

**STATE OF NORTH CAROLINA
COUNTY OF AVERY**

The Avery County Board of Commissioners met in Regular Session on Monday, December 3, 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; Phyllis Forbes (via telephone); Robert Griffith; Martha Hicks; Glenn Johnson

Members Absent: None

Call To Order

Chairman Poteat called the meeting to order at 3:30 p.m.
Glenn Johnson led prayer.

Organizational Meeting

Kenny Poteat turned the meeting over to Robert Wiseman, County Manager.

Mr. Wiseman asked for nominations for Chairman of the Board. Glenn Johnson nominated Kenny Poteat as Chairman. There were no further nominations. Mr. Wiseman declared the nominations to cease and Kenny Poteat elected Chairman of the Board by acclamation of the members seated.

Chairman Poteat opened the floor for nominations for Vice-Chair. Robert Griffith nominated Martha Hicks. There were no further nominations. Chairman Poteat asked for a second to the motion. There was no second to the motion. Chairman Poteat stated that the motion would die for lack of a second. Chairman Poteat asked for further nominations for vice chair. There were no more nominations.

Chairman Poteat stated that the Board could await another meeting to appoint a vice chair.

Appointment of Officers

Clerk to the Board

Motion by Phyllis Forbes and second by Martha Hicks to appoint Cindy Turbyfill as Clerk to the Board. Motion unanimously approved.

County Attorney

Motion by Martha Hicks and second by Glenn Johnson to appoint Harrison & Poore Law Firm as the County Attorney. Motion unanimously approved.

Finance Officer

Motion by Robert Griffith and second by Martha Hicks to appoint Tim Greene as the Finance Officer. Motion unanimously approved.

County Manager

Motion by Glenn Johnson and second by Phyllis Forbes to appoint Robert Wiseman as County Manager. Motion unanimously approved.

Chairman Poteat welcomed Mr. Robert Griffith to the Board as a new Board member.

Robert Wiseman, County Manager, requested that the Board shift the agenda so that Bret Gardella, Economic Development Director, could address the Board regarding a budget amendment pertaining to the old Banner Elk School. He said that Mr. Gardella needed to be at a Banner Elk Planning Board meeting at 6:00 p.m. tonight.

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 Comment

Daryl Smith, Chairman of the Avery Fire Commission, stated that back on June 18, 2012 Shane Garland, member of the Avery Fire Commission, came to the Board to request a budget amendment to repair the leaky roof at the Linville Central Rescue building. The Board agreed to do a budget amendment for up to \$8,000 and one of the bills has been sent in. Mr. Smith said he wanted consent for the money to be released. Tim Greene, Finance Officer, stated that technically this would need to be a budget amendment because the budget had already been passed when this issue came up.

Motion by Martha Hicks and second by Glenn Johnson to adopt a budget amendment up to \$8,000 to repair Linville Central Rescue Squad's roof.

Vote: Motion passes 4 to 1. Chairman Poteat, Phyllis Forbes, Martha Hicks, Glenn Johnson For; Reo Griffith Against.

Mr. Smith stated that just for informational purposes he wanted to let the Board know that Banner Elk Fire Department's #1 pumper is down and has been in the shop for about 3 weeks. Roughly it will cost about \$15,000 to repair. We are considering whether we want to spend \$15,000 on a 22 year old truck. Banner Elk is in line to get the next new truck. Sunday night their second out engine went down while they were on a fire so they are down two trucks. The Fire Commission just wanted to let you know what was going on if anyone were to ask.

John Millan announced that he had gotten sworn in this morning as the Avery County Coroner. He said if there was anything he could do for the county or the Board he would. He thanked Mr. Wiseman for being helpful to him.

