

**STATE OF NORTH CAROLINA
COUNTY OF AVERY**

The Avery County Board of Commissioners met in Regular Session on Monday, May 5, 2014 at 3:30 p.m. in the Commissioners Board Room, Avery County Administrative Complex, 175 Linville Street, Newland, NC.

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

Members Absent: None

Call To Order

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

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 is a time of public comment.

Chairman Poteat stated that the Drug Court Request for Funding had been inadvertently left off the agenda and that he would recommend that this be placed on the agenda at item 3.3C2. **Unanimous Consensus by the Board to add Drug Court Request for Funding to the agenda at item 3.3C2.**

Reo Griffith led prayer.

Proclamations and Awards

Resolution Recognizing Mayland Community College

Chairman Poteat read aloud the Resolution that the Board was considering approval for:

Whereas, Mayland Community College appeared on four separate rating lists in 2013; and,

Whereas, Mayland Community College was ranked 32nd in the top 50 community colleges by Washington Monthly's "2013 Community College Rankings"; and,

Whereas, Mayland Community College was nationally ranked 10th in the 50 best community colleges in the United States by bestschools.org; and,

Whereas, Mayland Community College was ranked 9th in the nation's top 10 community colleges by Bankrate.com; and,

I Whereas, Mayland Community College was ranked 16th out of the 25 best community colleges in the United States by createacareer.org; and,

Whereas, Mayland Community College was the only North Carolina Community College to be ranked on all four of the above surveys; and,

Whereas, the above rankings place Mayland Community College in the top 1% of Community Colleges nationally; and,

Whereas, President Dr. John Boyd has displayed great vision, leadership and diplomacy and has led Mayland Community College to achieve these accolades.

Now, Therefore, Be It Resolved, that the Avery County Board of Commissioners recognize and congratulate Mayland Community College and Dr. Boyd on this accomplishment, and also encourage the North Carolina State Board of Community Colleges to likewise recognize Mayland Community College's accomplishment.

Motion by Glenn Johnson and second by Martha Hicks to approve the Resolution Recognizing Mayland Community College. Motion unanimously approved.

Chairman Poteat presented Dr. John Boyd with a framed resolution recognizing Mayland Community College.

Public Comments

Steve Smith gave out some information to the Commissioners from Tommy Burleson, Director of Inspections regarding the Carey's Flat Community Building. Mr. Smith explained that Mr. Burleson had said that renovation is not possible. We are at the mercy of the Board on what to do. We feel left out in Carey's Flats. We do not get anything back on the fire tax. The community owns the property. We are asking for a 24X40 metal building with two restrooms and plumbed in for kitchen facilities. It is 14 ½ miles from Carey's Flats to Newland. We are coming to you to ask for some kind of help.

Glenn Johnson stated that in Carolina Mountain Life Magazine there was an article in there about Pilar Harding who has a business in the incubator at Banner Elk. I would challenge you to read this article; it has good information about her business and the incubator.

Martha Hicks announced that the senior center went through an inspection by the state and the grade of excellence was maintained. We are proud of this accomplishment. She also announced that in the Commissioners Board Room the returns from the election will be shown.

Phyllis Forbes informed the Board that the DSS Board was in the process of looking for a new director. The Board has finished the interview process and should be meeting within the next week or so to make some decisions.

Reo Griffith stated that he would like to address Mr. Steve Smith. Larry and Adele Forbes is a member of the Carey's Flats Community and I would suggest that you contact Ms. Forbes as she is the cook for the former owner of Harris Teeter and see if this fellow would like to help a community. That would be a source of revenue.

Board Appointments

The Region D Development Corporation requests appointments of four persons to that Board. One is Tena Trice (private lending institution representative), Robert Wiseman (local government representative), Daryl Smith and Tommy Burleson (Business and Community Organizations Representatives).

Motion by Phyllis Forbes and second by Reo Griffith to appoint Tena Trice, Robert Wiseman, Daryl Smith and Tommy Burleson to the Region D Development Corporation Board. Motion unanimously approved.

