

**STATE OF NORTH CAROLINA
COUNTY OF AVERY**

The Avery County Board of Commissioners met in a Regular Session on Monday, December 5, 2011 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, Vice-Chair (via telephone); Scott Heath; Martha Hicks; Glenn Johnson

Members Absent: None

Call To Order

Chairman Poteat called the meeting to order at 3:32 p.m.
Scott Heath led prayer.

Organizational Meeting

Election of Chairman

This meeting was turned over to Robert Wiseman, County Manager, for the election of chairman and vice-chair and officers.

Motion by Scott Heath and second by Glenn Johnson to nominate Kenny Poteat as Chairman of the Avery County Board of Commissioners. There were no further nominations. **Motion unanimously approved with four members voting.**

Chairman Poteat then assumed the Chair. Chairman Poteat thanked the Board for the appointment.

Election of Vice-Chair

Motion by Scott Heath and second by Glenn Johnson to nominate Phyllis Forbes as Vice-Chair of the Avery County Board of Commissioners. There were no further nominations. **Motion unanimously approved with four members voting.**

Phyllis Forbes thanked the Board for her appointment.

Appointment of Officers

Chairman Poteat stated that there are certain persons that serve at the pleasure of the Board and if a majority of the Board sees fit to dismiss that person they are dismissed. These officers are the clerk, attorney, finance officer and county manager.

Clerk To the Board

Motion by Martha Hicks and second by Scott Heath to appoint Cindy Turbyfill as Clerk to the Board.

Chairman Poteat said "you are very worthy of this position and you do an excellent job as the Clerk". Mr. Johnson said he didn't think we could have a better clerk. Phyllis Forbes commented that without the clerk's help she could not have been involved in the meeting from the West Coast.

Motion unanimously approved.

County Attorney

Motion by Glenn Johnson and second by Martha Hicks to appoint Harrison & Poore Law firm as the County Attorney. **Motion unanimously approved.**

Chairman Poteat stated that Michaelle Poore had been very dependable and given sound legal advice over the past several years.

Finance Officer

Motion by Martha Hicks and second by Scott Heath to appoint Tim Greene as Finance Officer for Avery County. **Motion unanimously approved.**

Chairman Poteat stated that Mr. Greene was a very important "cog in this wheel" that makes this county work.

County Manager

Motion by Glenn Johnson and second by Martha Hicks to appoint Robert Wiseman as County Manager. **Motion unanimously approved.**

Chairman Poteat said that he appreciated Mr. Wiseman's abilities, managerial skills and attitude. Phyllis Forbes said she would put our appointed officials up against any in the state. It is a great group that works for Avery County.

Public Comment

Rachel Deal thanked the Board for everything that has been accomplished by the current Board.

Chairman Poteat thanked Cindy and Ashley for the beautiful decorated Christmas tree.

Martha Hicks thanked the employees at the courthouse for decorating the Christmas trees.

Scott Heath commented that he went with his daughter to pick up the Macbook and that the school board, David Burlison and Dennis Brown had everything organized and the handing out of the Macbooks was handled very well.

Tax Administrator Report – Phillip Barrier

Tax Collections Report

The total tax collection for the month of November 2011 is \$2,940,777.50.

Motion by Martha Hicks and second by Scott Heath to approve the Tax Collection Report for the month of November 2011. Motion unanimously approved.

Motor Vehicle Releases

The Motor Vehicle Releases for the month of November 2011 are County Tax Release \$68.03 and \$8.25 in Fire Tax for total releases of \$76.28.

Motion by Glenn Johnson and second by Scott Heath to approve the Motor Vehicle Releases for the month of November 2011 as presented. Motion unanimously approved.

Real and Personal Refunds

The Real and Personal Refunds for the month of November 2011 are County Tax Refund \$321.01, Fire Tax Refund \$38.91 for a total tax Refund of \$359.92.

Motion by Martha Hicks and second by Scott Heath to approve the Real and Personal Refunds as presented. Motion unanimously approved.

