

**STATE OF NORTH CAROLINA
COUNTY OF AVERY**

The Avery County Board of Commissioners met in Regular Session on Monday, September 17, 2012 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 the meeting to order at 3:30 p.m.
Martha Hicks led prayer.

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 would be a time of public comment.

Public Comment

Daryl Smith, Chairman of the Avery Fire Commission, stated that Jake Owens, member of the Avery Fire Commission had been sick and he had asked to have someone finish out his term on the Fire Commission. In Section 2 of the bylaws, it stated that the fifth member of the remaining members would be chosen by the other four members. At the last meeting of the Avery Fire Commission, Mr. Danny Clark was chosen to finish out Mr. Owens term.

Chairman Poteat said that Mr. Jake Owens was a fine man, wonderful commissioner and wonderful fireman. We appreciate the work that he has done for the county, town and fire departments.

County Manager Updates – Robert Wiseman

Emergency Medical Director Contract

The Emergency Medical Director contract has been authorized by the Board but is still pending.

Construction Management Contract

The Construction Management contract for the Courthouse Renovation has been authorized by the Board but is pending due to some additional "tweaking".

New Courtroom Floor & Probation Office

The Probation office in the newly renovated portion of the jail has been turned down by the State of NC because of space requirements. We are in the process of meeting with architect and construction management to discuss these issues. The space is sufficient, it is just the design of the area.

The other issue is the carpet in the new courtroom facility. The carpet in the new courtroom is coming up and has been identified as a safety issue by the safety board and judges. We are meeting tomorrow with the construction management firm to talk about the carpet issue. I think it would be in the best financial interest of Avery County to do as a private contract, not included in the renovation.

Public Hearing- 2012 Community Development Block Grant Application – Michelle Ball

Motion by Martha Hicks and second by Glenn Johnson to go out of Regular Session and into a time of Public Hearing regarding the 2012 Community Development Block Grant Application at 3:50 p.m. Motion unanimously approved with those in attendance (4-0).

Michelle Ball, Community Development Planner for the High Country Council of Governments, explained that this is the 2nd Public hearing for the Scattered Site Housing Program. Since the first public hearing the state has announced that the funds would be cut. Instead of \$400,000 like the last cycle in 2009 that was received, Avery County will only receive \$225,000 in the 2012 cycle. This year the Scattered Site does not require homeowners to be chosen up front. The counties application to the state is due October 17, 2012. The Board will need to approve the County applying for the Scattered Site Housing funds in the amount of \$225,000.

Martha Hicks questioned how the contractors were chosen to work on the houses. Ms. Ball stated that at the beginning of the project an advertisement is placed in the local papers to get local contractors to contact her to get on the list. There are about 60 contractors on the list for Avery County.

There were no public comments.

Chairman Poteat declared the Public Hearing to be closed at 3:59 p.m.

Motion by Martha Hicks and second by Scott Heath to approve the submission of application for the CDBG Scattered Site Housing Program for 2012. Motion unanimously approved with those in attendance (4-0).

Public Hearing – 2012 Community Development Block Grant Application – NC Catalyst Program
Motion by Glenn Johnson and second by Scott Heath to go into the Public Hearing for the NC Catalyst Program for 2012 at 4:00 p.m. Motion unanimously approved with those in attendance (4-0).

Michelle Ball reported that the NC Catalyst Program can encompass anything. There is \$5,000,000 available but this is competitive. Avery County will be applying for \$175,000 of this grant. The homes for this grant must be picked first and be identified in the application to the state. Applications have been sent out and will be received until the first of October. There will be two to three homes chosen for this program. If the county is awarded this money, there will be another selection process to fill the slots on the Scattered Site. If it is not awarded, the committee decided to pick the homes that were selected for the competitive part. If everything works out, we will get \$400,000 from both of the grants. This is the best plan that we could come up with. We are competing with every county and town in the state of North Carolina.

There were no public comments.

