

**STATE OF NORTH CAROLINA  
COUNTY OF AVERY**

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

Members Absent: Phyllis Forbes (family emergency)

**Call To Order**

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

Scott Heath led prayer.

Chairman Poteat stated if anyone would like to speak to an agenda item and was not listed on the agenda they must sign up on the sheet with the clerk otherwise there would be a time of public comment.

**Public Comment**

Kenny Poteat stated that Mr. Scott Heath would be rotating off this board in a few weeks. He has been a tremendous asset to this county and this Board.

Reo Griffith said "I will be taking Mr. Heath's place. Elections can make enemies real quick like. The primary in Avery County is basically the election. We made it through the primary. This gentleman has coached me along and given me insight to county government. I have his number in my cell phone and I have had it since I beat him in the election. Scott, thank you for being a gentleman."

Scott Heath stated "this has been a joy. I do want to say as I sit up here and I have been on the opposite end with each and every one of the other members on substantial issues and we have debated and locked horns a little bit, I can honestly say I can go and call each and every one of these people and we can have lunch and everything is fine. There has never been a second of incivility or disrespect and we all understand that majority rules. There has never been animosity up here. This has been a joy simply because there is a since of civility and respect."

Phyllis Forbes commented that he was going to miss Scott. She said we have been able to agree to disagree and that Scott offered a lot of good insight and always takes a lot of time making his decisions. We appreciate his service.

Martha Hicks stated that she appreciated Scott and that she felt she had gained a friend and he had been an outstanding person to represent the county.

Glenn Johnson commented that he and Scott had disagreed occasionally but never been disagreeable. He said he knew that Scott had Avery County people at heart.

**Avery County Chamber of Commerce – Nancy Morrison; Sue Freeman**

Nancy Morrison and Sue Freeman gave a power point presentation about the Avery County Chamber of Commerce and some of the ways that they are promoting Avery County. Avery County was #1 in growth at 9.5% in Western North Carolina. On an average day in Avery County, tourist spending generates \$12,000 daily in local county tax revenues. The Avery County Chamber uses cross media outlets to promote Avery County. More than 30,000 pieces of literature have been distributed to NC State Visitor Centers; airports; local attractions; businesses.

**Avery County Humane Society- Nelle Saint**

Nelle Saint, Office Manager at the Avery County Humane Society, reported that the humane society had taken in 755 animals from January to October. There is a waiting list now. Also since January there have been 503 adoptions. We are doing everything we can. There have been 45 pets reclaimed by their owners. There is a waiting list of dogs of approximately 23 and probably twice that many wanting to bring cats in. One of the problems is that we do not have unlimited space and if there is overcrowding the state can shut us down. We had a gentleman last week and we explained the process and added him to the waiting list but he left the dog anyway. This puts the staff in a bind because now we have a dog so we have to rearrange the animals to make room for this one dog.

Rachel Deal stated there was a program through the state of North Carolina that the humane society could receive \$4,000 as a grant. Avery County would need to be the lead agent for this grant. Avery County would not have any part in the funding. The request today is for Avery County to be the lead agent with this funding.

Mr. Wiseman stated that this would not require any budget amendment it would just be pass through monies.

**Consensus by the Avery County Board of Commissioners for Avery County to be the lead agent for a grant from the state of North Carolina for the Avery County Humane Society.**

**Tax Administrator Report – Phillip Barrier**  
**Tax Collections Report**

Phillip Barrier, Tax Administrator, reported the Tax Collections for the month of October 2012 were \$1,580,532.

**Motion by Martha Hicks and second by Scott Heath to approve the Tax Collections Report for the month of October 2012 as presented. Motion unanimously approved.**

**Real and Personal Property Releases**

The total Real Property Releases for the month of October 2012 is \$332.56.

**Motion by Phyllis Forbes and second by Glenn Johnson to approve the Real and Personal Property Releases for the month of October 2012 as presented. Motion unanimously approved.**

**Motor Vehicle Releases**

The Motor Vehicle Releases for the month of October 2012 is \$508.36.

