

**STATE OF NORTH CAROLINA
COUNTY OF AVERY**

The Avery County Board of Commissioners met in Regular Session on Monday, June 4, 2012 at 3:30 p.m. in the Commissioners Board Room, Avery County Administrative Complex, 175 Linville Street, Newland, N.C.

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 3:31 p.m.
Martha Hicks led prayer.

Public Comments

Phillip Riddle, Avery County citizen, commented that he owned property next to the Avery/Mitchell County line. He said that he had a concern with Underwood Trucking Company. It was brought to his attention that Underwood was going to put in a Fluoride storage facility and was in the process of getting a permit in Mitchell County for this facility. He said that Fluoride was highly toxic. The Mitchell County Inspections Department indicated that the Fluoride percentages would be 20-30% but that Mr. Riddle said the information he had gathered is that the percentages for Fluoride would be 40-50% and as high as 70%. Mr. Riddle said his concern was that if something happened to the tanks that there was the possibility of having to evacuate Mayland Community College and also the state prison. He said he wanted the Board to be aware of this situation.

Chairman Poteat instructed the County Manager to investigate this situation.

Board Appointments

Mayland Community College

Robert Wiseman, County Manager, stated that due to the overload of appointments and board memberships Phyllis Forbes has been forced to resign her seat on the Mayland Community College Board of Trustees and her replacement needs to be from this Board of Commissioners. Chairman Poteat stated that he would be willing to serve if the Board wanted him to serve in that capacity.

Motion by Martha Hicks and second by Scott Heath to approve Mr. Kenny Poteat as a Board member for the Mayland Community College Board of Trustees for the term from July 1, 2012 through June 30, 2016. Motion unanimously approved (Glenn Johnson and Phyllis Forbes voting via telephone).

Avery County Morrison Library Board and AMY Regional Library Board

Dr. Daniel Barron advised that there was a nomination for a Board member to replace Nancy Morrison who served on the local board as well as the regional board. We are asking that Sam Calhoun be appointed to these boards for a term of three years beginning in July.

Motion by Scott Heath and second by Martha Hicks to appoint Sam Calhoun to the Avery County Morrison Library Board and AMY Regional Library Board for a term of 3 years beginning in July 2012. Motion unanimously approved (Glenn Johnson and Phyllis Forbes voting via telephone).

Region D Development Corporation Membership

Mr. Wiseman stated that the current seated members representing Avery County are Daryl Smith, Tommy Burleson, Tena Trice and Robert Wiseman. There are membership requirements in which one has to be from a local commercial institute which is Ms. Trice, local business owner which is Daryl Smith, local government official which is Robert Wiseman and member at large which is Tommy Burleson. All of these current members have agreed to continue to serve on this board. This is an annual appointment.

Motion by Martha Hicks and second by Scott Heath to approve Robert Wiseman, Daryl Smith, Tommy Burleson and Tena Trice to be appointed to the Region D Development Corporation membership for a term of one year. Motion unanimously approved. (Phyllis Forbes voting via telephone; Glenn Johnson disconnected at this time and did not vote).

Toe River Board of Health

Mr. Wiseman advised that there are two vacancies on the Toe River Board of Health. These vacancies need to be filled by a physician and registered nurse. Dr. Jerry Yale and Eula Johnson have agreed to serve on this Board. The Board of Commissioners need to recommend these individuals to serve on the Toe River Board of Health.

Motion by Martha Hicks and second by Scott Heath to recommend for appointment Dr. Jerry Yale and Eula Johnson to the Toe River Board of Health. Motion unanimously approved (Glenn Johnson and Phyllis Forbes voting via telephone).

Mr. Wiseman announced that Mr. R.D. Daniels had received information that there were some changes to incorporate into the documents he was supposed to present to the Board today on this information will be presented at the next regular meeting.

Public Hearing – Rural Operating Assistance Program – Avery County Transportation – Linda Cuthbertson

Motion by Martha Hicks and second by Scott Heath to go out of Regular Session and into a time of Public Hearing at 3:50 p.m. Motion unanimously approved with those voting (4-0) (Glenn Johnson did not vote due to telephone difficulties; Phyllis Forbes voted via telephone).

Linda Cuthbertson, Avery County Transportation Director, asked the audience to fill out the Voluntary Public Involvement form that was handed out.

Ms. Cuthbertson explained that she is applying for monies from the Rural Operating Assistance Program. This is an annual program. Avery County is applying for \$109,800 which is 100% money with no county match. Last year Avery County applied for \$106,012. There was an increase this year.

These monies are used for elderly and disabled transportation, employment transportation and rural general public transportation.

The Board needs to approve the certified statement for the Rural Operating Assistance Program for Avery County once the public hearing is closed.

There were no public comments.

Motion by Scott Heath and second by Martha Hicks to go out of the Public Hearing and back into Regular Session at 3:55 p.m. Motion unanimously approved (Glenn Johnson and Phyllis Forbes voting via telephone).

Chairman Poteat stated that a motion needed to be made to approve the certified statement for the Rural Operating Assistance Program for Avery County.

Motion by Scott Heath and second by Martha Hicks to approve the certified statement for the Rural Operating Assistance Program for Avery County. Motion unanimously approved (Glenn Johnson and Phyllis Forbes voting via telephone).

AMY Regional Library Long-Range Strategic Plan – Dr. Daniel Barron

Dr. Daniel Barron explained that in order for AMY Regional Library to qualify for state aid there must be a five year plan, a strategic plan, and a technology plan. We are trying to engage as many people as possible in the front end of the strategic planning process to give us input as to what we are doing well, what we need to improve on and to inform the governing body as to what we are doing and what we are about. Dr. Barron asked the Board to please take a look at what the overall goals were in the next couple of weeks and provide any questions or input. Dr. Barron stated that a survey had went out in April and that 80% of the people who responded used the library at least monthly with the largest number of people who responded used the library a couple of times a week.

