

**STATE OF NORTH CAROLINA
COUNTY OF AVERY**

The Avery County Board of Commissioners met in a Regular Session on Monday, February 6, 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, Vice-Chair; Scott Heath; Martha Hicks; Glenn Johnson

Members Absent: None

Call To Order

Chairman Poteat called the meeting to order at 3:32 p.m.

Scott Heath led prayer.

Chairman Poteat stated that if anyone would like to speak to an agenda item but was not part of the printed agenda, they must sign up on the sheet with the clerk otherwise there would be a time of public comment.

Public Comment

Bret Gardella, Economic Development Director, commented that the rekeying of the locks at the old Banner Elk School had been completed as well as the security system.

John Millan, citizen, spoke to the Board regarding a sign at the Glenn Hicks Memorial Bridge in Heaton. Mr. Millan requested that the Board send a request to the Department of Transportation to add a smaller sign underneath Glenn Hicks name to identify him as a deputy with the Avery County Sheriff's Office and to consider paying for this sign.

Mr. Millan also requested that consideration be given to building two small roofed memorials for the veterans in front of the courthouse.

Chairman Poteat thanked Mr. Millan for his comments and stated that these issues would be investigated by the County Manager.

Board Appointments

Avery County Planning Board

The Avery County Planning Board recommends that Cheryl Buchanan, Rachel Deal and Joe Perry be reappointed for three year terms. These individuals have expressed their desire to be reappointed.

Motion by Scott Heath and second by Phyllis Forbes to appoint Cheryl Buchanan, Rachel Deal and Joe Perry to the Avery County Planning Board for three year terms becoming effective April 1, 2012. Motion unanimously approved.

Avery County Agricultural Advisory Board

The Avery County Agricultural Advisory Board recommends that Ann Coleman and Doug Clark be reappointed for the Avery County Agricultural Advisory Board for three year terms. Mr. Clark had previously been appointed to fill out an unexpired term.

Motion by Martha Hicks and second by Glenn Johnson to appoint Doug Clark and Ann Coleman to the Avery Agricultural Advisory Board for 3 year terms. Motion unanimously approved.

Tax Administrator Report – Phillip Barrier

Tax Collection Report

The Tax Collection for the month of January 2012 is \$3,192,667.03.

Motion by Phyllis Forbes and second by Martha Hicks to approve the Tax Collection Report for the month of January 2012 as presented. Motion unanimously approved.

Advertisement of Tax Liens on Real Property

Mr. Barrier stated that the North Carolina General Statutes requires that in February of each year the tax collector must report to the governing body the amount of unpaid taxes for the current fiscal year. Mr. Barrier advised that notices will be sent out 30 days prior to the tax lien advertisement being published.

Motion by Phyllis Forbes and second by Martha Hicks to allow the Tax Administrator to move forward with the tax collection via advertisement in the paper. Motion unanimously approved.

Real and Personal Releases

There are two Real and Personal Releases; one was a foreclosure and one was a dispute. The Total Real and Personal Releases for January 2012 is \$233.84.

Motion by Phyllis Forbes and second by Martha Hicks to approve the Real and Personal Releases for the month of January 2012 as presented. Motion unanimously approved.

Motor Vehicle Releases

There are two motor vehicle releases. The total Motor Vehicle Releases are \$32.95.

Motion by Glenn Johnson and second by Scott Heath to approve the motor vehicle releases for the month of January 2012. Motion unanimously approved.

State Appealed Releases

The total State Appealed Releases are \$2,223.33.

Motion by Phyllis Forbes and second by Glenn Johnson to approve the State Appealed Releases as presented. Motion unanimously approved.

Real and Personal Refunds

The total Real and Personal Refunds are \$8.88 for the month of January 2012. This was a double billing of a mobile home.

Motion by Martha Hicks and second by Scott Heath to approve the Real and Personal Refunds for the month of January 2012 as presented. Motion unanimously approved.

Sales Statistics

The sales were slow for the month of January. Foreclosures are slowing down.

