

**STATE OF NORTH CAROLINA
COUNTY OF AVERY**

The Avery County Board of Commissioners met in Regular Session on Monday, July 21, 2014 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 3:30 p.m.

Glenn Johnson led prayer.

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 hearing.

Public Comment

Ted Silver stated "I am a permanent resident of North Carolina and a resident of Avery County. I would like to share with you some thoughts as you go on with your deliberation later and further on regarding the old Banner Elk School. As you think about your action and what you wish to do with it, I want to remind everybody that right now on the premises is three businesses and I know there have been discussions on what to do with them and how fast to act. I would like to submit for your thought and consideration as you deliberate that right now there are three businesses of Avery County that are functioning there that are providing some income to our coffers. They are also physically present which we all think we have some understanding that when someone is in some place vandalism and destruction can sometimes be avoided. I will just point those thoughts out to you all as you deliberate. It is a thought I had considering they are businesses and they are surviving and paying us some money. As you consider the ultimate actions that you all will be taking in the next few months, I would just ask you for a moment of pause what to do to them and with them in the long run and try to remember that they are businesses here trying to help themselves and us and I would hate to see them cut out without real consideration for what to do and how to help them out. Regardless of what your thoughts may be, just like everyone else all they are trying to do is make a dollar and bring back into the county."

Martha Hicks thanked everyone for the prayers and phone calls about her brother and husband. She stated that her brother was waiting open heart surgery and her husband was waiting to go to Asheville for surgery.

Reo Griffith stated that he had been approached by a school board member and he told them that possibly we could be enlightened by the Chairman or Phyllis Forbes about the process of the new high school. Chairman Poteat stated that today was the 17th meeting of the high school committee. This began in February 2012. The architect has been selected and we are working on construction management. There is still speculation on the dollar amounts.

Chairman Poteat stated "I appreciate the opportunity to sit before you for 20 years. Someone asked me my statement on going out. No offense to anyone. This is my sign and I designed it. "Plop, plop, fizz, fizz, oh what a relief it is." I greatly appreciate the support of everyone. I congratulate Ms. Faith Lacey; this job is quite challenging."

County Manager Updates – Robert Wiseman

Lease Agreement

Robert Wiseman, County Manager, stated that he felt like he owed the Board and the public an explanation. About three or four months ago, we had a discussion at a Board meeting and we discussed real estate and we mentioned a few specific issues and it was the consensus of the Board that we needed to take an inventory of the real estate parcels that belonged to the county. There are several in different communities going all the way back to the September 2004 flood and it was the instructions of this Board to try to follow up on that and see if there was an answer to this situation where the property was just lying there and the county had to mow and maintain. We discussed this at some extent but not in a public forum but we discussed several courses of action. One of them was the Puckett Property at the Banner Elk School. I am in negotiations right now with selling that property. We had another issue with what is known as the old Banner Elk Daycare Center which has been occupied with probation and we are working through legal counsel for the disposal of that property. I am a little bit perturbed about the last issue that I am going to mention. The Board of County Commissioners and the Board of Directors for the Fair has suffered a hard lick for no reason. Jerry Moody and I talked about a 52 acre tract of land that the county owns that has an encumbrance on it. We cannot use it as collateral for a grant. Nobody will buy it with that encumbrance on it. I said what if we discuss with the fair board the possibility of taking this 52 acres of property that has never been touched and no plans for it and renegotiate the lease of the 10 acres that is used by the fair board right now. We can discuss and see if

this is something that is feasible. This is a win-win situation for everybody. There is a 52 acre piece of property of which 10 acres are being used. If we want to drill a well or build another building, we cannot use that property as our part of the matching grant. Would we be willing to renegotiate the lease so that the 42 acres which is steep as a mule's face could be free and clear to be put up as collateral for a grant or an actual outright sell with the possibility of negotiating a capital projects account to help the fair board? It was said that Wiseman was trying to sell our property. Wiseman does not have the authority to sell the property. This has never been discussed by the Board of Commissioners. People are reacting on false information and spreading or telling a premeditated falsehood. The word is out that Wiseman has already sold this property and he has a buyer ready to buy it and that is not true. We have an opportunity here to progress and then you have all these rumors; there is a troll under every bridge and it is not true."

Chairman Poteat stated that at no time has this Board ever considered selling that property that the fair board has.

Courthouse Renovation

Mr. Wiseman reported that by the end of this week hopefully the public ingress and egress will be afforded through the front of the courthouse. By the end of this week, the major construction will be occurring on the second floor. There are a lot of roof issues to accommodate the renovations. Security will be at the front of the courthouse when the front access is opened. I am hoping that a 95% certificate of occupancy can be issued by the first of September.

