

**STATE OF NORTH CAROLINA  
COUNTY OF AVERY**

The Avery County Board of Commissioners met in Regular Session on Tuesday, September 3, 2013 in the Commissioners Board Room, Avery County Administrative Complex, 175 Linville Street, Newland, NC. This meeting was held on Tuesday instead of Monday due to the Labor Day Holiday.

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

Members Absent: Phyllis Forbes

**Call To Order**

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

Chairman Poteat announced 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.

Chairman Poteat led prayer.

**Public Comments**

Sue Freeman and Annie Rutenberg from the Avery County Chamber of Commerce announced that the Woolly Worm Festival would be October 19<sup>th</sup> and 20<sup>th</sup> in Banner Elk. Also the Avery Chamber Afterhours Networking Event would be held on Tuesday, September 10<sup>th</sup> at 5:00 p.m. on the Riverwalk.

Bret Loftis, Director of Crossnore School Inc, introduced himself to the Board. He stated he had been at Crossnore School Inc for six months. We are celebrating our 100<sup>th</sup> Anniversary this year at Crossnore School. We are a residential public charter school and we run a school from K-12. Our kids at Crossnore range in age from 2 to 19 years old. We are at capacity right now.

Glenn Johnson stated that Mr. Loftis was much about working together for the betterment of Avery County. Crossnore School is doing what they can do to work with the Crossnore community and the churches and schools in this county.

Trey Oakley, new CEO for the William YMCA in Avery County, introduced himself to the Board. He said that he had been at the YMCA for approximately three years but had only been CEO for the past six months. We serve about 7500 Avery County residents. We have revamped our partnership with the Crossnore School. We have diabetes and obesity program in Avery County schools. The YMCA has gotten more involved in the community.

Glenn Johnson stated that he served on the YMCA Board and this Board is about working together. The YMCA is involved in a lot of aspects across the county. It is a good facility and we need to take advantage of this as much as possible.

Mr. Johnson said he would also like to update the Board on a few boards that he serves on. One of them is the Rural Transportation Board. One of the things that jumps out at me at the meetings is the widening of Hwy 105. At one time they were considering widening all of Hwy 105 but that is not going to happen now. The construction is to be completed in 2018 but that is only from Boone to Jack's Creek in Foscoe. They are taking another look at the traffic count because there was such a large discrepancy in the traffic count.

The other Board that I serve on is the Smoky Mountain Center Board. Originally the Smoky Mountain Center served 15 counties but now is comprised of 23 counties. The NC State Statute creates a brand new board make up and this statute takes away a county commissioner representative for each 23 counties. The Board now can be made up of no fewer than 11 and no more than 23 voting members. As of right now there would be 46 members on that Board with each county having a county commissioner and an at-large member. As the new law reads, the Board has to be made up of at least one county commissioner, health care administrator, someone with expertise in financials and so on. We are going from LME's to MCO's which is a public insurance company. With the new Board make up, seven counties will not have representatives and Avery County is included in the 7. The state has created what they call a new county commissioner advisory board and that is yet to be appointed. There is a slim possibility if you meet a 1.2 million catchment area then you can basically with the secretary's approval have any board make up that you want. What we may wind up with is mental health in the state of North Carolina being run by someone outside of North Carolina. There is much confusion and disagreement on this Board.

Martha Hicks stated that she was on the Yellow Mountain Board and if it had not been for the representation of Mr. Johnson on that Board that Yellow Mountain would not have gotten the two new vans. Ms. Hicks also stated that there was an article in the Avery Journal a few weeks ago regarding Mr. Gardella which was titled "Gardella is an asset to the Community." Ms. Hicks read aloud the letter to the editor.

### **Board Appointments**

#### **Avery Fire Commission**

The Avery Fire Association has recommended that Matthew McClellan be appointed for a two year term on the Avery Fire Commission.

**Motion by Reo Griffith and second by Martha Hicks to appoint Matthew McClellan to the Avery Fire Commission for a two year term. Motion unanimous with those in attendance (4-0).**

#### **Avery Fire Commission**

The term of Daryl Smith on the Avery County Fire Commission will expire August 31, 2013. Attached are three applications: Daryl Smith; Bill Beutell; Amanda Knaack.

Paul Buchanan said "You have a pretty important decision coming up here. I want to point out a couple of things with the meeting a few months ago. We have had a few dissensions of meetings not taking place and got postponed again. I would like to say that Mr. Smith has been the self-appointed Chairman of the fire commission. "

Chairman Poteat said that we are not selecting a chairman of the fire commission but an appointee of the Board of County Commissioners to the Avery Fire Commission. The makeup of the Fire Commission is two appointees by the Board of Commissioners, two appointees from the Fire Association and the 5<sup>th</sup> member chosen by the four seated members.

