

**STATE OF NORTH CAROLINA
COUNTY OF AVERY**

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

Members Present: Robert "Reo" Griffith, Chairman; Maxine Laws, Vice-Chair; Martha Hicks; Faith Lacey; Blake Vance

Members Absent: None

Call To Order

Chairman Griffith called the meeting to order at 6:00 p.m.

Tim Greene led prayer.

Dean Harris led the Pledge of Allegiance.

Chairman Griffith announced that if there was an agenda item that someone would like to speak to they should sign up with the clerk.

Public Comment

Troy Cook, Chief Detective for Avery Sheriff's Office, reported that the Avery County Sheriff's Office had received \$875.00 reimbursement for bullet proof vests that we purchased last year. It has been suggested to me that we move some money from another line item to purchase additional vests which we are willing to do. It would be nice if we could put the \$875.00 reimbursing the line item that it comes out of. Chairman Griffith instructed Troy Cook to get up with the County Manager, Tim Greene, to work this matter out.

Board Appointments

Avery County Joint Community Advisory Committee

Tim Greene, County Manager, stated that we had received one application for this board from Jean Franz who has been on this board previously. This is for the Board's review and will be on the March meeting agenda for any action taken.

Northwest Regional Housing Authority

There was one application received for this board, Troy Clark.

Avery Agricultural Advisory Board

There were two applications received for two positions on this Board, Ellis Aycock and Larry Smith which are previous board members.

High Country RPO's Rural Transportation Advisory Committee

Mr. Greene stated at one of the previous board meetings the Board appointed me to that committee but as we found out a board member needs to serve on the advisory committee. The County Manager will serve on another board regarding this committee. Chairman Griffith stated that he would be willing to serve on the RTAC board.

Motion by Blake Vance and second by Maxine Laws to appoint Chairman Reo Griffith to the Rural Transportation Advisory Committee. Motion unanimously approved.

High Country Council of Governments Workforce Development Consortium

This seat needs to be filled by the county commission chairperson or they can designate someone else to serve on that. The other board chairs of the other counties are on this board. Blake Vance agreed to serve on this board.

Motion by Maxine Laws and second by Martha Hicks to appoint Blake Vance to the High Country Council of Governments Workforce Development Consortium. Motion unanimously approved.

Appointment of Avery County Finance Officer

NC General Statute 159-24 says that each local government and public authority shall appoint a finance officer to hold office at the pleasure of the appointing board or official. As you know, Nancy Johnson worked for Avery County as payroll officer and left to go to the Town of Beech Mountain as the finance director where she has been for the last four years. She has taken all of the courses at the School of Government to get the certification to be a certified public finance officer. She is in the process of taking those tests. She has the qualifications and the experience.

Motion by Blake Vance and second by Maxine Laws to appoint Nancy Johnson as Finance Officer for Avery County. Motion unanimously approved.

Chairman Griffith administered the oath of office for finance officer to Nancy Johnson.

High Country Community Health – Alice Salthouse

Alice Salthouse, CEO of High Country Community Health, reported that High Country Community Health Dental Clinic opened for business on November 19th, 2014. During the month of November, 55 patients were seen over a period of about seven days. In the month of December, 108 patients were seen. The reason for the report is because of the grant funding that we received from the NC Department of Commerce. The requirements of the grant have been met. The grant was \$70,000 and the purpose of the grant was to help with the renovation of the space. The requirements of the grant were for the provision of jobs. We were supposed to have created 14 jobs in the county and have done that.

Chairman Griffith said that in past times we have saw taxpayers money be doled out to nonprofit agencies and not heard anything from that. This is taxpayer's money and we wanted to know what was going on with it.

Blake Vance commented that this was a wonderful thing and was a good investment of taxpayer's dollars. Maxine Laws and Faye Lacey agreed with Mr. Vance. Martha Hicks questioned whether the jobs had been advertised with the employment security service. Ms. Salthouse stated that for the dentist or PA, these were done through a local recruiting service but the other jobs were advertised for.

