

**STATE OF NORTH CAROLINA
COUNTY OF AVERY**

The Avery County Board of Commissioners met in Regular Session on Monday, May 19, 2014 at 3:30 p.m. in the Commissioners Board Room, Avery County Administrative Complex, 175 Linville Street, Newland, NC.

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

Members Absent: None

Call To Order

Chairman Poteat called the meeting to order at 3:26 p.m.

Chairman Poteat led prayer.

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

Public Comment

John Millan stated "I had two points to make one is just an order of business. The Supreme Court recently ruled that it is legal to have prayer at public meetings. I think the pledge of allegiance would be appropriate at the beginning of the meetings. The other comment that I was going to make was regardless of how the last election turned out I think one thing that came apparent from the will of the people that the county pretty much does not want any more money spent on the incubator. I would remind the Board of Commissioners the citizens of the county spoke loudly. There is an agenda item coming up for a decision for a vote. The feedback I am hearing from citizens of the county is they don't want any more money put in the incubator other than bare bones minimum to cut the grass, etc. I would respectfully remind the Board because several people had approached me and said that based on some things that had come up in the election there was the possibility some citizens are considering seeking an injunction and there is some money involved to hire an attorney that would seek a court order to seize operation of the incubator until all state statutes are complied with. I think that would be unnecessary because I think we all know that come December the incubator is going to be shut down. I don't think it is any secret that the majority of the incoming board is going to do it. Personally as a citizen I think it is akin to rearranging chairs on a ship that is going down to put a large amount of money into it."

Kevin Holden, Veterans of Foreign Wars, invited everyone to the Memorial Day Observation next Monday at 3:00 p.m. at the Town Square in Newland.

Reo Griffith recognized all the Veterans by asking them to stand up.

Board Appointments

Avery Airport Authority

There are applications for the Avery Airport Authority. We have highly qualified, experienced applicants. These are John Harris, Dempsey Clark and John Riley. Sam Calvert stated that Dempsey Clark and John Dean Harris were currently serving on the Board and Mr. John Riley would be a new appointment. He owns a hangar and has an airplane and would benefit this Board and Avery County.

Motion by Martha Hicks and second by Glenn Johnson to appoint Mr. Dempsey Clark and John Dean Harris for 2 year terms and John "Jack" Riley for a four year term to the Avery Airport Authority. Motion unanimously approved.

DSS Board Appointments

Robert Wiseman advised that there is a vacancy on the Board of Social Services. Mr. Floyd Townsend was a member at large appointed by the Board of Commissioners and that position is vacant. Mr. Townsend has been an excellent board member. His term is up and that position needs to be filled at large.

Phyllis Forbes stated that Floyd Townsend had served two terms and that is all that can be served and he must go off. We have to submit a name to Raleigh to be approved and this has to be done by the 30th of May. I am currently on the Board as a Commissioner representative. I would like to fill Floyd's position. The Board has relatively new members. I would ask that the Board appoint me to Floyd's term and appoint another commissioner for a commissioner representative.

Motion by Reo Griffith and second by Martha Hicks to approve Phyllis Forbes to fill Floyd Townsend's term for a period of three years. Motion unanimously approved.

Beginning July 1, 2014, DSS will need a commissioner appointee to fill out Phyllis Forbes term until December.

Motion by Glenn Johnson and second by Reo Griffith to approve Martha Hicks as the DSS Commissioner representative on the Board to fill out the remaining term of Phyllis Forbes. Motion unanimously approved.

County Manager Updates – Robert Wiseman

Courthouse Renovation

Mr. Wiseman stated that the courthouse renovation was approximately 3 weeks behind. The 95% certificate of occupancy will be the last week in September. We got behind in the winter when the weather was so bad. We are very pleased with the cooperation the employees have shown in working in difficult situations.

DOT issue

Mr. Wiseman advised that this DOT issue goes back to the situation in the Heaton Community. Mr. Jerry Coombs has experienced some surgery and has been out of the office. Mr. Adam Henderson, Mr. Coomb's assistant, has been in contact with my office and we are working toward a suitable solution. It would appear there is a question about where the right of way on that road actually stops and begins. We are working in conjunction with the DOT to get the specifics on this issue.

Mr. Wiseman announced that it was his intent of July 1, 2014 to start preparations for retirement. He stated that his health was not good and that when he has definite dates and circumstances he will make that known at a later date.

Recess

Chairman Poteat called for a 2 minute recess.

Chairman Poteat declared the meeting to be back in session after a brief recess.

