

**STATE OF NORTH CAROLINA
COUNTY OF AVERY**

The Avery County Board of Commissioners met in a special meeting for a public hearing on Friday, **May 25, 2012**, at 4:00pm in the Commissioners' Boardroom, Avery County Administrative Complex, 175 Linville Street, Newland, NC.

Members Present: Kenny Poteat, Chairman; Phyllis Forbes, Vice-Chair; Martha Hicks; Glenn Johnson

Members Absent: Scott Heath (vacation)

Call To Order

Chairman Poteat called the meeting to order at 4:00pm and read aloud the notice of Special Meeting which stated that the purpose of this special meeting was to have a Public Hearing to hear any public comments on the removal of a portion of Old Yonahlossee Road from the NC DOT system. Glenn Johnson then led in prayer.

Public Hearing – Old Yonahlossee Road

Motion made by Phyllis Forbes with second by Martha Hicks to remove the Board from the special meeting and go into the public hearing at 4:00 p.m. Motion unanimous by those in attendance.

Chairman Poteat advised the public that there is not a full board present today and no vote will be taken today. This public hearing is just to take notes, deliberate and receive public input. The Chairman said the vote will be taken at the first regular scheduled meeting with a full board, which will probably be the first meeting in August.

Chairman Poteat then read aloud for all the Resolution approved at the last Commissioners' meeting, which was to hold a public hearing on the intent of the Board of Commissioners to close a portion of Old Yonahlossee Road to the public.

Chairman Poteat advised that the previous petition from Linville Resorts to close a portion of Old Yonahlossee Road was withdrawn, but they have subsequently requested that it be reconsidered. He then asked the County Manager, Robert Wiseman, to give some background on this subject. Mr. Wiseman stated that the previous circumstances were that if the road is closed, it will remain open during the Highland Games and Singing on the Mountain. Also, the properties would not be prohibited from emergency traffic such as fire trucks and rescue. Correspondence received in March from the general manager of Linville Resorts stated that Linville Resorts would like to propose a compromise of continued use of the solid waste transfer site on their property in Linville in return for the closing of the Old Yonahlossee Road and he requested a reply by June. Mr. Wiseman said that he has talked with the general manager at Linville Resorts to advise that the County will not have a full board to act on this until August and it would take a full board to make a decision of that magnitude. Mr. Wiseman was advised that the June date was not a drop-dead date.

Chairman Poteat said that he had been asked by a lady in the county to leave the road open, as it is a beautiful road to travel. He said that he had also been called by Junior Sluder who was concerned about emergency situations if the road is closed. It was discussed that there is an understanding that emergency would be given a code to access the road. He also spoke with Dwight Franklin who said he would like to see the road left open. He had said the road belongs to the taxpayers.

Commissioner Forbes said she had received a call from a gentleman wanting the road left open so the people of Avery County can continue to enjoy it.

Commissioner Hicks said Gary and Loretta Buchanan had spoken to her asking to please leave the road open. A couple of other people have called asking that the road be left open. Commissioner Hicks then mentioned that all the Commissioners have also received a letter from Jason Vance asking that the road not be closed. Mrs. Hicks said the road has been there since the 1900's and people enjoy visiting it; they like taking pictures there; there is a "biscuit" rock and the View Rock; they say it is some of the prettiest scenery around.

Commissioner Johnson said he had a call from Junior Sluder as well as Dwight Franklin and he has spoken with a couple of others against the road being closed. Commissioner Johnson then stated that the County had received a letter from Katherine Hemphill, Attorney for Linville Resorts, dated February 2012 concerning the Materials Recovery Site in Linville. He then read the letter aloud, which stated that unless the County officials choose to reconsider their position towards Linville Resorts (closing of road)

the County shall vacate the Materials Recovery Site by June 1, 2012. (Letter attached) Commissioner Johnson said the letter says we must close the road or move our trash site; the Lease is expired. The County has confiscated vehicles there and it is the most convenient site for the public. The County would have to find more land to lease or buy, and relocation and could cost ¼ to ½ million dollars.

Chairman Poteat then recognized citizens who wished to speak.

Citizen Brooks Henley spoke. He lives on the corner of Hwy 221 and Old Yonahlassee Road. He stated that his grandfather built the house and he lived there from the time he was a child. He likes to walk up that road with his grandchildren and they enjoy it. They enjoy the “view rock” and the “biscuit rock.” It is a great place to walk. Mr. Henley said the Resort has done a lot for the community, but he would like to see it not closed. It seems the County is kind of in a corner with this.

Mr. Poteat reiterated that it is the understanding that this gate will be up at the junction of the roads where Catherine Morton’s house sits; not down at Highway 221.

Matthew Hundley spoke to say that he wonders what will Linville Resorts require from the new lease and the leases in the future; will this always be part of negotiations.

Matt McClellan spoke to say that he would love to see the road stay open. He has a lot of friends who love to go through there. He doesn’t really like to see an ultimatum has been made—what will happen in the next ten years; what will they want next.

Being no further public comments, **motion made by Glenn Johnson with second by Martha Hicks to close the public hearing at 5:20 p.m. Motion unanimous by those present.**

Upon returning to the special meeting, **motion made by Phyllis Forbes with second by Martha Hicks to adjourn the special meeting at 5:20 p.m. Motion unanimous by those present.**

Kenny Poteat, Chairman
Avery County Board of Commissioners

ATTEST: _____
Sondra Austin, Pro Tem