

**STATE OF NORTH CAROLINA
COUNTY OF AVERY**

The Avery County Board of Commissioners met in Regular Session on Monday, June 2, 2014 at 3:30 p.m. 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.

Chairman Poteat stated that if anyone would like to speak to an agenda item they must sign up on the sheet with the clerk.

Martha Hicks led prayer.

Public Comments

There were no public comments.

Phyllis Forbes stated "It has come to my attention from a member of the WAMY board that our commissioner representative has not been attending meetings and we have been in danger of losing funding on the WAMY board. In light of the fact that I was given so much grief for not attending meetings I think everybody else should be attending their meetings too. It is one thing to miss a meeting once in a while but if you don't go at all that is not a good thing. I think the public needs to know. At least I made the effort by attending by telephone and the same effort has not been made."

Chairman Poteat stated that this matter had come before the chairman and he was working toward resolution of this matter.

Tax Administrator Report – Phillip Barrier

Tax Collection Report

The total tax collections for the month of May 2014 were \$139,388.52.

Motion by Martha Hicks and second by Reo Griffith to approve the Tax Collections Report for the month of May 2014 as presented. Motion unanimously approved.

Mr. Barrier pointed out that the Tax Office had been aggressively trying to collect some of the back taxes and of the \$139,388.52, \$68,632 of back taxes from 2007 to 2012 was collected.

Regular Releases

The Regular Releases for the month of May 2014 were \$256.17.

Motion by Glenn Johnson and second by Phyllis Forbes to approve the Regular Releases for the month of May 2014 as presented. Motion unanimously approved.

Motor Vehicle Releases

The Motor Vehicle Releases for the month of May 2014 is \$94.63. This involves the Town of Banner Elk.

Motion by Phyllis Forbes and second by Martha Hicks to approve the Motor Vehicle Releases for the month of May 2014 as presented. Motion unanimously approved.

Revaluation Sales for 2014

Mr. Barrier stated that he had picked five examples for the month of May. He explained these examples. The total value of the properties was \$865,000 and the sale value was \$905,000. That is basically a 5% differential; this is a good estimation on the tax office's part.

Real Property Sales

Mr. Barrier gave examples of Real Property Sales for May 2014.

Mr. Barrier stated that the Tax Office had collected 95.8% of the 2013 taxes.

County Manager Updates – Robert Wiseman

Mr. Wiseman directed everyone's attention out the window at the Linville Depot where an hour or two ago the old original caboose from the Tweetsie Railroad was placed. This was owned by a collector

down in Tennessee and he has donated to the Avery County Historical Museum. This has been moved with no cost to the county with a lot of volunteer work.

Renovation of Courthouse

We are still about three weeks to a month behind schedule but hopefully we are looking at mid-September to have a 95% certificate of occupancy on the project.

DOT Issue

Our local DOT superintendent Jerry Coombs has had some medical issues. Mr. Adam Henderson and I have conversed over the phone regarding the DOT issue at Barry Sheppard's house at Heaton and we are trying to establish a date and if there is nothing he can do locally we will go to Boone and then Wilkesboro offices. This situation is multi-fold. It is not only an inconvenience but the debris and water that comes down into the highway is a public threat.

Tentative Budget

Mr. Wiseman announced that the tentative budget has been filed with the Clerk to the Board. The Public Hearing on the budget has been scheduled to take place at 4:00 p.m. on Monday, July 16, 2014. Anyone who has complaints or issues can come to the public hearing for comments. I would impress on everyone the urgency of adopting a budget whether it be the tentative budget or a revised budget prior to July 1, 2014.

Approval of DSS Director Salary

Mr. Wiseman advised that NC GS 108A-12 sets the stage for the appointment of a Director of Social Services. That appointment is decided upon and made by the DSS Board of Directors subject to the approval of the State Board. The Board of County Commissioners approval is not necessary. The appointment of that individual does not hinge on the vote of the county commissioners it hinges on the vote of the Board of Directors of Social Services. However, that same statute requires that the Board of Commissioners approve the salary of that director and we need to approve the salary today.