Public Hearing Regarding Leases for AC PRIDE

Motion by Phyllis Forbes and second by Martha Hicks to go out of Regular Session and go into a time of Public Hearing at 4:00 p.m. regarding the leases for AC PRIDE. Motion unanimously approved.

Michaelle Poore, County Attorney, advised that there are three items for the public hearing. One item is the proposed lease for the Avery County Farmer's Market for the use of the green space in front of the old Banner Elk Elementary School now known as AC PRIDE. That would be for \$200 per season. There is a copy of the lease agreement in the packet. The other two matters are in regard to the leases of Highland Pro Clean and Pilar Harding. As the board recalls those two leases were noticed at a special meeting of the Board and notice of the meeting was not posted on the website of the county. The purpose of the hearing is to get any comment regarding those proposed leases and whether or not those leases should be reauthorized. Also, in regard to the lease for Custom Designs, it is my understanding that Ms. Harding has incorporated her business and it is now Bailey Drapery and Design, LLC and that would be to authorize that transition with that new name change. There are basically three leases in front of us.

Reo Griffith questioned "In the agreements and the leases concerning fair market value, are you still good with what the rent is at fair market value?" Ms. Poore answered "Well, as I had previously indicated to the Board I made no independent determination of market value, Mr. Gardella did that determination as part of his duties as director of the Economic Development Commission. I believe if the Board had any questions on how that figure was derived Mr. Gardella could answer that."

Mr. Griffith stated "There is a matter that I want to make public record. Three hundred yards from the back of the old Banner Elk School to the Banner Elk Town Hall, their property is worth \$1.03 per square foot that they rent at the Banner Elk Town Hall and I really don't understand how our property is only worth \$.56 cent if it is fair market value. Banner Elk is getting \$1.03 and we are getting at the max \$.56 cent. That is the real estate. I don't see where there is not a subsidy of taxpayer's money in this rent concerning G.S. 158-7.1."

There were no public comments. There were no further comments.

Motion by Martha Hicks and second by Glenn Johnson to go out of Public Hearing and back into Regular Session at 4:05 p.m. Motion unanimously approved.

Chairman Poteat stated that there are three leases that needed to be voted on now or at another time. It is the opinion of the Chairman that I think this entire Board would like to vote on the matter of the Farmer's Market being located on the grounds of the AC PRIDE.

Motion by Phyllis Forbes and second by Martha Hicks to lease the green space at the AC PRIDE to the Farmer's Market at a rate of \$200 per season with terms as set forth in the lease agreement that is before the Board. Motion unanimously approved.

Chairman Poteat stated that he would recommend that we await a vote on the other two leases for another day.

Finance Officer Report – Tim Greene

Mr. Greene stated he had nothing to report.

County Attorney Report – Michaelle Poore

At the last Board meeting, the Board authorized a renewal of a lease at the Plumtree site. Cleve Young owns the property and he requested two changes to the lease agreement. That is included in the consent items and the changes have been noted. Mr. Young wanted to be guaranteed that the county would occupy the site for one year and he wanted to have a 90 days' notice if the county decided to relocate so he could make plans for use of the property. Those changes have been made and he has signed the lease with those changes.

Ms. Poore stated that the tax collection letters have been going out. We have sent out about 150 letters regarding tax collections. About one third of those individuals have paid the taxes. The tax office is working with the people to get this accomplished.

Reo Griffith questioned if there was one individual that owes in excess of \$400,000. Ms. Poore stated that there is an individual through various entities that owed around \$200,000 but that individual has filed bankruptcy and there is a stay entered by the bankruptcy court. My understanding is that property is being foreclosed so hopefully we will have a resolution on that particular property in the next couple of months. Mr. Griffith said there was another individual that owed \$90,000 but Ms. Poore said she was not aware of that one.

Recess

Chairman Poteat called for a brief recess.

Chairman Poteat declared the meeting to be back in session after a brief recess.

Public Hearing Regarding Authorizing Expenditure of Funds for AC PRIDE

Motion by Phyllis Forbes and second by Glenn Johnson to go out of Regular Session into a time of Public Hearing at 4:30 p.m. Motion unanimously approved.

Chairman Poteat read aloud the notice of public hearing for expenditure of funds.