Chairman Poteat declared the Public Hearing to be closed at 4:07 p.m.

Avery County Comprehensive Transportation Plan and Steering Committee – Craig Hughes
Craig Hughes, Transportation Planner for the High Country Council of Government, gave a power point presentation regarding the Comprehensive Transportation Plan. NC DOT will use socioeconomic data approved by the Steering Committee and local governments and current traffic data to identify deficiencies in the Avery County Transportation network. That data and growth projections will then be used to identify future deficiencies and utilized to make recommendations. Deficiencies will be identified and recommendations will be made for all modes of transportation in Avery County (highway, transit, bicycle and pedestrian). A plan will be presented to the County and Municipalities for consideration at the end of the process. There will also be multiple opportunities for public involvement throughout the development of the plan. Also, it is requested that an elected official be appointed to the Steering Committee.

Motion by Scott Heath and second by Martha Hicks to appoint Glenn Johnson to the Comprehensive Transportation Plan Steering Committee for Avery County. Motion unanimously approved with those in attendance (4-0).

Resolution to Reaffirm the Avery County Land Use Plan – Tommy Burleson
Tommy Burleson, Avery County Inspections Director, explained that the Avery County Land Use Plan was adopted in 2006 and developed through the Avery County Planning Board. The NC DOT is required by law to verify that a current (less than 5 years old) land use plan has been adopted by the County prior to beginning the transportation planning process. The existing Avery County Land Use Plan is older than 5 years old. The NCDOT has requested that the County reaffirm that the existing land use plan is still valid and being followed.

Mr. Wiseman stated that the basic change in this document is the insertion of current demographic information. The body and content from the original document has not changed.

Chairman Poteat pointed out four pertinent things from the land use plan. In 2010 the population of Avery County was 17,951 up 3.7% from 10 years prior; the median age of Avery Countians was 41.7 years; in 2000 that was 38.3; the median household income was \$34,918; the average household size was 2.7 persons.

Glenn Johnson stated that he had not seen this document before. He said that he had found many things very interesting in this land use document. Mr. Johnson pointed out the goals, objectives and recommendations from the Avery County Land Use Plan in regards to economic development. He stated that the very things that the Board is trying to do in economic development are the very things that our planning board came up with several years ago.

Motion by Martha Hicks and second by Glenn Johnson to adopt the Resolution to Reaffirm the Avery County Land Use Plan. Motion unanimously approved with those in attendance (4-0).

Chairman Poteat advised that the agenda would be shifted to allow the Avery Fire Association and MB Kahn to give their presentations.

Avery Fire Association – Truck Titling – Paul Buchanan

Paul Buchanan, Avery Fire Association President, stated “What I am asking for today is an opportunity at a later time to sit down and plan the future of Avery County Fire Service. Today I would like to give some history and what fire departments can do for a better relationship with the county and the citizens. First of all I would like to take you on a recent fire call on September 12, 2012. I was lying in my bed and awakened by my pager at 3:24 in the morning. The pager said structure fire at a trailer along 19E just below Powdermill Creek Rd. which is roughly a quarter of a mile below my house. The pager also said it was thought that everyone was out of the house which consisted of two adults and a 9 year old boy but the phone disconnected before there was confirmation. When I arrived, they were standing outside the structure. I bring this up to say two things; one is in a matter of 7 minutes there were more than 25 volunteer firemen from Frank, Green Valley, Elk Park and Newland. Secondly, I have a 9 year old and am a single father and I had to load her up in a car at 3:30 in the morning and take her to my parents and go fight the fire. I say all of this to say that we do have a few paid firefighters during the week but we have over 250 firefighters that volunteer their time on a daily basis. After 20 years of volunteer service we can retire through the state which is now around \$150 a month. Through those years a firefighter may get a pat on the back for a job well done, few awards for dedication, and the enjoyment of when the job is done going back to our fire station and getting our truck ready for the next fire. All I am asking for today is for you not to take our equipment and stations away from us. We are willing to work however to keep these in our name. I don’t think any chief has any qualm with that. The only thing we get out of the dedication and sacrifice is the trucks and the stations. I know a way to secure the fire department and equipment to assure the use for the county years down the road. I will be the first to say I don’t want anything to happen to any fire department; you have the task of making sure of that. If something does go wrong, as a taxpayer, I want to be assured that department will still be there. I think there are many ways we can come about this by just not saying this is going to be a county owned truck or county owned department. All I am asking is to allow us to sit down with the fire commission and commissioners to construct a plan either by charter or however we need to do it if the fire departments do falter. All the chiefs have told me that we want the equipment to go back to the county if we falter. I am asking if we could sit down and have a meeting and discuss other options rather than just titling them in the county name whether that be charters or signing leases with the trucks.”