Jake Owens stated "I know there is a big stink about putting Daryl Smith back on the Board I think you should keep him because I want someone to watch over the money. Also, the county commissioners need to step out of the fight and if you don't approve the budget when the fire commission brings it to you, you need to get rid of all of them not just one."

Chairman Poteat explained that the ballots with the three names on them must be signed and dated by the commissioners and will be available for public inspection in the clerk's office. The instructions are the low score wins. The person you feel is most capable of filling this position should get a 1 and then so on.

### **Recess**

Chairman Poteat called for a brief recess to count the votes on the ballots.

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

Chairman Poteat announced that Bill Beutell is the county commissioner's appointee to the Avery Fire Commission.

### **Tax Administrator Report – Phillip Barrier**

**Motion by Glenn Johnson and second by Reo Griffith to appoint Mr. Phillip Barrier to the position as Tax Collector for a two year term. Motion unanimously approved with those in attendance (4-0).**

Mr. Wiseman stated that he strongly lobbied for the abolishment of an elected tax collector and the appointment of a tax administrator that would supersede all functions in the tax department. It would be prudent to amend this local bill to where this dual appointment would not be necessary. This would take legislative action.

Phillip Barrier questioned if the assistant and the deputy would need to be sworn in to be able to sign papers.

**Motion by Martha Hicks and second by Reo Griffith to appoint Deana Daniels as collector under the Tax Administrator and Sharon Moody as assistant collector. Motion unanimously approved with those in attendance (4-0).**

### **Tax Collection Report**

The total tax collection for the month of August 2013 is \$2,181,893.00 and balanced to the penny.

**Motion by Martha Hicks and second by Glenn Johnson to approve the Tax Collection Report for the month of August 2013 as presented. Motion unanimously approved with those in attendance (4-0).**

Mr. Barrier said that 25,275 tax bills were sent out and the amount due is \$17,786,395.45.

#### **Regular Releases**

The Regular Releases for the month of August 2013 is \$6,934.04.

**Motion by Glenn Johnson and second by Martha Hicks to approve the Regular Releases for the month of August 2013 as presented. Motion unanimous with those in attendance (4-0).**

#### **Motor Vehicle Releases**

The total Motor Vehicle Releases for the month of August 2013 is \$670.54.

**Motion by Martha Hicks and second by Glenn Johnson to approve the Motor Vehicle Releases for the month of August 2013 as presented. Motion unanimous with those in attendance (4-0).**

#### **Special Releases**

Mr. Barrier stated that this person wrote a letter requesting that the interest be released. This is a 2010 bill. The interest is \$106.11.

**Motion by Martha Hicks and second by Reo Griffith to approve the Special Releases of \$106.11. Motion unanimous with those in attendance (4-0).**

Mr. Barrier said there was a Memorandum of the Adoption of the 2014 Schedule of Values. On October 7, 2013 he will present the schedule of values that will be used for the 2014 revaluation. This will be published in the local paper and available in the tax office and the clerk's office. On November 4, 2013 there will be a public hearing. On December 2, 2014 at the regular meeting we will adopt the schedules and then after that we will publish them four times in the newspaper and this will give anyone until January 6, 2014 to appeal the schedule of values.

#### **Real Property Sales**

There were 12 sales at the end of August. Eagles Nest is selling property. Wilderness Trail has declared bankruptcy.

#### **County Manager Updates – Robert Wiseman**

##### **Hwy 194**

Mr. Wiseman gave an update on the repair of Hwy 194. They are within 15 feet of road level. They will begin hauling rip rap and dirt to be compacted and they will stop hauling the large stone.

##### **Renovation of the Courthouse**

Mr. Wiseman reported that the entire west side of the second floor of the courthouse is demolished. The gutting of that area is complete and the masonry work for the stairwell is basically complete so we are out of the demolition mode in that area. As soon as that construction is complete, we are back to square one. The entire office of the Clerk of Superior Court is moved to the second floor where the old existing courtroom was. As soon as the area that is under renovation right now on the second floor where the DA's office will be is complete in 6 months, we can move the DA back in that area and free up the area that probation and parole were moved out of. This will start the process of getting the probation people out of the old daycare center. This project has drug out longer than it should. We have got office space in the new jail and there are two probation officers there and two officers in Banner Elk. I have discussed this at length and they have some issues that are not ideal conditions. Michaelle and I have discussed options that could be worked out in the next month or two to present to the Board after being discussed with the staff at Lees McRae as to how we can work together so that they can have access to this building. Lees McRae is very anxious and I completely understand that. It would be my recommendation that as soon as we can come up with a viable plan to give them access to this building that we act as quickly as we could.