Proposed Fee Increase – Toe River Health District – Allen Hughes

Allen Hughes, Environmental Health Supervisor for Toe River Health District, explained that the water sampling service is offered at the Avery, Mitchell and Yancey health departments. We buy the bottles that we sample with from the state lab. Back in the summer the legislature gave the state lab permission to charge for water bottles what it costs the lab to run samples in Raleigh. This increased our costs considerably. We were paying \$3.09 for microbiology and now we are going to pay \$23.00; we were paying \$3.15 for inorganic chemistry and now we are going to pay \$74.00. The legislature's intent was for the state lab to become self-sustaining. My proposal is simply to charge \$50.00 for any water sample that we take plus the cost of the water bottle rounded off which the total cost of the microbiology would be \$75.00: inorganic chemistry would go from \$75.00 to \$125.00 as well as the others. There is a mandate that we have to sample all new wells and that price did not go up. This is a break even proposition. The well abandonment would go from \$25.00 to \$50.00. Mitchell County and Yancey County has already passed this proposed increase.

Commissioner Vance stated that the state has raised the prices and we are just making them up.

Mr. Hughes stated that the health department is charged with sampling a lot of water for free such as migrate labor camps, Head Start, restaurants, motels, etc. There are 50-75 water samplings that we do free.

Chairman Griffith stated if we did not approve this fee change would the Avery County taxpayers foot the bill? Mr. Hughes stated yes or that we probably would not offer this service.

Motion by Blake Vance and second by Maxine Laws to approve the Proposed Fee Increase that is the same as Mitchell and Yancey County for Toe River Health District. Motion unanimously approved.

Avery County Chamber of Commerce – Melynda Martin Pepple

Melynda Pepple, Executive Director of the Avery County Chamber of Commerce, reported that she had been in this area since the 1970's but had just accepted this position in November with the chamber. We are not just a chamber we are a visitor's center which makes us very unique in the county. We are open 7 days a week. We are there most all of the holidays. We close at Christmas and Thanksgiving. The chamber is actually more than member owned and chamber driven. We see on an average 8500 visitors in a year. The focus is about the relocation and the directory guide. We created this about three years ago. These directories are sent to all of the airports, TDA centers, welcome centers, etc. and we give out about 34,000 per year. When we started this three years ago, it increased our visitors tremendously. We have over 400 businesses that are part of the chamber. We are asking that you help us with our directory and with advertising.

Tax Administrator Report – Phillip Barrier

Tax Collections Report

The Tax Collections for the month of January 2015 is \$3,193,866.19.

Motion by Maxine Laws and second by Faye Lacey to approve the Tax Collections Report for the month of January 2015 as presented. Motion unanimously approved.

Mr. Barrier stated that he had to report to the Board the total amount of unpaid taxes. Upon receipt of this report, I am asking the permission to advertise as tax liens. The unpaid balance is \$1,614,983.51.

The first notice will be sent out on February 10th and we will give until March 10th to pay or make payment arrangements and then the unpaid taxes will be advertised in the paper on the 17th of March.

Motion by Martha Hicks and second by Blake Vance to make all lawful uses to collect the unpaid taxes of \$1,614,983.51. Motion unanimously approved.

Regular Releases

The Regular Releases for the month of January 2015 is \$789.39.

Motion by Martha Hicks and second by Faye Lacey to approve the Regular Releases for the month of January 2015 as presented. Motion unanimously approved.

Motor Vehicle Releases

The Motor Vehicle Releases for the month of January 2015 is \$8.63.

Motion by Blake Vance and second by Maxine Laws to approve the Motor Vehicle Releases for the month of January 2015. Motion unanimously approved.

Refunds

One refund is to fix a land value error that was made and caught when someone came in and asked for a review. This refund is for \$376.69. The other one is to a bank for \$841.93 which the bank was supposed to pay another county and paid Avery County. It has been worked out with the bank to send back the \$841.93 to put back in the person's account and then the citizen will pay it back to us.