Robert Wiseman, County Manager, stated “I stand to be corrected but as of the last budget cycle the fire commission made the decision subject to the commissioner’s approval that all purchases of equipment be titled to Avery County via the Fire Commission. The fire commission came to the Board of Commissioners during the budgetary process with that recommendation and the Board of Commissioners, I think, by consensus that from this day forward equipment that was purchased by the fire tax would be titled to Avery County via the Fire Commission.

Chairman Poteat said “that is new equipment not equipment that Newland, for example, has had for 8 years; that is my understanding”.

Mr. Wiseman said “this was not a retroactive decision”.

Mr. Buchanan said “What we are trying to bring to you today, that may be something we can’t change, but what I am presenting is to look at this not titling to the county but look at all the departments on the basis of we are willing to go back with our charters and work with you not only with the new trucks, the new trucks is pretty well going back to the county I don’t see any way around that. What we want to do is to have them still titled in our name with a lease or whatever. We are willing to work with you all to say if Frank Fire Station closes its doors today changing our charter to say that department will still be used as a fire station. At this time our charter does not say where our equipment goes. We want it to go to the fire commission and county to be used for that particular district.”

Chairman Poteat said “We did talk about it at length and we feel we made the right decision at that point in time. In my opinion, that does not mean things can’t change. The playing field could change. This Board will not be narrow minded to say absolutely not, we will not do that. You asked for a possible meeting somewhere down the road of three key parties; the Fire Commission, Fire Association, and/or Board of Commissioners. In my opinion, that very well may take place but will not make promises personally but for us to think about and dwell on this. I certainly would have all conversation we have, if any, on this conversation directly through fire commission first and see what the feelings are and maybe you or your group could get to Daryl some more of a solid proposal about a change of charter and what

that truly means but to never address it I don't think that is what we would tell you. Unless some commissioner sees reason that they have heard enough today to say "no lets change what we are doing and do a different way" then it is going to be as it is; status quo until a possible meeting but I think we owe that to all parties concerned".

Mr. Buchanan said " I need to throw one thing in there. At this point as of last Fire Commission meeting which was Thursday they gave Newland Fire Department 15 days to sign or they would lose their place in picking up a new tanker, they would shift that to Banner Elk. There is a timing issue or a request to tell the fire commission to hold the status of the fire truck until we can resolve this. I don't want Newland to lose a fire truck or have to sign an agreement on something that would change on down the road."

Chairman Poteat stated "I would not tell you to do that. I think the decision has been made. There may be a timing issue where time is an element and if there is we would do our best to address it prior to that. Board, unless you see something different I see no change in what we made the decision at this point, at this moment."

Mr. Wiseman said " A decision of this magnitude needs all five commissioners here."