Motor Vehicle Refunds

The Motor Vehicle Refunds for the month of November 2011 are County Tax Refund \$30.47; Fire Tax Refund \$3.65 for a total refund of \$34.12.

Motion by Scott Heath and second by Martha Hicks to approve the Motor Vehicle Refunds for the month of November 2011 as presented. Motion unanimously approved.

State Appealed Refund

The State Appealed Refund for November 2011 is County Tax \$517.11, Fire Tax \$62.68 for a total of \$579.79.

Motion by Glenn Johnson and second by Scott Heath to approve the State Appealed Refund for November 2011. Motion unanimously approved.

Annual Audit Report – Sharon Gillespie

Sharon Gillespie, auditor with Young, Miller and Gillespie, presented the Annual Audit Report for the fiscal year ending June 30, 2011. The assets of Avery County exceeded its liabilities at the close of the fiscal year by \$33,973.25. The government's total net assets increased by \$1,072,119 primarily due to increased net assets in the General Fund. There are two methods to present financials. One way is the government accounting way and that is the current flow method. That looks at money that was taken in and what was spent out. This does not look at the buildings, debt, etc. The decrease or loss that is showing is \$9,768,099 and that is contributed to the capital projects that have not been completed at this time. The tax collection rate for the year was 95.37%; this is a higher percentage rate than other small counties and slightly higher than the overall percentage rate for all counties.

Motion by Martha Hicks and second by Glenn Johnson to approve the Annual Audit Report for the fiscal year ending June 30, 2011 as presented.

Chairman Poteat thanked Tim Greene, Finance Officer, and the finance staff.

Motion unanimously approved.

Home and Community Care Block Grant Revision – R. D. Daniels

R.D. Daniels, Director of Avery Senior Center Services, explained that each year there are revisions to the Home and Community Care Block Grant which is the basic funding source for the programs. This year we were notified that we have an additional amount of money of \$6847.00. The overall amount of local funds has been reduced. There has been an increase in the Congregate Nutrition from \$29,077 to

\$35,924; increase in the Congregate Nutrition units from 12,125 to 15,265; increase in Congregate Nutrition cost share from \$5,500 to \$10,500; increase in reimbursable units from 5,078 to 7,254; decrease in the unit rate from \$6.3623 to \$5.5026. There was also a decrease in the Health Promotions from \$1,303 to \$1,234 and decrease in med. Management from \$457 to \$412.

Motion by Scott Heath and second by Glenn Johnson to approve the revision in the Home & Community Care Block Grant allocation of \$6,847. Motion unanimously approved.

Economic Development Director Updates – Bret Gardella

Bret Gardella, Economic Development Director, presented the quarterly update for the Economic Development Department. Mr. Gardella explained the various projects that he was working on at this time. There was discussion regarding the Old Banner Elk School and it was the consensus of the Board to have the maintenance department winterize the building.

County Manager Updates – Robert Wiseman

Turn Lanes at the New Banner Elk School

Mr. Wiseman reported that he would be meeting on Wednesday morning at 9:00 a.m. with the appropriate officials to discuss plans for the turn lanes at the new Banner Elk School. There should be some fairly accurate cost projections which Avery County can take to the legislation and then to the Department of Transportation to get funding for that project.

Linville Cove

The request for proposals has been advertised in the newspapers for any interested engineering firm who will be interested in providing the engineering work for the utilities and other appropriate design work for the Linville Cove project at the old Greene & Taylor property.

Use of Reverse 911

Mr. Wiseman stated that when the Board agreed to go into the contract with Code Red Emergency Broadcasting it was for emergency purposes either county wide or a specific locality. There may be some other issues that we may want to consider that the system could be used for that would not necessarily be an emergency.

