

**STATE OF NORTH CAROLINA
COUNTY OF AVERY**

The Avery County Board of Commissioners met in a Regular Session on Monday, July 2, 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; Scott Heath; Martha Hicks
Members Present via Telephone: Phyllis Forbes; Glenn Johnson

Members Absent: None

Call To Order

Chairman Poteat called the meeting to order at 3:30 p.m.

Chairman Poteat led prayer.

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

Public Comment

Junior Sluder, Avery Fire Association, stated "It came to my attention on Saturday about who fire trucks should be titled to. Two fire chiefs got letters stating that there would be no more new fire trucks unless they are titled to the county and leased to the fire department. I want a yes or no. Did you make that statement? The fire departments do not want this. I have talked to quite a few of them. We went over this 3 years ago. We thought this was settled. Morale is the big deal."

Chairman Poteat asked the County Manager, Robert Wiseman, if he had any knowledge of a letter. Mr. Wiseman said he would assume that was a decision made by the fire commission.

Junior Sluder said that Daryl Smith said that was the way it was going to be; that is what the commissioners said in a budget hearing.

Scott Heath stated that his recollection was that the Board was having a budget meeting and the question came up about the new trucks being titled to the fire commission or county. The issues were that if you are titling the trucks to a certain fire department and something happens to the fire department does the county continue to get the use of the trucks. If it is titled to the county, then the trucks can go somewhere else to be used if something happens to one of the fire departments. I think that is where that came from.

Junior Sluder stated that he had been in business for 50 years and has never done anything but open up fire departments. He said things like this is what will cause fire departments to close. We would like to have fire trucks titled to each individual fire department because that is what makes us. Little boys need their wagons. I would like to know what you are going to stick to so I can go back to the Fire Association on Thursday night.

Martha Hicks said that her recollection was that this was said in a budget meeting.

Scott Heath said there was some discussion on whether it would be titled to the fire commission or the county.

Mr. Sluder said "do you realize what you are doing to the fire service when you do this. I feel like we are being punished for what you all let go with the rescue squad for years and years and built up to a closing. We are a long ways from that. You all don't trust the fire service."

Glenn Johnson stated that was a decision made by the county commissioners to title all the vehicles to Avery County or the fire commission and that was a recommendation from the fire commission. We appointed the fire commission to do our business and it was their recommendation. We have been talking about it for several years. A decision was finally made that it was the best interest to title the vehicles to Avery County and/or the fire commission.

Board Appointments

Avery County Joint Community Advisory Committee

Mr. Wiseman stated that he had talked to Ms. Rachel Deal and she is in Life Care right now in rehabilitation from an injury. Ms. Deal is up for reappointment to the Avery County Joint Community Advisory Committee and she has indicated her desire to be reappointed to this committee for a three year term.

Motion by Martha Hicks and second by Scott Heath to appoint Ms. Rachel Deal to the Avery County Community Advisory Committee for a term of three years. Motion unanimously approved (Phyllis Forbes and Glenn Johnson voted via telephone).

Avery County Agricultural Advisory Board

The Avery County Agricultural Advisory Board is requesting that Bonita Smith be appointed to fill a vacant seat on the Board. She will be replacing Mr. Harry Smith who had to resign. He was appointed in 2012. Ms. Smith will be filling out the remaining term until 2013.

Motion by Phyllis Forbes and second by Scott Heath to appoint Bonita Smith to fill out the remainder of the term for Mr. Harry Smith on the Avery Agricultural Advisory Board. Motion unanimously approved (Phyllis Forbes and Glenn Johnson voted via telephone).

NCACC Voting Delegate

The Board must appoint a voting delegate to the NCACC Annual Conference. This delegate will cast the County's vote during the annual business session.

Chairman Poteat stated that he would appreciate the Board naming him as this voting delegate because he would be giving the nominating speech for the second vice president of the association from Wilkes County.

Motion by Scott Heath and second by Martha Hicks to appoint Kenny Poteat as the Voting Delegate for the NCACC Conference. Motion unanimously approved (Phyllis Forbes and Glenn Johnson voting via telephone).

Banner Elk Planning Board ETJ Member

The Banner Elk Planning Board currently has an extraterritorial jurisdiction board vacancy. The attached application is for Martha Laura Miller.

