

**STATE OF NORTH CAROLINA
COUNTY OF AVERY**

The Avery County Board of Commissioners met in Regular Session on Monday, November 2, 2015 at 6:00 p.m. in the Commissioners Board Room, Avery County Administrative Complex, 175 Linville Street, Newland, NC.

Members Present: Maxine Laws, Vice-Chair; Martha Hicks; Faith Lacey; Blake Vance

Members Absent: Robert Griffith, Chairman

Call To Order

Maxine Laws called the meeting to order at 6:00 p.m.

Tommy Burleson led prayer.

Dean Harris led the audience in the Pledge of Allegiance.

Vice-Chair Laws stated if anyone would like to speak to an agenda item they must sign up on the sheet otherwise there would be a time of public comment.

Public Comment

Melynda Pepple, Avery County Chamber of Commerce Director, thanked the Board for the recent support this summer. Your donation and partnership has allowed the Avery Chamber to do what we have been called to do and that is to bring visitors to this beautiful area. The Woolly Worm Festival alone brought over 20,000 visitors to this county and we are very pleased with that. I look forward to a continued relationship with you.

Glenn Johnson stated "I have here an invoice for \$5,000 from Hitchcock Memorial for design to scale drawings and measurements required to start the Veteran's Monument project. My question is why would this bill be paid since four commissioners and the county manager told the Avery Journal they had no knowledge of the alleged promises made to Reins Sturdivant and Hitchcock Memorial by Chairman Griffith? According to statements made by three people only Mr. Griffith made these alleged promises. Mr. Griffith stated he didn't remember saying anything like that, didn't remember. Therefore, the only liability I see with payment of this invoice lies with the person making the alleged promises. The taxpayers of this county should not bear this expense. It appears that you should have used the services of an Avery County architect who volunteered to do this at a reduced cost before going to the bidding process. This is a reflection upon the entire board. You do have recourse within your own code of ethics which I am sure each of you are familiar with at this time; that you all signed on to. There is recourse there. "

Phyllis Forbes stated "My comments this evening involve ethics, duty and integrity. When a commissioner is sworn in he or she signed a code of ethics and vows to uphold the laws of North Carolina and the constitution. These actions should be taken very seriously. Recently an article was on the front page of our local paper concerning the bid process of construction of a veteran's monument on the Square. According to the article emails, text messages and individual accounts cast a shadow on one commissioner and his behind the scenes dealings to promise the bid to a company from Elizabethton, Tennessee. The fact that Chairman Griffith has been accused of violating the code of ethics and possibly state statutes gives cause for question by this board and by taxpayers. In 18 years that I served as county commissioner, I do not recall any incidences of a commissioner singlehandedly without the knowledge of the rest of the board promising a bid to someone. It is the duty and obligation of the other board members to investigate and hold accountable inappropriate violations of ethics or statutes. If you merely sit back and allow behavior like this to go unaddressed then you are merely reinforcing such conduct and in turn tarnishing the integrity of yourselves, this board, and Avery County. I admonish you to investigate this matter and take appropriate action. Keep your integrity intact and do your duty as both an individual and a county commissioner. "

Board Appointments

Tim Greene, County Manager, advised that Commissioner Lacey had pointed out correctly that there is another board we do not have listed in the board policy, the Child Fatality Board. It is the obligation of the Board to appoint two members to that Board; one of them is a law enforcement officer and the other a firefighter or EMS person. There have been one of each of them serving on that board but we can't find any records where they were officially appointed by the Board of Commissioners. We are in the process of advertising that and will go through the process on that.

Avery Airport Authority

There are two positions that need to be appointed to the Avery Airport Authority. These have been advertised and reviewed by the Board. The applicants are Samuel Calvert and Col. Sam Ray, Jr.

Motion by Martha Hicks and second by Blake Vance to reappoint Samuel Calvert and Col. Sam Ray, Jr to the Avery Airport Authority. Motion unanimously approved with those in attendance (4-0).

Board Applications for Review

There is one application for review for the Avery County Agricultural Advisory Board. The application is Bonita Smith from Banner Elk.

Avery Airport Authority Bylaws and Memorandum of Understanding –Dean Harris

Dean Harris, Avery Airport Authority member, stated that the airport authority looked at the bylaws and found that they had not been reviewed in a while. In reviewing the bylaw, we found it references HB878, Memorandum of Understanding and policy. We reviewed those and one of the changes on the membership we changed and added that only one Avery Airport hangar owner is allowed on the Avery County Airport Authority at one time. The reason for that is that if we have three members only at a meeting that does constitute a quorum and if two of those members are hangar owners then there is a conflict of interest issue. We did go over these and accept them as a board on the 8th of September, 2015 and since then we have ran them through our county attorney and he has made a few small changes. In reviewing the Memorandum of Understanding, we found it is a one year and so we should have been doing that every year. The county manager signs that along with the chairman. There are some changes on that also. The policy was updated also. It does have the signature for the chairman.

Tim Greene, County Manager, questioned the County Attorney if we needed three separate motions or just one motion. Gerald McKinney, County Attorney, stated that one motion would be fine for all three documents.

