

**STATE OF NORTH CAROLINA  
COUNTY OF AVERY**

The Avery County Board of Commissioners met in Regular Session on Tuesday, September 4, 2012 at 3:30 p.m. in the Commissioners Board Room, Avery County Administrative Complex, 175 Linville Street, Newland, NC. This meeting was rescheduled from Monday, September 3, 2012 due to the Labor Day Holiday.

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

Members Absent: None

**Call To Order**

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

Scott Heath led prayer.

Chairman Poteat stated that anyone that would like to speak to an agenda item must sign up on the sheet with the clerk otherwise there would be a time of public comment.

**Public Comments**

There were no public comments.

Chairman Poteat announced the joint meeting with the Avery County Board of Commissioners and Avery County Board of Education at 6:00 p.m. today in the Commissioner Board Room.

Glenn Johnson reported that Avery County was up 10% in tourism; the most in the High Country.

**Tax Administrator Report – Phillip Barrier**

**Tax Collection Report**

The Total Tax Collections for the month of August 2012 is \$2,634,707.19.

**Motion by Martha Hicks and second by Scott Heath to approve the Tax Collections Report for the month of August 2012 as presented. Motion unanimously approved.**

**Real and Personal Releases**

The Total Real and Personal Releases for August 2012 are \$3509.93.

**Motion by Phyllis Forbes and second by Glenn Johnson to approve the Real and Personal Releases for August 2012 as presented. Motion unanimously approved.**

**Motor Vehicle Releases**

The Motor Vehicle Releases for August 2012 are \$86.03.

**Motion by Glenn Johnson and second by Scott Heath to approve the Motor Vehicle Releases for August 2012 as presented. Motion unanimously approved.**

**State Appealed Releases**

Mr. Barrier stated that this State Appeal involved a home at Wilderness Trail. The NC Department of Revenue did an inspection and made some suggestions so there is a County Tax Release of \$1,223.33 and Fire Tax Release of \$172.30 for a Total Tax Release of \$1,395.63.

**Motion by Martha Hicks and second by Phyllis Forbes to approve the State Appealed Release as presented. Motion unanimously approved.**

**Grandfather Mountain Appeal**

The Grandfather Mountain Appeal is scheduled for sometime in December.

**Sales Statistics**

The average is 7 sales from July through the month of August. There were 40 sales in August 2012; 45 sales in August of 2011. Foreclosures have gone down.

Mr. Barrier updated the Board on individual sales that occurred in Avery County in August 2012.

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

### **Courthouse Renovation**

Robert Wiseman, County Manager, stated that he anticipated the planning process being completed and bid packages ready to go before the end of November. The month of December would be for review and scrutiny for potential bidders. In the early part of January we would hope to open those bids of qualified bidders only. Hopefully, we would start construction by the latter part of February.

One thing that had not been anticipated is the condition of the new small courtroom and the ability to use the courtroom while we are renovating the old courtroom which is essential. To address that on the front end of this project is necessary. We are trying to solicit qualified contractors who would be able to come in and take up the seats and carpets and give us an estimate on what it takes to do that project.

Mr. Wiseman stated that for this project to be the most trouble free and the most “bang for our buck”, MB Kahn is an essential part of that process. A tentative agreement has been pursued for MB Kahn to be the construction management on this project. Tim Greene, Finance Officer, and I have negotiated and have achieved a degree of unity within the financial guidelines. It would be my recommendation that the Board executes the agreement with MB Kahn to be Avery County’s representative in this very complicated project and of course this would be subject to legal counsel's approval of the contract documents. The contract amount of construction would not be in excess of 6%.

**Motion by Scott Heath and second by Glenn Johnson to approve the MB Kahn Construction Management Company contract as Avery County’s representative. This contract would be contingent on the approval of the County Attorney.**

Scott Heath said that the construction management concept is the best thing that Avery County has done since I have been in as commissioner. There is no way that the inspection department can be management. We need someone that work’s for Avery County. I think it is essential that the County Attorney, County Manager and Finance Officer is 100% sure what is in the contract and what the details are.

