

**STATE OF NORTH CAROLINA
COUNTY OF Avery**

The Avery County Board of Commissioners met in Regular Session on Monday, July 1, 2013, at 3:30pm in their offices in the Avery County Administrative Complex, Newland, NC.

Members Present: Kenny Poteat, Chairman; Phyllis Forbes; Reo Griffith; and Martha Hicks.

Members Absent: Glenn Johnson, Commissioner; Cindy Turbyfill, Clerk

Call to Order

Chairman Poteat called the meeting to order at 3:30pm and led with prayer. He reminded the audience that if they wish to speak to an item on the agenda, they must place their names on the sign-up sheet with the Clerk.

Chairman Poteat introduced Caroline Harris who is the new reporter for the Avery Journal.

Proclamations and Awards - none

Public Appearances

Faith Lacey spoke to thank the Commissioners for adding to the lease that NA can use the Avery Cares facility.

John Boyd spoke to say that Mayland received the Golden Leaf Grant for \$72,000. Mayland will be beginning work on expanding the welding and blacksmith areas and they will also hire a full-time welder this fall. Dr. Boyd also thanked Kenny Poteat for all his help with this grant and project. John Boyd stated that Mayland received their annual reports for 2012 and he handed these out to the Commissioners. They are also distributing a flyer on mountain small fruit and berry symposium which will be held July 18th in Spruce Pine. Experts will talk about blackberries, blueberries, strawberries, grapes, and the revenues these berries can produce, etc. All tree growers and all county governments are invited. After the symposium, they will be going to Linville Falls Winery for a pig picking and then a tour of the Linville Falls Winery. This will be good for tree growers who want to diversify and Mayland will help to lay out a revenue stream for them. Mayland will also have an Economic Development Summit at the Spruce Pine campus in October.

John Millan spoke to say he had previously come before the Board of Commissioners about remodeling the Veterans' memorials. He said some names are still missing. He hopes it is in the works to have something done with this. He still wants to add to the sign at Heaton for Glen Hicks to say something like "Avery Sheriff's Deputy or Avery Lieutenant." Millan said the incident recently in Boone shows why we need a coroner. Millan said he has just finished a death investigation class last week at the Justice Academy and he is ready to help the County. Chairman Poteat said that, because of courthouse remodeling, the signs will have to come down and be erected later and so this will be the time to make changes to the signs. Martha Hicks said she has already been working on this.

Commissioner Hicks said flyers were put out for the Yellow Mountain Auction and 5K Run. She is happy to report that Yellow Mountain raised \$30,000 at these events.

Chairman Poteat said the ribbon cutting at Linville Cove was a wonderful day. There are 32 units dedicated for older adults. The need for housing has been discussed for years, and now 27 units are already occupied.

Commissioner Phyllis Forbes congratulated Commissioner Hicks on her 50th wedding anniversary.

Commissioner Reo Griffith said that July 4th, America's Birthday, is coming up this week and he asked if all veterans would stand. The audience applauded those standing. Commissioner Griffith said Happy Birthday to America, to the County being the highest seat east of the Rockies and to the fine town of Newland.

Commissioner Hicks said that Newland will celebrate their 100th centennial on July 6th and would like the Board of Commissioners to be in the parade if possible.

Board Appointments
NCACC Voting Delegate

Chairman Poteat said the NCACC Annual Conference will be August 22-25 in Guilford County. The Board needs to elect a voting delegate for Avery County. The delegate will cast the County's vote during the annual business session. Chairman Poteat said this is a serious two to three days from 8am to 5pm and a lot is accomplished. He stated that he is honored to currently be a part of the State Board of Directors and he will be glad to represent Avery County as the voting delegate. He stated that it is an honor and also an obligation.

Motion by Phyllis Forbes with second by Reo Griffith to allow Kenny Poteat to be the voting delegate. Motion unanimous by those in attendance.

Toe River Health District Home Care Advisory Council

County Manager, Robert Wiseman, said that Toe River Health District is requesting that one of the Commissioners be appointed as a member of the Council. It was discussed that there are four meetings a year on Tuesday in March, June, September and December; and these are lunch meetings in Spruce Pine. Mr. Wiseman said this is council serves in an advisory capacity only. They deal with staffing, statistics, improvements, etc. Mr. Wiseman said the by-laws indicate that one of the members of the Board of Commissioners needs to be a member of the Council. Chairman Poteat said that Commissioner Forbes is a member of the full Toe River Board. He asked if anyone like to volunteer and Commissioner Martha Hicks said she would accept.

