

**STATE OF NORTH CAROLINA
COUNTY OF AVERY**

The Avery County Board of Commissioners met in a Regular Session on Monday, July 18, 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 3:32 p.m.

Martha Hicks 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.

Board Appointments

Avery County Fire Commission

The term of Daryl Smith on the Avery County Fire Commission will expire in August 2011. Daryl is one of the two Avery County citizens appointed by the Board of Commissioners. Daryl has expressed his willingness to continue on the Fire Commission for another term. The term is for two years.

Motion by Martha Hicks and second by Scott Heath to appoint Daryl Smith to the Avery County Fire Commission for a term of two years. Motion unanimously approved.

Banner Elk Planning Board – Extraterritorial Jurisdiction

The Banner Elk Town Council requests that the Board of Commissioners approve Jillian Rosato as an Extraterritorial Jurisdiction representative to the Banner Elk Planning Board.

Motion by Scott Heath and second by Phyllis Forbes to appoint Jillian Rosato to a two year term on the Extraterritorial Jurisdiction of the Banner Elk Planning Board. Motion unanimously approved.

Avery County Agricultural Advisory Board

The Avery County Agricultural Advisory Board requests that Doug Clark be appointed to replace Gerald Arthur. Mr. Clark has agreed to serve on this board. Mr. Clark will be finishing out the term of Mr. Arthur which will expire in 2012.

Motion by Glenn Johnson and second by Martha Hicks to appoint Doug Clark to the Avery County Agricultural Advisory Board. Motion unanimously approved.

CDBG Application Grant – Rick Herndon

Rick Herndon, High Country Council of Government, stated that the purpose of addressing the Board is to request Avery County consider applying for the Community Development Block Grant for the High Country Council of Government. Approximately \$50,000 has been committed through the NC Department of Commerce to assist Council of Governments across the state in an economic development planning project. We are asking that Avery County serve as the local conduit for the funding. CDBG grants must be made through local governments because a council of government cannot directly apply for that money. There will need to be two public hearings regarding this grant.

Motion by Scott Heath and second by Glenn Johnson to approve an application for Community Development Block Grant funding and for Avery County to serve as a conduit in the amount of \$50,000. Motion unanimously approved.

High Country United Way Impact – Nancy Reigel

Nancy Reigel with High Country United Way Impact presented a power point presentation to the Board. Ms. Reigel explained that the High Country United Way is beginning a process of collecting input from Watauga and Avery community leaders to organize a cross-sector, integrated approach to determine community needs. Focus areas are health, income and education. A steering council will provide overall guidance to process and represent the chairs for the three focus areas. We will start by creating a common vision for an improved/ideal community and understanding barriers that keep us from realizing this. We will include short-range, mid-term and long-range goals with specific, actionable, and realistic measures. We are coming before the Commission to let them know about the initiative and invite their participation if they choose or offer to give them progress reports in the frequency they desire.

Mayland Community College – Dr. John Boyd

Dr. John Boyd, President of Mayland Community College, introduced Melissa Phillips as the new Dean at the Avery Campus of Mayland Community College.

Chamber of Commerce – Sue Freeman

Sue Freeman, Director of the Avery Chamber of Commerce, stated that the Centennial Celebration will be July 29, 30, and 31st in Newland. Ms. Freeman thanked the County for the \$20,000 and with partnering with other organizations turned this money around to \$40,000. A Centennial guide has been produced and been sent out to tourism centers in North Carolina. The whole idea of the Centennial Celebration is to have the entire town of Newland come to life. This Centennial Celebration has also been published in the Blue Ridge Parkway Publication. Scott Heath thanked the Chamber of Commerce for all their hard work on the Centennial Celebration.

Avery Drug Treatment Court Program – Dr. Tom Haizlip

Dr. Tom Haizlip, DART Committee, stated that the committee was involved with the establishment of the drug court. This drug court was funded by a federal grant for the first two years and then following that the state took over. During negotiations in the same budget, the drug court was dropped. Prior to that point, a drug court coordinator was shared with Watauga County which was the key position. This has become a very successful program. The state has left all of the statutes, programs, and files available but there is no longer funding for the drug court coordinator. Basically the only expense for the program is the funding for the coordinator. The offender is asked to pay \$500 and they are required to maintain a job. With the realignment of how the state will take care of short term incarcerations, these people will have to be treated in Avery County. The responsibility for the offenders is now Avery County's responsibility. This is a very cost effective program.

Chairman Poteat stated that one day last week he and Phyllis Forbes had met with Dr. Haizlip and Betty Erhart and discussed the drug court program at length. Apparently, there is an approximate cost of \$25,000. There was one coordinator that served both Avery and Watauga County.

Robert Wiseman, County Manager, advised that he had limited information. There are 25 pages of the Reinvestment Act. An email from Jerry Jackson is implying that there is an alternative way to this treatment instead of the drug treatment court. Mr. Wiseman said that if there are other options to this we need to investigate these.

Betty Erhart, DART Committee, stated that Judge Greg Horne has arranged for the participants in the drug treatment court to stay in treatment until August 1.

Chairman Poteat stated that the Board would make a decision on August 1st at the next Board meeting either way.

Sue Clouser, DART Committee, said that there was a sentencing service that would write grants and try to keep this program going and possibly the state would take it over again. There are two options: we can go with sentencing services and all that we have to do is help pay for the coordinator or the other option is to have a part-time person for Avery County alone. There have been 21 graduates from Avery County.

Nancy Morrison, DART Committee, stated that it does not really matter how we do it as long as we do this cost effectively and the DART committee will do whatever it takes to help facilitate this. The DART committee is willing to work with the County Manager's Office.

