

**STATE OF NORTH CAROLINA  
COUNTY OF AVERY**

The Avery County Board of Commissioners met in a Regular Session on Monday, May 18, 2015 at 6:00 p.m. in the Commissioners Board Room, Avery County Administrative Complex, 175 Linville Street, Newland, NC.

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

Members Absent: None

**Call To Order**

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

Tim Greene, County Manager, led prayer.

Charlie VonCanon led the audience in the Pledge of Allegiance.

**Public Comment**

Chairman Griffith instructed the audience that public comment should be directed to the public at hand and that a board member could not be engaged or someone in the audience could not be engaged. Chairman Griffith limited the public comment to 5 minutes per person.

Nancy Morrison said "I want to take a brief moment to thank you. You got elected on cutting spending and you are trying your best to do that. I do caution that you do it very wisely. We need to make sure we keep the important programs. The YMCA showing up the other day was nice and thank you for reconsidering. I am president of the Drug Abuse Resolution Team and you have been great about supporting drug court. It seems to be that there are so many problems with drug abuse in our county I am not sure getting rid of a drug task force position at this point makes a lot of sense. Please consider that carefully. The Avery County Chamber of Commerce is the only economic development entity that is promoting Avery County in the county. So it is real important that you help us. We have printed 35,000 copies of the directory and that cost \$16,000 and we printed 30,000 rack cards for \$2,000 and we printed 28,000 inserts. We have this year for the first time gone with professional distribution. That will make a major difference. We are in 75 different locations north and south I-77. As you can see we are spending a lot of money promoting our county. We have 410 members and that is the most that we have ever had. The other thing I would like to speak to briefly is the Humane Society. The humane society is extremely important. As I understand it, the humane society building reverts back to the county and that is going to be a hefty mortgage so I think we need to keep our humane society."

Phyllis Forbes stated "The first thing I want to talk about is the budget. I have sat in your seat and I know what an ordeal it is to go through the budget process, how time consuming it is. One thing that I think that has been left out of the budget process is economic development. The chamber does what they can but they are limited. I think you need to consider funding something and coming up with some kind of plan. As I understand it you have been looking at cutting taxes 10 to 15 cents and as I understand you are going to cut 7.38 cents. The people that are going to get the breaks are the people with the big houses. When I went into office in 1992, this county was in really bad shape, there was a 0 fund balance. We had to raise taxes 13 cents. I don't want to see Avery County repeat this mistake."

Rachel Deal stated "We have our board members all here and supporters of the Humane Society. We would like for you to reconsider trying to cut as much as was said in the paper you might cut us. We have tried our best to do whatever we can to keep the humane society going. It takes a lot of money to do what we are doing. The money that you give us pays the light bill. We have had some problems and we are trying to get those things changed."

Erica Segal , Chairman of the Humane Society, stated "Since 2012 we have taken in 3100 homeless or abandoned animals. We have adopted out 2500 of those animals. We offer jobs to 18 residents. We have spayed and neutered 1154 animals for free to the cost of \$70,000. So far this year we have spayed or neutered 102 animals. We have provided low cost vaccine clinics to 274 residents. We have offered educational programs to the school system. We have given tours to the schools. We reunite lost pets to the owners. It costs about \$60,000 a month to run the shelter. A majority of that comes from fundraising. We are not owned by any governmental agency. We are a 501C3 corporation. When we have an animal come in it costs us an average of \$400 to take the animal and put in the kennel. Our adoption fee is \$85. We do have specials. We put people on the waiting list. We will not put down an adoptable pet to make room for one that has been brought in. We invite all the commissioners to come to the shelter to see how we run. "