Public Hearing Authorizing Expenditure of Funds – AC PRIDE

Chairman Poteat stated that the public did not have to sign up for the public hearing; the public would be recognized in few minutes.

Chairman Poteat read aloud the notice of the public hearing:

The Avery County Board of Commissioners will hold a Public Hearing on Monday, July 21, 2014 at 4:00 p.m. in the Commissioners Board Room, Avery County Administrative Complex, 175 Linville Street, Newland, NC. The purpose of the Public Hearing is to receive public comment regarding authorizing the expenditure of public funds to perform repairs at the economic development project known as AC Pride, a business incubator, located on that property owned by the County of Avery, located at 185 Azalea Circle, Banner Elk, NC.

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

Mr. Wiseman stated that the cost figures for the repairs on the AC PRIDE were derived from the Public Buildings and Grounds Department based on the deficiencies from the Building Inspections Department. The major portion of the cost is concrete to expand and development the handicapped ramp to put railings and pickets on those ramps. There were some other minor issues which were basically labor. There were two issues on the original list that were not here now. One of them was the certification of the fire suppression system. Included in the packet is a letter from the Central Carolina Sprinkler Company. There was striping for a handicapped parking space which is not an issue now. We are still using the green area. Mr. Wiseman said that a little buffer needed to be added to the cost figure not to exceed \$500.00.

Chairman Poteat stated "it is a sad state of affairs that a business, but we are not going to point fingers, that a business was closed down over technicalities. Mr. Burlison did his job. Something should have been done. Our hand was forced. It is sad state of affairs that three fine businesses that felt that they had a place to house themselves was thrust out. We are trying to rectify that and in the Chairman's opinion get the businesses back as quickly as possible."

Andrew Johannsen, owner of Highland Pro Clean, stated "I have one question and that is has there been any consideration towards compensation for our businesses being closed down? How much longer is it going to be until we can open up again? It is costing us a lot of money." Chairman Poteat stated "in one man's opinion anytime someone is ousted and not allowed to do business it should be prorated." Mr. Johannsen stated "the expense of the rent is not as much an issue as people not being able to access our business. It is a busy season. We made the investment to update our space and it has cost us a lot to be there financially."

Ken Johannsen, owner of Highland Pro Clean stated "I have been a full time resident since 1977 and started the business in 1978 and we have been in business now for 36 years or so. I have enjoyed my time here. I am no longer directly involved with the business because a few years ago I found out I had cancer and I have been dealing with that. My son Andrew has taken over. He was real excited about the opportunity in Banner Elk to initiate some changes to the business because this management was thrust on him and there was a lot he wanted to learn so the educational opportunity was very welcome to him. I was encouraged by your comments to the effect that you would like to see other businesses that are

there including our business get back to business as usual so they can function and continue to serve the county. As far as the expenditures are concerned, the amount is nominal and I think it largely has to do whether or not there is a commitment to see the whole project to fruition and all the places be occupied. I wanted to let you know how committed I am. As far as the money was concerned, I was personally prepared to offer that money to the county if it could be directed to the project to get it going. So much has already been committed to preparing that space.

Reo Griffith stated "with all due respect, Chairman Poteat, this started back and even we got letters from the attorney that I received today in the mail for things to be overseen. I know that we approved money for the handicapped ramp, the bills were paid. It was incorrect and closed down by the inspections department; not properly overseen. My stance is still the same and as you know and the public knows I have been scolded and told many times we don't micromanage, we don't look over anybody's shoulder but now we have come to this. The county attorney sends letters to department heads. Department heads were moved into the incubator to make sure everything was intact. Months ago letters were sent from the county attorney to make sure everything was intact. Apparently it went to a deaf ear. My stance has not changed. "

Phyllis Forbes stated "we would be foolish to let \$500 of expenditures to close down three very good businesses that we have rented space to. I think that would be a ridiculous thing to do."

Martha Hicks stated "somewhere along the line there have been some mistakes made. I will take part of the blame. I talked to Mr. Burleson and we have had four punch lists given since March. We, as a board, thought that everything had been done but apparently it hadn't. I talked to Tim today and there was money in the economic development project to take care of this but somewhere we failed along the line to get it done. I apologize to the tenants. You have done a great job in making it look so nice and come so far. The school does look great. I know there is talk out and the board is going to change in December but still we have a board here to work and carry on the county business. My apologies go out to you for this not being done."