Motion by Martha Hicks and second by Blake Vance to approve the refunds of \$376.69 and \$841.93 for a total of \$1218.62 as presented. Motion unanimously approved.

Property Sales

There were 25 total sales for the month of January. The sales amount was 2.5 million and assessment was 2.2 million. That would be an 11% increase.

Resolution- Board of Equalization and Review

Mr. Barrier explained that it was February and for the last 16 years Avery County has had a special Board of Equalization and Review. This board is for any taxpayer in the county that feels that their tax assessment is not fair this is a board they can come and talk to. The county commissioners can sit on this Board but for the past 16 years we have taken applications. Chairman Griffith stated that the applications would be presented to the board in March and then the Board would vote on them in April.

Chairman Griffith read aloud the resolution as follows:

Whereas, the Avery County Board of Commissioners, pursuant to N.C.G.S. 105-322 have determined to appoint a special Board of Equalization and Review for 2015; and

Whereas, the Board of Commissioners have determined that the qualifications for membership of the Board of Equalization and Review shall be that such individuals shall be owners of property located within Avery County, shall be eighteen years of age or more, shall be citizens and residents of Avery County, and that all shall take the oath of office as prescribed by N.C.G.S. 105-322 and shall otherwise qualify as required by Article 21 of Chapter 105 of the N.C. General Statutes.

Be It Further Resolved that membership of said special Board of Equalization and Review shall be determined by the solicitation of applications from qualified applicants for said Board of Equalization and Review, and that their term of office shall continue throughout the calendar year of 2015 as prescribed by N.C.G.S. 105-322 and for such extended times as therein provided, at the rate of eight dollars (\$8.00) per hour.

Be It Therefore Resolved that any vacancies which shall exist in the Board of Equalization and Review shall be filled by the then remaining members of the Board by simple majority vote from a list of three names from the list of qualified applicants who are not selected for primary membership in the Board of Equalization and Review, said names to be provided to the remaining members of the Board of Equalization and Review by the County Tax Assessor.

Be It Further Resolved that any appeals any taxpayer may file before the Board of Equalization and Review shall have the right to appeal the decision of the Board of Equalization and Review to the Property Tax Commission of the Department of Revenue for the State of North Carolina.

Motion by Martha Hicks and second by Blake Vance to adopt the Resolution to appoint a Special Board of Equalization and Review. Motion unanimously approved.

Tax Foreclosures

We collected \$41,000 in this month of 2013 taxes; \$30,000 for 2012 taxes; \$10,000 for 2011 taxes; \$6,000 for 2010; \$3,000 for 2009 and \$2500 for 2008. With that said, I do have 22 people on a list that were turned over to the previous attorney and she was not able to get to these. I would like permission to turn this over to the county attorney for further inspection. How do you want to pursue this list?

Motion by Blake Vance and second by Maxine Laws to give the Tax Assessor and the County Attorney the full authority to collect the unpaid taxes to the fullest extent of the law. Motion unanimously approved.

Avery Airport Authority – Sam Calvert; Dean Harris

Dean Harris presented a power point presentation regarding the Avery County Airport. Mr. Harris stated that the airport was at the southern part of Avery County. The Avery County Airport was started as a grass landing field in the 1950's by local businessmen on land donated by the Morrison Family. An effort was started in 1960 to build a modern paved airport. Early in 1962 the FAA suggested that the airport be county sponsored rather than private. The main runway was completed in 1964 and the taxiway and parking in 1965. The first permanent metal hangar was constructed by Feldspar in 1966 and was contributed back to the county in exchange for free use. In the 1990's the state legislature formed the Avery County Airport Authority. The Authority has continued to develop the airport over the last 20 years through the use of grants and the airport improvement program. The ACAA has a fixed base operator and is used by private corporate pilots, military, missionary organizations, medical flights, emergency response, firefighters, NC Highway Patrol and other disaster response teams. Currently, the runway has been widened and extended and there are several hangars now. We are surrounded by Unimin Corporation and they own about 6000 acres around the airport. We have a fixed base operator who does maintenance and restoration, fuels cells and flight cells. We have two flight instructors who provide flight instruction. There are 32 aircraft based at the airport that provide tax money to the county. There are 23 privately owned hangars that have land leases with the Airport Authority. All hangars are built on airport authority property. We have several medical flights that go out of the airport. The Army, Air Force, Navy, Marines, and Coast Guard use the airport for training primarily at night when the airport is closed so they can do night operations. Civil air patrol, search and rescue and JAARS (missionary organizations) also use the airport. During disasters, the airport is a major hub where disaster organizations can meet to coordinate efforts. Mayland Community College uses the airport for training. Local sheriff's departments and police officers as well as fire departments use the airport. There are approximately 1500 landings and takeoffs at the airport during the year. Mr. Harris outlined plans for the future for the airport.