Motion by Blake Vance and second by Martha Hicks to adopt the Avery County Airport Authority Bylaws, Memorandum of Understanding, and Policy pending the Syntax work by the county attorney. Motion unanimously approved with those in attendance (4-0).

Blake Vance thanked the Avery Airport Authority for their service and stated that the Avery Airport was invaluable to Avery County.

Subdivision Approval- Eagles Nest West – Tommy Burleson; Derek Buchanan

Tommy Burleson, Avery County Inspections Director, stated that the Eagles Nest West Subdivision is submitted to the Board for final approval for the first section of this subdivision. There are a total of 47 lots and the next section of lots 20 thru 47 will be presented for final approval later. The road infrastructure is being installed and brought up to subdivision standards. Total area of phase is 27.36 acres. Total number of lots to be approved is 20. Minimum lot size is 1.01 acres. Maximum road grade is 14.5%. Final approval of this section 1-20 Eagles Nest West has been approved by the Avery County Planning Board. Eagles Nest West is in compliance with all Avery County Ordinances at this time.

Derek Buchanan stated that he was representing the Waterfront Group. Mr. Buchanan described where the property was located and the surrounding property that had been approved in the past. He said that everything with this subdivision had went through the Avery County Planning Board. He commented that there was a lot of construction going on and a lot of new homes being built. Mr. Buchanan asked the Board for final approval of Eagles Nest West Subdivision.

Tim Greene questioned if the fire department had signed off on this subdivision. Mr. Burleson stated that the Fire Marshal, David Vance had signed off on it and that Fall Creek Fire Department had looked at it. Banner Elk Fire Department had been called but had not been to look at it.

Motion by Blake Vance and second by Martha Hicks to approve the Eagles Nest West Subdivision as presented. Motion unanimous with those in attendance (4-0).

Glenn Hicks Bridge Sign; Linville River Bridge (Green Road); Security at Mayland Community College – John Millan

John Millan reported that he had been approached by Dr. David Burleson at the school system concerning the bridge at Green Road crossing the Linville River. When there is only a slight rise in the water the people are cut off from emergency services and the buses are unable to run. I sent a letter to North Carolina Department of Transportation and have gotten a reply back that they are going to be taking bids and looking into the right of ways.

Mr. Millan stated that he was requesting that the Board approve money to add a strip sign to the current sign at the Glenn Hicks Memorial Bridge in Heaton. He stated that he felt that a sign should be added that reflected the rank, agency and peace officer status of Mr. Hicks. Mr. Millan advised that he had contacted the Department of Transportation and the NC DOT said that it would cost approximately \$800.00 to add this sign. Mr. Millan requested that the board consider voting on this matter and appropriating a reasonable amount of money.

Mr. Millan also advised that he had some concerns about the safety situation at Mayland Community College. There are certain facets of emergency planning that needs to be addressed but he did not want to identify the specific issue. Mr. Millan asked that this be tabled until later when this could be discussed in depth.

Martha Hicks stated that Mr. Millan had brought up the addition of the sign at the Glenn Hick's Memorial Bridge some time back. Ms. Hicks said that this was looked into and the state said they would change the sign at no cost when it came time to.

Faye Lacey stated that she thought this should be looked at in the budget process.

Tax Administrator Report – Phillip Barrier

Tax Collections Report

The Total Tax Collections for the month of October 2015 is \$1,078,062.21.

Motion by Martha Hicks and second by Blake Vance to approve the Total Tax Collections for the month of October 2015 as presented. Motion unanimous with those in attendance (4-0).

Regular Releases

The Regular Releases for the month of October 2015 is \$87.25.

Motion by Blake Vance and second by Martha Hicks to approve the Regular Releases for the month of October 2015 as presented. Motion unanimous with those in attendance (4-0).

Mr. Barrier presented the revaluation sales for the month of October 2015.

County Manager Updates –Tim Greene

Agricultural Extension Building

Tim Greene reported that Glenn Walker, Engineer, had looked at the agricultural extension building in August. We know that we have some structural problems and some foundation problems. It does not have the best design or layout. We had him do an engineering report which was just a preliminary report. It is time to address this and see what direction we would like to go in. There are a few options. One option would be to do nothing. A second option would be to engage Glenn Walker to come back and draw up plans to address these problems. We would do the electrical, mechanical, HVAC, etc. With those plans we could bid it out. Mr. Walker said that would cost about \$5,000. We are probably looking at \$150,000 to \$250,000 for this project. We can have a few contractors look at this and from that can decide if we want to address this. The third option to consider would be to move the Ag Building out to Heritage Park. One of the plans for Heritage Park was to move Ag Extension out there. Jerry Moody and I have been talking about that and he says a metal building could be put up that would include meeting space, storage, offices, etc. If it costs \$250,000 to bring the building up to speed; the tax value of that building is \$375,000. You could sell that building and have a nice metal building for about a wash but I don't know until we get further down the road. I am just throwing out these options for your consideration.

Maxine Laws stated that she would like to move forward on getting those numbers; fixing the old building or trying to do something new.

Blake Vance commented that he liked to have all the details laid out on the table.

Martha Hicks said that she agreed to get Mr. Walker to follow up on this and give us a report back.

