday, August 18, 2011. The next regular meeting will be September 6, 2011.

Adjourn

Motion by Phyllis Forbes and second by Martha Hicks to adjourn this meeting at 4:35 p.m. Motion unanimously approved with those in attendance (4-0).

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

ATTEST: _____
Cindy Turbyfill, Clerk