Phyllis Forbes stated she was on the DSS Board. She thanked the board members, Peggy Wallace and Don Benfield. Tom Hughes, previous director, took a job in Watauga County. After he left we advertised the position for four weeks in the Avery Journal, Mountain Times, Watauga Democrat, Avery Post, Asheville Citizen Times, Career Builders and the Avery County Website. After the four weeks, we had 17 applicants and of the 17 the DSS Board interviewed 7. There are certain qualifications you have to have to qualify for the position. Three of those people were people within the DSS department. After the interviews, we asked the Human Resources Director, Peggy Wallace to check references for us. We then narrowed it down to two applicants and we sent those two names to the Office of State Personnel. The Office of State Personnel has to approve anyone that is director. Of those two names, one was approved and one was not approved at the state level. We chose Ms. Barbara Jones as our director. She was approved, the other person was not. An offer of employment was made and a salary amount extended depending on this Board's approval and Ms. Jones did accept if the salary is approved.

Ms. Jones is from Beaufort County. She has had many years of experience with DSS. She has worked in a lot of different departments. She is currently the assistant director in that county. It is a larger DSS. She has had a lot of supervisory experience and budget experience doing a lot of budgets herself. She has family in an adjoining county and she wants to relocate to the mountains. She seems very enthusiastic. She would have to give a notice and would have to work out her notice. The salary that we have offered her is \$65,301 and that is considerable less than we were paying our previous director. That hinges on the amount of experience and the salary scale that we have to work with. The salary of the former director was \$68,566.

Chairman Poteat stated that our first instinct is we do consider locals. There were 17 applicants narrowed to 7. Two were chosen from these 7. One of those was a local person and the state said that this person did not meet the criteria. It was a state decision not a DSS board decision.

Commissioner Forbes said that given two candidates that are equally qualified of course the local person would be the choice.

Robert Wiseman, County Manager, advised that this salary figure was not an arbitrary number. We have in place a very effective position classification schedule and pay plan and each position on the Avery County pay plan has a place in that hierarchy. It is based on grade. It is very important that Avery County maintain the integrity of that schedule.

Reo Griffith questioned if these dollars are in the budget. Tim Greene answered that these monies are in the budget and some of the monies are reimbursed from federal and state.

Motion by Phyllis Forbes and second by Martha Hicks to approve the salary of \$65,301 for the Department of Social Services Director. Motion unanimously approved.

Finance Officer Report – Tim Greene

Budget Amendment #

As a result of the ongoing effect of the sequestration, our federal bond interest subsidy on the Banner Elk Elementary School loan payments has been reduced. They are reducing the interest they are reimbursing us 7.2%. When we got the loan the interest was 6 and then the Federal government is reimbursing us 5% so we have an effective net interest rate of 1.2% of that loan. The sequestration reduced some of that subsidy coming back to us to the tune of \$16,229.00 for the current year.

Motion by Phyllis Forbes and second by Martha Hicks to adopt a budget amendment in the amount of \$16,229.00 with a debit of \$16,229.00 to Federal Bond Interest Subsidy (103815.000) and a credit of \$16,229.00 to Fund Balance Appropriation (103990.0000). Motion unanimously approved.

Surety Bonds

Mr. Greene stated that the annual surety bonds would be up for renewal effective July 1, 2014. GS 159-29 states that the finance officer should have one in the amount to be fixed by the governing board not less than \$50,000. I am proposing that we reduce the finance officer from \$100,000 to \$50,000 and I did run that by the county attorney to make sure it was ok. This would be some savings.

Motion by Martha Hicks and second by Glenn Johnson to approve the Surety Bonds with a change in the Finance Officers Surety Bond from \$100,000 to \$50,000 with the remaining ones being the same. Motion unanimously approved.

County Attorney Report – Michaelle Poore

Ms. Poore stated that there was a letter in the packet in regard to the appointment for the vacancies on the DSS Board. Basically the DSS Board is comprised of five seats. Some counties have a three member board but Avery County has a five member board. Two of those seats are appointed by the Board of Commissioners, two seats are appointed by the State Social Services and the four appointees pick the fifth member. The seats that are appointed by the Board of Commissioners there is no limit on the seats the commissioners can hold. There can be one, two or none.

