

**STATE OF NORTH CAROLINA
COUNTY OF AVERY**

The Avery County Board of Commissioners met in Regular Session on Monday, June 6, 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; Scott Heath; Martha Hicks; Glenn Johnson

Members Absent: Phyllis Forbes

Call To Order

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

Martha Hicks led prayer.

Chairman Poteat stated if anyone would like to speak to an agenda item they must sign up with the clerk otherwise there would be a time of public comment.

Public Comments

Junior Sluder stated that the Fire Association would like to get some type of approval from the Board that the fire departments can take a fire truck across Hwy 221. Mr. Sluder stated that Hwy 221 now had a weight limit of 6 ½ ton which would not allow fire trucks to be on Hwy 221 from Linville across Grandfather Mountain. The Fire Association would like the Board to go to the Department of Transportation and get clarification regarding fire trucks.

Chairman Poteat instructed the County Manager to research the 6 ½ ton weight limit on Hwy 221 at Linville going across Grandfather Mountain.

Contract for AMY Regional Library – Dr. Daniel Barron

Dr. Daniel Barron, Director of AMY Regional Library, reported that state regulations changed officially in April as to how regional libraries need to be governed in order to get state funding. We are matched dollar for dollar for every local dollar that is put up. Every 5 years the contract has been renewed between the three counties and the town of Spruce Pine. This year because of the new changes in regulations we have had to revise our contract and now we are asking for a 10 year agreement rather than a 5 year agreement which was suggested by one of the attorneys. The State Library Commission has read this and our attorney has read it along with the four attorneys for the counties and town of Spruce Pine. The Regional Library board has approved this also. Michaelle Poore, County Attorney, advised that the Board could approve this.

Motion by Martha Hicks and second by Glenn Johnson to approve the contract for the AMY Regional Library. Motion unanimously approved with those in attendance (4-0).

Tax Collector Report – Phillip Barrier

The total Tax Collections for the month of May 2011 is \$139,769.31.

Motion by Scott Heath and second by Martha Hicks to approve the Tax Collectors Report as presented. Motion unanimously approved with those in attendance (4-0).

Tax Assessors Report – Phillip Barrier

Real and Personal Releases

The Real and Personal Releases for the month of May 2011 is County Tax Release \$1,491.01, Fire Tax \$159.68.

Motion by Glenn Johnson and second by Scott Heath to approve the Real and Personal Releases as presented. Motion unanimously approved with those in attendance (4-0).

Motor Vehicle Releases

The Motor Vehicle Releases for the month of May 2011 is County Tax Release of \$9.94 and Fire Tax Release \$1.21.

Motion by Martha Hicks and second by Glenn Johnson to approve the Motor Vehicle Releases for the month of May 2011. Motion unanimously approved with those in attendance (4-0).

Sales Statistics

Mr. Barrier stated that the total sales for this year were 301; last year (2010) the total sales were 355. There have been 66 foreclosures this year.

County Manager Updates – Robert Wiseman

Tentative Budget

The tentative budget has been filed with the Clerk to the Board as of June 1, 2011. A public hearing will be held on June 20, 2011 at 4:30 p.m. regarding the Fiscal Year 2011/2012 Budget.

Broadband

Robert Wiseman, County Manager, stated that it would appear that the ARC grant application in the amount of \$13,500 for the asset inventory will be approved. A letter has been received from Governor Beverly Perdue that the grant application has been approved at the state level.

Newland Tag Office

The Town of Newland Council will meet tomorrow night and discuss the situation with the Newland Tag Office.

Economic Development Director

There will be two days established in the upcoming week to begin interviewing applicants for the Economic Development Director.

Jail Construction

Mr. Wiseman reported that the jail construction was on schedule and that phase I should be completed in September. He said that Nick Montanez, MB Kahn, had assured him that there will be no delay due to the transition of the inmates from the existing jail into the new one and that it is anticipated that the inmates would not have to be “farmed out” to another facility.

Finance Officer Report – Tim Greene

Tim Greene, Finance Officer, reported that the County’s annual individual Surety Bonds are up for renewal effective July 1, 2011. The Surety Bonds are issued to ensure the individual’s faithful performance of their duties. Mr. Greene requested that the Board consider changing the bond amounts pending the county attorney’s approval as follows:

- Chairman of the Board From \$100,000 To \$ 50,000
- County Manager From \$100,000 To \$ 50,000
- Finance Director From \$250,000 To \$100,000
- Register of Deeds From \$ 50,000 To \$ 25,000
- Tax Collector From \$100,000 To \$ 50,000

Michaëlle Poore, County Attorney, advised that the County does not need to pay more than the general statute requires.