County Commissioner & Staff Items

Avery County Ranger's Office (Joe Shoupe)

Commissioner Poteat spoke to mention the recent tragedy in Arizona with 19 firefighters who lost their lives and asked for a moment of silence. Joe Shoupe said he was in Colorado in 1994 when 14 were killed. Joe recognized his supervisor, Hunter Birkhead, and also the District Forester. Joe said that the Commissioners should have a copy of the annual report in their packages. Joe wants to make everyone aware that the work load has doubled and they may be asking for additional funds in the future. Joe stated that there were 45 wildland fire calls over the past year and 22 were active fires. He said they could not do all this without the help of the local fire departments, the Smoke Chaser and help from the BRIDGE program and the Strike Team. The fires were confined to 9.8 acres, thanks to a good response. Forty-seven structures were protected and saved, valued at about 16 million dollars. Also, 3400 burn permits were issued. Joe said they have completed the Community Wildfire Protection Program plans for Linville, Elk Park and Fall Creek fire districts, and are working on Banner Elk and Newland. He assisted in helping Beech Mountain and Seven Devils Fire Districts. He also assisted with preparing fire plans for Grandfather Mountain State Park and Yellow Mountain Natural Area. Joe stated that several fire departments have received matching grants through the NC Forest Service Awards Program for fire equipment. As for training, four courses were taught this year to firefighters on wildlife fire control. There were 24 timber harvest site inspections done last year to ensure compliance. They make site visits and examine forestlands to develop a forest management plan and prevent erosion. Joe said approximately 60 landowners received on-ground assistance related to forest management and management plans were written. Due to this, 230 acres were naturally regenerated, 4 acres were site prepped and trees planted. Joe said these are the highlights and he could really use the Smoke Chaser more than eight months a year. He really could use more staff and he may be asking for more assistance in the next budget year. There was short discussion that there is no draught in North Carolina this year and Joe was thanked for his services.

Tax Administrator's Report – Phillip Barrier

Personal Property Releases

Phillip presented personal property releases totaling \$755.59. He stated this is cleanup of several years from 2002.

Motion by Martha Hicks with second by Reo Griffith to approve personal property releases totaling \$755.59. Motion unanimous by those present.

Motor Vehicle releases

Phillip presented motor vehicle releases totaling \$429.59. Phillip advised that September renewals have been processed and you will get a tax and tag renewal bill on the same piece of paper from September forward.

Motion by Phyllis Forbes with second by Martha Hicks to approve motor vehicle releases totaling \$429.59. Motion unanimous by those present.

He then presented the sales statistics. For the last fiscal year, there were 407 qualified sales and 46 foreclosures. A year ago, there were 326 total sales. The numbers are up but the ratio was closer last year. Property is selling 21% less than tax value. Eagles Nest had 14 lots to sell in the last two weeks. Eight of those are newly platted lots. They sold from \$13,000 to \$70,000. There were six old lots valued at one million nine, and they sold for \$845,000. There was an online auction at the Village of

Grandfather and 14 lots sold so far. Four of those were new lots at \$11,500 to \$20,000; ten were old lots valued at \$500,000 and sold for \$188,000.

Phillip advised that June collections were \$175,886, up from \$107,375 last year. Chairman Poteat mentioned that collections have been up from last year in all the last six months.

Motion by Martha Hicks and second by Phyllis Forbes to approve the June collections at \$175,886.00. Motion unanimous by those present.

Phillip said the collection rate for the 2012 tax bills was 96.25%. Robert Wiseman stated that the average collection rate for most counties is 95%. Robert said the legal staff has done a good job with foreclosures and working with people, going back 10 years. Martha Hicks said that setting up payment plans has been a big help for a lot of people. Phillip said there is \$397,794 on payment plans, and they are happy to allow people to make payments. At this time there is \$693,600 in taxes remaining to be paid. Commissioner Hicks asked how long it would take to get everyone on the new vehicle tax plan, and Phillip replied it would take about one and a half years.