NC Tomorrow Program – Michelle Ball

Michelle Ball stated that the Department of Commerce sent an email stating that one more piece of documentation pertaining to the NC Tomorrow Program would need to be approved before funds could be released. This document is a legally binding commitment between Avery County and High Country Council of Government. This contract states that Avery County would be providing \$50,000 pass through grants and High Country Council of Government will be providing the grant administration, planning, meetings, data collection, etc.

Motion by Martha Hicks and second by Scott Heath to approve the Legally Binding Commitment Agreement between Avery County and High Country Council of Government. Motion unanimously approved (Glenn Johnson and Phyllis Forbes voting by phone).

Tax Administrator Report – Phillip Barrier

Tax Collections Report

The Tax Collections Report for the month of May 2012 is \$128,198.57.

Motion by Martha Hicks and second by Scott Heath to approve the Tax Collections Report for the month of May 2012 as presented. Motion unanimously approved (Glenn Johnson and Phyllis Forbes voting via telephone).

Real and Personal Releases

Mr. Barrier reported that he and an office staff went out and visited some people that may have had a single wide or double wide that did not own the property. Because of that we found some mobile homes that were gone. We are trying to clean up old records and our goal is to not let it get behind again.

The Real and Personal Releases for the month of May 2012 is \$4,360.13.

Motion by Martha Hicks and second by Scott Heath to approve the May 2012 Real and Personal Releases as presented. Motion unanimously approved (Glenn Johnson and Phyllis Forbes voted via telephone).

Motor Vehicle Releases

The motor vehicle releases for the month of May 2012 is County Tax \$7.77; Fire Tax 0.94 for a total of \$8.71.

Motion by Martha Hicks and second by Scott Heath to approve the Motor Vehicle Releases for the month of May 2012 as presented. Motion unanimously approved (Glenn Johnson and Phyllis Forbes voting via telephone).

Motor Vehicle Refunds

The motor vehicle refunds for the month of May 2012 is County Tax \$211.20; City Tax \$236.80 and Fire Tax of \$25.60.

Motion by Martha Hicks and second by Scott Heath to approve the Motor Vehicle Refunds for the month of May 2012 as presented. Motion unanimously approved (Glenn Johnson and Phyllis Forbes voting via telephone).

Sales Statistics

The sales for the month of May 2012 are 22. There were 11 foreclosures in May.

Home & Community Care Block Grant – R.D. Daniels

Report postponed until next meeting.

County Manager Updates – Robert Wiseman

Courthouse Renovation

Mr. Wiseman stated he had been in contact with Beeson, Lusk, & Street and will be meeting with them soon. This courthouse renovation is going to be a logistical nightmare. This will be a complete renovation of the existing Clerk of Court office, vault large courtroom upstairs, etc. There will be a period of time where the courthouse cannot be accessed through the front door. The first obstacle is where to hold court and the second obstacle is where do we secure the Clerk of Court's records. There will be logistical issues of sizeable consequence. He said that Avery County needed construction management on the front end of this project. The projected timeline for this project is 13 months.

Broadband Grant – ARC

Avery County will work through HCCOG to apply for the ARC grant for half of the money back. We will receive half of our half from Mountain Electric. Avery County will only have to pay 25% of the whole project.

Finance Officer Report – Tim Greene

Tim Greene requested that the Board make a motion to approve Young, Miller, & Gillespie, P.A. to audit the financial statements of the County of Avery as of and for the year ended June 30, 2012. The audit report will be issued no later than October 31, 2012 at a price not to exceed \$31,900. This represents no increase from the prior fiscal year and does include the Fire Commission audit.

Motion by Scott Heath and second by Martha Hicks to approve Young, Miller, & Gillespie, P.A. as auditors. Motion unanimously approved (Glenn Johnson and Phyllis Forbes voting via telephone).

Budget Amendment #

The Banner Elk School Project Fund can be closed with the remaining monies transferred to the Capital Reserve Fund.

Motion by Martha Hicks and second by Scott Heath to approve the budget amendment to close out the Banner Elk School Project Fund and transfer the monies to the Capital Reserve Fund with a debit of \$280,185.92 to Capital Res. Fund (436600.8541); credit of \$280,185.92 to Fund Balance-Appropriated (433990.0000); debit of \$280,185.92 to Fund Balance – Appropriated (463990.0000) and credit of \$280,185.92 to Other Funds (463104.0000). Motion unanimously approved (Glenn Johnson and Phyllis Forbes voting via telephone).

County Attorney Report – Michaelle Poore

Michaelle Poore, County Attorney, reported that the Farmland Preservation Ordinance was voted on at the last meeting but because there was not a full board the ordinance required a second vote.

Motion by Scott Heath and second by Martha Hicks to approve the Farmland Preservation Ordinance Amendments. Motion unanimously approved (Glenn Johnson and Phyllis Forbes voting via telephone).

Ms. Poore advised that a new round of tax collections was in process. Over 90 letters have been sent out and around 40 people have come in and set up tax payments. That leaves approximately 51 accounts that tax foreclosures will be filed against.

Agenda Consent Items

Adopted by consensus.

Upcoming Meetings

Public Hearing scheduled regarding the FY 2012/2013 Budget on June 18, 2012 at 4:00 p.m. The next regular meeting will be June 18, 2012 at 3:30 p.m.

Adjourn

Motion by Scott Heath and second by Glenn Johnson to adjourn this meeting at 5:00 p.m. Motion unanimously approved. (Glenn Johnson and Phyllis Forbes voting via telephone).

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

ATTEST: _____
Cindy Turbyfill, Clerk