Julie Shissler and Bill Shissler said "We are year around residents and taxpayers of Avery County. The American dictionary defines the word "humane" as characterized by kindness, tenderness, compassion and mercy for people and animals especially those who are suffering or distressed. We wholeheartedly stand behind the humane society and its service to our community. A monthly donation to the shelter which is matched by employer is part of our household's budget. We adopt pets from the humane society and use their spay/neuter services. We also help to promote their services through social media and by word of mouth. We believe that responsible pet ownership includes having pets spayed and neutered. The Bible says a righteous man cares for the needs of his animals. Allowing our animals to produce litter after litter of unwanted kittens and puppies dishonors our creator. The humane society provides spay/neuter surgery at low or no cost to county residents. This alone justifies our county's support of the shelter. Without shelter services, Avery County would be overpopulated with dogs and cats. In past years the county funded between 5 and 7% of the total cost of the humane society's contributions. This contribution was earmarked for and to pay part of the cost for gas, water and heat. We urge the county commissioners to approve continued funding to the humane society so it may go on serving our county. "

Bill Shissler said "As elected officials serving the citizens of Avery County you are accountable to the said citizens as to the justifications of your decisions concerning the county. I understand about budgets and need to be cut here and there. Three questions I am wrangling for an answer: 1) What is the justification for a 94% cut in allocations to the shelter or any other public service? 2) What is the "warning" to the shelter as stated in the Avery Journal? 3) If this cut is implemented, where is the money going to be allocated to better serve the residents and what are your plans for animal control should the shelter be cut?"

Glenn Johnson stated "I have asked several people recently if they would like to have their property taxes cut, invariably, of course the answer is yes but at what cost and whose expense. I believe the people are being fed political fodder aimed at next May's election. Fodder does very little or nothing for the cow's well-being and by the same token this tax cut is ill conceived and will come back to haunt all of Avery County in the very near future. Mr. Griffith, you stated in the newspaper that the Board of Education was being fully funded and the board agreed to an increase of \$417,673 depending on state funding and that this would be the largest increase in funding in 10 years. The whole truth is with few exceptions the Board of Education in the past few years have been given what they asked for because they are not in the habit of asking for more than they require to operate. It would appear that some board members are dancing to the tune of a group of people that have said there is not going to be a new high school. It seems a sure way to accomplish that is to deplete the capital fund balance and the general fund balance and to cut taxes so there is no way to replenish those funds. This school is older than any school that has been replaced and is approaching 50 years old. Money is available to complete phase I and the previous board was almost ready to take RFP's in that contract. Our children are attending a school that does not meet many of Department of Instructions standards. Applying band aid fixes will only bring on the inevitable in a few short years of having to build a new school and no money to do it with. We are not talking about moving off the premises and building a brand new school. We are talking about building it in two or three phases and basically remodeling completely and adding to what we already have. I am going to read from the budget ordinance. Over the past several years Avery County has developed and adhered to a strict financial plan designed to promote a pay as you go financial philosophy. As a result of this strategy, the county has funded courthouse renovation, jail renovation and addition, landfill expansion project and the new Banner Elk Elementary School. The county was able to fund these projects in cash with the exception of the new school which was partially funded by a loan. Future capital projects are expected to be the development of recreational land that was secured by a state grant and renovation and repairs to the Avery County High School. How are we going to build a recreation center? How are we going to build a new school with tax cuts of this magnitude and taking from the fund balance?" Mr. Johnson presented an illustration of the tax cuts.

Bruce Malftone, Director of the Avery County Humane Society, said "Just a little bit of history at the old shelter we would take in every animal that came in. There was never a question as to is there room. People who put their money together to build the shelter wanted to have a "no-kill" shelter. We have a waiting list and because of this we saved more lives than ever before. We bring a lot of business to Avery County. 57% of our adoptions are from people from outside of Avery County. They stopped in Avery County and spent money. We do a lot for Avery County outside of the shelter. I was hired as a part-time director and I get paid for 28 hours and I worked 50 or 60. We currently have enough money to make it until November. There is still a mortgage on the property of over \$800,000. If we can't keep the doors open that is \$800,000 that is going to land in the laps of Avery County. We help 1000 animals a year and we pay/neuter 1200 for free. We are struggling. We are reaching out everywhere asking for money. The 7% you were giving us is a matter of keeping our doors open another month and being able to help more animals."