Glenn Johnson said "There is enough blame to go around to several different folks myself being one of them. This board does not micromanage departments. A county commissioner cannot know everything there is to know about every department. I think it is our job to know a little bit about what is going on in every one of those departments. I think I need to have some knowledge of every department but I cannot know everything there is to know about the sheriff's department, social services, health department, etc. That is the reason county commissioners sit on these different boards. It is very important, it is essential that county commissioners are willing to serve on the other boards. If all five commissioners sits back and do not sit on any boards, Avery County is unrepresented. We do not know what the financial loss here is, it is immeasurable. There is no way to measure the negativity. We could have had without all of the negativity several more businesses in there, at least three. We know that from the figures that have been worked up that with six businesses this place would be more than cash flowing. For the month of April the expenses totaled \$1127.01. We took in for rent \$1100.00. For the month of April the total cost to operate the incubator is \$27.01. For the month of May, the total expenses including water, sewer, electric, gas and trash pickup was \$735.87; we took in \$1100.00. So for the month of May the place produced \$300 dollars just with three businesses; suppose we had six or ten. For the month of June, the total expenses were \$546.23 and we took in \$1100. It produced over \$500 for the month of June. If we had those six businesses in there even in the winter time we would be generating money even in the wintertime. We have spent some money there to get this place up to par. The businesses have used their own money to fix up their own spaces. The bottom line is that for the month of April it cost \$27.01 to keep the place open and made money for the month of May and June."

There were no further public comments.

Motion by Glenn Johnson and second by Martha Hicks to go out of Public Hearing Authorizing Expenditure of Funds for AC Pride at 4:30 p.m. Motion unanimously approved.

Motion by Glenn Johnson and second by Phyllis Forbes to approve not to exceed \$500.00 for the purpose of repair work at the old Banner Elk School, i.e. incubator to allow a second inspection to be done to utilize reopening of the building back to the full capacity.

Reo Griffith stated "In paragraph 26 of the little yellow handbook for county commissioners it reads if you must stand alone to be in the will of the people, stand and I have stood."

VOTE: For: Kenny Poteat, Glenn Johnson, Phyllis Forbes, Martha Hicks

Against: Reo Griffith

Chairman Poteat instructed the county manager to expedite this immediately and then alert the inspections department as soon as this work is done so we can get back to business as soon as possible.

EMS Fee Schedule Change – Robert Wiseman

Mr. Wiseman stated the fees that we collect from Medicare for ambulance services are set by Medicare. Basically, we are entitled to a certain amount of money as reimbursement from Medicare and right now we will not be reimbursed if we do not increase our ambulance fees. This is nothing out of the county coffers.

Joielle Calhoun, Emergency Medical Services Administrative Assistant, explained that EMS had not had a rate increase since 2008 and due to some changes with ObamaCare Medicare has just come out with a fee schedule for ambulance charges. What we are charging is not even what they are paying. They are paying more than we are charging. The rest of the insurances Blue Cross Blue Shield, United Health Care, etc, also follow along the lines of Medicare.

Motion by Phyllis Forbes and second by Martha Hicks to approve the revised 2014 Ambulance fee schedule as presented. Motion unanimously approved.

Finance Officer Report – Tim Greene

Nothing to report from Finance Officer.

County Attorney Report – Michaelle Poore

Michaelle Poore, County Attorney, updated the Board on a discussion at a previous meeting regarding the green space at the old Banner Elk School. The space has been governed by a use agreement. It has come to my attention that we have different agreements for different spaces. Robbie Willis also oversees part of the green space use for the county and he has a different agreement for those spaces. With the consensus of the Board, I would like to come up with one agreement with this policy that can be used county wide to take care of all the green space. More groups are using more of the spaces in the past few years. I thought I would work with Mr. Willis and get a uniform policy agreement for the county. Ms. Poore stated that she would explore some options and get information to the Board.

Consensus by the Board to explore the options regarding a uniform policy agreement for the county green space.

Approval of Minutes

Motion by Phyllis Forbes and second by Glenn Johnson to approve the Budget Workshop Minutes for May 20, 2014. Motion unanimously approved.

Informational Items

August 23, 2014 is Hazardous Waste Collection Day.

Upcoming Meetings

August 4, 2014 Regular Meeting.

Adjourn

Motion by Phyllis Forbes and second by Martha Hicks to adjourn this meeting at 4:48 p.m. Motion unanimously approved.

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

ATTEST: _____
Cindy Turbyfill, Clerk