Faith Lacey stated that we needed something to compare.

Consensus of the Board to have the County Manager get up with Glenn Walker to proceed with plans.

Motion by Blake Vance and second by Martha Hicks to appropriate from Fund Balance up to \$7500.00 as needed for engineering services. Motion unanimous with those in attendance (4-0).

Avery Cares Building

Mr. Greene reported that Daymark had moved out of the Avery Cares Building. We can with advice from legal counsel see if we can sell it. It is just whatever the Board would like to do.

Martha Hicks stated that she thought the building meant a lot to Avery County. It could be used for several different things. I am against selling the building. Since it is winterized we don't have to rush into anything.

Blake Vance said that since it was winterized he felt the Board should weigh the pros and cons at a board workshop.

Consensus by a majority of the Board to discuss Avery Cares Building at a board workshop.

FLSA

Mr. Greene reported that about half of the department heads will move from the salary exempt status to hourly with the new federal laws. Hopefully this will not happen until the start of the new fiscal year. We may have to budget overtime, comp time which they will earn at time and a half which is effectively the same thing or hire part-time help or reduce services. This will affect us.

Recreation Property

Mr. Greene advised that Avery County received a grant to purchase property for a recreation project. It is past time to do something. Originally there was a grand vision of a multiuse building. We can do that but we don't have to do it to fulfill the grant obligation. We can do something less than that. I would like to schedule a workshop and have Robbie Willis and myself present four or five different options. In addition, none of the options would hinder a future board from doing the grand vision on down the road. There would be options that would be very inexpensive.

The Parks and Recreation people have said that we would have to get the renters out of the house. They will be vacating at the end of December. The white house is probably going to need to be torn down. The other house on the corner we would keep for recreational purposes. This is something we need to be thinking about.

Veteran's Monument

We are going to level up the foundation at the Veteran's Monument which will make it look more professional. There will be two additional walls added that will add room for a total of 952 names.

Martha Hicks said that there would be four benches added and there will be some landscaping and lights. This will all be handicapped accessible.

Avery County High School

Mr. Greene explained that Dr. David Burleson, Tommy Burleson, Darrell Pittman from the school maintenance department, Jeff Jaynes and himself had met regarding the Avery County High School. The DPI report had a number of recommendations. We went through the DPI as a group and identified what we felt like the school maintenance could do, or if it was architectural or engineering issue. There are a few ideas that has been addressed. Tommy Burleson is going to look at the ingress and egress and what would need to be done about that. Dr. Burleson is going to recommend a short term fix for the science lab. We will be coming back and report to both full boards.

Maxine Laws said she would like to see the numbers for renovating versus doing something new.

Tim Greene stated that it would be summarized for the boards.

Broadband

Maxine Laws reported that there was good success with the broadband survey. Avery County was third in the state for the largest reply. We were only 100 below Burke County. We are moving along with that.

Finance Officer Report – Nancy Johnson

Budget Transfer

Funds were allocated for Drug Court in the Non-Departmental Budget under the Available for Appropriation line item. Request that the funds be moved to the Miscellaneous Appropriations Budget under the Drug Court line item.

Motion by Blake Vance and second by Martha Hicks to approve the budget transfer with a debit of \$12,000 to Drug Court Expense (10.8000.6362) and a credit of \$12,000 to Available for Appropriation (10.7000.6000). Motion unanimous with those in attendance (4-0).

Budget Amendment

Avery County Transportation will have increased ridership from Yellow Mountain Enterprises and needs two additional part-time drivers to run additional routes.

Motion by Blake Vance and second by Martha Hicks to approve the budget amendment of \$30,000 with a debit of \$23,000 to Salary-Part Time (10.6300.0220); debit of \$2,000 to FICA (10.6300.0500); debit of \$5,000 Gas/Diesel Fuel (10.6300.3110) and a credit of \$30,000 to Transportation Revenue (10.3610.0000). Motion unanimously approved with those in attendance (4-0)

County Attorney Report – Gerald McKinney

Mr. McKinney stated that included in the packet was a Resolution that gives the county a method that if local businesses were going to contract with the county they should be responsible tax payers. If a contract is under \$30,000 for goods or services, we can go local and give preference to local businesses.

Motion by Martha Hicks and second by Blake Vance to approve the Property Tax Resolution. Motion unanimous with those in attendance (4-0).

Mr. McKinney stated that the other item that was included in the packet regarding the board policy needed to be tabled for the time being. I would like everyone to have input and think that would be more appropriate. I would like to give you more options to consider besides the one that I did.

Approval of Minutes

Motion by Blake Vance and second by Martha Hicks to approve the August 17, 2015 Board Workshop Minutes and September 17, 2015 Special Meeting Minutes. Motion unanimously approved with those in attendance (4-0).

Agenda Consent Items

Adopted by Consensus.

Upcoming Meetings

The next regular meeting is December 7, 2015

Adjourn

Vice-Chair Laws adjourned the meeting at 7:22 p.m.

**Maxine Laws, Vice-Chair
Avery County Board of Commissioners**

ATTEST: _____
Cindy Turbyfill, Clerk