

**STATE OF NORTH CAROLINA
COUNTY OF AVERY**

The Avery County Board of Commissioners met in a Regular Session on Monday, October 17, 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; Phyllis Forbes Vice-Chair; Scott Heath; Martha Hicks; Glenn Johnson

Members Absent: None

Call To Order

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

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

Martha Hicks led prayer.

Public Comments

There were no public comments.

Courthouse Security Officer – Kevin Frye

Sheriff Kevin Frye advised that the courthouse security installation was going as planned. The cameras have been installed. Two more panic buttons were added. The action that needs to be taken is to approve the courthouse security officer. To minimize the amount of taxpayer's money, this officer will be classified as a detention officer but will be a sworn deputy sheriff. In the Board packet, is a list of items for uniforms and equipment. Chairman Poteat questioned the salary grade for the courthouse security officer. Tim Greene, Finance Officer, stated that the salary would be \$26,882 plus fringes would be \$43,200. Scott Heath said he would like to look into being able to fit this into the existing budget. Chairman Poteat said that this issue would be on the November 7, 2011 agenda and a decision would be made at that time. Chairman Poteat and Scott Heath will meet before the November 7, 2011 meeting with the County Manager and Finance Officer to discuss ways to address this issue.

Sheriff Frye explained that the Sheriff's Office started this past week working with a company called Government Risk Solutions, LLC. This is for inmate medical costs if the inmates must be taken to a doctor's office or a hospital. A card is issued and the jailers present the card when the inmate is taken for medical care. GRS will scrub the bill and they can save 40% of every medical claim. GRS will get a percentage of what they save. This is just for informational purposes.

Mountain Heirloom Orchard – Doug Hundley

Doug Hundley, Avery Agricultural Extension Agent, presented a power point presentation on the Mountain Heirloom Orchard. This orchard will contain apple and fruit trees that demonstrate an early American apple and fruit orchard. It will be maintained by the Avery County Cooperative Extension Center along with volunteers. Once the orchard begins to reach maturity and fruit bearing has begun official guided tours will be promoted. Education through hands on and experiential visitation will be the guiding purpose of this pioneer orchard demonstration.

Avery Fire Commission/Linville Central Rescue – Daryl Smith

Daryl Smith, Chairman Avery County Fire Commission, advised that the crash truck had been ordered for Linville Central Rescue. Financing has been arranged through United Community Bank. There is \$50,000 for a down payment and \$120,000 was financed for 3 years. It will take approximately six months to get the chassis back. This chassis will replace Linville Central Rescue Squads chassis at Pineola and that one will go to Elk Park.

Robert Wiseman, County Manager, stated that it had been a topic of conversation for quite some time about Avery Fire Commission becoming Avery Fire and Rescue Commission. This is a step in the right direction to start this. Daryl Smith said he had spoken with someone at the Institute of Government who said that the way the fire tax came about it was written very broadly. She will do more research but at this point she doesn't see a problem that it can be amended in the agreement between the commissioners and the fire commission to include the rescue squads.

County Manager Updates – Robert Wiseman

ARC Grant/Broadband

The documents have been executed. There have been two meetings. The GIS office is working with the contractors.

New River Service Area

New River Mental Health as it existed in the past is no more. The five counties have dissolved the old governing board from 13 members to 5 members which is made up of one county commissioner from each county. Chairman Poteat is Avery County's representative and he is the chairman of the transition

board. The new board has appointed a CEO to fill the position of Ms. Pam Andrews who resigned and an interim finance officer has been appointed. The Local Government Commission is involved with this situation now. The payroll for September has been met. The outstanding critical payables are being dealt with now.

Recess

Chairman Poteat called for a brief recess.

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

Purchase of Property by Smoky Mountain Center

Robert Wiseman, County Manager, stated that his recommendation was to approve the purchase of the property as presented but that was before the meeting in Ashe County. He said there were certain financial considerations that would make him withdraw his recommendation. There is a strong possibility that Smoky Mountain Center is advancing some funds to keep the New River Service Area functioning predicated on the fact that Avery County as of Friday had sent our obligation in and there is nothing wrong with what they are proposing but times have changed since I made my recommendation. Chairman Poteat stated that there were a lot of unknowns right now and in his opinion the Board should await this decision to another day. Glenn Johnson advised that he had contacted Brian Ingraham this morning and he did not see any correlation between this and what is going on with New River.

By Consensus of the Board, table this issue until the next meeting.

Avery County Humane Society

Mr. Wiseman stated that he had a letter from Catherine Morton regarding the Avery County Humane Society. There is also some correspondence from the County Attorney. Michaelle Poore, County Attorney, stated that whenever the Friends of the Animal Shelter originally came to the Board and presented the idea of providing a new animal shelter the county entered into a lease with this nonprofit organization. The whole transaction was set up as a lease to a nonprofit organization to serve a public purpose providing an animal shelter. The lease was subsequently assigned to the humane society another nonprofit entity to carry out the same purpose. In order to do what the humane society wants to do, it cannot be done without starting over. There were certain statutory requirements that were met with this lease. The humane society is asking that the county give up its right to take the property back if it is not used as an animal shelter. Mr. Wiseman stated that the whole issue has evolved due to the state of the economy since the project was conceived. The building is now dried in. Some of the pledges and the sources of revenue that the society was counting on have dwindled due to the state of the economy. There is one charitable trust that is sizeable but it would be 4 or 5 years before that trust can be accessed. There is enough money in the trust to pay off what they would have to borrow. Ms. Poore stated that initially they were using donations and they have come up short to finish the inside of the building and they want to get a loan. She said the property has restrictions that it only be used as an animal shelter and if a bank had to foreclose on the property they would want to be able to do whatever they could with the property.

Rachel Deal, member of the Avery County Humane Society, said that the humane society is trying to do everything they can to get a loan but the way it is now a big financial firm will not touch this until the lease is reworded.

Chairman Poteat advised that there needed to be further talk between the County Manager, County Attorney and Catherine Morton.

Finance Officer Report – Tim Greene

No report.

County Attorney Report – Michaelle Poore

No report.

Approval of Minutes

Motion by Phyllis Forbes and second by Martha Hicks to approve the Regular Meeting Minutes for September 6, 2011 and the Special Meeting Minutes for September 15, 2011. Motion unanimously approved.

Agenda Consent Items

Adopted by Consent.

Upcoming Meetings

November 7, 2011 Regular Meeting; Public Hearing scheduled for November 7, 2011 at 3:50 p.m. regarding Old Yonalhassee Road. November 21, 2011 Special Meeting with the Fire Association.

Adjourn

Motion by Phyllis Forbes and second by Scott Heath to adjourn this meeting at 5:11 p.m. Motion unanimously approved.

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

ATTEST: _____
Cindy Turbyfill, Clerk