OASIS Funding Request for 2014-2015 Jennifer Herman

Jennifer Herman thanked the Board for the opportunity to present information to the Board on what OASIS was doing for victims in Avery County. We just rounded on a year of providing services for victims of domestic assault. We have a new newsletter that outlines the services in Avery County and the folks who work here providing services. The request today is for the Board to consider earmarking the funds that you had designated for victims of domestic violence with the prior agencies that were serving Avery County. When we were asked to take over the community the state provided some funding of about \$92,000 and there are a few additional grants of \$23,000. That has enabled us to have the capacity to provide 24 hour crisis intervention through hotlines, trained volunteers, and partnering with the hospital where we have free office space. The one thing that this amount of funds has not allowed us to do is provide shelter in Avery County. We are working on a plan for a shelter in Avery County. That is the goal of OASIS to get a shelter in Avery County. We will use all of the funding that was previously given to ACADA and then New Day to rehouse folks in Avery County. We would use it for utilities and housing deposits and funding for transport to emergency shelter and gas. I am here to make that request.

Chairman Poteat stated if Avery County did consider this request is there assurance that this money would be used for Avery County citizens. Ms. Herman answered that absolutely this would be the case as OASIS has an accounting system that designates all funds and these funds can be tracked.

Chairman Poteat stated that the Board is close to budget deliberation and that this would be a formal request from OASIS.

Hospitality House Funding Request-Lynn Mason

Lynn Mason, Director of Hospitality House, introduced Chris Burns who is the Board Chair of Hospitality House. Ms. Mason handed out information to the Board. Chris Burns explained that Hospitality House is based in Watauga County but serves residents in Avery County. In 1995 HUD developed a concept of continuing care and the Hospitality House is part of that Northwest Continuing Care which serves Alleghany, Ashe, Avery, Mitchell, Watauga, Wilkes and Yancey Counties. Basically the COC intends to help the community develop long term solutions to address the homeless in their communities. The Hospitality House is more than just a place for food and shelter. Basically we are a transitional living facility that offers life changing programs and services to the homeless individuals and their families. Basically 79% of our emergency shelter residents last year exited our program. 93% exited into long term housing and situations. Of those percentages in Avery County in 2013 we served 28 individuals which included six households with children and 7 adults and 7 children. We get those from social services and law enforcement or other agencies. We provided 1236 nights of shelter, food and services to the citizens of Avery County. That equated to approximately \$44,500 last year. Of that \$44,500, \$8260 was received from HUD. We did not receive public funding. We had grants and donations. We are asking for some type of funding to be considered for the Hospitality House in the upcoming budget. Chairman Poteat stated that this would be considered a formal request to be considered in the upcoming budget.

Avery Farmer's Market –Adam Keener

Adam Keener, Avery Agricultural Extension Agent, stated that he was representing the Avery County Farmer's Market Association. He said that he was not an actual Farmer's Market member but an advisor to the board. We have been operating in Banner Elk in conjunction with Lees McRae College and utilized Tate Lawn for the Farmer's

Market. The Farmer's Market is a huge success in Banner Elk. We have grown from the first time we opened up with 5 vendors to last year we peaked at about 22 vendors. Average sales is anywhere from \$300 to \$500 per vendor. Last year about mid-season Lees McRae needed to build a structure to house nursing and that took our major parking area and we saw the foot traffic cut in half. We were looking for a new place to host the farmer's market in the 2014 season and have entered into negotiations with AC PRIDE for the use of the lawn area. There is great parking. We have sent in a proposal for the use of the property. As you can see from our first proposal the fee has went from \$50 to \$200 dollars. Mr. Gardella has received a grant for the Farmer's Market of \$500 for marketing and we already have the money in the bank.

County Attorney, Michaelle Poore, said that it was her understanding that this would be a long term use and if that was the case it would probably be a more conservative approach to have a public hearing on it. If the county would like to proceed with this, we can move pretty quickly. Consensus by the Board to schedule a public hearing regarding the Farmer's Market for the next commissioner's meeting scheduled on May 19, 2014.

Reo Griffith questioned what the Woolly Worm Festival paid for use of that property and what the art festivals pay. Mr. Gardella answered that all weekend events pay \$500 per event.

Mr. Keener stated that he has asked that the \$200 be locked in for the next three years.

Martha Hicks stated "we require all vendors to have insurance and product liability insurance for all food products and that they meet all federal, state and local laws and regulations."