**Motion unanimously approved.**

### **Linville Cove**

Mr. Wiseman stated that the Linville Cove buildings have went up very fast. The developer had a professional framing company come in to frame up the buildings. The county manager’s office has telephone numbers to call if someone wants to be a resident or staff.

### **Memorandum of Understanding- Avery Fire Commission**

Michelle Poore, County Attorney, stated that the purpose of the MOU was to make the existing MOU between the Avery Fire Commission and the Avery County Board of Commissioners reflects what happened at the last budget cycle. There are two things to address. First of all in the past the fire commission received different amounts each month based on the amount of the collection from the previous month. Now they receive 1/12<sup>th</sup> of the amount budgeted. Also, this MOU reflects the language in regard to the rescue squads. There was already some language in there but the language now also includes the budget process and how that is being handled.

**Motion by Scott Heath and second by Phyllis Forbes to approve the Memorandum of Understanding between the Avery Fire Commission and the Avery County Board of Commissioners as printed and signed by the appropriate parties. Motion unanimously approved.**

### **Personnel Policy**

Peggy Wallace, Human Resources Director, will revise the policy and then present the revisions to the Board of Commissioners.

### **Shared Leave Policy**

Mr. Wiseman stated that at the last meeting there was some discussion about the Shared Leave Policy which was referenced to Shelia Thomas. This was to be discussed and brought back before the Board. He said that a few years back Avery County had a donated leave policy that had no restrictions on it. There were a couple of individuals who abused that privilege putting their coworkers and friends on the spot and this got totally out of hand. The policy was changed and restricted to 40 hours per year. There are very few counties across the state of North Carolina that recognizes donated leave time. The MAPS group suggested that was not a good thing to do. The individual that was discussed has already received 40 hours of donated leave time. In order to change this and allow employees to donate time to this individual, the Board will have to suspend the policy for this particular situation. If you suspend the policy for this situation, then you are setting a precedent and could result in legal liability for discrimination. Michaelle Poore, County Attorney, stated that it would be very difficult to make an exception to the policy for one employee but if the Board would like to make a revision to the policy that would be the best way to go.

Chairman Poteat stated that he is hearing from management and legal counsel that they would not recommend suspension of policy but maybe change the policy. Chairman Poteat said that the current policy would be followed at this time.

**Budget Amendment – Avery County Emergency Medical Services**

Mr. Wiseman advised that Avery County has always had to have an emergency medical doctor to work in coordination with Avery County Emergency Medical Services. This person has to approve the emergency medical plan for the county and must be responsible for all of the controlled substances that the EMS department has possession of either at the base or on the trucks. Avery County has to have a medical doctor. If we don't have someone to sign off on the drugs, we can't operate. The reason for the request for compensation is that the laws have changed which has increased liability and responsibility that this person concurs with paperwork or hours on the job; these are the reasons that a physician has asked for compensation for their services.

Jerry Turbyfill, EMS Director, stated that in 1986 Avery EMS began doing advanced life support procedures and to be able to do that EMS must function under a licensed physician. EMS has had seven different medical directors since that time and up until April 2012 this has not been reimbursed. In April 2012 a new medical director was appointed and she asked for compensation because of the increased time it takes to perform the function and the increased liability. EMS is not the only one that is under the medical director, rescue and fire are also under the medical director. It is requested that there be a budget amendment of \$6,000 for the compensation of the medical director; this is comparable to neighboring counties.

Tim Greene stated that this budget amendment would be retroactive to July 1, 2012.

**Motion by Scott Heath and second by Phyllis Forbes to approve the budget amendment of \$6,000 to enable Avery County to contract with an Emergency Medical Director. Motion unanimously approved.**

**Finance Officer Report – Tim Greene**

Tim Greene, Finance Officer, requested that the Board approve the Courthouse Renovation Capital Project Ordinance. No money will be borrowed for this project.

