

**STATE OF NORTH CAROLINA
COUNTY OF AVERY**

The Avery County Board of Commissioners met in Regular Session on Tuesday, September 6, 2011 at 3:30 p.m. in the Commissioners Board Room, Avery County Administrative Complex, 175 Linville Street, Newland, NC. This meeting was rescheduled for Tuesday because of the Labor Day Holiday.

Members Present: Kenny Poteat, Chairman; Scott Heath; Martha Hicks; Glenn Johnson

Members Absent: Phyllis Forbes (vacation)

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.

Martha Hicks led prayer.

Public Comment

Junior Sluder, Avery Fire Association President, stated that the Fire Association was still wanting a meeting with the Board of Commissioners and Ken Journey to go over the program that the Fire Association thinks should be adopted by the Commissioners and Fire Commission. Mr. Sluder questioned when the meeting might be set up. He said it would take at least 2 hours.

Chairman Poteat questioned who would be presenting? Mr. Sluder answered that the Fire Association would be presenting to the Board of Commissioners and Fire Commission.

Chairman Poteat instructed the County Manager to work on a date.

Board Appointments

Extraterritorial Jurisdiction Members---Banner Elk Planning Board and Board of Adjustment

The Town of Banner requests that Ann Swinkola be reappointed to the Banner Elk Planning Board as an ETJ representative for a three year term. Banner Elk also requests that Jimmy Ollis and Joe Perry be reappointed to the Banner Elk Board of Adjustment as an ETJ representative for a three year term.

Motion by Scott Heath and second by Martha Hicks to reappoint Ann Swinkola to the Banner Elk Planning Board as an ETJ Representative for a three year term. Motion unanimous with those in attendance (4-0).

Motion by Glenn Johnson and second by Martha Hicks to reappoint Jimmy Ollis and Joe Perry to the Banner Elk Board of Adjustment as an ETJ representative for a 3 year term. Motion unanimous with those in attendance (4-0).

Chairman Poteat stated that due to the Tax Administrator not being present yet that the agenda would be rearranged and the County Manager Updates would be presented.

County Manager Updates –Robert Wiseman

Parking at the Courthouse

Mr. Wiseman stated that there has been a lot of animosity about having to walk across the street but that is behind us now. Scott Heath commented that we are here to serve the people and the people are our customers and if we feel so highly about ourselves that we feel we need to park closer than the people we serve then there is a problem there.

ARC grant/Broadband

The ARC grant for broadband has been approved, executed and sent to the appropriate authorities in Washington. A two month extension has been granted. Included in the Board packet is the services that will be provided.

Tax Administrator Report – Phillip Barrier

Mr. Barrier reported that the total tax collections for the month of August 2011 is \$143,176.07.

Motion by Martha Hicks and second by Scott Heath to approve the tax collection report for the month of August 2011 as presented. Motion unanimously approved with those in attendance (4-0).

Real and Personal Releases

The Real and Personal Releases for the month of August 2011 are County Tax Release \$556.08; Fire Tax Release is \$67.40. The vast majority are elderly exemptions that were not applied.

Motion by Scott Heath and second by Glenn Johnson to approve the Real and Personal Releases for the month of August 2011. Motion unanimously approved with those in attendance (4-0).

Motor Vehicle Releases

The Motor Vehicle Releases for the month of August 2011 are County Tax Release \$9.74; Fire Tax Release \$1.17.

Motion by Martha Hicks and second by Scott Heath to approve the Motor Vehicle Releases for the month of August 2011. Motion unanimously approved with those in attendance (4-0).

Mr. Barrier reported that Avery County now had the 6th lowest tax rate in the state.

Mr. Barrier explained the new tax statement that was mailed out.

N.C. Governor's Highway Safety Program Grant – Troy Cook

Troy Cook, Avery Sheriff's Office, explained that the sheriff's office is operating on a grant from the N.C. Governor's Highway's Safety Program providing a traffic officer. The grant is in the second year. The grant currently is funded at 70% Federal dollars and 30% local dollars. The resolution that needs to be approved is a commitment from the Board for 50% of the salary beginning October 1, 2011 through September 30, 2012. Chairman Poteat stated that the Board realized a few years ago that the County's portion would increase year by year. The upcoming year would be 50/50. Tim Greene, Finance Officer, advised that the position has been budgeted in the 2011/2012 budget year. Martha Hicks stated that last year she had asked the Sheriff to give her a written copy of what the traffic officer had done. She said it was surprising how busy the traffic officer is. This traffic officer is utilized 40 hours a week.