Avery County Humane Society

Michaëlle Poore, County Attorney, stated that there had been some discussions with the Humane Society and they are looking at making an offer to purchase the 4 acre tract where the new Humane Society building is being constructed. There is a current 99 year lease on the property. That triggers a procedure whereby after the Humane Society makes an offer and a deposit on the property the notice would run in the newspaper and then someone could file an upset bid. The county can, as part of the process, reject any offers if something was different than what the county wanted. The county can reserve the right to reject any offers and decide not to sell the property under those terms. Glenn Johnson questioned if the fair board had been contacted and if they were on board to allow the sell. Ms. Poore stated that the county owns the property and can sell the property without the consent of anyone but of course it would be subject to any leases and that would be worked out in the process of the offer to purchase.

There was considerable discussion regarding the property.

Motion by Martha Hicks and second by Glenn Johnson to offer the property for sell to the Avery County Humane Society and to allow the county manager to execute the offer to purchase contract which would occur before the next meeting in January and placed on the agenda in January for an update.

Scott Heath stated “my concern is that there was a reason to do the lease to begin with. We do want to support the humane society. My concern is there are issues surrounding that. I think we are rushing into the sell because of a schedule that is not of our doings. There are a lot of questions that I have before I would vote to go into a sale of the property. If the Avery County Humane Society has clear deed, then if they go under that piece of property goes up for sell. That is a concern that I have.”

Michaëlle Poore, County Attorney, said that there was a motion and a second for the County Manager to execute the offer to purchase contract and in light of the discussion does the Board want the contract to come back at the meeting in January to approve or disapprove and if that is the case the motion may need to be withdrawn. This would give the Board a month to obtain information about the issue regarding the Fair Board and have a written offer in front of the Board to consider. The humane society can still work with the banks and then start the upset bid process in January.

Martha Hicks withdrew her motion. Glenn Johnson withdrew his second to the motion.

Ms. Poore said the written offer and everything would be presented to the Board at the January 3rd meeting. She stated she would work with Ms. Morton on these issues.

Phyllis Forbes was unable to attend the entire meeting by telephone and was disconnected at this time.

Jail Medical Plan

Mr. Wiseman stated at the last meeting that the Board instructed the legal counsel to review the information regarding the jail medical plan and present her recommendation back to the Board. Ms. Poore advised that she had met with the sheriff and gone over the proposal and the proposal as he presented it is a sound proposal. She stated that she understood as part of the proposal this plan would be implemented the first of January and run through the remainder of the fiscal year. Mr. Wiseman stated that it would appear that the temporary certificate of occupancy would be around the 15th of January for the new jail facility.

Chairman Poteat said that he, Scott Heath, the County Manager, Finance Officer, Trina Cook and Sheriff Kevin Frye had met and discussed the jail medical plan.

Sheriff Frye explained that the only two companies that he could find that provided this service were the Competent Correctional Care and their service fee was \$4648 per month as compared to the Southern Health Partners whose service fee was \$4425 per month and the Competent Correctional Care did not specify to cover the prescription medication or any nonprescription medications and this one does. This proposal is for 40 inmates and a nurse 12 hours a week. We discussed going with the proposal for 40 inmates but if we see that we are going to house more than 40 inmates then in July we will go to the 50 inmate plan. Scott Heath stated that, in his opinion, this is temporary until the end of the fiscal year but as part of the budget process look at other providers and this may give us time to look at other opportunities. Chairman Poteat stated that there were some monies already budgeted for medications and medical supplies that will offset some of the costs of this plan.

Motion by Glenn Johnson and second by Martha Hicks to approve the Avery County Sheriff's Office and Avery County contracting with Southern Health Partners, Inc. to provide medical services for the Avery County Jail for the next six months up to \$30,000 Fund Balance Appropriation. Motion passed with those in attendance (4-0).