Avery County Solid Waste Presentation – Buddy Norris

Buddy Norris, Solid Waste Director, gave a brief overview of the Solid Waste Department. The annual operating budget is up to approximately \$2 million dollars. We operate all of our own trucks. There are a total of 29 employees consisting of 19 part time site attendants, 4 landfill employees full time, two of which are heavy equipment operators and 2 of which are scale operators and there is an assistant director, Eric Foster. We have a total of 7 convenience centers. We have 3 that are county owned and four that are under lease. They have been under lease for 15 years. We operate a C&D landfill that has been recently re-permitted and went through a large expansion project in 2007/2008. We have permitted a new site down there with many years of volume left in it. This is a total 80 acre site. We have two trackhoes, one bulldozer, one loader that works the transfer station and we have one articulated off road dump truck. We also have a closed municipal solid waste site that is in custodial status. We have to maintain it for 30 years after we close it. As far as the transfer station, we move approximately 14,000 tons of municipal solid waste a year to the Bristol, Virginia landfill. We average about 700 trips back and forth from Bristol each year. The C&D landfill takes in about 300 tons of C&D a year and 600 tons of recycling per year. The state is pushing counties toward a more comingled recycling program which is mixing it altogether. There are facilities now that automatically separates everything. I am currently working on a grant to buy two more compactors which is a zero match grant so the compactors can be used for recycling. It would reduce the amount of runs 5 to 1. Every year we hold a Household Hazardous Waste Program. This keeps the hazardous waste out of the landfills, creeks, etc. This is about a \$25,000 a year investment. It is advertised. We ask for assistance through the N.C. Department of Agriculture.

Martha Hicks asked Mr. Norris to give an update on the contract with the waste energy facility. Mr. Norris explained that this is a \$211 million dollar project and it has taken quite a bit of time to get the investors to come. There is 80% of the funding in place to get this project started and the last 20% is supposed to be bonded by the City of Bristol. Once the full funding is achieved it would be 12-15 months before the facility will be up and running. Mr. Norris said that there is a bulletproof service agreement with Reclaimed Resources and have language built in to the contract to terminate if necessary.

Chairman Griffith stated that this was discussed as he came on the board two years ago. Reclaimed Resources is who we are in contract with and Reclaimed Resources is not in business. I didn't like it when it come before the board a while back. I would suggest to get up with the County Manager and County Attorney immediately because the way I feel about it is we are in contract with a company that does not exist. We want to make certain we are in good standings with the City of Bristol. Chairman Griffith stated that we have three new very active board members that came on in December. These people that work part time at the trash sites do an excellent job. We have had two commissioner's Faye Lacey and Maxine Laws take up for these employees and have examined the trash sites and asked for new buildings for the trash sites. The other big item is the unique piece of equipment that has been put off for years. Does the front end loader have 18,000 hours on it? Mr. Norris stated yes.

Commissioner Lacey stated that she had went to Mr. Norris' office and discussed better buildings for the workers and also other things that they need like boots and hopefully a new relationship with them and to keep more in contact with them and if they have needs they can come to Mr. Norris. I would like to thank Mr. Norris, he worked with us and I think we have come up with what will make our county employees, our most treasured ones that we come in contact daily, more comfortable.