Scott Heath stated "We made the decision. Things have changed a little bit. If you think back who owned the trucks; the fire departments never owned them the bank always owned them. The finance end becomes much more substantial when we are now able to have everything out of debt and we have got ½ million dollar piece of equipment and who has legal ownership of that equipment becomes more of an issue. I certainly think if you are talking about a meeting down the road you should always consider other options and other things and other organizations. I am concerned because it was not the intent of this Board to do that but title it back was a financial issue because there is cash and value involved but we need to find a way to have the firemen vested with what they are doing. I think this is a plan as we go forward to consider. I have no idea of what that can be. I have concerns of why it should be titled to the county but that reason was never to devest the firemen from their equipment. I think that on down the road you should start this process of ideas and come up with certain options or come together with what would be best for all involved to keep the financial integrity of what the taxpayers have put in but also the vested interest of the firemen. They put in their own money and don't get anything back and we don't want to alienate that. I think that is a process that we can get started but probably will not happen in the next 15 days."

Chairman Poteat said "I know this Board fairly well and they will not approach this with a closed mind and I think there will be further dialogue between yourself and us and Daryl and the Fire Commission because they are folks we appointed. We don't overturn things they did but entrust them and charge them with that and Daryl you just keep the course and we will see what unfolds in the future."

Banner Elk School /Jail Updates – Jeff Hurd

Jeff Hurd, MB Kahn Construction Management, reported that MB Kahn Management had gotten with Danny Clark and a one year inspection had been completed of the new Banner Elk School. There are two major concerns with the geothermal system but the contractors continue to be cooperative and responsive to calls that are made to them.

Mr. Hurd stated that the Jail Renovation will be complete in the next couple of weeks. The jail project is well under the original budget.

Robert Wiseman said that personally he thought Mr. Jeff Hurd had done the County of Avery a good service with the new Banner Elk School and also the Avery County Jail Project.

Recess

Chairman Poteat called for a brief recess.

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

Economic Development Updates – Bret Gardella

Avery County Website

Mr. Gardella reported that the home page for the website was almost complete. The website will be completely different from the current one. Every department will have their own page and own ability to make alterations to their site. This is going to do more for Avery County in getting information out there. The website will be up before the end of this year. Grant monies were received from Mountain Electric in the amount of \$6250.00.

NC Wireless

NC Wireless is a high speed organization that is going to come to the lower end of the county. The location that they can set up their hub is at Avery Middle School and there is room on Hawshaw Tower. This should be a reasonable price for high speed wireless. We will find out in the next week or two if the signals can be received in different areas. We may be up and running by the end of the year with this project.

AC PRIDE

The Banner Elk Planning Board changed the definition in the zoning ordinance regarding the "existing businesses". This was sent back to city council and there will be a public hearing at the next monthly meeting. This particular zoning ordinance should be altered so we can move on with the project. The conditional use permits will then be finalized in the last quarter of this year. There is a letter of intent for one business starting up in the incubator.

TVA

On October 17, 2012 there will be an economic development seminar offered free of charge by the Tennessee Valley Authority. This will be from 1:00 to 4:00 p.m.

Interbike Trade Show

Mr. Gardella stated that he would be attending the Interbike Trade Show in Las Vegas. We will be having a booth and the goal is to attract visitors to Avery County.

Finance Officer Report – Tim Greene

Tim Greene, Finance Officer, requested the Board approve the Courthouse Renovation Capital Project Ordinance.

Motion by Martha Hicks and second by Scott Heath to approve the transfer to Courthouse Renovation (466600.8544) with a debit of \$3,900,000 and a credit of \$3,900,000 to Fund Balance – Appropriated (463990.0000). Motion unanimously approved with those in attendance (4-0).

County Attorney Report – Michaelle Poore

Ms. Poore stated there nothing to report at this time.

Approval of Minutes

Motion by Scott Heath and second by Glenn Johnson to approve the Regular Session Minutes for August 6, 2012. Motion unanimously approved with those in attendance (4-0).

Agenda Consent Items

Adopted by Consensus of the Board.

Upcoming Meetings

The next Regular Meeting will be October 1, 2012 at 3:30 p.m.

Adjourn

Motion by Scott Heath and second by Martha Hicks to adjourn this meeting at 6:16 p.m. Motion unanimously approved with those in attendance (4-0).

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

ATTEST: _____
Cindy Turbyfill, Clerk