Finance Officer Report – Tim Greene

Tim Greene, Finance Officer, stated that Sheriff Kevin Frye wanted to establish a commissary fund which is where the inmates can purchase snacks and drinks and this would have to be set up as a special revenue fund. There would need to be approval by the Board to allow the Sheriff to open up a checking account. Mr. Greene stated that this could be approved pending further discussion with Sharon Gillespie, auditor. Chairman Poteat said normally there is a little information ahead to think about versus a quick "knee jerk" reaction. Sheriff Frye said that there would be a small profit maybe \$6000 or \$7000 a year but would save \$20,000 where the county is providing snacks and drinks. There must be a checking account set up for this commissary fund. Glenn Johnson stated that he did not see a problem with this because there is no money spent out and that the county should not be providing inmates with snacks and drinks; the inmates are provided three meals a day.

Motion by Glenn Johnson and second by Martha Hicks to allow Sheriff Kevin Frye to open a checking account for the purposes of funding the commissary fund contingent on the approval of the finance officer and county manager.

Vote: Motion passed 3 to 1. Glenn Johnson, Martha Hicks, Scott Heath For; Kenny Poteat Against.

Chairman Poteat said "no offense to the sheriff but in the future prior notice helps so the Board can think about the issue before action is taken".

Chairman Poteat relinquished the Chair to Scott Heath. Chairman Poteat left at 6:05 p.m. due to a prior commitment.

Budget Amendment #

Due to the folding of New River Behavior HealthCare, some of the monies that were originally appropriated for adolescent substance abuse have been reallocated to the other JCPC programs.

Motion by Martha Hicks and second by Glenn Johnson to approve the budget amendment of \$5336.00 to be reallocated to other JCPC programs with a debit of \$285.00 to Juv Svs-Crossnore School (107000.6121); \$654.00 to Juv Svs. – Home Sch. Coord-Pat (107000.6130); \$633.00 to CBA Juv Svc-Proj.Challenge (107000.6145); \$1,454.00 to Juvenile-Mediation Program (107000.6147); \$2,320.00 to Juvenile-Adolescent Substance (103490.0000) and a credit of \$3,016.00 to Adolescent Substance Abuse (107000.6148); \$487.00 to Project Challenge (103480.0000); \$204.00 to Juvenile Serv-Landship (103491.0000); \$503.00 to Juvenile Serv-Pass (103492.0000); and \$1,126 to Juvenile – Mediation (103493.0000). Motion unanimous with those in attendance (3-0).

Budget Amendment #

Request the undesignated Fund Balance in excess of 20% of the total General Fund Expenditures and transfers to other funds at the end of the Fiscal Year 2010-2011 be appropriated to the Capital Reserve Fund.

Motion by Glenn Johnson and second by Martha Hicks to approve the budget amendment of \$44,454.00 be appropriated to the Capital Reserve Fund with a Debit of \$44,454.00 transfer to Capital Reserve Fund (107000.62461) and a credit of \$44,454.00 to Fund Balance – Appropriated and a debit of \$44,454.00 to Fund Balance –Appropriated (463990.0000) and a credit of \$44,454.00 to transfer from General Fund (463101.0000). Motion unanimous with those in attendance (3-0).

Mr. Greene stated that he wanted to “throw something out for the Board to be thinking about”. Due to the accident in the Sheriff’s department , the car was totaled and that will put that department down one car. The insurance is not going to cover the cost to replace it. In order to replace that vehicle the options would be to do nothing and be short one vehicle, try and purchase a used vehicle or make up any difference from fund balance to purchase a new vehicle.

County Attorney Report – Michaëlle Poore

Michaëlle Poore thanked the Board for the reappointment. There is nothing for consideration at this time.

Approval of Minutes

Motion by Martha Hicks and second by Glenn Johnson to approve the minutes for the Regular Meeting October 17, 2011 and Regular Meeting of November 7, 2011. Motion unanimous with those in attendance (3-0).

Agenda Consent Items

Adopted by Consensus.

Upcoming Meetings

The next Regular Meeting will be January 3, 2011 instead of January 2, 2011 because of the New Year’s Holiday.

Adjourn

Motion by Martha Hicks and second by Glenn Johnson to adjourn this meeting at 6:20 p.m. Motion unanimous with those in attendance (3-0).

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

ATTEST: _____
Cindy Turbyfill, Clerk