Nell Saint stated "I am a full time resident in Avery County and a former employee of the Humane Society. It was a wonderful place to work. One of the comments that was in the Avery Journal was "they do not serve Avery County". I am going to speak on how they serve me personally. In 2009, I adopted my cat, they provided me a job when I was unemployed. I have utilized their low cost shot clinic. This past winter I had a stray dog move in on my front porch. I called the Humane Society and they had no space. They

had the phone number of the person who owned the dog. I want you to know that Avery County Humane Society does serve the citizens of Avery County.”

Jennifer Taylor stated “I am very proud to work for the Avery County Humane Society. That job means more to me than any job I worked at. I am very proud of all of the employees. We are a time out there. We may have one person who gets mad or even two people” Several audience members held up pictures of animals that had come from Avery County to the humane society.

Liz Mason, representative of OASIS, stated “I want to thank you for the support of the county commissioners over the past two years since we started providing services in Avery County. With the support we were able to support Avery residents by providing rental and utility deposits so the families could maintain permanent safe housing. In addition, we were able to provide hotel stays for Avery residents who were fleeing partner violence. So far this year OASIS has served 24 adults and 13 children. OASIS staff has provided advocacy through traditional systems 31 times this year. We have also answered 138 calls from Avery County residents this year so far. In addition to working directly with clients we work with community partners in Avery County. We received two new grants this year to serve Avery County. The first one is to hire a Spanish speaking coordinator here in Avery County who will be able to do outreach to the Spanish speaking in Avery County. In addition, we received an enhancing rural strategies grant. Through the grant we are able to provide technical assistance and staff capacity to facilitate an abuse response team in Avery County. This grant is a three year grant for \$20,000 per year. We appreciate what you proposed in the budget this year but we are anticipating in the upcoming years to see an increase in clients. “

Katy Kirkpatrick stated “I am one of the medical technicians at the Avery County Humane Society. As reported by the Avery Journal on May 9<sup>th</sup> there was one commissioner that seems to believe that the humane society do not serve this county and we have ever responsibility to serve this county. As the director and the members of our board have stated both in person and social media, we do serve this county. They have cited our spay/neuter program, low cost shot clinics, and the people we bring in from out of county for adoptions. We provide another service that has not been mentioned. The Avery County Humane Society provides low cost euthanasia to public animals in need for those that cannot afford to have the procedure done by a vet. I want every one of you and anyone that makes comments about our shelter how deeply these comments have hurt me personally. Maybe next time these comments should be considered and the after effects more in depth. When all is said and done I want the commissioners, county residents, our supporters and everyone else to know that we will push through the negativity. We will push through those who try to drag us down. This is about all of the animals that are healthier because of our shot clinics, etc. We are animal lovers, rescuers and supporters of animals.”

Phil Russell stated “I guess I am more curious than anything else as to your reasoning behind not giving the sheriff’s department some of what they had asked for as well as the cutting funding of the drug task force officer. I simply don’t understand that. I am here to ask you if there will be reasons given in a public fashion, will questions here tonight be answered and if so how will that happen.”

A man in the audience asked if questions would be answered tonight. Chairman Griffith stated that there would be no questions answered per board policy.

Chairman Griffith asked for veterans to stand up in the audience. Chairman Griffith thanked the veterans; men and ladies fought and died for people to speak, added Chairman Griffith.

#### **Avery Soil and Water Conservation District – Mark Forbes**

Mark Forbes, Avery Soil and Water technician, reported that the Avery Soil and Water Conservation District is a local organization working with residents, agencies and business owners to plan and direct programs for the conservation and development of natural resources. We have the responsibility of promoting soil and water conservation and establishing conservation programs in the district. Our goal, with the public’s help, is to assure that our county’s natural resources are managed wisely to ensure a quality environment now and for the future. Mr. Forbes shared about the educational programs, cost share programs and recent grants that had been awarded.

