

**STATE OF NORTH CAROLINA
COUNTY OF AVERY**

The Avery County Board of Commissioners met in a Regular Session on Tuesday, July 5, 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; Scott Heath; Martha Hicks; Glenn Johnson

Members Absent: Phyllis Forbes

Call To Order

Chairman Poteat called the meeting to order at 3:31 p.m.

Glenn Johnson led prayer.

Chairman Poteat stated 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

Jackie Fouche stated "Until last Thursday I was clerk in the Avery County Tax Collector's Office. I was given a letter on the 13th of June telling me there had been a reduction in force and my position would be terminated because of the reduction in force. I was required to sign receipt of this letter. There was no discussion. I realize there are situations where you have to have a reduction in staff. I feel like there has to be a process based on performance, experience, time in the position and a lot of other things not just "your out". What happened to seniority? I have been here almost four years, done a good job and been a good employee and I feel like I have been mistreated. I am asking the public and the commissioners to address this. I have never been reprimanded let alone written up; others in that section have been. To my knowledge that was not addressed. I also feel like my performance reviews have been excellent and my supervisor has been well pleased with my work. In the papers I gave you there is a letter from Ms. Mary Daniels Calloway that I think that is well enough that I could be elected just about anywhere. Despite there being a budget shortfall and I understand that is life as we know it, Phillip Barrier hired another person on 12-13-2010 at their salary of \$27,820. My salary is \$24,000 and some change. I don't think that is logical if you are trying to save money that you hire someone that is making \$3,000 more. When I asked Mr. Barrier how the Tax Collector's Office would function he kindly laughingly said Sandy and a computer. Sandy is the new Tax Collector. They somehow put the two offices together and it is my understanding that Phillip was going to technically run both offices and Sandy will be the collector. We both laughed at that and I said that is not going to work. It would probably work sometime in the summertime but from November to February it is work as hard as you can go, as fast as you can go, very few breaks. He said one of "my girls" is going to cross train to take the position. I find the term "my girls" offensive. There is not a girl in there; I am guessing most of them are at least in their 30's. Most of you are old enough to know that "my girls" when you are in our age group this is not the most sensitive comment. I said to him to cross train me. There is no reason I can't be cross trained to do their work. I would think with my experience in various places in life; I have been building contractor, worked at a National Security Agency. I think my experience makes me qualified. If you take one of "my girls" to cross train them to work in my position who is going to work in their position. Are you going to take someone from that position and cross train for that position? That is not logical and does not sound proficient. If you are talking about money and I assume we are, money has to be put in the best place to get the most results. My other question is why would you take someone in one position and move them around? Maybe Philip was overstaffed to begin with. Are we finding this as an excuse to keep all the people he has? We ran the Tax Collectors office on three people and we worked like "borrowed mules". I don't know what their position entails or what they do but there are a lot of people on Phillip's side and if you can spare one to cross train to do my job maybe you have too many people to start with. In a meeting with Mr. Wiseman, I asked if my leaving had been decided by the Board of Commissioners and he gave me the understanding that it was your all's decision and the implication was that you all had gotten together and decided that I was the one that needed to go and I don't think that was the way it was. I think that decision was made before it came to you and you were given a letter like I was and you basically said ok if that is what it is that is what it is. I think this is violation of affirmative action based on age discrimination. I am not 28 anymore; I am not 58 anymore but that should not have anything to do with my job performance. I am an excellent employee and to be honest with you I think they could use 30 or 40 more of us. This is an appeal; a grievance and it is a formal request that the Board of Commissioners of Avery County review and reconsider this action.

Michaëlle Poore, County Attorney, advised that the procedure is set forth in the personnel policy and the procedure is to file with the County Manager's Office. The Board of Commissioners does not hear grievances.

Robert Wiseman, County Manager, stated that he had met with Jackie and explained to her that she needed to put a grievance in writing but have not received a copy.