Avery County Transportation Safety Program Plan (Linda Cuthbertson)

Linda Cuthbertson, Director, spoke regarding the System Safety Program Plan (SSPP). She stated the program was first approved by the DOT in 2004. It was revised in 2010 and more revisions were made in 2012 and approved. Linda said they had a two day audit in August 2012 and all went well with their safety program and the vans. As stated in a letter dated April 9, 2013, the only deficiencies found were with documentation. These deficiencies have been corrected and now need approval of the Revised SSPP. The Board of Commissioners will also need to adopt a resolution for approval.

Motion made by Martha Hicks with second by Reo Griffith for approval of the SSPP and the Resolution for Approval of Requirement for Community Transportation Systems to Implement System Safety Program Plans. Motion unanimous by those present.

Chairman Poteat then advised there would be a three minute recess of the meeting and he would sign the necessary documents for Transportation during this recess. The meeting recessed at 4:30pm.

Chairman Poteat called the meeting back to order at 4:33pm.

County Manager Report – Robert Wiseman

Courthouse Renovations

Mr. Wiseman announced that the courthouse renovation bids have been let and the contract awarded. J.E. Green of Johnson City, Tennessee, was the lowest responsible bidder. There was a department head meeting last week for those in the Courthouse to discuss the changes taking place while maintaining operations. Everyone understands it will be difficult for 12 to 14 months, but it will be well worth the temporary inconvenience at the end of the day. Employees will be inconvenienced on where they have to park their cars and may have to walk further in order for the public to be able to park closer to the Courthouse. Mr. Wiseman advised the Board that if they should receive calls concerning problems, refer them to the County Manager as he will know what is happening on a day to day basis. Construction is set to begin July 8th. There will be 2 or 3 construction trailers and we will have to move the gazebo, the flags and the veterans' monuments. The names on the monuments will have to be stored and put back afterward, hopefully better than before. Mr. Wiseman said there have always been issues with names not being on the boards and the only way we have of tracking the names for the monument is through DD14's on file in the Register of Deeds Office. John Millan spoke to say that DD14's can no longer be filed in the Register's Office due to privacy issues with social security numbers; Mr. Wiseman said we will have to work on that. Chairman Poteat mentioned that the project had been held off until after the centennial celebrations.

Personnel Policy

Mr. Wiseman said that in August 2012 the County hired Peggy Wallace. She was to revise the Personnel Policy which had been developed by MAPS. Between August and November she developed a draft of a Personnel Policy. It was different in format and that draft was handed out in November. There were some issues by Commissioners, and legal counsel had some issues. So Peggy went back to the drawing board and took recommendations from Michaelle Poore and incorporated those into the policy and the format was re-done to resemble the old format. At the last meeting on June 17th, all were given a copy of the revised draft with the incorporations, with suggestions to let Robert, Peggy or Michaelle Poore know by June 25th if there were problems. We received no response and it is the recommendation of Robert Wiseman to adopt this new Personnel Policy to become effective today, July 1, 2013. Mr. Wiseman stated that this is a fluid document and there may be changes that will need to be approved by the Board of Commissioners. The SOP's are separate procedures and are management issues.

Chairman Poteat said the test will be to use it. Commissioner Hicks said it was a good roadmap and the wording was simple. Commissioner Forbes said she had no questions or concerns. Commissioner Griffith said he did not receive the draft document until this past Saturday, as he left prior to the policy being handed out at the June 17th meeting, so he has had little time to review it. Commissioner Griffith said he would call attention to Section 5, Definitions, Page 4, under Hostile Work Environment, where it refers to “socio-economic class. Commissioner Griffith said there are a lot of factors when talking about this. It appears in school policies for good reasons; however, in the work force, this is not one of the protected six classes under Federal/State law. He thinks this should be pulled from the definitions because of possible liability. When he googled approximately 10-12 named counties, you will not find that word (socio-economic) in their policies. This is the only thing he requests to be changed. Peggy Wallace stated she did see where Commissioner Griffith was coming from and she did not have any strong feelings about retaining it. She would defer to the attorney. Hal Harrison, County Attorney, said he agrees that he doesn’t know of this being in any other policy and it could cause a liability, so it could be removed.