#### **Resolution to Establish and Fund the Capital Reserve Fund**

Blake Vance read aloud the resolution as follows:

Whereas, it is the policy of Avery County to be committed to a Pay As you Go philosophy on all major capital projects, and

Whereas, Avery County currently holds undesignated monies above 20% of General fund expenditures and transfers in the approximate amount of \$4.8 million, intended as Capital Reserve monies, and

Whereas, Avery County is currently setting aside monies for improvements and/or replacement of Avery County High School in the approximate amount of \$15 million, a recreation project on property obtained

with a state grant for that purpose in the approximate amount of \$5 million, and renovations to the Agriculture Extension office in the approximate amount of \$500,000, and

Whereas, the tentative completion dates are: 2020 for the high school project, 2018 for the recreation project, and 2017 for the Agriculture office project, and

Now, therefore, be it resolved, that revenues to fund the Capital Reserve Fund are to be transferred from General Fund Balance in excess of 20% of the General Fund expenditures and transfer for the 2014/2015 fiscal year.

This resolution amends a previous resolution adopted on June 15, 2009 and will remain in effect until abolished by the Avery County Board of Commissioners.

**Motion by Blake Vance to adopt the Resolution to Establish and Fund a Capital Reserve Fund.**

**Motion failed for lack of a second.**

Glenn Johnson stated that he felt it was a mistake to move the capital reserve fund into the general fund. 2.3 million dollars short next year. You are going to have less money going into the capital fund. You need a list of the capital projects that need to be done. We lost a billion dollars when we did the revaluation. How can you possibly lose a billion dollars and cut taxes?

Martha Hicks said that this was a five member board and the resolution was not brought up to the entire board. One person does not run the board, it takes the full board and that is one reason I didn't second the motion. We need to discuss this as a board. We need to have a workshop and bring this up then instead of voting on it today.

Blake Vance stated "I drafted the resolution and brought it to the table. In previous years, legal counsel missed a loophole. That money was intended for capital projects. We do have capital projects on the horizon.

#### **High Country Workforce Development Consortium – Adrian Tait**

Adrian Tait, Director of High Country Workforce Development Board, stated that he was coming before the Board for two things. One is a brief update on some of the activities and secondly is to ask your approval for us to continue doing what we are doing. Primarily we connect people with jobs and do that in a variety of ways. One of the ways is working with employers to find out what they need and then to work with the folks looking for jobs to make sure they have the right skills and experience in getting them in those positions. Last year we worked with 1,115 employers around the seven county region helping them fill those open jobs. Last year across the seven county region we worked with 13,000 who were looking for jobs. Last year the House and Senate in Washington voted 97% in favor of a new piece of legislation to allow us to continue what we are doing. July 1, 2015 the Workforce Innovation and Opportunity Act begins and as part of the new law coming into effect we have some paperwork to do so we can continue to work with the local employers. The paperwork is in your packet and it includes two things; an agreement to form a workforce consortium and a resolution for Avery County to join that consortium. The seven counties in our area each nominate a representative to serve on the Workforce consortium. This consortium board oversees and implements the Workforce Development Board. They decide on who will manage our funding, who will serve on the board and the bylaws the board will serve under. The counties are in control primarily of what is happening with the Workforce Development system. The agreement you have before you is a reproduction of an agreement that has been in place for about 17 years. We have to go about reestablishing the agreement again. We worked with the Council of Governments attorney. We sent these agreements to the county managers and attorney's to get feedback.

**Motion by Blake Vance and second by Martha Hicks to adopt the Resolution to Join the Workforce Development Consortium. Motion unanimously approved.**

#### **Tax Administrator Report – Phillip Barrier**

##### **Tax Collections**

Mr. Barrier stated that there needed to be an amendment for the March 2015 tax collections to \$622,979.26.