Chairman Poteat stated that this will be your submission to the County Manager's Office and this would be in the hands of the County Manager's Office.

Ted Silver stated that he was a full time resident of Avery County, Chairman of the Banner Elk Bicycle Committee and member of the Save the School Committee. He said he was here today to address the Board regarding the Banner Elk School, a historic legacy building in the final disposition by the Avery Commission. At this time the committee has collected almost 500 signatures on a petition expressing a desire for a community facility over commercial development. The petition is signed by both residents and visitors many showing that they want to see the school to continue as a viable facility. Mr. Silver stated he was asking if the Commission and its representatives would be willing to sit down with the committee to decide not only a fair and reasonable price but to join in the process to decide the future of this legacy building.

Junior Sluder addressed the Board regarding the Subdivision Ordinance. It took 2-3 years to get to the Commissioners after going to the planning board but it has never been filed at the Register of Deeds and he would like to have that filed as soon as possible. The second thing was the Fire Association wants to have a special meeting with the Commissioners regarding the budget. The Fire Association would like to meet before February of next year for at least 2 hours to go over a plan that the Fire Association has. The Fire Service cannot continue the rating unless something else happens with regard to the budget.

Board Appointments **NCACC Voting Delegate**

Each County is asked to select a voting delegate for the NCACC Annual Conference which will be held August 18-21, 2011 in Cabarrus County. The delegate will cast the County's vote during the annual business session.

Motion by Scott Heath and second by Martha Hicks to select Kenny Poteat as the NCACC Voting Delegate . Motion unanimous with those in attendance (4-0).

Tax Assessor; Tax Collector; Deputy Tax Collector

Robert Wiseman, County Manager, stated that Mary Daniels has been Tax Collector for 31 years and Avery County has been very blessed. She was the last elected tax collector in the state. The last day of June was Mary's last day as tax collector in Avery County. The County requested previously to introduce local legislation that would make the Tax Collector an appointed position which did happen. It has been discussed for a long time and it is the trend across North Carolina to have one tax department with two separate branches; one being assessment, one being collection. There are certain times of the year that three people cannot be kept occupied but then other times when you need more than three people. The plan has been to have a Tax Administrator over the two departments. With the reduction in force with Ms. Daniel's retirement, there will be one or more people from the Assessor's side cross trained. The Tax Assessor; Tax Collector and Deputy Tax Collector will need to be appointed.

Motion by Glenn Johnson and second by Scott Heath to appoint Phillip Barrier as Tax Assessor; Sandy Long as Tax Collector; and Dena Phillips as Deputy Tax Collector and to be duly sworn in. Motion unanimous with those in attendance. (4-0)

Tax Collectors Report – Mary Daniels Calloway

The total Tax Collections for the month of June 2011 was \$119,197.50.

Motion by Martha Hicks and second by Glenn Johnson to approve the Tax Collection Report for the month of June 2011 as presented. Motion unanimous with those in attendance (4-0).

The collection rate for the year was 95.1%. The total collected from July 1, 2011 through June 30, 2011 \$16,061,937.22 in revenue. There was a write off totaled at \$43,000 for the years of 1996, 1997, 1998 and 1999. Interest for the year collected was \$102,844.02. Fire Tax collected was \$1.7 million. The outstanding taxes for 2000 to 2010 was \$1 million.

Motion by Martha Hicks and second by Glenn Johnson to approve the year-end report as read. Motion unanimous with those in attendance (4-0)

Avery County Ranger Report – Joe Shoupe

Joe Shoupe, Avery County Ranger, reported that several years ago a Strike Team of 25 local firefighters were formed that had more extensive training to assist with fires and natural disasters. This year the Strike Team was able to obtain a Suburban 4X4 equipped with hand and power tools for the strike team. Mr. Shoupe also reported that there were 29 fires this past year for a total of 34.4 acres. There were 32 structures protected valued at approximately \$10.4 million.