Reo Griffith stated "it is a privilege and honor to serve this fine county as an elected official. The voters and taxpayers have bestowed upon me the duties of helping four other people govern a \$25,000,000 business. The voters and taxpayers have given me that privilege. I am going back to June 18, 2012 which was the public hearing for the budget. Ms. Judith Bowden asked at that meeting who was representing the taxpayers. Her comment was "who is for the little guy". She was referring to the taxpayer. I am going to say that I am the little guy. I am the new man on the Board and have so much to learn. I have listened to a lot of people from Carey's Flats to Old Beech Mountain to Ingalls to Banner Elk. I am coming in on this Board with not one single promise to no man. I was asked by Johnny Mathis, Frank Fire Chief, to vote to raise fire taxes. I told him I would not vote to raise taxes. I hope that when this is all said and done and history is written in Avery County I hope that the people can say one time we voted for Reo Griffith and he was a good steward of the taxpayers money. Furthermore, when a budget is passed in July let us live within our budget. One day the taxpayer's pocketbooks are going to run dry and where will we go then."

AC PRIDE Budget Amendment Request – Bret Gardella

Bret Gardella, Economic Development Director, stated that subsequent to the meeting last month when the issue of the roof at AC PRIDE was tabled I was approached by the folks at Banner Elk who mentioned that we should look into a metal roof on the building. I did not think I could get a metal roof passed through Banner Elk Town Council. I have done the research on it and the quotes are in the packet. Parker Roofing comes in about \$1300 less. I am asking to approve a budget amendment to put a roof on the school .

Chairman Poteat advised that in respect to the budget this issue was addressed in the budget process but because of the unknown it was decided to await a later date to see if this was worth pursuing. Mr. Wiseman said that the discussion was that the money to re-roof the building was in the original budget request but after there was such a deficit it was removed from the capital outlay section for the Economic Development budget with the understanding it could be and would be addressed later when the future was more solidified. Chairman Poteat questioned if the project was going to come in below \$55,000. Mr. Gardella answered that it would come in under the \$55,000 and if Parker Roofing got the job then they would reduce the price by 5% if they got both the Banner Elk School project and the Banner Elk Police Department. Both bids are only on the original structure and the gymnasium.

Commissioner Griffith questioned if Mr. Gardella could find \$55,000 in the \$208,000 economic development budget. Mr. Gardella answered that he probably could but that it would cut out a lot of other projects that needed to be done and some of the monies are already committed to for marketing purposes. We would be devastating the rest of the department budget. Mr. Griffith said if we put the roof on at \$55,000 budget amendment then the next thing would be the windows. Mr. Gardella said that this would be in the next 3-5 years. Mr. Griffith questioned about the heating and air. Mr. Gardella said that opposed to using the boiler there it is recommended to use individual units for each space. The main concern would be to keep the common area and bathrooms and that could be with the individual units. The units would be approximately \$2000 for the individual units as opposed to \$75,000 for a new boiler.

Commissioners Hicks questioned how many businesses right now had committed to coming into the business incubator. Mr. Gardella stated that there were two letters of intent from two businesses. This is without marketing the institution. The Chamber had also been interested in a space. I anticipate once we start marketing we will get more businesses interested.

Commissioner Johnson stated "One of my main goals as a representative of Avery County is to try to develop this county economically. I feel it is the most important thing we can do to bring businesses and jobs into this area. We already have two letters of intent. Bret will be attending the Banner Elk Planning Board meeting tonight and one of the potential businesses for the incubator will be at that meeting tonight. I agree with Commissioner Griffith I don't like budget amendments either. It was agreed in the budget meetings that we would take this roof repair out but now that we have potential tenants we would put the money back in as a budget amendment. At the last meeting we decided that shingles would need to be put on in warm weather but now that we can use metal this can be done now. We don't want to get the tenants in there with a leaking roof. Obviously, it is going to cost in the neighborhood of \$53,000. As long as we own this building, it is going to have to have a roof on it. I would propose that we approve a budget amendment.

Motion by Glenn Johnson and second by Phyllis Forbes to approve a Budget Amendment up to but not exceeding \$55,000 for a metal roof for the old Banner Elk School.