The Avery County Board of Commissioners will hold a public hearing on Monday, May 19th at 4:30 p.m. in the Commissioners Board Room, Avery County Administrative Complex, 175 Linville Street, Newland, NC 28657. The purpose of the Public Hearing is to authorize expenditure of funds from May 6th, 2014 to June 30, 2015 for the following: to install new directional signage in the amount of \$3,000.00, to authorize expenditure of funds for mowing and snow removal in the amount of \$4,000.00, to authorize the purchase of cleaning and maintenance supplies in the amount of \$1,000.00, to authorize the expenditure of funds for repairs and maintenance in the amount of \$3,000.00, to authorize the expense for utilities in the amount of \$18,000.00 in regard to the economic development project known as AC PRIDE, a business incubator, located at 185 Azalea Circle, Banner Elk, NC 28604.

Chairman Poteat stated it was his understanding that there had been grant funding for \$3,000.00 for signage which would offset the \$3,000.00.

Faith Lacey, Avery County Citizen, stated "I would like to ask the Board not to spend any more money on the incubator known as the AC PRIDE. I think the people have spoken. They feel like their money could be used for a better purpose. I have been in the building. The building is old and dark. It is drafty and basically I feel like money put in the AC PRIDE would be money wasted once again."

Glenn Johnson advised that these are future expenses for the next fiscal year which may or may not be spent depending on what happens with the incubator. In fact, as long as the project is in place they would have to be a part of the upcoming budget.

Reo Griffith stated "Ms. Michaelle, I spoke with you a week or so ago and one thing that was spoke about was the \$3,000.00 grant from Mountain Electric concerning the signage. Did you ever correspond with Mr. Greene concerning payback?" Michaelle Poore, County Attorney, stated "I did and it is my understanding that Tim spoke with Bret and received confirmation that it is a straight grant from Mountain Electric."

Mr. Griffith stated "The only thing that I would add is in lieu of what certainly looks like will take place in the future that all expenditures be froze except for routine and general maintenance of the building. We are 1.8 million dollar deficit so I can't see putting one more dime in it right now."

Chairman Poteat questioned Mr. Griffith "Is there anything in particular that you object to other than the total expenditure itself which may or may not come to fruition? Is there any one of those that you would like to see go away or not be honored?"

Mr. Griffith stated "I certainly think that in the summer months between now and December or January 15, \$18,000 would be in excess. One thousand dollars to authorize funds for repairs and maintenance is ok. That is county property and we have to keep it up. We are going to have to mow and keep the place cleaned up. Maybe this can be addressed during the budget workshop and maybe Mr. Greene could give us a more exact figure during the budget workshop."

Chairman Poteat stated that if we entertain a motion when we come out of the public hearing we can address these expenditures as up to certain parameters.

Chairman Poteat stated "I say this out of a sense of responsibility. We have varying opinions throughout the county about the worthiness of this particular project. I am not here to debate that. As the position of the Chairman as I said earlier there are five individual persons that were all duly elected by a majority of Avery County Citizens; this will change certainly. I can assure you that as far as these particular expenditures are concerned they were taken seriously. I agree with Mr. Johnson's statement if indeed the incubator or AC PRIDE only has a few months left in the meantime unless I hear something to the contrary, the majority of this particular Board of Commissioners felt the incubator or AC PRIDE was a worthy project."

There were no further public comments.

Motion by Phyllis Forbes and second by Martha Hicks to go out of the Public Hearing and back into Regular Session at 4:39 p.m. Motion unanimously approved.

Chairman Poteat asked the County Attorney to state a motion ensuring that it would obtain language that would allude up to the amount in print.

Motion by Glenn Johnson and second by Phyllis Forbes to approve the expenditure of installing new directional sign in amount of \$3,000.00 from funds received from Mountain Electric grant; authorize the expenditure of funds of mowing and snow removal up to the amount of \$4,000; authorize the purchase of cleaning and maintenance supplies up to the amount of \$1000; authorize the expenditure of funds for repairs and maintenance up to the amount of \$3,000.00 and to authorize the expense of utilities up to the amount of \$18,000 to be expended through 30 June 2015.

VOTE: Kenny Poteat; Glenn Johnson; Phyllis Forbes; Martha Hicks----FOR

Reo Griffith---AGAINST

Motion passes 4 to 1.

Chairman Poteat left the meeting at 4:42 p.m. to attend another meeting in Boone. Glenn Johnson, Vice-Chair took over as Chair.

Agenda Consent Items

Adopted by Consensus of the members present.

Upcoming Meetings

The next Budget Workshop will be May 20, 2014 at 2:00 p.m.

Adjourn

Motion by Phyllis Forbes and second by Reo Griffith to adjourn this meeting at 4:44 p.m. Motion unanimously approved.

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

ATTEST: _____
Cindy Turbyfill, Clerk