Motion by Martha Hicks and second by Scott Heath to approve Martha Laura Miller to the Banner Elk Planning Board as an ETJ member. Motion unanimously approved by those present (4-0) (Glenn Johnson did not vote; unavailable by phone at this time).

Recess

Chairman Poteat called for a one minute recess.

Chairman Poteat declared the meeting to be back in Regular Session

Public Hearing – Closeout of CDBG Program #09-C-1983 – Michelle Ball

Motion by Scott Heath and second by Phyllis Forbes to go out of a time of Regular Session and into a time of Public Hearing concerning Closeout of CDBG Program #09-C-1983 at 3:50 p.m. Motion unanimous with four members voting (4-0). (Glenn Johnson did not vote; unavailable by phone at this time).

Michelle Ball advised that the purpose of this public hearing was to give citizen input for the Closeout of the 2009 CDBG Scattered Site Housing Program. The county received \$400,000 to assist low to moderate home owners with housing repairs or home replacement. Five homes were treated with program funds; three received replacement and clearance assistance. The average cost of the replacements was \$84,790. The average cost for rehabilitation is \$39,995.00. We spent \$16,500 in clearance activities, \$237,627.70 for replacement or relocation, \$79,990.26 for rehabilitation activity and \$46,274.25 for planning and administration. There are some unexpended funds in the amount of \$19,634.79 and that will be sent back to the state to be used in other CDBG programs. That amount is higher than normal but we ran out of time and houses and too small amount to do one house.

There were no public comments.

Motion by Martha Hicks and second by Scott Heath to go out of a time of Public hearing concerning the Closeout of CDBG Program #09-C-1983 at 3:58 p.m. and back into Regular Session. Motion unanimously approved (Phyllis Forbes and Glenn Johnson voting via telephone).

Motion by Martha Hicks and second by Glenn Johnson to approve the closeout of the CDBG Program #09-C-1983. Motion unanimously approved (Phyllis Forbes and Glenn Johnson voting via telephone).

Public Hearing – Application for 2012 CDBG Funds in the Scattered Site Housing Category – Michelle Ball

Motion by Scott Heath and second by Martha Hicks to go out of Regular Session and into a time of Public Hearing regarding the Application for the 2012 CDBG Funds in the Scattered Site Housing Category at 4:00 p.m. Motion unanimously approved (Phyllis Forbes and Glenn Johnson voting via telephone).

Michelle Ball advised that the purpose of this public hearing is to receive comment regarding the Application for the 2012 CDBG Funds in the Scattered Site Housing Program. Each county in the state of North Carolina with the exceptions of Mecklenburg, Wake and Cumberland receives funding every 3 years to assist low-income homeowners with housing repairs. Avery County is scheduled to receive funding in the 2012 cycle and will be required to submit an application to the NC Division of Community Assistance stating how they plan to administer

the project. The Board will be asked to appoint an advisory committee after the public hearing for the Scattered Site Housing Project. The committee is made up of representatives from the County, each municipality, and area agencies and will meet to help plan the program as well as select the homeowners that will participate.

There were no public comments.

Motion by Scott Heath and second by Martha Hicks to go out of the Public Hearing regarding the Application for the 2012 CDBG Funds in the Scattered Site Housing Category and back into Regular Session at 4:07 p.m. Motion unanimously approved (Phyllis Forbes and Glenn Johnson voting via telephone).

Motion by Martha Hicks and second by Scott Heath to approve the Avery County CDBG Housing Advisory/Selection Committee. Motion unanimously approved by those voting (4-0) (Phyllis Forbes voted via telephone; Glenn Johnson did not vote due to telephone call disconnected).

County Manager Updates – Robert Wiseman

Courthouse Renovation/Jail Renovation

Robert Wiseman, County Manager, stated that sometime in August the final certificate of occupancy should be issued for the new section of the jail and the expansion and renovation. When this occurs, the Probation and Parole Officers which are now housed in Banner Elk will relocate in the jail facility. Just to remind everyone per a previous discussion with the Sheriff, it was discussed when the certificate of occupancy was issued that we would take a look at rearranging or relocating some of the office space specifically referring to the Board of Elections. This, of course, dovetails with the plans of the courthouse renovation. For the Clerk of Court and all of the records to remain housed in the facility will necessitate that we create storage space in the bottom of the courthouse. This will require relocation of some of the equipment and other things that are stored.