Commissioner Griffith stated "Other people's money; \$55,000 more dollars. We have \$208,000 in the economic development budget. This department was created after there was a 3 cent tax increase. We like to bow our chest out and say how staunch a conservative republican we are but then raise taxes on poor people to create a new department. I will stick with fixing the roof; we can't let the building rot down. I will say fix the roof but fix the roof out of the \$208,000 budget."

Mr. Wiseman stated that the motion should state where the source of funding is coming from whether it is out of fund balance or out of existing departmental monies.

Glenn Johnson said it was his intent for the funding to come out of fund balance. He said he would call to your attention that it is taxpayers money now to fix the roof or taxpayers money after July to fix the roof. The creation of the economic development position was not the cause of the tax increase. We were a whole lot more in the "hole" than what the economic development position costs us. If I go anywhere to go shopping or the theater, I have to go to Johnson City, Tennessee; Asheville or Hickory. That is money going out of this county that we need.

Chairman Poteat said he would precede his vote by some verbiage. My contention will be that we arrive at some other number that will come from a budget amendment and that combined with monies already in place in the economic development budget would accomplish that task.

Vote: For: Glenn Johnson; Phyllis Forbes Against: Martha Hicks; Reo Griffith; Kenny Poteat Motion fails 3 to 2.

Motion by Glenn Johnson and second by Phyllis Forbes to approve \$35,000 from fund balance with the remainder of the monies needed to come from the existing monies already in the economic development budget.

Commissioner Griffith stated that the roof needed to be fixed but this was a sore spot across the county. He said he would stick with the monies coming from the \$208,000.

Commissioner Hicks said she was not against the project but if you put \$55,000 into the roof it is just like an old used car you just keep pouring money into it and when you get ready to get rid of it you don't get any more money out of it. She said she had been around the county and a lot of people are asking why the Board wanted to keep putting money into the old school. She suggested that there be further discussion before putting money into this project.

Commissioner Johnson said that this issue had generated much talk around the county. He said he had heard three different scenarios with the Banner Elk School; one was not to give the school to the Town of Banner Elk; another was to sell the Banner Elk School; and another was to not sell or give it away. There are several differences of opinion for what this property is worth. One of the opinions was \$900,000 up to 4.2 million. This property is zoned medical/educational. Mr. Gardella and the Town of Banner Elk have bent over backwards to get together to figure this out. Business incubators are nothing new. We need to try to create some opportunity for Avery County.

Glenn Johnson called for the question.

Vote: For: Glenn Johnson; Phyllis Forbes; Kenny Poteat Against: Martha Hicks; Reo Griffith Motion passes 3 to 2.

Recess

Chairman Poteat called for a 2 minute recess.

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

Public Hearing – Avery County Community Transportation Program Application – Linda Cuthbertson

Motion by Martha Hicks and second by Glenn Johnson to go out of Regular Session and into a time of Public Hearing regarding the Avery County Community Transportation Program Application at 4:30 p.m. Motion unanimously approved.

Linda Cuthbertson, Avery County Transportation Director, explained that this public hearing was to receive public comment on an application for the Community Transportation Program. The Administrative monies are the same amount as last year which is \$226,600. This grant is 85/15 with the county matching 15%. The other monies are for capital monies at \$58,500. Tim Greene said that these monies would be included in the 2013/2014 budget.

Martha Hicks commented that Avery County had a great transportation system. Reo Griffith gave an account where Avery County Transportation helped with a handicapped man. Sam Ray stated that he appreciated what Avery County Transportation did for the veterans. Rachel Deal thanked Avery County Transportation on behalf of the seniors.

Chairman Poteat declared the public hearing to be closed and to be back in Regular Session at 4:46 p.m.

Motion by Glenn Johnson and second by Reo Griffith to approve the Fiscal Year 2014 Resolution for the Community Transportation Program. Motion unanimously approved.