Drug Court Funding Request – Melissa Johnson

Melissa Johnson, Drug Treatment Court Executive Director, advised that she was here to request funding in the upcoming budget for Avery Drug Treatment Court for the 2014-2015 fiscal year for \$20,000. Drug Court is an extensive program that helps folks that have had a long struggle with drugs or alcohol. We actually have a court session every two weeks where the participate comes in front of the judge and can talk about their progress or lack thereof and they receive either a sanction or incentive. These folks are also in intensive outpatient treatment at Daymark as well as individual therapy. We require in the Drug Court for the participate to either work full time or do community service or work to further their education. Our request is for \$20,000 and last year we had an agreement where since we apply for High Country United Way money that we reduce that request by \$10,000. We are requesting \$20,000 less any money received from High Country United Way. The program is going very well. We have stable office space at Avery Cares and have a local case coordinator and she is meeting with clients every week and then the week they don't have drug treatment court.

Chairman Poteat stated that we would consider this a formal request for funding for Drug Treatment Court in the upcoming budget.

Recess

Chairman Poteat called for a brief recess.

Chairman Poteat declared the meeting to be back in session.

Reo Griffith left the meeting at 4:30 p.m.

Tax Administrator Report – Phillip Barrier

The Tax Collection Report for the month of April 2014 is \$187,046.27.

Motion by Martha Hicks and second by Glenn Johnson to approve the Tax Collections Report for the month of April 2014 as presented. Motion unanimously approved with those in attendance. (4-0).

Mr. Barrier explained that first letters for back taxes were sent out about two weeks ago by the County Attorney which resulted in approximately \$28,000 in back taxes collected.

Mr. Barrier stated that so far this year the tax collection rate is 95.66% of the 2013 taxes.

Regular Releases

The Regular Releases for the month of April is \$1796.60. Most of this is personal property.

Motion by Phyllis Forbes and second by Martha Hicks to approve the Regular Releases for the month of April 2014 as presented. Motion unanimous with those in attendance (4-0).

Motor Vehicle Releases

Motor Vehicle Releases for the month of April 2014 is \$200.33.

Motion by Martha Hicks and second by Glenn Johnson to approve the Motor Vehicle Releases as presented. Motion unanimous with those in attendance (4-0).

Mr. Barrier presented the Board with 5 more sales that had occurred in Avery County in April.

Mr. Barrier stated that the 2014 Board of Equalization and Review heard 10 personal appearance appeals from taxpayers and worked on 12 correspondence appeals. As of April 30, 2014 the net assessed value is \$3,401,778,039.00. The Board of E&R has adjourned.

County Manager Updates

Robert Wiseman, County Manager, was not in attendance due to illness.

Chairman Poteat stated that regarding the DOT issue that was listed on the County Manager Updates, Mr. Sheppard was away and then Mr. Jerry Combs with NC DOT had an illness so this is an ongoing issue.

Finance Officer Report – Tim Greene

Budget Amendment

The Department of Social Services has received an additional allocation to the Low Income Emergency Assistance Program (LIEAP). This is federal and state pass through monies.

Motion by Martha Hicks and second by Glenn Johnson to adopt the Budget Amendment regarding LIEAP with a debit of \$42,503.00 to LIEAP (106800.6095) and a credit of \$42,503.00 to County Welfare (103634.0000). Motion unanimously approved with those in attendance (4-0).

Budget Amendment

Avery County Economic Development Department has received an additional \$3,000 from Mountain Electric for signage at the AC PRIDE incubator.

Motion by Glenn Johnson and second by Phyllis Forbes to adopt the Budget Amendment regarding the \$3000 grant from Mountain Electric for signage at the AC PRIDE business incubator with a debit of \$3,000 to Capital Outlay (104900.7400) and a credit of \$3,000 to Donations (103345.0000). Motion unanimously approved with those in attendance (4-0).

County Attorney Report – Michaelle Poore

Plumtree Solid Waste Site Lease

Michaelle Poore, County Attorney, reported that in the Board packet was a proposed lease agreement with Cleve Young for the Plumtree Solid Waste Site. The existing lease on that site has expired. Mr. Young has purchased that property from the Vance Heirs so this is a new lease agreement for the existing site. The terms are set in that agreement.

Chairman Poteat stated that this lease is at the rate of \$500.00 per month for a total of \$6000 per year with the lease being for 15 years. This is a service that we can provide but nothing comes without cost.