Commissioner Laws stated that when she and Faye visited that they had many concerns. Some of the concerns were better sanitation along with the buildings. Mr. Norris said he is going to work with us to ensure us that these concerns are taken care of.

Commissioner Vance said I am in favor of the loader. I don't know anything about heavy equipment. I talked to someone who is very knowledgeable about this. I was informed that you could take a regular tire and make it a solid tire for about \$1500.00 a tire. Is this worth the money to buy the solid tire? Mr. Norris stated that you can take a treaded tire that would be used on a construction site and foam fill it and use it and when you foam fill it this makes it hard as a rock. The problem is on the tipping floor you have less of a contact area from a tire that you are speaking of. It is the contact surface that would be the problem.

Commissioner Hicks stated that she was starting in her seventh year on the board and every year Buddy had said he needed a new front end loader. It is going to come back and hurt the county if we don't have something to replace it. I want to thank Mr. Norris for the job that he has done.

Chairman Griffith asked the County Manager and the County Attorney to instruct the Board on what avenue to take regarding the \$200,000 for solid waste to cover the front end loader and seven waste site buildings. Tim Greene, County Manager, stated that there were a couple of routes. We need to do some revisions to the capital reserve resolution. We can do a budget amendment and take it out of fund balance and either go ahead now and transfer the money from the capital reserve into the general fund for that or doing some more revisions to the capital reserve policy and doing the transfer from the capital reserve next month. Unless you tell us otherwise we can do a fund balance appropriation for the \$200,000 now and if we need to, wait until next month. Gerald McKinney stated that he thought that would work just fine.

Mr. Greene requested that the board adopt a budget amendment in the amount of \$200,000.

Motion by Martha Hicks and second by Maxine Laws to expend \$200,000 in a budget amendment with a debit of \$200,000 capital outlay (105800.7440) to be transferred in the solid waste budget for a front end loader and for up to seven buildings at the local trash sites. Motion unanimously approved.

Recess

Chairman Griffith called for a brief recess.

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

County Manager Updates – Tim Greene

Sewer System at Avery High School

Mr. Greene stated that he had gotten with David Burleson, Superintendent of Avery County Schools, Danny Clark, Tommy Burleson and Darrell Pittman. We are in the process of engaging a firm to come and run the light through the sewer system and record where the problem areas were and the overall condition of the sewer system. Mr. Tommy Burleson had suggested MB Haynes out of Asheville and they have given us some price quotes which is an hourly rate. We hope we can get them out here soon and from that point we will see where it stands. If the overall condition is poor enough, we would have to hire an engineer and architect and have plans drawn up. These things do not happen quickly. Ideally, we will shoot for getting this corrected this summer. Chairman Griffith stated that the board was unanimous in wanting it fixed and we do not want it prolonged. We want it done before next school year started. This problem cannot be fixed overnight. If a company has to come in and work three shifts during the summer to correct this problem we would ask that happen. We will talk further about other immediate needs.

Chairman Griffith stated that this Board is about essential county government not little pet projects but if there is a problem in county government we want to fix it. If it is broke fix it, but if it is not broke we will not spend taxpayer's money.

Roof at the Courthouse

Mr. Greene explained that there was a section of the courthouse roof that needed to be replaced which is a rubber membrane. There is a small section at the front of the dome that is flat and is a rubber membrane. Mr. Joe Trivette says at times it is beginning to leak. We still have money in the courthouse project fund. I need consensus go get this taken care of. The estimate is about \$3800.00.

Consensus of the Board to spend \$3800.00 out of the courthouse renovation budget to put a new rubber membrane down on a small section of the courthouse roof.

Pay Grade Change

Consensus of the Board to change the resource officer pay grade from 63 to what it is supposed to be at 66.

Blake Vance questioned if there was an update on the bathrooms at the courthouse. Mr. Greene said that the architects have done the drawings on that and they have sent it to J.E. Greene to get a quote on that and we have not gotten back the estimate from J.E. Greene.