County Manager Updates – Robert Wiseman

Banner Elk Fire Department Parking

Mr. Wiseman reported that the survey is in progress for the portion of property at the Banner Elk Fire Department for parking.

Courthouse Renovation

Mr. Wiseman explained that he had signed a contract with an engineering firm to do some preliminary environmental drillings in the part of the old courthouse that will be subject to renovation in the next few months. This is a prerequisite for the actual design and development of the courthouse renovation project.

Finance Officer Report –Tim Greene

Budget Amendment #

The Avery County Jail has received a United States Department of Justice State Criminal Alien Assistance Program grant in the amount of \$4,090.00. This grant is to be used for correctional purposes only. This is 100% money.

Motion by Martha Hicks and second by Reo Griffith to approve the budget amendment of \$4,090 from a grant received from the United State Department of Justice State Criminal Alien Assistance Program with a debit of \$4,090 to Security (105200.1475) and a credit of \$4,090.00 to US Department of Justice Grant (103614.0000). Motion unanimously approved.

Budget Amendment #

The Senior Center has received \$6,207.00 from the NC Department of Insurance to be used for counseling Medicare recipients. This is 100% monies.

Motion by Glenn Johnson and second by Martha Hicks to approve the budget amendment of \$6,207.00 received from the NC Department of Insurance with a debit of \$3,680.00 to Salaries-Other (105960.1400); debit of \$2,032.00 to Supplies-Office/Janitorial and a credit of \$6,207.00 to Senior Services – State Grant (103671.000). Motion unanimously approved.

Budget Amendment #

Mr. Greene requested that the undesignated Fund Balance in excess of 20% of the total General Fund Expenditures and transfers to other funds at the end of the Fiscal Year 2011-2012 be appropriated to the Capital Reserve Fund.

Motion by Phyllis Forbes and second by Martha Hicks to approve the Budget Amendment with a debit of \$922,006.00 to transfer to Capital Reserve Fund (107000.6246) and a credit of \$922,006.00 to Fund Balance – Appropriated and a debit of \$922,006.00 to Fund Balance – Appropriated (463990.0000) and a credit of \$922,006.00 to Transfer from General Fund (463101.0000). Motion unanimously approved.

Public Hearing – Avery County Soil Erosion and Sedimentation Control Ordinance Revisions – Tommy Burleson

Tommy Burleson, Avery County Inspections and Planning Director, explained that the North Carolina Division of Land Quality required that the Soil Erosion and Sedimentation Control Ordinance be updated to the new 2012 standards. Mr. Burleson stated that the original ordinance was produced in 1995 and approved and then updated again in 2006. Mr. Burleson explained the 2012 updates to the ordinance mandated by the North Carolina Division of Land Quality.

There was discussion of the change in the fee schedule for review and approval of plans. Chairman Poteat questioned if this would be a deterrent to development in the county. Mr. Burleson answered that this fee schedule was pretty much the standard and the lowest per acre amount was chosen. Commissioner Griffith asked who paid the fees. Mr. Burleson answered that the person who was building the subdivision; the fees go for the grading and is paid to the Avery County Inspections Department.

Commissioner Griffith stated “we don’t want to hamper the working man; there is too much government control now”.

Clay Houston, Avery County citizen, questioned why there needed to be a fee at all. Mr. Burleson advised that the inspections department is a revenue based department. The developer that uses the services pays for a good portion of the services. If there was no fee based building department then all of the burden would be on the taxpayers who are not even using the services.

Michaëlle Poore, County Attorney, advised the Board in order to amend an ordinance that there would need to be either one or two votes by the Board. The Board can vote on the amendment initially but there must be a full Board present at the meeting and the vote unanimous. The Board would need to have a second vote at another meeting that could be passed by a quorum present.

There was no further public comment.

Chairman Poteat declared the public hearing to be closed at 5:28 p.m. and the Board to be back in Regular Session.

Commissioner Johnson said he thought that the Board should vote on this issue now.