Chairman Poteat stated that this old daycare center was never intended to be the permanent home of probation and parole. Chairman Poteat said it was decided that Avery County utilize property that we own rather than pay thousands of dollars in rental money.

Mr. Wiseman said he did not think it would be of the greater good to try to locate, renovate and move for the amount of time we are looking at.

Dr. Barry Buxton, President of Lees McRae College, stated “we are here in the spirit of cooperation but we also have been working on this project for well over a year. We have been communicating about the concerns. We have had protests from families especially mothers and fathers of young female students who are exposed to these individuals on parole. We are grateful for the spirit of cooperation but we are concerned that we have a disaster waiting to happen. You said it would be six months. We thought it would be six months a long time ago. I am here about a safety concern. We want to be partners with the county. I will not belabor a lot of the issues because I think Robert understands those and you understand those but when we have young female students who are working there, participating there and we have individuals on parole that are watching them and looking at them and going into the gymnasium, we are simply concerned about their safety. I have tried to assure the parents of these young women that I understand their concern. You are telling me today that it is going to be six months and this is the best you can do. I have been promising parents it is only a temporary situation. My fear and my desire to come here today is I think we have a very dangerous situation on our hands. We are willing to work with everyone involved, We have a very limited security staff. I need your assurance that is what we are working toward because I am worried and my first concern is the security and safety of our people and students. I need for you to assure me that we are looking at 6 months.

Craig McPhail, athletic director for Lees McRae College, advised that we have had to call the police multiple times regarding the parolees. When we are talking about bringing folks to Avery County for four years we need to provide a safe healthy opportunity. I do not accept the six months.

Chairman Poteat questioned Kevin Benfield, parole officer, on the average number of parolees each day. Mr. Benfield said that the two officers that are there have less than 100 parolees. At the beginning of the month you can expect 5-10 persons a day. We have done everything we can to minimize the contact. We have posted signs that have instructed the offenders not to go on LMC property. There are no sex offenders at this location.

Dr. Buxton stated that he did not want to be here again a year from now discussing this. Chairman Poteat said that if you are here one year from now on the same subject this will not be the same county manager.

Mr. Wiseman requested that the Board give the manager the authority to work with the county attorney and Dr. Buxton in advance of the actual completion of the construction so that the agreement can be in place prior to the time that the actual move will take place so there will be no down time.

#### **Staff Reports and Requests**

Mr. Griffith said “Mr. Manager you enlightened me on a matter concerning a trip to Las Vegas and you confirmed it was on board for September 18<sup>th</sup>. I want to read something from the website concerning this trip to Las Vegas that I am strictly against. This took place last year; taxpayers money.”

Mr. Griffith read from the website: “Interbike in Las Vegas is not open to the public. Who can attend Interbike? On Wednesday September 18<sup>th</sup> and Thursday September 19<sup>th</sup>, 2013 Interbike is a trade only event for qualified buyers and industry professionals only. On Friday, September 20<sup>th</sup>, 2013 Interbike is providing bicycle retailers with the opportunity to invite their customers on the trade floor. Interbike by invitation guests can only obtain an invitation to Interbike from their local bicycle shop.”

Mr. Griffith said this show is not open to the general public. Interbike is a wholesale business to business marketplace. This trip was paid for last year by taxpayer’s money or a trip similar to this. I stand opposed to taxpayer’s money going to Las Vegas.

#### **Finance Officer Report**

Nothing to report.

#### **County Attorney Report**

Nothing to report.

#### **Approval of Minutes**

**Motion by Martha Hicks and second by Reo Griffith to approve the Regular Session Minutes for June 3, 2013; June 17, 2013 and July 1, 2013. Motion unanimous with those in attendance (4-0).**

#### **Agenda Consent Items**

Adopted by Consensus of the Board.

**Informational Items**

Glenn Johnson said that Beech Mountain TDA is working with Avery County for the first time by sending Amy Morrison to Las Vegas to work the booth. Beech Mountain received a grant last year to expand their cycling trails. Bret did go last year and had quite a bit of positive feedback and sometimes persistence pays.

Mr. Johnson commented about the High Country Vision Council and the letter showing support for the incubator.

**Upcoming Meetings**

The next Regular Meeting will be Monday, October 7, 2013 at 3:30 p.m.

**Adjourn**

**Motion by Martha Hicks and second by Glenn Johnson to adjourn this meeting at 5:20 p.m.**

**Motion unanimously approved with those in attendance (4-0).\**

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

ATTEST: \_\_\_\_\_  
Cindy Turbyfill, Clerk