

**STATE OF NORTH CAROLINA
COUNTY OF AVERY**

The Avery County Board of Commissioners met in Regular Session on Monday, August 6, 2012 at 3:30 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

Call To Order

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

Chairman Poteat stated 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.

Glenn Johnson led prayer.

Public Comment

Reo Griffith stated that he was asked to come and speak on behalf of a fine county employee; seventeen years plus service. Shelia Thomas is the county employee that I am talking about. Several county employees is wanting to give sick time to Ms. Thomas but the current policy as I understand it is that the employee can only receive 40 hours. I am asking for this policy to be reviewed and let the other employees give her extra sick leave.

Robert Wiseman, County Manager, advised that there was a position in the budget for the past 4 years that has not been funded. We had a vacancy in the finance office a few weeks ago and the finance officer and I discussed this and we rearranged the duties of the office that was vacated to accommodate a human resources officer and risk management officer. Ms. Peggy Wallace has an extensive background and a very impressive resume. Chairman Poteat stated that he worked with Peggy very closely for the last several months with the New River Service Authority Transition Team and she is the lady that volunteered to be thrust into the director of that "sinking ship".

Tax Administrator Report – Phillip Barrier

Tax Collection Report

The Tax Collection Report for the month of July 2012 is \$144,108.80.

Motion by Martha Hicks and second by Glenn Johnson to approve the Tax Collection Report for the month of July 2012 as presented. Motion unanimously approved.

Mr. Barrier reported that the tax bills had been passed to collections and the total amount of taxes due for the year is \$17,776,405.43.

Motor Vehicle Releases

There are five motor vehicle releases for a total release of \$164.73.

Motion by Phyllis Forbes and second by Scott Heath to approve the Motor Vehicle Releases for the month of July 2012 as presented. Motion unanimously approved.

Real and Personal Property Releases

The total amount of the Real and Personal Property Releases is \$322.90.

Motion by Martha Hicks and second by Glenn Johnson to approve the Real and Personal Property Releases for the month of July 2012 as presented. Motion unanimously approved.

Motor Vehicle Refunds

The total amount of the Motor Vehicle Refunds is \$304.12.

Motion by Glenn Johnson and second by Scott Heath to approve the Motor Vehicle Refunds for the month of July 2012 as presented. Motion unanimously approved.

Mr. Barrier gave examples of property sales that had taken place across the county.

Technology Grant – Sheriff Kevin Frye

Sheriff Kevin Frye stated “I am not asking for any money this year. I want to switch \$20,000 out of the capital outlay auto. I have not ordered any vehicles yet because I am waiting to see what your vote is going to be. This is to put computers in all of the patrol cars. They are hooked up via an air card to the dispatch center. When a call goes out the officer in his patrol car will see a map which will show the exact location of the call and any other information will come up on the screen so the officers can see it automatically. We can use it to run tags in the patrol car which saves a lot of time and confusion. As an administrator, I can look up and have access and know where the deputies are, their location, or how fast they are going, etc. This grant will cost \$20,000 for \$80,000 worth of equipment and services. The cost to keep this going in the future would be \$5630 a year for software and then air cards. Next year when the county has to pay for the air cards we will cut down to 8 and we can rotate them back and forth. The cards are \$40.00 per month per card. I am not asking for any additional monies and this is a one time opportunity.

Martha Hicks said “I have heartburn with you taking money for cars because you put on the internet that the commissioners would not give you money for cars. We gave you three cars this year. There was a big ad on the front page of the Avery Journal and Avery Post that said we wouldn’t give you enough cars. We gave you money to get 3 cars. “

Sheriff Frye said “I am not doing away with the three cars, I am going to get 3 cars or I might get 4 cars which two of them would be used cars. I have saved money by working on getting used light bars, used radios and can make it up. Instead of buying new radios which is \$600 or \$700 a car and instead of using new light bars, etc I am using used ones. I am not cutting back on my cars; I can’t cut back on my cars. I can buy two used cars and two new cars if you don’t approve this or if you do approve this I will buy 3 new cars.”

Chairman Poteat said “Basically this is a 75/25 match. You are asking for it to come out of current budget but does not involve automobile at all but equipment.”

Glenn Johnson said “What concerned him were the recurring costs for this every year. Every 3-4 years the laptops would need to be replaced.”

Sheriff Frye said “My detectives’ vehicles will not be utilizing this. This puts a computer in every road officer’s car.”

Phyllis Forbes said “I think this is great for the safety of the officers”.

Sheriff Frye stated “This is great for the safety of the citizens because it gives us a better response time. The houses that don’t have 911 numbers it gives the exact location of the call.”

Glenn Johnson said “I don’t look for the budget situation to be any better next year than it was this year. We don’t know what it will be next year”.