Motion by Glenn Johnson and second by Martha Hicks to accept the presentation of the Avery County Soil Erosion and Sedimentation Control Ordinance. Motion passes with those eligible to vote. (4-0).

Kenny Poteat; Glenn Johnson; Martha Hicks; Reo Griffith voting.

Avery Fire Association – Paul Buchanan

Paul Buchanan, President of the Avery Fire Association, stated he was here to request a workshop meeting between the Avery County Board of Commissioners, Avery Fire Commission, and the Chiefs of the Fire Departments to sit down and discuss other options of truck and building titling and reviewing and possibly changing the charters and bylaws to make sure if the fire departments happened to fold that everything would go back to Avery County. He said that a couple of months ago he came before the Board of Commissioners and he was told to go back to the Fire Commission which he did and they have given their “blessing” to schedule the meeting.

Chairman Poteat stated that there would be a meeting of these three entities at the end of January or first of February and that he and the County Manager would discuss this and get back to the Fire Commission and Fire Association about the date.

Commissioner Griffith stated "A lot of stuff I have discussed tonight has come from the fresh campaign trail. This retitling of the fire trucks when it is brought up it is mentioned about Avery County Rescue Squad kicking some of these things off. Our County Manager will acknowledge that I had great concern before I ran for county commissioner about some of the activity that was going on with county vehicles. Property was being abused. It comes down to 2012 December 3 and this has been in the air all summer about retitling the vehicles. I checked with the Division of Motor Vehicles today and it would cost us two arms and at least one leg to retitle all of the fire trucks. It would cost \$1500 plus 6 dollars for a tag to retitle all of these vehicles into the county name. You are talking fire engines at roughly \$350,000, tankers at \$200,000; mega bucks to retitle the vehicles. I am very much for having the taxpayers money secure. I understand there are some charters. If taxpayer's money is in it we need our money secure. A charter has to go before the state legislature to approve the charters. I would say that the charters be addressed. This titling of the fire trucks it has come from a power struggle. It has gotten fire departments fighting against each other and wanting to choke each other and in the name of unison I don't see any of the fire departments being mismanaged. I say tonight out of the unison of the fire departments and fire service that this retitling of vehicles be dropped by the Board of Commissioners. I further more investigated and these fire departments are 5013C charitable organizations so they can't sell the property. I am saying for the unison forget the retitling of the trucks and get the Board of Commissioners out of this fight. Let us talk about the charters. The main thing if we don't drop it this is going to cost the taxpayers a lot of money."

Daryl Smith, Chairman of the Avery Fire Commission, stated that Commissioner Griffith had been possibly pointed in the wrong direction by someone with the information that he had received. There is no issue with retitling trucks. It is new trucks that are going to be titled. It will be trucks in the future that will be titled to the county not going back and retitling all of the trucks. This is not old vehicles so there would be no additional cost to the county.

Michaëlle Poore, County Attorney, stated that the Avery Fire Commission is exempt from filing fees with the Department of Motor Vehicles.

Commissioner Johnson said a decision was made by the Board to title future vehicles to the County via the Fire Commission.

Chairman Poteat stated he thought it was prudent to have the meeting and that would be scheduled and each entity notified.

Proposed Changes to Toe River Health District Fee Schedule – Allen Hughes

Allen Hughes, Toe River Health District, explained the changes to the Toe River Health District Fee Schedule. He said that more than half of the fees had been lowered. He requested that the Board adopt the proposed changes to the Toe River Health District Fee Schedule.

Motion by Phyllis Forbes and second by Martha Hicks to adopt the proposed changes to the Toe River Health District Fee Schedule as presented. Motion unanimously approved.

