

**STATE OF NORTH CAROLINA
COUNTY OF AVERY**

The Avery County Board of Commissioners met in Regular Session on Monday, August 1, 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 the meeting to order at 3:30 p.m.

Scott Heath led prayer.

Chairman Poteat stated that 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.

Public Comments

There were no public comments.

Chairman Poteat thanked the Centennial Committee for the tireless effort and the many hours that was spent making the three day Centennial Celebration a huge success.

Phyllis Forbes expressed her appreciation to all the people that worked so hard on this project. She stated it was amazing how many people were in Newland on Friday night at the concert.

Robert Wiseman, County Manager, thanked Ernest Laws with the Solid Waste Department for going above and beyond what was expected. Mr. Laws hauled eight loads of trash on Saturday evening from the Riverwalk.

Martha Hicks stated that she had heard a lot of Avery County people talking about what a huge success this celebration was.

Glenn Johnson said he didn't think he had seen any people have any better time than they did on Friday night. He said he heard that it was estimated that 3000-5000 people attended Friday night. Mr. Johnson requested that a letter go out to the Centennial Committee thanking them for their efforts. This letter will be published in the papers.

Nancy Morrison thanked the County Commissioners for their support in this project. Ms. Morrison also recognized Tense Banks for her efforts.

Tax Administrator Report – Phillip Barrier

Tax Collectors Report

The total tax collection for the month of July 2011 is \$99,803.49. The collection rate for the year is 95.4%.

The two individuals in the tax office balanced every day for the month of July.

Motion by Martha Hicks and second by Glenn Johnson to approve the Tax Collectors Report for the month of July 2011 as presented. Motion unanimously approved.

Sales Statistics

Mr. Barrier stated that for the first three weeks of July 2011 there were 23 sales but unfortunately there were 16 foreclosures. He said that he stamped a deed last week that had 44 parcels that were foreclosed on.

Mr. Barrier stated that he had included a report of businesses that the taxes are not paid. This report shows \$111,122 owed from businesses in Avery County. This is business personal property such as chairs, desks, deep fryers, etc. There is also a list that shows the businesses that are bankrupt or out of business and there is no way that these can be collected. Mr. Barrier stated he was asking for the Board to approve the \$32,323.93 be written off. Mr. Heath stated that he thought it would be appropriate to table this until legal counsel and Mr. Barrier could research these. By consensus, the Board will wait for approval of this until this issue has been researched.

Drug Treatment Court

Chairman Poteat stated that the Board had talked about this situation in a previous meeting. As happens many times, the State of North Carolina starts something that they cannot finish. This is a problem. It is sad when governments much larger than Avery County such as the state and federal says ok small county with a \$22,000,000 budget we can't do this anymore you do it. Chairman Poteat said that he had received more calls and lobbying on this particular issue than he had received in several years. He stated that there was a gentleman who came to speak to us who is in charge of regional probation and he did not advise us not to continue this program but he said there were mechanisms in place that is not intense but most of the work by the drug treatment coordinator would continue

to be done by some other organization. Glenn Johnson stated that he had received more phone calls and comments about this issue than anything since he had been on the board. Mr. Johnson said that he was not comfortable in making a decision today with the information that he had. Chairman Poteat questioned how long the computer, equipment, etc. would be available. Nancy Morrison answered that it was her understanding as of August 1, 2011 which is today the computer, equipment, etc. would be sent back to Raleigh. Joe Seegers stated that Avery County currently has 9 enrolled in Drug Treatment Court. Watauga County averages 15-16 enrolled in the Drug Treatment Court. The numbers in Avery are down because the last several weeks when more participants could be taken in we were aware of there being no funding for a coordinator. Melissa Johnson said that the new coordinator in Watauga County is Melissa Cornell who has a master's in counseling and is working on her PhD at ASU. She will be 80% working with the two drug treatment court programs. Watauga has voted to fund \$35,000 for the Watauga County Drug Treatment Court. Mr. Seegers explained that the offender has to pay for every penny of treatment which is part of the requirements and are required to work 32 hours a week or do community service and pay the community service fee.

Melissa Johnson, Mediation and Restorative Justice Center, said that the money would go toward salary and Avery County's money would be segregated from Watauga County. Ms. Johnson said that the Mediation and Restorative Justice Center is a nonprofit organization to keep people out of litigation and out of incarceration.

Nancy Morrison, DART member, stated that she was a psychologist and at one time she worked in alcoholism and drug treatment. She said that the drug court in Avery County is working far better than anything that she has participated in. Ms. Morrison stated that the DART committee was willing to fund \$5000 this year to help with the drug treatment coordinator.

Betty Erhart quoted some figures regarding the death certificates in Avery County. For the past ten years, there have been 42 deaths from homicides or suicides and several of the suicide death certificates show that the contributing cause was drugs or alcohol. Several of the homicides were drug related. Drugs and alcohol have played a big part in a lot of deaths of our citizens. Also during the ten year period there have been 45 deaths from drug overdoses or alcohol toxicity and these numbers do not include the deaths with traffic accidents. How do we put a dollar figure on the lost lives and the misery and suffering of all these families? We believe the drug treatment court may have saved some lives. We hope to see something done about the drug court treatment program in this county.