Motion by Scott Heath and second by Martha Hicks to approve the N.C. Governor's Highway Safety Program Grant for up to \$29,540.00. Motion unanimously approved with those in attendance (4-0).

County Manager Updates – Robert Wiseman

Broadband

Mr. Wiseman advised that Bret Gardella, Economic Development Director, has been working with Mountain Electric Coop and he has obtained a grant for \$5000 which would mean that we have \$8500 in a \$27,000 grant. This is a direct savings to Avery County.

Linville Cove

The Linville Cove project has been approved for \$192,000 for the development of sidewalks, sewer, etc. There are two contracts for funding approval and two grant agreements that need to be executed. Tim Greene, Finance Officer and the County Manager will be meeting with the developer and a representative from the Community Investment and Assistance Division.

Motion by Martha Hicks and second by Glenn Johnson to authorize the Chairman to sign both copies of the funding approval and housing development grant agreement for the CDBG #10-C-2208 known as the Linville Cove.

Glenn Johnson stated that this is a win-win situation for Avery County; there is no money flowing out.

Motion unanimously approved with those in attendance (4-0).

N.C. Department of Corrections—CJPP grant

This is the CJPP grant that Avery County approves every year. This year the amount is \$53,626.00. There needs to be a motion to instruct the chairman to sign this grant. The breakdown is for CJPP salaries and operating expenses, etc. This needs to be executed by the authorizing official and sent back by the 12th of September.

Motion by Scott Heath and second by Glenn Johnson to approve the CJPP grant and allow the chairman to sign. Motion unanimously approved with those in attendance (4-0).

Old Yonahlossee Road

Mr. Wiseman stated that at the last meeting of the Board, there was a petition presented to petition the state to abandon State road 1510. This goes from the entrance of Grandmother Lake to MacRae Meadows. Chairman Poteat stated that this does not start on the main highway but where the pavement ends and the gravel portion begins. This is a gravel road that is 1.5 miles. He said that the only concern he would have is ingress and egress to the Grandfather Highland Games. Michaelle Poore, County Attorney, advised that the Board would need to approve this before it can be submitted to the state. Junior Sluder said that closing a road is always debatable and what if an emergency happened on the main road and this road was closed. Scott Heath suggested that more information be gathered regarding the abandonment of this road before a decision was made.

Sheriff Kevin Frye

Sheriff Frye stated that there were some issues that needed to be addressed in a relatively quick manner. The first thing that needs to be addressed is the jail medical plan. This medical plan was in the budget requests that were given to the Commissioners. Sheriff Frye stated that he and Trina Cook, Chief Jailer, had looked at several different jail medical plans and had chosen Southern Health Partners Jail Medical Services. The approximate cost for this medical plan would be up to 50 inmates for \$59,100.00 per year. Chairman Poteat questioned if this plan had been budgeted for in the current budget. Tim Greene, Finance Officer, stated that these would be new monies.

Sheriff Frye explained that this service would provide a nurse 15 hours per week and would be on call 24/7. This service provides a medical director, medical liability insurance, medical supplies, over-the-counter medications, office supplies, medical hazardous waste removal, etc. Chairman Poteat questioned if this service was mandated by the state. Sheriff Frye answered that this was recommended by the state but Avery County would need this service if we were going to house other counties inmates. Sheriff Frye stated that Dr. Robert Clark is providing medical service at this time. Glenn Johnson questioned how much that was spent on medical service to Dr. Clark last year. Tim Greene answered that for the last four years medical expenses for year ending 2011 was \$22,979.46; 2010 \$11,459.20; 2009 \$14,723.94 and 2008 \$22,059.61. Chairman Poteat stated that he needed to get with Tim Greene and look at the numbers. Sheriff Frye stated that he needed to go into contract by January 1, 2012. Scott Heath said he needed a comparison between Dr. Clark's service and this jail service. Scott Heath and Chairman Poteat will meet to look at these numbers. Sheriff Frye stated a decision would need to be made by the meeting in December.

Sheriff Frye stated that he had two bills from STAT for meth lab clean up and the meth lab clean up was not budgeted and in the budget process it was discussed that this would be handled on a case by case basis. Chairman Poteat stated that this was discussed in the budget process and it was a "gentleman's agreement" to pay for this.

Sheriff Frye advised that he needed to open a checking account for commissary service. The checking account will be monitored by the county. Tim Greene said that he was checking with the auditor to make sure this would be ok.