**Motion by Martha Hicks and second by Glenn Johnson to approve the Motor Vehicle Releases for the month of October 2012 as presented. Motion unanimously approved.**

**Sales**

Mr. Barrier presented 5 sales in Avery County for the month of October.

**Recess**

There was a brief recess.

Chairman Poteat called the meeting back to order after a brief recess.

**County Manager Updates – Robert Wiseman**

**Safety Issues – New Courtroom**

Robert Wiseman, County Manager, reported that he had met on several occasions regarding the carpet in the small courtroom. We have been using that courtroom for about five years. There has been a problem with the carpet either and/or workmanship and material since that time. The safety committee inspected it and said we needed to consider putting new carpet in. The judicial system has become involved in this situation and there seems to be some issues that some of the judges have about the layout in the courtroom. The courtroom is five years old but there is some concern because some of the people in the jury box cannot see the witness that is testifying. We have gone to replacing of the carpet in the courtroom to a total restructure of the outlay which would be very costly and time consuming. The architectural firm is trying to come up with some options to correct that situation. I will be coming back to the board with the options that we have available. The second part of the equation is we cannot start renovation of the old courtroom and the clerk's office until this issue is addressed because when we start renovation the old courtroom will be unavailable so we have to have the small courtroom available before renovation can start on the old courtroom. This is going to be a very challenging situation.

Glenn Johnson stated that he could understand the line of sight issue but this had to be approved previously by the state of North Carolina and the previous judges. Every time we change judges are we going to change around the courtroom to suit that particular set of judges. We need to be careful what we get into. I can understand the line of sight but as far as changing the whole configuration of the courtroom I don't see going there. Mr. Johnson said he did not see a problem with the carpet.

**Proposed Agreement with Watauga Medical Center for storage of bodies**

Mr. Wiseman stated that by statute Avery County has to have an agreement with Watauga Medical Center to store human bodies when the medical examiner deems such is necessary. By entering into an agreement with Appalachian HealthCare Systems, they can get reimbursement of \$40.00 anytime Avery County stores a body there. By statute, we have to have a place under contract to do this.

**Motion by Phyllis Forbes and second by Martha Hicks to approve the agreement between Avery County and Appalachian Regional HealthCare for the storage of bodies. Motion unanimously approved.**

Banner Elk Fire Department Parking

Michaëlle Poore, County Attorney, explained that the Board had discussed deeding to the fire department or a long term lease an area beside the fire department of 45 feet. The fire department had actually been deeded two parcels to the left of the building previously. The first time was 12.96 feet and the next time 17.33 feet. The issue is that the second tract was not just a rectangle it was a triangle so I think to be able to know exactly where the area of the board wanted to convey to the fire department this will require a survey.

Chairman Poteat stated that he, Daryl Smith and the County Manager would walk that area again and instructed the County Manager to try to have the survey done before it gets bad weather.

Revision of the Personnel Policy

Peggy Wallace handed out the revised personnel policy to the Board for their review. We have been through 3 or 4 drafts. We had a work group and reviewed the policies. We feel like we have a good working policy now. I encourage you to call me with any of your questions.

Mr. Wiseman suggested that later on in the agenda when meetings are discussed that we establish a date for a special meeting to discuss the personnel policy and to discuss a solid waste contract.

**Finance Officer Report – Robert Wiseman (in the absence of Tim Greene)**

**Budget Amendment #**

The Transportation Department sold two vans. The state requires the proceeds to be used for the Transportation program since state funds were used to purchase the vehicles.

**Motion by Glenn Johnson and second by Martha Hicks to approve the budget amendment of \$1,611.99 with a debit of \$1,611.99 to Office Supplies (106300.3300) and a credit to Proceeds – Sale of Fixed Assets (103505.0000). Motion unanimously approved.**

**Budget Amendment #**

The Elections Department requires a budget amendment due to an additional election held during the 2012-2013 fiscal year. The 2011-2012 budget had the primary and runoff elections budgeted but the runoff election did not happen until July of the 2012/2013 fiscal year.