Avery County Transportation Addition and Renovation – Linda Cuthbertson

Linda Cuthbertson, Avery County Transportation Director, requested that the Board give permission for the County Manager to sign a contract with the firm that was selected to construct the vestibule at the Avery County Transportation Building. Ms. Cuthbertson stated that this was 100% grant monies that was approved in 2009. A committee was formed that included Tim Greene, Martha Hicks and Joe Trivette. This committee met several times and did numerous interviews and Padget & Freeman was selected as the architects. The amount of money that is available to spend is \$94,144. Ms. Cuthbertson stated she was requesting that the low bidder Mastercraft Log & Custom Homes, LLC be awarded the contract in the amount of \$94,144.

Motion by Glenn Johnson and second by Martha Hicks to award the contract for the addition and renovation to the Avery County Transportation Building to Mastercraft Log & Custom Home, LLC in the amount of \$94,144. Motion unanimously approved.

Tax Administrator Report – Phillip Barrier

Tax Collections Report

The Tax Collections Report for the month of November 2012 is \$2,662,675.00 .

Motion by Martha Hicks and second by Glenn Johnson to approve the Tax Collections Report for the month of November 2012 as presented. Motion unanimously approved.

Real and Personal Property Releases

The Real and Personal Property Releases for the month of November 2012 are \$1,919.14.

Motion by Martha Hicks and second by Glenn Johnson to approve the Real and Personal Property Releases for the month of November 2012 as presented. Motion unanimously approved.

Motor Vehicle Releases

The Motor Vehicle Releases for the month of November 2012 are \$395.34.

Motion by Martha Hicks and second by Phyllis Forbes to approve the Motor Vehicle Releases for the month of November 2012 as presented. Motion unanimously approved.

Mr. Barrier presented sales that had taken place in different parts of the county during November.

Mr. Barrier announced that the Tax Listing Notices for 2013 were being sent out.

Recess

Chairman Poteat called for a brief recess.

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

County Manager Updates Continued –Robert Wiseman

Bond – Coroner

Mr. Wiseman stated that John Millan, newly elected coroner, had procured a bond at his own expense. The bond is a statutory requirement. The bond is in the amount of \$2000. This would need to be approved by the Board of Commissioners and authorize the chairman to sign. This would need to be contingent upon approval by legal counsel.

Motion by Reo Griffith and second by Martha Hicks to approve the bond which is entirely at the expense of the coroner contingent upon approval by legal counsel. Motion unanimously approved.

Finance Officer Report Continued ---Tim Greene

Commissioner Griffith stated "I am going to refer back to June 18, 2012 Avery County Commissioners Meeting minutes. It is concerning a budget amendment. Consensus of the Board for the Finance Officer to research the overtime that the sheriff's office has accumulated. On July 25, 2012 Mr. Greene gave me a report of \$49,328.64 of overtime spent. I want a full report of the overtime. There is \$265,000 in question including this \$49,328.64. There is \$70,000 per year allocated in the budget you called it extra money I say there is no extra money and it is on the overtime line item. I want a payroll report from the dates that I give you July 1, 2010 through the last payroll date for 2010/2011; 2011/2012 with gross dollar amount received by each employee. \$265,000 is a staggering figure for overtime in Avery County. I have checked with Mitchell County and the Finance Officer in Mitchell County said that there were no overtime problems. She said the last time we had to do a budget amendment for overtime in the sheriff's department was in the back to back floods. \$265,000 is in question. There was \$70,000 appropriated in the budget these two years and then there was a \$60,000 budget amendment and a \$65,000 budget amendment. I want a payroll audit. I want each individual gross pay. "

Commissioner Griffith also asked Mr. Greene " As far back as 2007 have you immediately prior to the Highland Games as Finance Officer in Avery County deposited any monies from the Grandfather Mountain Highland Games."

Mr. Greene replied that he did not recall any deposits or monies received but would double check that.

Commissioner Griffith again asked the same question if Mr. Greene had made any deposits in the form of check or cash from the Grandfather Mountain Highland Games and Mr. Greene replied he did not recall any deposits or monies received from the Grandfather Mountain Highland Games but would go back and double check.