Dr. Haizlip said that the benefit of the drug court is the longevity and that is the real success. To maintain the personal growth, pride and to carry on is the real strength of the drug court.

Scott Heath asked the County Manager to find out how the state representatives felt about this program. He said that it "irked" him when a state starts a program and then mandates the county's to fund it.

Tax Assessors Report – Phillip Barrier

Real and Personal Releases

The Real and Personal Releases for the month of June 2011 are County Tax Release of \$140.60 and Fire Tax Release of 16.01 for Total Taxes to be Released \$168.23.

Motion by Phyllis Forbes and second by Martha Hicks to approve the Real and Personal Releases for the month of June 2011 as presented. Motion unanimously approved.

Real and Personal Refunds

The Real and Personal Refunds for the month of June 2011 are County Tax Refund of \$348.89 and Fire Tax Refund of \$28.84 for a total Tax Refund of \$377.73.

Motion by Glenn Johnson and second by Scott Heath to approve the Real and Personal Refunds for the month of June 2011 as presented. Motion unanimously approved.

Phillip Barrier stated that he had included the new tax bill in the Board's packet. With the new tax bill, there will be a return envelope included. There will be a payment plan option also. The citizens will be able to pay by credit card, debit card or Echeck now.

Recess

Chairman Poteat called for a 3 minute recess.

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

Toe River Health District – Linda Kinnae

Linda Kinnae introduced Deidre Tipton who is the Home Health Supervisor for the Avery, Mitchell, Yancey Home Health. Ms. Tipton stated that Home Health has been trying to get electronic medical record. The new health care reform requires that all health care have electronic medical record by 2014 or there will be penalties. Home Health is primarily a Medicare and Medicaid program. The penalties will come from Medicare and Medicare is currently 70% of the revenue for Home Health. We need to do this now or very soon because of the 2014 date. The penalties will start in 2014 and start at 1% and gradually work up to 5% off the top of every Medicare episode that will be billed. We have gotten reserve funds for a Rural Health Grant but if the funding is not matched by the end of September there is no guarantee we can get that grant. At this point we have half of the money sitting there and we need to match it to draw that down. If we can do the Electronic medical record now we can use the \$75,000 from the grant and \$20,000 that Toe River Health has in reserve and will only need \$18,000 from each county to finish it off. If we wait another year, we would need more funding from the counties to do this. We are basically asking for this one time funding and this is the lowest that it will ever be. Phyllis Forbes said that what is needed is a commitment but there are other ways being pursued for the funding. Ms. Tipton said that we need a commitment soon but that would not actually need the money until 2012. Mr. Wiseman said that he had talked to Mitchell and Yancey county managers and that it was going to be a tough road for all three counties to make this commitment before September for the monies to be available January 1, 2012. He said that if there was some way that we could meet the need by a letter of commitment and then the actual money be put in the 2012/2013 fiscal year this would have a better chance. Chairman Poteat stated that there would be more leverage with the other two counties if more time could be bought and this put in next year's budget.

County Manager Updates – Robert Wiseman

Parking at Courthouse

The one-hour parking is proceeding in front of the courthouse.

Unfunded Mandates

Mr. Wiseman stated that Avery County is not through the first month of the budget and now we are looking at a substantial mandate for courthouse security, looking at a budget amendment for Toe River Health District, funding drug court and are looking at a situation in the future through the Avery County Transportation which is going to mandate us to use certain software that is going to cost \$220 per month plus \$24.95 for each vehicle.

Economic Development Committee

Mr. Wiseman advised that the chain of command for the Economic Development Director is straight to the County Manager's Office. There has been in place in the past an Economic Development Committee. We need to think about this committee as an advisory group for Mr. Gardella to work with. It should not be an organization that controls the Economic Development Director. Consensus by the Board to continue the Economic Development Board as an advisory board and that this be truly an advisory board and not a supervisory board.

Economic Development Director – Bret Gardella

Glenn Johnson introduced Bret Gardella as the new Economic Development Director. Mr. Gardella stated that he had been meeting with some different boards and had been touring Avery County with some of the commissioners.

Chairman Poteat turned the meeting over to Vice-Chair Phyllis Forbes at 6:06 p.m. Chairman Poteat had a meeting in Boone with the High Country Council of Government.

Jail Update – Jeff Hurd

Jeff Hurd, MB Kahn, reported that the jail project has no slippage in the schedule; no change in the financial pieces of the project. Vannoy has been very successful on this project and this project is coming along real well. We are on target for the schedule this coming fall and looking forward to Phase II.

Banner Elk School Update – Jeff Hurd

Mr. Hurd reported that the certificate of occupancy from the state building department and local building department was issued on June 29, 2011. Everything is in the fine tune mode. The IT Department completed last week as far as all the networking concerns. The furniture, fixtures and equipment deliveries began late Wednesday and they will

remain on schedule until school starts. The playground equipment will be installed next week. This project remains to be under budget.

Approval of Minutes

Motion by Martha Hicks and second by Glenn Johnson to approve the May 19, 2011 Budget Workshop Minutes. Motion unanimously approved with those in attendance (4-0).

Agenda Consent Items

Adopted by consensus of the Board.

Upcoming Meetings

The next meeting will be August 1, 2011 at 3:30 p.m. The NCACC Conference is scheduled for August 18-21, 2011 in Concord, NC.

Adjourn

Motion by Scott Heath and second by Glenn Johnson to adjourn this meeting at 6:26 p.m. Motion unanimously approved with those in attendance (4-0).

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

ATTEST: _____
Cindy Turbyfill, Clerk