Chairman Poteat said there was an editorial in a recent local paper that brought that into question and it named the Chairman and I asked the county attorney to research this. Chairman Poteat questioned if there was anything illegal about two county commissioners serving on that Board at the same time. Ms. Poore stated that she called the State Social Services Commission to speak with them about it and they saw no problem with the composition of Avery DSS Board.

Commissioner Forbes stated that the appointments by this Board will not take effect until July 1, 2014. There was an appointment made this past week by the DSS Board members which made the fifth appointment and it will be Kevin Benfield who has agreed to serve.

Reo Griffith stated "Legal counsel, I am going to be reading from the NC State Constitution and from the Board of Commissioners policy. Article VI Eligibility to office, dual office holding allowed: Any person who holds an appointive office, place of trust or profit in state or local government is hereby authorized by the general assembly pursuant to Article VI Section 9 of the NC Constitution to hold concurrently one other appointed office, place of trust or profit in either state or local government. I will be referring to the Avery County Board of Commissioners Policy Manual Page 12, Section 6.5. 'All county employees are hereby prohibited from serving on any board, committee, council or commission where appointments are made by the Board of County Commissioners or where funding is provided by Avery County including special study committees appointed for the purpose of recommending funding.' Section 6.7: 'Ex-officio office holding : Some boards, committees, councils or commissions require the appointment of a county official to serve on that board, committee, council or commission except when that resolution of appointment provides otherwise pursuant to NC GS 128-1&2. Whenever the Avery County Board of Commissioners appoints one of its own or officials to another Board or commission as part of the individual duties of office and shall not be considered to be serving in a separate office such as would trigger the prohibition NC GS 128-1 that no person shall hold more than one office as such in this section the term official means in the case of the county the County Manager, acting County Manager, Interim Manager, County Attorney, Finance Officer and Clerk to the Board.' Section 7.1 says 'The Board of Commissioners will make every effort not to appoint an individual to more than one board. The Commissioners reserve the right under special circumstances. The Board of Commissioners will make a concerted effort to appoint people according to the geographic location of where a person lives to ensure that appointments reflect a diverse cross section of county residents. Application forms shall be used in making appointments.' Section 7.4 says 'A person applying for a second Board shall automatically be removed from the first Board unless the Board of Commissioners find evidence of special circumstances to justify the service of two boards.' Section 7.12 says 'Except in extraordinary circumstances or where otherwise restricted by legislative authority created or authorizing the creation of county boards, committees or commissions it shall be the policy of the BOC of Avery County that terms of membership on county boards shall be staggered and members serve not more than 6 consecutive years. The preferred length of terms are 3 years with terms staggered such as appointments are made each year.

With 3 year terms, an individual would normally serve a maximum of two terms.' Everyone has a manual that you can read. This article was revised November 6, 2002 and October 2, 2006. "

Chairman Poteat asked Mr. Griffith to give the County Attorney the information that he read and have the County Attorney research this information.

Phyllis Forbes stated "is it not true that we must serve on certain boards as certain boards require a commissioner to serve on them" The County Attorney stated that she would research the information.

Approval of Minutes

Motion by Martha Hicks and second by Phyllis Forbes to approve the May 5, 2014 Regular Session Minutes. Motion unanimously approved.

Agenda Consent Items

Mr. Griffith questioned why the \$1420.00 in the economic development budget was transferred from advertising to repairs and maintenance. Tim Greene stated that was to do some repairs on the sprinkler system. This was an emergency repair.

Agenda Consent Items Adopted by Consensus of the Board.

Upcoming Meetings

The next meeting will be June 16, 2014 at 3:30 p.m. with a Public Hearing regarding the FY Budget 2014/2015 at 4:00 p.m.

Adjourn

Motion by MH and second by Reo Griffith to adjourn this meeting at 4:30 p.m. Motion unanimously approved.

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

ATTEST: _____
Cindy Turbyfill, Clerk