County Manager Updates Continued – Robert Wiseman

Small Courtroom Renovation

Mr. Wiseman stated that there is a situation that concerns some of the judicial officials and that is the layout in the small courtroom. This started off as some concern about the conditions of the carpet. When humidity and temperature changes occur there could be a safety hazard with the carpet. What started out as a \$4000 to \$5000 carpet replacement has proceeded into a rearranging of the furniture and fixtures in the courtroom to allow better eye contact between the jury and the witness and all concerned.

Mr. Wiseman stated that there were some options. The second option is to set back all of the millwork and rearrange the furniture which will free up the line of sight . This option is \$25,000. The next option is the proposed renovation of the entire courtroom, that is taking out the carpet, tearing out the wall and doing a \$75,000 renovation. There are consequences other than just financial and that is the prolonging of getting started on the courthouse renovation. This could slow us down 5 to 6 months.

Chairman Poteat said that the scenario is that we have a small rural county courthouse that currently has two courtrooms and are in the process of spending hundreds of thousands of dollars to make the courtroom state of the art. The County Attorney said it was her understanding that it was Judge Phil Ginn's goal to have two usable courtrooms in every county. Chairman Poteat stated that we are willing to spend the money for a brand new facility and the auxiliary courtroom is inadequate. Seven years ago there were professional eyes that looked at this auxiliary courtroom.

Commissioner Johnson said he visited the auxiliary courtroom again today and he could understand not being able to see the witness but there was only one seat in the jury box that you could not fully see the witness. Currently there are 37 seats and if option three at \$75,000 was chosen there would be a net gain of two seats. Mr. Johnson stated that if anything is done it should be only to replace the carpet.

Commissioner Hicks stated that at \$75,000 renovation only two seats would be gained. Right now we are not having a problem with the smell of the carpet but in the summertime is when we have the problem. The heat has dried everything out right now. She said she thinks the small courtroom is as nice as you can have. I think the new renovation of the old courtroom is acceptable.

Commissioner Forbes commented that she did not agree with spending the \$75,000 for a complete renovation. It was looked at when it was built and given everyone's "blessing". She said that she thought replacing the flooring was all that needed to be done.

Commissioner Griffith said in respect for the justice system seeing a witness is a must. Jurors and witnesses need to see everyone. Eye contact must be made with each of those jurors. It is a must that the courtroom be set correctly. Mr. Griffith said he was big on image and we need to have good stuff and pretty stuff but if the carpet is bad replace it but if the jury can't see the witnesses then that needs to be fixed. I think the \$75,000 option is foolish. I would go along with the \$25,000 to get the jurors and witnesses to see each other.

There was considerable discussion regarding this issue.

Motion by Reo Griffith and second by Phyllis Forbes to proceed with the \$25,000 option to courtroom B contingent on the approval of said plan by Judge Ginn and do it post haste once it is approved by Judge Ginn and the monies paid out of the Courthouse Renovation Project fund.

Glenn Johnson stated that even though this did not require a budget amendment it was still taxpayer's money. Unlike the fund balance appropriations that was appropriated tonight, there is no economic gain or jobs involved in this project.

**Vote: For: Kenny Poteat; Phyllis Forbes; Reo Griffith; Martha Hicks Against: Glenn Johnson
Motion passes 4 to 1.**

County Attorney Report – Michaelle Poore

No report.

Approval of Minutes

Motion by Martha Hicks and second by Phyllis Forbes to approve the Regular Session November 5, 2012 minutes. Motion unanimously approved.

Agenda Consent Items

Adopted by Consensus of the Board.

Upcoming Meetings

The next Regular Meeting will be January 7, 2013. The Chairman and County Manager will work toward a Special Meeting with the Avery Fire Association and Avery Fire Commission the end of January or first of February.

Adjourn

**Motion by Martha Hicks and second by Phyllis Forbes to adjourn this meeting at 8:02 p.m.
Motion unanimously approved.**

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

ATTEST: _____
Cindy Turbyfill, Clerk