**Motion by Martha Hicks and second by Glenn Johnson to approve the Courthouse Renovation Capital Project Ordinance with a debit of \$3,435,000 to General Construction (496600.4004); debit of \$450,000 to Architect/Engineering Fee (496600.4005); debit of \$15,000 to Permits, Insurance, surveys (496600.4006) and a credit of \$3,900,000 transfer from Capital Reserve Fund (493102.0000). Motion unanimously approved.**

**County Attorney Report – Michaele Poore**

Ms. Poore brought to the Board's attention regarding the tax appeal by Grandfather Mountain. There was one hearing in June on this matter and the final hearing is set in December. As the Board may recall it was a recommendation by the Department of Revenue that the county hire co-counsel due to the size of the case. We had hired a lady out of Raleigh and she had developed health problems and so we have retained Poyner and Spruill as co-counsel since July.

**Approval of Minutes**

**Motion by Phyllis Forbes and second by Glenn Johnson to approve the July 2, 2012 Regular Session Minutes and the Closed Session Minutes for August 6, 2012. Motion unanimously approved.**

**Agenda Consent Items**

Adopted by Consensus.

**Recess**

Chairman Poteat declared this meeting to be recessed at 5:00 p.m. until 6:00 p.m. when there will be a joint meeting with the Board of Education.

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**The Avery County Board of Commissioners met in a Joint Meeting with the Avery County Board of Education on Tuesday, September 4, 2012 at 6:00 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

Board of Education Members Present: John Greene, Chairman; Kathy Aldridge; Steve Smith; Keith Tutterow

**Call To Order**

Motion by Kathy Aldridge and second by Steve Smith to call the Avery County Board of Education members to order at 6:00 p.m. Motion unanimous.

Chairman Poteat advised that the Avery County Board of Commissioners would reconvene after a recess from their previous meeting.

John Greene read aloud the ethics statement.

Keith Tutterow led prayer. The Pledge of Allegiance was recited.

Motion by Steve Smith and second by Kathy Aldridge to approve the agenda.

Scott Heath requested that an item be added to the agenda to discuss school facilities. This would be item #7.

**Recess**

Chairman Poteat called for a brief recess.

**Student Ex-Officio Board Members – David Burleson**

Mr. Burleson explained that the Avery County Board of Education would add student ex officio members to the Board of Education; these students would be 2 juniors and 2 seniors. Any student can apply. There are a series of questions to complete. Mr. Burleson stated that some of the best ideas come from the student advisory boards.

**Capital Project Updates – Danny Clark and Jeff Jaynes**

Danny Clark reported on the capital projects of the Avery County Schools that are completed and the ones that are still in process.

**Banner Elk Elementary Update – Danny Clark and David Burleson**

Mr. Burleson stated that he and Mr. Wiseman and several others were in a closeout meeting with the attorney's and there was additional coverage given for the roof and the geothermal. He said that Danny Clark had to do most of the closeout and punch list because when May and June came along MB Kahn was nowhere to be found. Mr. Wiseman stated that in defense of MB Kahn if there had not been the component of construction management that there is a real possibility that this building would have started coming apart in 10 years.

**Review of Accountability Data for 2011-2012 – Ellis Ayers**

Ellis Ayers and David Burleson reported on the growth and proficiency of Avery County Schools.

**Technology Update – Dennis Brown**

Dennis Brown, IT Director Avery County Schools, updated the Boards on the Ipads and MacBooks that the school system received last year.

**School System Update – David Burleson**

David Burleson, Superintendent of Avery County Schools, related the goals that he had for Avery County Schools.

**School Facilities – Scott Heath**

Scott Heath explained that he felt that the county commissioner's responsibility is the school facilities and maintaining these facilities. He said he had visited some different schools and these schools were lacking in outdoor facilities. He reiterated the need to plan and provide facilities for the schools.

**Adjourn**

Motion by Kathy Aldridge and second by Steve Smith to adjourn this meeting at 8:00 p.m. Motion unanimously approved.

**Motion by Phyllis Forbes and second by Scott Heath to adjourn this meeting at 8:00 p.m.  
Motion unanimously approved.**

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

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