It is the responsibility of the N.C. Forest Service to assist non-industrial private landowners for the management of their forests. There were 34 management plans written for approximately 1544 acres. The N.C. Forest Service continues to inspect logging sites. There were 21 harvest site inspections.

Another duty that the Ranger's office has picked up this year is the Gypsy Moth trapping program. This is a monitoring program. Mr. Shoupe expressed his appreciation for the support that he receives from the Board of Commissioners.

Avery County Humane Society – Laura Vierheller

Laura Vierheller, Executive Director of the Avery Humane Society, explained that the main project of the Humane Society was to complete the building that is being constructed on New Vale Road. All but \$1,210,000 has been raised. There are pledges and gifts coming to cover the remainder of the project costs. We do know that in order to pay the contractor's bills we will have to cover those pledges until they come in. Part of the process is to take out a loan so that those costs can be covered. If a traditional loan is taken out from a local community bank, there will need to be a deed of trust and also offer some terms of the lease agreement.

Mr. Wiseman stated there had been discussion regarding this worthy project but the details would need to be left up to legal counsel. There are ways that legal counsel can guide us through this to assure that we are not jeopardizing the public trust. The County Attorney advised that the property was leased on the basis that it be used only as an animal shelter. Typically whenever banks would loan money on leased property there would not want any restrictions on the property. For instance, if the humane society defaulted on the loan, the county would not have the right for the property to come back to them. Catherine Morton stated that the term that the financial professionals have been using is a "bridge loan" and that the Humane Society is the beneficiary of an estate and that this loan is not a risk; the loan would be paid back.

Consensus of the Board to have legal counsel, finance and management to discuss this issue with the Humane Society.

County Manager Report – Robert Wiseman

Economic Development Director

Mr. Wiseman reported that as of today there is a full time Economic Development Director position in the upcoming year's budget. There were 33 applicants. These were narrowed down to 5 applicants by a selection committee made up of three commissioners. These 5 applicants were interviewed and each commissioner ranked these individuals. A gentleman was offered the position and he will be on board next week.

Broadband

Glenn Johnson stated that Mountain Electric is doing a survey regarding Broadband and is due July 17, 2011. He encouraged everyone to participate in this survey. Mountain Electric is looking for a provider at this time.

Mr. Wiseman advised that the Appalachian Regional Commission Grant was \$13,500 which would be matched by Avery County which would be used by some consulting firm to do an asset inventory. If Mountain Electric efforts prove out that might be money that would be better used spending elsewhere. That money is not in the 2011/2012 fiscal year budget.

Parking at the Courthouse

The parking spaces in front of the courthouse will be made one hour parking. The maintenance department is looking into getting signs for one hour parking.

Resolution Observing Firefighters Week in September

Motion by Scott Heath and second by Glenn Johnson to approve the Resolution Observing Firefighters Week in September. Motion unanimous with those in attendance (4-0).

Finance Officer Report – Tim Greene

Nothing to report at this time.

County Attorney Report – Michaele Poore

Nothing to report at this time.

Approval of Minutes

Motion by Martha Hicks and second by Glenn Johnson to approve the May 2, 2011 Regular Meeting; May 16, 2011 Regular Meeting and Budget Workshop. Motion unanimous with those in attendance. (4-0).

Agenda Consent Items

Agenda Consent Items adopted by Consensus.

Upcoming Meetings

The next Regular Meeting will be July 18, 2011 at 3:30 p.m.

Motion by Martha Hicks and second by Glenn Johnson to reschedule the September 5, 2011 meeting to September 6, 2011 due to the Labor Day Holiday. Motion unanimous with those in attendance (4-0).

Adjourn

Motion by Scott Heath and second by Martha Hicks to adjourn this meeting at 4:55 p.m. Motion unanimous with those in attendance (4-0).

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

ATTEST: _____
Cindy Turbyfill, Clerk