Finance Officer Report

Mr. Greene said that new signature cards needed to be signed. Request the Board approve a resolution approving, Nancy Johnson, Reo Griffith and Tim Greene as signatories on the United Community and Wells Fargo bank account.

Motion by Blake Vance and second by Maxine Laws to have Nancy Johnson, Chairman Reo Griffith and Tim Greene as signatories on the cards for United Community Bank and Wells Fargo. Motion unanimously approved.

Budget Amendment

The Avery County Sheriff's Office received a \$50.00 donation from Dereka's Sugar Mountain Accommodations Center & Realty for drug fund expenses.

Motion by Martha Hicks and second by Maxine Laws to approve the budget amendment for \$50.00 with a debit of \$50.00 to Drug Fund Expenses (105100.5700) and a credit of \$50.00 to Drug Fund (103514.0000). Motion unanimously approved.

County Attorney Report – Gerald McKinney

Mr. McKinney reported that there was a proposed lease in the agenda packet for the trash site in the Balm Community from Michael McGuire. I changed the dates. I also made three changes to it. The lease referred to it being property as of Exhibit A and that has been attached to the lease. I have added the book and page number of the deed in the body of the lease. The other change was dealing with the term of the lease. The way the lease was written previously it said the lessee had the option to renew for an additional five years by notifying the lessor of their intention to do it if the lessor agrees. If the lessor agrees is not really an option.

Commissioner Vance questioned if this was the same rate that we have been paying. Mr. Norris answered that this is the fourth term that we have signed with Michael McGuire. It started in 2000 at \$300.00 month; in 2005 it went to \$600.00; in 2010 it went to \$1000. Currently today, we have spent on rent \$114,000. We are going another five years at \$1150.00. Commissioner Vance said are we getting ripped off? Is this the wisest thing? Are we paying too much? Commissioner Vance suggested a short term lease while other options are explored. The County Attorney stated that the lease could be terminated at any time with a 60 days' notice. It was the consensus of the Board that Commissioner Vance and Buddy Norris try to find property to purchase in Banner Elk for a trash site.

Motion by Martha Hicks and second by Maxine Laws to approve the lease with Michael McGuire for the Banner Elk trash site for five years as it is written. Motion unanimously approved.

Mr. McKinney stated that Mr. David Burleson had requested that Mr. McKinney look at the Oakes Property regarding the easements. Chairman Griffith stated the Oakes Property was not the County's land it was the school board's land and the school board would need to investigate that issue.

Closed Session

Motion by Blake Vance and second by Maxine Laws to go into closed session concerning attorney/client privilege (143-318.11) (a)(3) at 8:45 p.m. Motion unanimously approved. Invitees are the Board, County Manager, County Attorney, Clerk.

Chairman Griffith declared the meeting to be back in Regular Session after a time of Closed Session at 8:55 p.m.

Mr. McKinney stated that the Board would need to make a motion after coming out of Closed Session. **Motion by Blake Vance and second by Maxine Laws that Avery County be a plaintiff in a declaratory judgement action. It would be the County of Avery as the plaintiff and the defendant would be Standard Security Life Insurance Company of New York and Kimberly Chapman. This will be asking the court to declare whether or not Standard Life Insurance has a right of subrogation with respect to the settlement the county entered into with Ms. Chapman for money it spent for medical expenses. Also, give authority to the County Attorney to work with the existing counsel on this case. Motion unanimously approved.**

Approval of Minutes

Motion by Martha Hicks and second by Maxine Laws to approve the minutes for Special Meeting December 8, 2014; Special Meeting December 17, 2014; and Regular Meeting January 5, 2015. Motion unanimously approved.

Agenda Consent Items

Motion by Blake Vance and second by Martha Hicks to adopt the agenda consent items. Motion unanimously approved.

Upcoming Meetings

The next regular meeting is March 2, 2015.

Adjourn

Motion by Martha Hicks and second by Blake Vance to adjourn this meeting at 9:02 p.m. Motion unanimously approved.

**Robert "Reo" Griffith, Chairman
Avery County Board of Commissioners**

ATTEST: _____
Cindy Turbyfill, Clerk