Chairman Poteat questioned that in the event that either party seeks to terminate this lease what has to occur? Ms. Poore responded that under paragraph 7 the lease does have a possibility that the lease can be extended for an additional 10 year period but a new rent would be negotiated at the time of the lease. Paragraph 8 does make a provision that if any of the terms are breached then the lease could be terminated on certain notice. If the Board wanted an additional provision in the lease regarding termination, the county could terminate upon 60 day notice without a cause and this could be added to the lease. The Board can also include the possibility that Mr. Young could terminate. Chairman Poteat stated that what he is getting at if there is a better way of doing business and save the county money before 15 years elapse we would need to be able to do that.

Ms. Poore stated her recommendation was for the Board to approve the lease subject to the provision that the County be allowed to terminate the lease upon 60 days' notice without cause.

Motion by Phyllis Forbes and second by Martha Hicks to approve the Plumtree Solid Waste Site lease subject to the provision that the County be allowed to terminate the lease upon 60 days' notice without cause. Motion unanimous with those in attendance (4-0).

AC PRIDE Selection Committee

Ms. Poore stated that there was a written policy included in the packet for the Board to consider approval for the AC PRIDE Selection Committee just to try to answer questions that have come up regarding this committee. Ms. Poore stated that she had spoken with Mr. Gardella about the meeting requirements in regards to the Open Meetings Law.

Motion by Phyllis Forbes and second by Glenn Johnson to approve the AC PRIDE Selection Committee Policy. Motion unanimously approved with those in attendance (4-0).

Ms. Poore said the next thing that needed to be done was to appoint some individuals to the AC PRIDE Selection Committee. Included in the packet are five individuals who have submitted their applications. Chairman Poteat stated that in the policy 5 is the number that has been dictated by the policy to make up the committee. The applications for appointment are Amy Anderson, Sandra Harris, Dempsey Clark, Hope Harvey, Samuel Justin Ray. Ms. Poore pointed the Board's attention to the policy that was just adopted. This policy sets forth the terms of each member. In order to establish the staggered terms, it is necessary that the initial board members are appointed for the terms.

Martha Hicks suggested that we do a ballot system like we do for the Board of Equalization and Review.

Recess

Chairman Poteat called for a brief recess so that the Clerk could create a ballot that included all the 5 applicants and the signature and date of each commissioner.

Chairman Poteat called the meeting back into session.

Each Commissioner was given a ballot that included the 5 applicants and was asked to score them like golf with the lowest number being the top choice and to sign and date the ballot. The ballots will be available for public inspection in the Clerk's office.

Recess

Chairman Poteat called for a brief recess to determine the terms of the applicants for the AC PRIDE Committee.

Chairman Poteat declared the meeting to be back in session.

Chairman Poteat announced that Amy Anderson; Dempsey Clark; and Samuel Justin Ray would serve 3 year terms; Hope Harvey would serve a 2 year term; and Sandra Harris would serve a 1 year term.

Motion by Phyllis Forbes and second by Martha Hicks to approve the five applicants Amy Anderson (3 year term); Dempsey Clark (3 year term); Samuel Justin Ray (3 year term); Hope Harvey (2 year term); Sandra Harris (1 year term). Motion unanimously approved with those in attendance (4-0).

Grandfather Mountain Tax Appeal

Ms. Poore advised that the oral arguments had been heard in the Grandfather Mountain Tax Appeal about 2 weeks ago but that it would be several months before we would hear of their decision.

Approval of Minutes

Motion by Martha Hicks and second by Glenn Johnson to approve the March 3, 2014 Regular Meeting Minutes and April 7, 2014 Regular Meeting Minutes. Motion unanimously approved with those in attendance (4-0).

Agenda Consent Items

Adopted by Consensus of the Board.

Upcoming Meetings

A budget workshop is scheduled for May 7, 2014 at 3:00 p.m. in the Commissioners Board Room.

Phyllis Forbes stated that people see us having meetings and they think we just have one or two a month but I have 10 meetings this month and probably most of the rest do too.

Adjourn

Motion by Martha Hicks and second by Glenn Johnson to adjourn this meeting at 5:30 p.m. Motion unanimously approved with those in attendance (4-0).

Kenny Poteat, Chairman
Avery County Board of Commissioners

ATTEST: _____
Cindy Turbyfill, Clerk