**Motion by Martha Hicks and second by Maxine Laws to amend the March 2015 Tax Collections to \$622,979.26. Motion unanimously approved.**

The Tax Collections for the month of April 2015 is \$181,981.35.

**Motion by Blake Vance and second by Maxine Laws to approve the April 2015 Tax Collections as presented. Motion unanimously approved.**

## Regular Releases

The Regular Releases for the month of April 2015 is \$154.39.

**Motion by Maxine Laws and second by Blake Vance to adopt the Regular Releases for the month of April 2015. Motion unanimously approved.**

## County Manager Updates – Tim Greene

### Bathroom Renovation

This is a project that will be in the informal bidding range. That means that it does not have to be advertised and there is no set number of bids. You can choose and pick who you would like to do that. My recommendation is that we contact some of the local general contractors to give us a price on that. I will get three quotes from local contractors and will enlist the help of the inspections department and public buildings and grounds.

### Painting at the Courthouse

The painters had to wait until it got to a certain temperature to finish some of the painting at the courthouse. There was an issue that I wanted to seek your direction on. I am going to recommend against this. There is going to be two things on the paint one of them is the cornice which is a contrasting color. There was confusion with the specs and if it is not in the specs it does not get done. We can have the painting done. The columns on the corners those are fiberglass and they are going to be a different shade of white. The estimate to paint these two things is going to be \$5500. I just felt like that was too much. Consensus of the Board for Martha Hicks, Tim Greene and Joe Trivette to see what needs to be done regarding these issues.

### Public Hearing for 2015/2016 Budget

Mr. Greene announced that the 2015/2016 Tentative budget was available for inspection in the Clerk's office. Also, a public hearing will be held on June 1, 2015 at 6:30 p.m. in the Commissioners Board room.

### EMS vacancies

There are three full time positions open in the EMS department. EMS is a little bit different because typically we hire the full time staff out of the part time staff. It is not quite the formal process as in other departments. We did advertise internally and put on the website. Mr. Turbyfill and I went over the applications. **Consensus of the Board for the County Manager to move forward with these EMS positions.**

### County Manager Employment Agreement

Chairman Griffith stated that there was an employment agreement for the county manager that legal counsel had signed off on. It is an ordinary agreement. I saw nothing in it of concern. Chairman Griffith asked if there was any discussion regarding the agreement. There was no discussion.

**Motion by Maxine Laws and second by Blake Vance to accept the County Manager Employment Agreement as written. Motion unanimously approved.**

## Finance Officer Report – Nancy Johnson

### Budget Amendments

The Avery County Department of Social Services has received additional State funding in the amount of \$55,200 for special adoption incentives.

**Motion by Blake Vance and second by Maxine Laws to approve the Budget Amendment regarding the Avery County Department of Social Services in the amount of \$55,200 with a debit to Special Adoption Incentives Expense (10.6800.6020) and a credit of \$55,200 to Special Adoption Incentives Revenue (10.3643.0000). Motion unanimously approved.**

The Avery County Department of Social Services has received additional state funding in the amount of \$721.00 for Family Reunification.

**Motion by Maxine Laws and second by Blake Vance to approve the Budget Amendment regarding the Avery County Department of Social Services in the amount of \$721.00 with a debit to Reunification – Foster Care of \$721.00 (10.6800.6080) and a credit of \$721.00 to County Welfare(10.3634.0000). Motion unanimously approved.**

The County received more funding than anticipated from the NC Department of Commerce for a Rural Infrastructure Grant.

**Motion by Blake Vance and second by Martha Hicks to approve the Budget Amendment regarding the NC Department of Commerce (High Country Community Health Dental Office) with a debit of \$3,500.00 to Rural Infrastructure Grant Exp. (107000.6212) and a credit of \$3,500.00 to Rural Infrastructure Grant Rev (103851.0000). Motion unanimously approved.**

The Avery County Public Buildings and Grounds Department requests additional funding for unexpected heating and air repairs and maintenance of county buildings.