Resolution for Special Board of Equalization and Review for 2012

Mr. Barrier advised that the Board of Equalization and Review is made up of 5 members and one alternate. He stated that in the Board packet is a resolution that must be adopted by the Board. Once the Resolution is adopted by the Board, an advertisement will be placed in the papers for members to serve on the board. In March, the Board of E&R will be approved by the Board of Commissioners and then the meetings will begin in April.

Motion by Scott Heath and second by Martha Hicks to approve the Resolution pursuant to NC General Statutes to appoint a special Board of Equalization and Review for 2012. Motion unanimously approved.

YMCA – Jack Howard

Jack Howard, Chairman of the YMCA Board, thanked the Board for their generous contributions in the past. The Williams YMCA is a nonprofit organization that relies on membership and support from the county and other private donations. In 2010, the YMCA gave approximately \$27,000 away in scholarship money to individuals or families. In 2011, the YMCA gave approximately \$55,000 in financial assistance. Mr. Howard updated the Board on the services that YMCA provides to the county. Dr. Jim Richardson, Director of the YMCA, reported that the YMCA staff is going out into the community to help with the elderly population. Dr. Richardson stated that the bylaws were being reviewed and the YMCA Board would like to make one of the positions on that Board a permanent position for a Commissioner. Mr. Howard requested \$50,000 for the YMCA from the upcoming Avery County Budget.

County Manager Updates – Robert Wiseman

Robert Wiseman, County Manager, stated that a couple of issues needed to be addressed in executive session and due to time constraints the closed session needed to be moved until after the Secondary Roads Meeting.

Broadband

Mr. Wiseman stated that he had been in contact with Mr. Frenzel and it would appear that the project is probably half way completed. Chairman Poteat said the Board had given the County Manager direction to look at possibilities of other providers for Broadband coming to Avery County.

Linville Cove

Mr. Wiseman advised the Board that in the consent items were some information about Linville Cove. Linville Cove is a 32 unit housing project at the old Greene and Taylor Nursery Property. In the next few weeks on or about the 25th of February, Avery County will request from the NC Department of Commerce a sum of \$192,000 from the Community Development Block Grant. This is 100% money; no ad valorem taxes. These monies will be used for the planning and development of basically infrastructure, water, sewer, sidewalks, etc. This money is not for the construction of the building.

Courthouse Renovation

Mr. Wiseman stated that he met with Tony Street, architect with Beeson, Lusk and Street. Before the courthouse renovation started which was the expansion of the Register of Deeds Office and the construction of a new additional courtroom, Beeson, Lusk and Street entered into an agreement with Avery County to do Phase I of the three phase project. Phase I was the expansion and renovation of the Register of deeds office and on the second floor construction of new office space and additional courtroom. Phase II had two parts which was the construction of a new jail and the renovation of the existing facility which is in progress now. Phase III of this multiyear construction process is the renovation of the old existing courtroom, clerk of court's office and all of the vault area. There will be obstacles to overcome with renovating this area. There is not a projected timeframe or cost projection yet and the next meeting with Mr. Street will be the 15th of February.

Turn Lane at Banner Elk School

Mr. Wiseman said that last week the County Manager, Chairman Poteat, Superintendent Burleson, and Danny Clark traveled to Wilkesboro to meet with the Department of Transportation regarding the turn lane at Banner Elk School. We were considering a turn lane at the cost of \$180,000. There were 8 pieces of property for right of way. The understanding that we had at that time was that the Department of Transportation could not pay for the purchase of the ROW; that was the county's responsibility. We took it in good faith that our representatives could acquire these monies from the contingency fund. A contract came after that which basically said the project would cost approximately \$220,000 instead of the \$180,000 and that there would need to be a prepayment for this project with the understanding that if the money did not come through the contingency fund that it would be the county's obligation. At the meeting in Wilkesboro, the plans were changed because of some storm drainage issues. The proposal brought to us in Wilkesboro was the mini traffic circle with the approximate cost being \$150,000. If the Board decides to go this direction, the process would need to start right away. The County Manager said he needed some direction on how to proceed.

Glenn Johnson questioned if anything was necessary at the new Banner Elk School.

Martha Hicks suggested a meeting with the school system and the Town of Banner Elk prior to any decision being made on this issue.

Chairman Poteat stated that at the meeting he had talked with Mr. Pettyjohn with the NC DOT and that Avery County would be notified when this was actually staked out.