Scott Heath said “I put these things as a higher priority than the things I think you do. If this is going to be a recurring cost \$14,000 next year going forward, and next year there may not be an increase in budgets are you willing to cut something you normally want.?”

Sheriff Frye said “My budget is so tight now I don’t know where I could get \$14,000 more next year. I think this is a great opportunity”.

Chairman Poteat stated “I am somewhat bothered by the recurring costs. In my opinion, you can’t commit to kicking out of your budget and we can’t commit to recurring costs either. We may give this a try and we may vote to do this but it does not mean it is going to continue.”

Sheriff Frye stated “It is up to you to see how it works and see what you want to do with it.”

Chairman Poteat said “You cannot commit neither can we to the future”.

Motion by Phyllis Forbes to approve the \$20,000 to be used from the capital outlay auto line item for the technology grant.

Scott Heath said “I am reluctant to second this motion because of the recurring expenses. I won’t be dealing with this. I do feel that this is a good thing. Kevin, if you get to next year and something happens are you going to bring in disgruntled employees, clergy etc to make a big stink. I am not necessarily against this if we have a reasonable coming together.”

Phyllis Forbes said "I made the motion because we are encouraging departments to apply for grants. There is no budget amendment to be made. This is equipment that we are going to have to get eventually. I think it is a good deal to get \$80,000 worth of equipment for \$20,000. I think the fact that Kevin is willing to work this in his budget next year is also good."

Glenn Johnson said "This gives me a lot of heartburn. No one knows what next year is going to bring. I will second the motion but we will have to deal with this next year."

Second by Glenn Johnson.

Glenn Johnson called for the question.

Motion unanimously approved.

Banner Elk Fire Department Parking – Daryl Smith

Daryl Smith, Chairman of Avery Fire Commission, stated that Banner Elk Fire Department was in dire need of parking; there are four parking spaces currently for the fire department. There are a couple of maps in the agenda packet. One of the maps shows where we could have a graveled parking lot to the left side of the building and the other map shows where we could have parking behind the building.

Chairman Poteat advised that his plea would be that immediately beside the fire department a 20 foot right of way paralleling the building itself then immediately behind the fire department the parking lot.

Mr. Smith stated that he had spoken with Cheryl Buchanan, Banner Elk Planning and Inspections, and Rick Owen, Banner Elk Town Manager and they did not see any problem with doing this.

Michaelle Poore, County Attorney, advised that a lease agreement for the property would be proper.

Scott Heath said in the event that the county sold the old Banner Elk School property I would want the property to go to the fire department.

Mr. Smith stated that the Town of Banner Elk was going to pull out the storm water drainage system at some point on the 0.34 acre behind the fire department so his suggestion was to make the parking places as close to the back of the fire department as possible.

Chairman Poteat questioned Bret Gardella if the easement and the parking behind the Banner Elk Fire Department would impede the other parking spaces that he had drawn on the map for parking of the old Banner Elk School property. Mr. Gardella answered that he could not answer that question until an engineer came out and looked at the property. Mr. Gardella stated that he was trying to save the fire department money and that it was silly to go to the expense of granting the 20 foot easement when we are creating all of this parking with the incubator. The fire department knows that they can park anywhere on the property at this time. We are going to go to a lot of expense to create parking for the incubator. I don't think there is the need to spend the money right now when we know we will have to spend it in the near future. I think this is an issue we can move in the forefront and engineer everything out that needs to be engineered in the next 6 months.

Glenn Johnson said that this seems like an issue that does not have to be dealt with right now. I think it requires more thought and looking at the parking.

Motion by Glenn Johnson to table this issue until we get further information.

Motion dies for lack of a second.

Chairman Poteat stated that the County Manager, Daryl Smith, Bret Gardella, himself and any other interested parties would go back and look at this parking together. He said, in his opinion as one man, he intended for Banner Elk Fire Department to get some property to utilize for parking.

Scott Heath said that herein is the problem when we say that this will all work out I can promise it will be a "gray mess" sometime in the future. I think what the fire department is looking for is a definite commitment for parking. I think by consensus that this Board is looking to allocate property to the fire department for additional parking and I would suggest to get some things marked off where works best. The incubator has five acres. I would like a recommendation by the second meeting in August regarding the parking.

Mr. Gardella stated that he was totally committed for the right type of parking for the fire department. There is no reason, in my opinion, to bring someone out to create something that will be torn up by the Town of Banner Elk and then bring out an engineer. We are all trying to do the same thing.

Mr. Smith said that he had spoken with Cheryl Buchanan and Rick Owen a couple of times and that they had been fantastic to work with and willing to do whatever to help with this issue. We are not talking about spending engineering money for 10 parking spaces behind the fire department; that is just pushing things out there.