**Motion by Faye Lacey and second by Martha Hicks to approve the Budget Amendment for Public Buildings and Grounds of \$10,000 with a debit of \$10,000 to Repairs & Maintenance (105000.1510) and a credit of \$10,000 to Fund Balance (103990.0000). Motion unanimously approved.**

The Avery County Board of Commissioners Department needs additional funding for unexpected Legal Fees.

**Motion by Martha Hicks and second by Faye Lacey to approve the Budget Amendment for the Avery County Board of Commissioners for legal fees for \$15,000 with a debit of \$15,000 to Professional – Legal Fees(104100.0300) and a credit of \$15,000 to Fund Balance (103990.0000). Motion unanimously approved.**

The Avery County Sheriff's Office needs to recognize additional revenue to offset expenses for concealed weapon fees.

**Motion by Maxine Laws and second by Blake Vance to approve the Budget Amendment in the amount of \$1,000 with a debit of \$1,000 to Concealed Weapon Prmts. (105100.5720) and a Credit of \$600.00 to Weapon Fees (103612.0000) and credit of \$400.00 to Concealed Weapon Fees (103613.0000). Motion unanimously approved.**

A budget amendment is needed in the Sheriff's Office salaries line items due to two officers retiring mid-year and both receiving separation allowances.

**Motion by Martha Hicks and second by Blake Vance to approve the Budget Amendment for the Sheriff's Office in the amount of \$25,206.00 with a debit of \$5,642.00 to Salary-Chief Deputy (105100.0210) and a debit of \$10,987.00 to Salary-Deputies (105100.0220) and a debit of \$8,577.00 to Supplemental Law Retirement (105100.0300) and a credit of \$25,206.00 to Fund Balance (103990.0000). Motion unanimously approved.**

#### **County Attorney Report**

The County Attorney was not present.

**Motion by Martha Hicks and second by Blake Vance to approve the Public Notice to be advertised for exchange of personal property for extension of county Property regarding Lees McRae College. Motion unanimously approved.**

#### **Resolution to use Facsimile Signatures**

**Whereas**, due to the substantial volume of checks, drafts and pre-audit certificates on contracts or purchase orders, the process of obtaining original signatures is time-consuming and detracts from productivity; and

**Whereas**, pursuant to N.C.G.S. 159-28.1, the Board of Commissioners may provide for the use of facsimile signature machines, signature stamps or other devices in place of signing said documents.

**Now, Therefore**, the Avery County Board of Commissioners resolves that the county may use facsimile signature machines, signature stamps or similar devices in signing its checks and drafts and in signing the pre-audit certificate on contracts or purchase orders. The Finance Officer is hereby charged with the custody of the necessary machines, stamps, plates or other devices and the Finance Officer and the sureties on his or her official bond shall be liable for any illegal, improper, or unauthorized use of them.

**Motion by Maxine Laws and second by Martha Hicks to adopt the Resolution to use Facsimile Signatures. Motion unanimously approved.**

#### **Approval of Minutes**

**Motion by Blake Vance and second by Maxine Laws to approve the April 6, 2015 Regular Meeting and April 6, 2015 Closed Session. Motion unanimously approved.**

#### **Agenda Consent Items**

**Adopted by Consensus of the Board.**

**Upcoming Meetings**

The Next Regular Meeting will be Monday, June 1, 2015; A Public Hearing regarding the FY 2015/2016 budget is scheduled for June 1, 2015 at 6:30 p.m.

**Adjourn**

**Motion by Martha Hicks and second by Blake Vance to adjourn this meeting at 8:03 p.m.**

**Motion unanimously approved.**

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Robert Griffith, Chairman  
Avery County Board of Commissioners

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