Finance Officer Report – Tim Greene **Budget Amendment #**

Avery County has received an Appalachian Regional Commission (ARC) grant to fund a comprehensive inventory of telecommunications assets throughout the County. This will enable the County to see what additional infrastructure is needed to connect customers to the internet backbone. This is a 50% matching grant. Bret Gardella has secured a \$5,000 donation from Mountain Electric to be used as part of the matching funds.

Motion by Scott Heath and second by Glenn Johnson to approve the Budget Amendment regarding the ARC grant with a debit of \$27,000 to Economic Development-Incentive (104900.4600) and a credit of \$13,500 to Appalachian Regional Commission Grant; credit of \$5,000 to Donations (103345.0000) and a credit of \$8,500 to Fund Balance Appropriation (103990.0000). Motion unanimously approved with those in attendance (4-0).

Budget Amendment #

Avery County is required by the judicial system to install security measures in the courthouse. The monies will be used to install security cameras, panic buttons, push bars on exterior doors, turnstiles, line posts, and handheld metal detectors.

Motion by Martha Hicks and second by Glenn Johnson to approve the Budget Amendment for courthouse security with a debit of \$39,000 to Capital Outlay-Equipment (105000.7450) and a credit of \$39,000 to Fund Balance Appropriation (103990.0000). Motion unanimously approved with those in attendance (4-0).

Budget Amendment #

The Avery County Transportation Department was awarded \$242,644 in mid 2009 from the America Recovery and Reinvestment Act (ARRA). This was a 100% reimbursement grant. \$72,500 is to be used for running fiber optic cable between the administration building and the transportation building and for a phone system for the transportation department. As part of this project, the County is also updating other components of the phone system at the courthouse and running fiber optic cable to the agriculture building and to the EMS building and garage. These buildings will have their phone systems upgraded in the 2012/2013 fiscal year. In order to accomplish the project it will be necessary to amend the 2011/2012 budget.

Motion by Martha Hicks and second by Scott Heath to approve the Budget Amendment for \$9,000 for the fiber optic cable and phone system project with a debit of \$9,000 to Capital Outlay-Equipment (105000.7450) and a credit of \$9,000 to Fund Balance Appropriation (103990.0000). Motion unanimously approved with those in attendance (4-0).

E911 Money

Mr. Greene stated that he had talked to everyone individually about some of the uses for the E911 money and Robert had requested from Sheriff Frye, Jerry Turbyfill and Jamie Johnson some of their priorities. According to the E911 standards, these monies cannot be used for courthouse security. One of Sheriff Kevin Frye's priorities was a vehicle replacement. Robert and I looked over the list and felt like the vehicle replacement would be a good use of the monies. Scott Heath stated that he did not have a problem with expending these monies where they needed to go but he wanted to reiterate that these monies are for the 911 equipment and that we needed to make sure that the equipment in Communications is the latest and greatest and the 911 system is where it needs to be electronically. Mr. Wiseman said that there are several things that we have in that operation that are not the latest and greatest but that is the goal and this money will go to that first and then will go to the "wish list". The other half of the monies are there for this particular use. Mr. Wiseman stated that these monies needed to be expended by the end of the fiscal year or we stand to lose some of it.

County Attorney Report – Michaelle Poore

Ms. Poore advised she had nothing that required the Board's attention today.

Closed Session

Motion by Glenn Johnson and second by Scott Heath to go into closed session at 5:25 p.m. regarding Attorney/Client Privilege G.S. 143-318.11 (a)(3). Invitees are the Board, County Manager, County Attorney and Clerk. Motion unanimously approved with those in attendance (4-0).

Chairman Poteat declared the meeting to be back in Regular Session at 6:25 p.m. after a time of Closed Session. During Closed Session, no action or vote was taken.

Approval of Minutes

Motion by Scott Heath and second by Glenn Johnson to approve the Regular Session Minutes for June 20, 2011; Special Meeting Minutes June 22, 2011; Special Meeting Minutes June 28, 2011; Regular Session Minutes July 5, 2011; Regular Session Minutes July 18, 2011. Motion unanimously approved with those in attendance (4-0)

Upcoming Meetings

There will be a Special Meeting on September 15, 2011 at 4:00 p.m. regarding the Economic Development Proposal. The next regular meeting will be Monday, September 19, 2011 at 3:30 p.m.

Adjourn

Motion by Scott Heath and second by Glenn Johnson to adjourn this meeting at 6:29 p.m. Motion unanimously approved with those in attendance (4-0).

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

**ATTEST: _____
Cindy Turbyfill, Clerk**