There was considerable discussion regarding Drug Treatment Court.

Robert Wiseman, County Manager, questioned if this was going to be an ongoing program for Avery County or just a one shot deal. Melissa Johnson said that Watauga County had a one year commitment but we are using the year to find additional funding.

Glenn Johnson said that he would retract his previous statement about not making a decision today that he had enough information now to make a decision. Mr. Johnson questioned if there were any monies that could be utilized instead of doing a budget amendment. Mr. Johnson stated that, in his opinion, other funding needed to be sought out for this drug treatment court and that it should be understood there is no guarantee that this will be funded next year.

Scott Heath stated that as far as drug treatment programs this sounds like it is very successful. One of the strikes that I have against this is timing. It was said that "we are pulling out the rug from underneath these clients" but the state has already cut the funding and "pulled the rug out". This allocation is not going through the budget process. This is a midyear budget amendment which I do not agree with. I am reluctant to bring this on without going through the budget process.

Motion by Glenn Johnson and second by Martha Hicks to approve up to \$20,000 budget amendment (try to find some of the monies elsewhere) for the funding of a Drug Treatment Court Program "Coordinator" in Avery County for the period of time beginning July 1, 2011 through June 30, 2012.

**VOTE: FOR: Kenny Poteat; Phyllis Forbes; Martha Hicks; Glenn Johnson. Opposed: Scott Heath.
Motion passes 4 to 1.**

Recess

Chairman Poteat called for a brief recess.

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

County Manager's Report – Robert Wiseman

United Way Board

The County Manager will investigate the frequency of the meetings, the location, etc.

Parking at the Courthouse

The one hour parking spaces have not been marked yet because of the Centennial Celebration that took place over the weekend. This will be done in the upcoming weeks.

Courthouse Security

There are two proposals for courthouse security that are included in the Agenda Consent Items. The approximate cost would be around \$35,000 which does not include a uniformed officer. Hopefully, the 50% E911 Funds can be used for this. Scott Heath stated that he met with Judge Phil Ginn and that this is state statute.

Toe River Health District

The Mitchell County Board of Commissioners is meeting tonight to discuss the Toe River Health District Electronic Medical Record request. The County Manager will be in touch with Yancey County Manager and Mitchell County Manager in the next few days.

Economic Development Committee

Mr. Wiseman stated that the Economic Development Committee has been dysfunctional for quite some time. That is not any slur on the fine individuals who have served on that 9 member board. There are only 5 members now. This committee needs reorganization. The County Manager and Economic Development Director will begin work on this issue.

ARC Grant/Broadband

The \$13,500 for the ARC grant was committed in a previous meeting. Mountain Electric has done a survey and Joe Thacker with Mountain Electric and the Board for Mountain Electric had a meeting last Thursday and there was no action taken regarding Broadband. The results of the survey were in and Mountain Electric is negotiating with Charter Communications. Chairman Poteat stated that the Board needed to honor the commitment with the ARC grant because of possible ramifications if the County asked for money again.

Finance Officer Report – Tim Greene

Budget Amendment #

The Sheriff's department will need additional funds for holiday pay (\$36,000) that was not budgeted for in the 2011/2012 fiscal year.

Motion by Martha Hicks and second by Phyllis Forbes to approve the Budget Amendment of \$36,000 for holiday pay that was not budgeted for the 2011/2012 fiscal year with a debit of \$26,000 to Salary-Deputies; Debit of \$10,000 to Salary-Detectives and a Credit of \$36,000 to Fund Balance Appropriation.

Scott Heath stated that he was big on the "no budget amendment" but this is an accounting correctional issue not additional governmental spending.

Motion unanimously approved.

County Attorney Report – Michelle Poore

Michelle Poore, County Attorney, stated that there are items in the Agenda Consent Items which are informational only and that at some point the Board needed to break this up and have a separate item for information. By Consensus of the Board, the Clerk and Attorney will work together on this matter.

Approval of Minutes

Motion by Martha Hicks and second by Glenn Johnson to approve the Budget Workshop Minutes for May 23, 2011; Budget Workshop Minutes for May 27, 2011 and June 2, 2011 and Regular Session Minutes for June 6, 2011. Motion unanimously approved.

Agenda Consent Items

Adopted by Consensus of the Board.

Upcoming Meetings

The next Regular Meeting will be August 15, 2011 3:30 p.m.; Public Hearing August 15, 2011 at 3:50 p.m. Ribbon Cutting Ceremony at the new Banner Elk School is August 7, 2011 at 3:00 p.m. August 18-21, 2011 NCACC Annual Conference.

Adjourn

**Motion by Scott Heath and second by Glenn Johnson to adjourn this meeting at 6:00 p.m.
Motion unanimously approved.**

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

ATTEST: _____
Cindy Turbyfill, Clerk