Rick Owen, Banner Elk Town Manager, commented that DOT has already staked this out and that Banner Elk Town Council had invited DOT to their next meeting and that the Town of Banner Elk would like to be a part of this decision.

No action was taken on this matter.

Advent Lane

Mr. Wiseman stated that there were three different correspondences in the agenda consent items regarding Advent Lane in Banner Elk. The original letter from Mr. Chester Puckett gave three options of what he wanted done. The reasoning being was during the construction of the school that road was damaged. Mr. Wiseman said that a letter was written from the County Manager's office proposing what would be done in order to get the road in better shape but this did not include removing 6 inches of the dirt and gravel, placing nonwoven fabric as a base and 6 inches of stone or the option of paving the road. The letter from the County Manager's office advised that the county would apply an appropriate amount of stone to the existing gravel road. There were several tons of gravel put on the road after construction.

The County Manager was instructed to discuss this issue with the Board of Education.

Recess

Chairman Poteat called for a brief recess.

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

Public Hearing – Secondary Roads Construction Program – Ivan Dishman
Motion by Martha Hicks and second by Phyllis Forbes to go into a time of Public Hearing regarding the Secondary Roads Construction Program at 5:00 p.m . Motion unanimously approved.

Chairman Poteat turned the meeting over to Ivan Dishman with the North Carolina Department of Transportation to present the Secondary Road Construction Program for Avery County for the Fiscal Year 2011-2012.

Mr. Dishman presented the Annual Secondary Road Program for Avery County as follows:

FY 2011-2012 Anticipated Allocation	
Highway Fund (G.S. 136-44.5b,c)	\$211,576
Trust Fund (G.S. 136-182)	<u>\$158,927</u>
Total	\$370,503

I. Paving Unpaved Roads **Programmed Paving Goal: 0.00 Mile**

A. Rural Paving Priority
Increasing funding for the following: SR 1310A Dark Ridge Rd. & SR 1312 Joe Parlier Rd.
Estimated cost of \$150,000.

Rural Paving Alternates

SR 1207 Whitaker Branch Road from SR 1136 to End of Maintenance Estimated Cost is \$150,000

SR 1319 Old Beech Mountain Road from SR 1310 to SR 1316 Estimated cost is \$2,100,000

Mr. Dishman reported that in the event that any roads in priority have to be placed on the “hold list” due to unavailable right of way or environmental review, or if additional funding becomes available, funds will be applied to the roads listed in prior order in the paving alternate list.

General Secondary Road Improvements

Paved Road Improvements

Maintenance on various roads as needed; functions may include paved road improvements, safety projects, etc. Estimated Cost \$75,000.

Unpaved Spot Road Improvements

Total of \$120,718 for unpaved spot road improvements.

Reserved for surveying, right of way acquisition, road additions, etc. --- \$24,785

Mr. Dishman advised that the program is subject to availability of funds, right of way, and environmental review; proposed funding allocations are only projections so should the actual allocations be greater, NC DOT will continue down the priority list to fund additional secondary road improvements; and when secondary roads cannot be paved due to the inability to obtain right of way, NC DOT will continue down the priority list to fund additional secondary road projects.

GRAND TOTAL: \$370,503

Larry Ollis, resident on Little Horse Creek Road, stated that there was a public cemetery at the top of Little Horse Creek Road. The road is getting washed out and needs to be fixed. There are approximately 38 graves in the cemetery. Mr. Dishman said that there were some provisions where the DOT would maintain things like that but he would have to see what would be allowable in this situation.

Rachel Deal, Avery County resident, expressed concern about the lining of the main roads and the need for these roads to be relined and reflectors replaced.

Motion by Phyllis Forbes and second by Glenn Johnson to go out of a time of Public Hearing and into Regular Session at 5:24 p.m. Motion unanimously approved.

Motion by Martha Hicks and second by Glenn Johnson to approve the Secondary Road Construction Program with ensuing funding of \$370,503. Motion unanimously approved.