County Manager Updates – Robert Wiseman

Jail Renovation

Mr. Wiseman reported that there should be a permanent certificate of occupancy by the beginning of September for the renovated portion of the jail.

Linville Cove Project

Mr. Wiseman reported that the bid opening for the construction firm to construct sidewalks, utilities, etc at the Linville Cove Project will be August 9, 2012 at 2:00 p.m.

Old Yonahlossee Road

Chairman Poteat stated that the Board of Commissioners was petitioned by Linville Resorts to close a portion of the Old Yonahlossee Road. We have had a public hearing and much discussion and input pro and con. Chairman Poteat read aloud verbiage that he suggested should be added to the resolution:

Whereas, as discussed previously by all parties that the Old Yonahlossee Road shall be made available for use by the Highland Games annually and accessible at all times by emergency vehicles as needed

Chairman Poteat asked Michaelle Poore, County Attorney, how the next section in the resolution should be worded. Ms. Poore stated:

Now, Therefore, be it resolved that the Board of County Commissioners for Avery County, North Carolina hereby adopts an Order closing a portion of Old Yonahlossee Road, subject to the condition that the Grandfather Mountain Highland Games continue to have access to the Old Yonahlossee Road during the Highland Games each year and that the road be accessible at all times by emergency vehicles as needed

Motion by Scott Heath and second by Phyllis Forbes to approve the Resolution to Close Old Yonahlossee Road.

Glenn Johnson stated that in the reference to the Resolution back in October 3, 2011 there was also verbiage in the minutes stating that Linville Resorts would take care of all the maintenance of the road once it is closed including clearing the ditches in a timely manner in order to ensure the roads are in the best possible shape for vehicular and foot traffic as results of the games. That verbiage was already there and agreed by Kathryn Hemphill, attorney. Ms. Poore said that this language is actually recorded in the Register of Deeds in a document signed by Ms. Catherine Morton. Ms. Poore said she did not see a problem with adding this to the Resolution since it has been approved by Linville Resorts and is in writing.

Mr. Johnson said that this is another thing that gives him "heartburn". He said originally he was against closing the road but that he could not commit to costing the county thousands of dollars to relocate the Linville Convenience Site.

Martha Hicks stated that she had given this a lot of thought and she knew that the county cannot afford to move the dumpsite but it has been brought to my attention that instead of closing the road it needs to be a scenic attraction road. This is part of the history of the county. A lot of people that live in Linville do not want the road closed.

Mr. Johnson stated that Linville Resorts has done a lot for this county including the hospital, the waste site facility, taxes, YMCA, Hugh Chapman Center, etc. This is not us against them.

Vote: Motion passes 4 to 1 to close the Old Yonahlossee Road. Kenny Poteat, Phyllis Forbes, Scott Heath and Glenn Johnson For. Martha Hicks against.

Lease Agreement- Linville Convenience Site

Mr. Wiseman advised that he had worked with the leadership at Linville Resorts and found them to be very receptive. Linville Resorts has done a lot for Avery County which has included scholarships, jobs at the lodge and also parking for the Highland Games. The Linville Resorts leadership has agreed to a 15 year lease with an option to renew within 10 years.

Motion by Phyllis Forbes and second by Scott Heath to approve the Lease Agreement between Linville Resorts and Avery County for the Linville Materials Recovery Site and the lease to be signed by the Chairman. Motion unanimously approved.

County Attorney Report – Michaelle Poore

Ms. Poore advised that there was a proposed lease agreement with Daymark for the mental health building that needs to be approved by the Board and authorize the chairman to sign.

Motion by Martha Hicks and second by Scott Heath to approve the lease agreement with Daymark and authorize the chairman to sign. Motion unanimously approved.

Closed Session

Motion by Glenn Johnson and second by Phyllis Forbes to go into Closed Session regarding Attorney/Client Privilege G.S. 143-318.11 (a)(3) at 5:24 p.m. Motion unanimously approved. Invitees are the Board, County Manager, County Attorney, Finance Officer and Clerk.

Chairman Poteat declared the meeting to be back in Regular Session after a time of Closed Session at 5:53 p.m.

Approval of Minutes

Motion by Martha Hicks and second by Glenn Johnson to approve the minutes of the Budget Workshop May 15, 2012; Budget Workshop May 17, 2012; Budget Workshop May 31, 2012; Regular Session June 4, 2012; and Regular Session June 18, 2012. Motion unanimously approved.

Agenda Consent Items

Adopted by Consensus.

Upcoming Meetings

The next Regular Meeting will be on Monday, August 20, 2012 at 3:30 p.m.

Adjourn

Motion by Scott Heath and second by Phyllis Forbes to adjourn this meeting at 6:10 p.m. Motion unanimously approved.

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

ATTEST: _____
Cindy Turbyfill, Clerk