Motion by Glenn Johnson and second by Scott Heath to approve changing the Surety Bond amounts pending the county attorney’s research. Motion unanimously approved with those in attendance (4-0).

Home and Community Care Block Grant Agreement – R.D. Daniels

R.D. Daniels, Director of Avery Senior Center, stated that it is time again to renew the Home and Community Care Block Grant Agreement. There are no differences from last year to this year. The block grant funds are federal funds matched by state and local monies. Basically, this is our proposed budget for the coming year with the block grant. The approval today is contingent on the approval of the County’s budget by the first of the fiscal year.

Motion by Martha Hicks and second by Scott Heath to approve the Home and Community Care Block Grant Agreement July 1, 2011 through June 30, 2012. Motion unanimously approved with those in attendance (4-0).

Finance Officer Report---Continued

Budget Amendment #

Mountain Ambulance & Healthcare Foundation has offered to reimburse the County for a new chassis and refurbish an existing ambulance box. Request the Board adopt a Budget Amendment for the \$85,000.

Motion by Scott Heath and second by Martha Hicks to approve a Budget Amendment in the amount of \$85,000 regarding a new ambulance chassis and refurbishing an existing ambulance with a debit of \$85,000 to Capital Outlay-Vehicles (105300.7400) and a Credit of \$85,000 to Donations (103345.0000). Motion unanimously approved with those in attendance (4-0).

Budget Amendment #

Mr. Greene reported that the Sheriff’s Office will exceed the budgeted salary line item by \$70,000. Ordinarily in the salary line item there is some excess to cover an overage but this year it doesn’t look like this will be the case.

Chairman Poteat stated that this is a substantial amount of money for one line item and that this bears some discussion. Glenn Johnson questioned if this was for overtime. Sheriff Kevin Frye stated that the biggest thing that was "killing us" is court hours. The employees are coming in on their days off to testify in court cases. There have been two federal investigations and this has tied up several officers for days at a time in federal court. When there was no reserve officers then overtime had to be used for deputies to keep someone on the road. Reserve Officers are paid \$10.00 an hour. Mr. Johnson questioned how many hours does this amount of money represent? Sheriff Frye stated that this is about 4000 hours. Scott Heath stated that labor is a manageable situation in a budget. Sheriff Frye stated that this has happened in years past but has been covered by the excess in the salary line item. Mr. Heath stated that the sheriff had a budget and that this part of the budget cannot be open ended. Sheriff Frye stated that he had two road officers per shift and a supervisor that worked a split shift to cover all of Avery County. Sheriff Frye stated that there are limited things that can be done about situations that require overtime. Chairman Poteat said that the Sheriff's charge was to serve and protect the people of Avery County and that he was doing an excellent job but the Board of Commissioners charge is to protect Avery County citizens money and that the Board needed to get a handle on this situation. Scott Heath advised that he could not vote for this budget amendment to come out of fund balance. Chairman Poteat stated that there needed to be more conversation between Tim Greene, Sheriff Frye and the County Manager to try to avoid this in the future and that something needed to be worked out about this overage in the budget. Mr. Greene advised that he would meet with the Sheriff to discuss this budget amendment and have something for the next board meeting.

County Attorney Report – Michelle Poore

Michelle Poore, County Attorney, reported that the Sheriff and Chief Jailer were named as parties to a lawsuit. The County has been dismissed from this lawsuit and that has been turned over to the county's insurance pool and they will provide counsel. That was filed in federal court by an inmate. There was also a pending case in federal court regarding a tax foreclosure matter and the court has thrown that matter out.

Ms. Poore also reported that she had begun filing tax foreclosures.

Approval of Minutes

Motion by Martha Hicks and second by Glenn Johnson to approve the minutes of the March 28, 2011 Special Meeting. Motion unanimously approved with those in attendance (4-0).

Agenda Consent Items

Adopted by Consensus.

Upcoming Meetings

There will be a Special Meeting on Wednesday, June 8, 2011 at 4:00 p.m. with the Avery County Fire Commission. The next regular meeting will be June 20, 2011 at 3:30 p.m. The Regular Meeting for Monday, July 4, 2011 will be rescheduled for Tuesday, July 5, 2011 at 3:30 p.m. due to the Independence Holiday.

Adjourn

Motion by Scott Heath and second by Martha Hicks to adjourn this meeting at 4:50 p.m. Motion unanimously approved (4-0).

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

ATTEST: _____
Cindy Turbyfill, Clerk