**Motion by Glenn Johnson and second by Martha Hicks to approve the budget amendment regarding the elections runoff of \$22,400.00 with a debit of \$9,300 to Wages Poll Workers (104300.0240) debit of \$1,500 to Postage (104300.1100); debit of \$1,800 to Rent-Polling Place (104300.2100); debit of \$800 to Advertising (104300.2600); debit of \$9,000 to Supplies/Materials (103990.0000) and a credit of \$22,400 to Fund Balance Appropriation. Motion unanimously approved.**

**Budget Amendment #**

The Sheriff's Department received a \$79,972 grant from the NC Department of Public Safety Governor's Crime Commission. This grant will be used to put laptops in each of the patrol and detective's cars. This is a 75/25 grant and does not require additional monies.

Martha Hicks stated that the 25% was supposed to be coming out of the sheriff's auto line item.

Glenn Johnson questioned why the \$20,127 would be coming out of Fund Balance Appropriation. We said it is already in the budget. We need Mr. Greene to clarify that.

Scott Heath said we need some clarification from Tim Greene regarding this amendment.

This issue will be tabled until the Special Meeting that will be scheduled possibly the last week of November.

**County Attorney Report – Michaëlle Poore**

Michaëlle Poore, County Attorney, stated that the Grandfather Mountain Tax appeal hearing is on for summary judgment for the December session before the Property Tax Commission and then depending on the decision on the commission it may or may not be necessary to have a hearing.

**Economic Development Update – Bret Gardella**

Bret Gardella, Economic Development Director, stated that we are working with NC Wireless which is the high speed wireless company that is coming into Avery County. We have an agreement in draft form and I think it is a pretty good understanding of how we can help them and they can help us. This agreement has been given to legal counsel for her review.

Mr. Gardella reported that AC PRIDE is moving forward. Most of the repair work has been budgeted for except for the roof. The roof was taken out of the budget request but there was conversation that this might come up. It would be good to have this done before a grand opening of the building. Two businesses have given me letters of intent. The requested amendment is at \$55,000.

Mr. Wiseman stated that the original request was cut out of the budget but the conversation was that if and when there were viable candidates the roof would be reconsidered.

Scott Heath stated that he was behind this project 100% but that he would reiterate the budgetary integrity. He said that he would feel more comfortable if there were some efforts to patch the roof until this could be considered and included in next year's budget. I think we should hold the line and stick to the budget. Mr. Gardella stated that the roof could probably wait until July.

Phyllis Forbes said she didn't want to put money into repairing and then have to turn right around and put money into replacing.

Martha Hicks stated that she agreed with Scott that this was taken out of the budget but she felt that we should stick to the budget and consider this in next year's budget.

Glenn Johnson said it was specifically said in the budget process that the Board would take it out of the budget but would consider a budget amendment if there were clients going into the building.

Chairman Poteat stated that it was late in the year and that there needed to be research with experts and some more quotes. Glenn Johnson agreed that the roof really could not be replaced until April or May due to the weather and that this budget amendment should be reconsidered at that time.

**Approval of Minutes**

**Motion by Martha Hicks and second by Phyllis Forbes to approve the Regular session minutes for September 4, 2012; September 17, 2012; and October 1, 2012. Motion unanimously approved.**

**Agenda Consent Items**

**Adopted by Consensus of the Board.**

**Upcoming Meetings**

A special meeting to discuss the solid waste contract; personnel policy and budget amendment for the technology grant is scheduled for November 27, 2012 at 3:00 p.m.

The next Regular Meeting will be December 3, 2012 at 3:30 p.m.

**Adjourn**

**Motion by Glenn Johnson and second by Martha Hicks to adjourn this meeting at 5:40 p.m. Motion unanimously approved.**

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

ATTEST: \_\_\_\_\_  
Cindy Turbyfill, Clerk