Motion made by Reo Griffith with second by Phyllis Forbes to approve the final draft of the Personnel Policy with one noted change under definitions of Hostile Work Environment that the wording of “socio-economic” be removed. Motion unanimous by those in attendance.

Finance Officer Report

Tim Greene, Finance Officer advised he had no report for today.

County Attorney Report

Attorney Hal Harrison said that a new lawsuit has been filed in the New River fiasco, filed on June 21st by 105 of the former employees. It is the Attorney’s recommendation that this be turned over to Poyner-Spruill.

On Hawshaw Tower, Michaelle Poore met with the Vances. She has requested information from the Economic Development Director on this and has asked twice and has not yet received it.

Mr. Harrison said that Banner Elk Town Council has approved the Conditional Use Permit and it has been referred back to the County, and Michaelle Poore is still waiting on information needed from the Economic Development Director which has not yet been received. Mrs. Poore has recommended this be placed on the next agenda.

Chairman Poteat stated that both the County and himself have been served in the new River lawsuit and he asked the County Manager if it would be his recommendation to use Poyner-Spruill. The Manager said that it would be his recommendation and it may require a budget amendment down the road.

Robert said he has received some information that he has not forwarded to Michaelle Poore yet. There is both a State and County tower on Hawshaw. On the County tower, there are multiple transmitters and receivers. All but one of these is directly related to Avery County. There are repeaters for the Board of Education, the Firefighters Association, Solid Waste, Avery County Transportation, 911, Sheriff and Emergency Management. There is only one that is commercial, for profit; the internet/broadband is the only one not connected to Avery County. The original lease agreement for Hawshaw was about 1973. It was for emergency services for Avery County. Technically, the Avery County tower has only one exception, the broadband.

Chairman Poteat said in connection with the new River lawsuit, there is a mutual agreement between the five counties for legal fees for the suit. The Chairman asked if the Board would seek approval to pass this suit along to Poyner-Spruill as this is a time constraint.

Motion made by Phyllis Forbes with second by Martha Hicks to have Poyner-Spruill work with this lawsuit. Motion unanimous by those present.

Chairman Poteat then stated that the Board should schedule Economic Development and the Banner Elk permit for the incubator for the next meeting.

Commissioner Hicks said the Board also needs an update on what is going on with the new broadband. There was discussion that many areas could not get the broadband at this time. Robert Wiseman said that Jamey Johnson and High Country Communications would probably be the ones to check with concerning this. The transmitter on Hawshaw spans out to a very restricted area. For progress we need repeaters. Commissioner Forbes said she had mentioned to another landowner about putting up a tower and that would help expansion. He was agreeable. Chairman Poteat said to agenda this for the first meeting in August as we need to get some more information and updates on this (broadband).

Commissioner Griffith asked to clarify with the Attorney that what he understands is that Banner Elk has approved the Conditional Use Permit and it was sent back to the County; information has been requested and not delivered back to Mrs. Poore. Hal Harrison said this is correct. It has been approved by the Town, but the County has not yet moved forward. He stated that Attorney's Office is not in position to make recommendations because they need information from Mr. Gardella that they have not yet received.

Staff Reports and Requests - none

Closed Session - none

Approval of Minutes

Motion made by Martha Hicks with second by Phyllis Forbes to approve the minutes of the May 6, 2013, session. Motion unanimous by those present.

Agenda Consent Items- Chairman Poteat asked if there were any questions on the consent items. Being none, he stated that the items in consent are adopted by consent.

Informational Items - there were no questions on the informational items

Announcement of Upcoming Meetings

Chairman Poteat advised the Public that the Board reserves the first and the third Monday of each month to meet; but the third Monday is on a needs basis. It is the Chairman's prerogative whether to have that second meeting. It has not been decided on the second meeting in July yet. The County Manager said it takes three working days to cancel the meeting.

Adjourn

Being no further business, Motion made by Phyllis Forbes with second by Martha Hick to adjourn. Motion unanimously approved by those present. The meeting adjourned at 5:20pm.

Kenny Poteat, Chairman
Avery County Board of Commissioners

ATTEST: _____
Sondra S. Austin