Avery Transportation System Safety Program Plan – Linda Cuthbertson

Linda Cuthbertson, Director of Avery Transportation, stated that the System Safety Program Plan was adopted by the Avery County Board of Commissioners in 2004. She stated that she was now asking for approval of a revision to the plan. The plan was presented to the Avery County Transportation Board on June 21, 2012. The changes have been highlighted. The safety plan mandates six elements which are driver/employee selection; driver/employee training; safety data acquisition analysis; drug, alcohol and abuse program; vehicle maintenance; and security. Ms. Cuthbertson explained all of the six elements of the System Safety Program. The System Safety Program Plan is updated as changes occur and an annual review is required to ensure all information is current. The annual review must be adopted by the Board.

Motion by Scott Heath and second by Martha Hicks to adopt the System Safety Program Plan revisions for Avery County Transportation as presented. Motion unanimous with those voting (4-0) (Phyllis Forbes voted via telephone; Glenn Johnson did not vote; unavailable by phone at this time).

Recess

Chairman Poteat called for a 10 minute recess.

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

Public Hearing – 10 Year Solid Waste Management Plan for 2012 through 2022- Buddy Norris

Motion by Martha Hicks and second by Scott Heath to go out of Regular Session and into a time of Public Hearing at 4:30 p.m. Motion unanimous with those voting (4-0) (Phyllis Forbes voted via telephone; Glenn Johnson did not vote; not available by phone at this time).

Buddy Norris, Avery County Solid Waste Director, explained that the purpose of this public hearing was to allow public comment regarding the 3 year update of the 10 year Solid Waste Management Plan. Within the updates are elements that designate waste reduction goals, affect recycling and establish new goals. The significant changes within the 3 year updates are surrounded around electronic management and recycling that was mandated by the state. In 1991 the state assessed baseline goals for all counties based on their per capita rating and at that time there was no consideration for some of the rural counties in the state with regard to tourism. Incidentally, the rate that was set was 0.74 tons on a per capita basis. Obviously this goal is something we strive to achieve. Right now we are trying to get to the 0.74 but based on the annual figures we are at 0.92. We are not at the baseline number. To achieve the goals of waste reduction, we are trying to improve the recycling program. The deep budget cuts are going to affect the goals we are trying to achieve as well.

Chairman Poteat questioned how many convenience sites were located in Avery County. Mr. Norris answered that there were 7 convenience sites. All these sites allow for recyclables. The Linville Convenience Site is the largest facility and most active facility.

Mr. Norris announced that a Hazardous Material Day would be held on August 18th from 9-3:00 p.m. behind the Avery County Board of Education.

There were no public comments.

Motion by Scott Heath and second by Martha Hicks to go out of the Public Hearing regarding the Solid Waste 10 year Management Plan and into Regular Session at 4:46 p.m. Motion unanimously approved with those voting (4-0) (Phyllis Forbes voted via telephone; Glenn Johnson did not vote; unavailable by phone at this time).

Motion by Martha Hicks and second by Scott Heath to approve the Resolution Accepting and Endorsing the Solid Waste Management Plan of 2012 for Avery County. Motion unanimously approved with those voting (4-0) (Phyllis Forbes voted via telephone; Glenn Johnson did not vote; unavailable by phone at this time).

NC Tomorrow Project – Updated Fair Housing Plan and Fair Housing Complaint Procedure – Michelle Ball

The Fair Housing Plan and the Fair Housing Complaint Procedure is required by CDBG regulations and must be approved by the Board and signed by the Chairman. This is Federal money from HUD money so it is a requirement to have these current. The complaint procedure is posted in the county building as well as published once or twice during the life of the grant.

Motion by Scott Heath and second by Phyllis Forbes to approve the Fair Housing Plan and the Fair Housing Complaint Procedure. Motion unanimously approved by those voting (4-0) (Phyllis Forbes voted via telephone; Glenn Johnson did not vote, unavailable by phone at this time).

Tax Administrators Report – Phillip Barrier

Tax Collection Report

The Tax Collections for the month of June 2012 is \$107,375.44. The Tax Collection Rate is 95.99%.