Avery Airport Authority – Sam Calvert

Sam Calvert, Chairman of the Avery Airport Authority, reported that the airport authority was awaiting funds from a grant and expects to receive these funds in approximately 45 days. The airport authority is requesting a loan in the amount of \$50,000 that the authority would reimburse the county to pay for completion of the taxiway at the airport.

Michaëlle Poore, County Attorney, advised that if the board wanted to do this a simple, formal agreement would need to be drawn up.

Motion by Phyllis Forbes and second by Martha Hicks to forward \$50,000 to the Avery Airport Authority to enable them to meet an indebtedness with these monies being reimbursed to Avery County in the next 30-60 days after an agreement by the County Attorney is drawn up. Motion unanimously approved.

Finance Officer Report – Tim Greene

Budget Amendment #

The Sheriff's Department has received a NC Department of Crime Control and Public Safety Governor's Crime Commission grant to be used to purchase bullet proof vests. This grant requires a 25% local match. The Board did give approval to apply for the grant in November 2010.

Motion by Phyllis Forbes and second by Glenn Johnson to approve \$2500 as a local match to purchase bullet proof vests with a debit of \$10,000 to Tactical Response Team Grant (105100.7416) and a credit of \$7500 to Crime Control Grant (103611.0000) and credit of \$2500 to Fund Balance Appropriation (103990.0000). Motion unanimously approved.

Budget Amendment #

The Emergency Management department has received two State Homeland Security Grants. Both are 100% reimbursement grants. The purpose of the grants is to be used for training classes to provide for an effective, efficient planning and response to an all hazards event.

Motion by Glenn Johnson and second by Scott Heath to approve the Budget Amendment of \$16,051.00 from two State Homeland Security grants with a debit of \$7595.00 to training (105250.1000) and a debit of \$8456.00 (105250.1000) and a credit of \$7595.00 to State Homeland Security Grant (103799.0000) and a credit of \$8456.00 to State Homeland Security Grant (103799.0000). Motion unanimously approved.

County Attorney Report – Michaëlle Poore

Mr. Wiseman stated that he and Ms. Morton had numerous telephone conversations and she has been out of pocket and he did not communicate to Laurie Vierheller that she needed to have information in by noon on Thursday and that he would take full responsibility for nothing being in the board packet regarding the Avery County Humane Society.

Ms. Poore stated she knew that Ms. Morton was out of town. There is a proposal in front of the board from the Humane Society but because this was not an agenda item the Board cannot take action on this matter tonight.

Ms. Morton expressed her frustration in coming to the Board for the fourth consecutive month and still nothing had been decided. Ms. Morton said she had tried to do everything to meet the requirements that were requested of her.

Chairman Poteat questioned if an addition to the agenda could be made. The County Attorney stated that the issue could be discussed and the Board give the County Attorney direction on how to proceed but any final action would need to be on the agenda for the March meeting.

A Special Meeting was set for Monday, February 13, 2012 at 3:00 p.m. to discuss the possible sale of property to the Avery County Humane Society.

Closed Session

Motion by Martha Hicks and second by Glenn Johnson to go into Closed Session at 6:05 p.m. regarding Contract Negotiation; Attorney/Client privilege (G.S. 143-318.11 (a)(3). The invitees are the Board, County Manager, County Finance Officer, County Attorney and Clerk.

Chairman Poteat declared the Board to be back in Regular Session after a time of Closed Session at 7:10 p.m. During said Closed Session, no vote was taken.

Approval Of Minutes

Motion by Martha Hicks and second by Glenn Johnson to approve the January 3, 2012 Regular Meeting Minutes. Motion unanimously approved.

Agenda Consent Items

Adopted by Consensus of the Board.

Upcoming Meetings

A special meeting on Monday, February 13, 2012 to discuss the possible sale of property to the Avery County Humane Society was scheduled. The next regular meeting will be Monday, March 5, 2012. A joint meeting with the Board of Education was scheduled for Monday, February 21, 2012 at 5:00 p.m. and a Special Meeting with the Fire Commission was scheduled for Tuesday, February 28, 2012 at 4:00 p.m.

Adjourn

Motion by Scott Heath and second by Phyllis Forbes to adjourn this meeting at 7:21 p.m. Motion unanimously approved.

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

ATTEST: _____
Cindy Turbyfill, Clerk