Motion by Martha Hicks and second by Scott Heath to approve the Tax Collection Report as presented. Motion unanimously approved by those voting (4-0) (Phyllis Forbes voted via telephone; Glenn Johnson did not vote, unavailable by phone at this time).

Avery County Activity Total Reports

Mr. Barrier stated that this report shows what has been done for the years. We have been collecting back taxes. The total taxes collected for the year is \$17,092,299.00.

Motor Vehicle Releases

The Motor Vehicle Releases for the month of June 2012 are County tax of \$28.96; City Tax of \$23.52 and Fire Tax \$3.51.

Motion by Martha Hicks and second by Scott Heath to approve the Motor Vehicle Releases for the month of June 2012 as presented. Motion unanimously approved by those voting (4-0) (Phyllis Forbes voted via telephone; Glenn Johnson did not vote, unavailable by phone at this time).

Real and Personal Releases

The Real and Personal Releases for the month of June 2012 is County tax of \$441.64 and Fire Tax of \$50.63.

Motion by Martha Hicks and second by Scott Heath to approve the Real and Personal Releases for the month of June 2012 as presented. Motion unanimously approved by those voting (4-0) (Phyllis Forbes voted via telephone; Glenn Johnson did not vote, unavailable by phone at this time).

Property Sales Statistics

There were 17 sales and 17 foreclosures for the month of June 2012. There were 367 qualified sales for the year. Mr. Barrier gave examples property sales in Avery County.

Avery County Ranger Report – Joe Shoupe

Joe Shoupe gave the annual report for the Avery County Ranger's Office. This report covers the major activities and accomplishments for the year from July through June. The county staff consists of Dale Laws, the Smoke Chaser, and Joe Shoupe, Avery County Ranger. There is a Strike Team of 25 active members consisting of local firefighters trained to assist with fires and natural disasters. The NC Forest Service maintains the old Hawshaw Fire Tower along with the office at Prison Camp Road. The citizens of Avery County continue to benefit from the NC Forest Service BRIDGE Crew Program. This program utilizes non-violent youthful offenders to perform forestry related work and community service projects. It is the responsibility of the NC Forest Services to assist non-industrial private landowners with the management of their forests. The NC Forest Service maintains a strong information program.

County Manager Updates Continued – Robert Wiseman

Water Quality Project

Mr. Wiseman stated that there are funds available for a regional storm water project. He said he had given the HCCOG the go ahead with the planning for this project. The area affected is the Banner Hill and Hickory Nut Gap locations. The project will be completed at no monetary cost to Avery County.

Expenditure of 911 Discretionary Funds

Mr. Wiseman advised there were some monies in the 911 Emergency Funds that the restrictions on the expenditures had been relaxed and last week Emergency Management, Communications and Emergency Medical Services met. The monies will be spent on the mobile command post and stair chairs for the Emergency Medical Services.

ADA Handicapped Parking

Mr. Wiseman explained that the street that comes down by the jail will be closed off for a week to 10 days so that some of the parking places can be leveled and handrails put in place.

Vacancy in the Finance Office

Mr. Wiseman advised that for about three years he and the Finance Officer had discussed the need for a Human Resources position. There is a vacancy now in the Finance Office and that job description will be revised to include Human Resources.

Finance Officer Report – Tim Greene

Nothing to report.

County Attorney Report – Michaelle Poore

Nothing to report.

Approval of Minutes

Motion by Scott Heath and second by Martha Hicks to approve the May 7, 2012 Regular Meeting Minutes, May 7, 2012 Closed Session Minutes, and May 10, 2012 Budget Workshop Minutes. Motion unanimously approved with those voting (4-0) (Phyllis Forbes voted via telephone; Glenn Johnson did not vote, unavailable by phone at this time).

Upcoming Meetings

The July 16, 2012 meeting has been cancelled. September 3, 2012 will be Labor Day. This meeting will be rescheduled for Tuesday, September 4, 2012.

Adjourn

Motion by Martha Hicks and second by Scott Heath to adjourn this meeting at 5:35 p.m. Motion unanimously approved (4-0) (Phyllis Forbes voted via telephone; Glenn Johnson did not vote, unavailable by phone at this time).

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

ATTEST: _____
Cindy Turbyfill, Clerk

