

**STATE OF NORTH CAROLINA
COUNTY OF AVERY**

The Avery County Board of Commissioners met in Regular Session on Monday, August 3, 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; Faith Lacey

Members Absent: Blake Vance (vacation)

Call To Order

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

Tim Greene led prayer.

Bob Ollis, audience member, led the Pledge of Allegiance.

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

Public Comment

Nancy Morrison, Avery County citizen, commented that there are seven Revolutionary War veterans that we would like to make sure goes on the Veterans Memorial: William Wiseman; William Davis; William Braswell; William Gragg; Robert Sevier; Martin Davenport; Thomas Wiseman. We appreciate your consideration in this matter.

Glenn Johnson, Avery County citizen, stated he felt the Veteran's Memorial was a very good thing. I do want to call to the people's attention the fact that on September 15th a veteran's committee was formed and a vote was taken on November 18th. It was in the paper that the current Board had voted to spend up to \$400,000 dollars. This is nothing new the previous board had already had this well underway. Mr. Johnson read from minutes of the Avery County Board of Commissioners.

Board Appointments

Mayland Board of Trustees

The applications for the Mayland Community College Board of Trustees were presented to the Board. The names are Jennie Harpold, Fred Stout, Col. Sam Ray, Jr. This position will be voted on next month. This position was advertised.

Avery County Joint Community Advisory Committee

We have one application from Rachel Deal for the one position on the Avery County Joint Community Advisory Committee. The Board will vote on this at the next meeting. This position was advertised.

Avery County Agricultural Advisory Board

Tommy Dellinger has resigned from this board and the Agricultural Advisory Board is requesting Amos Nidiffer to be appointed to fill the rest of that term which is approximately one year.

Chairman Griffith questioned the County Attorney if the Board could hold a vote on this application.

Gerald McKinney, County Attorney, stated that 7.17 of the board policy speaks to this. If there is a vacancy, the chairman of that board can make a recommendation to the Board of Commissioners not later than two weeks from when the vacancy occurred. You are not bound by this but you are not required necessarily to seek other applicants.

Motion by Martha Hicks and second by Maxine Laws to approve Amos Nidiffer to fill the remainder of the term on the Agricultural Advisory Board. Motion unanimously approved with those in attendance (4-0).

Avery County Transportation Presentation – Debbie Smith

Debbie Smith, Director of Avery County Transportation, gave a presentation about Avery County Transportation. The Avery County Transportation is a county agency that coordinates and provides general public demand response transportation for Avery County Residents. In the past year, ACT has provided over 22,400 trips with 255,000 miles being traveled over 15,500 hours serving 518 residents. There are currently 13 people employed; 3 office staff, 3 full time drivers, 4 part-time 30 hour drivers, 3 part-time fill in drivers. A combination of federal and state funds provides the majority of funding for North Carolina's rural transportation systems.

Martha Hicks questioned if Avery Transportation had applied for new vehicles, possibly a bus. Ms. Smith answered that Avery Transportation is supposed to get two vehicles replaced and we will be getting one minivan and one minibus.

Faye Lacey thanked Ms. Smith for her presentation.

Maxine Laws said this was a very good program for Avery County and she thanked Debbie and her staff.

Chairman Griffith thanked Ms. Smith for the job that she does and her presentation.

Avery County Transportation Advisory Board Operational Bylaws – Debbie Smith

Chairman Griffith questioned Gerald McKinney, County Attorney if he saw any problems with the Avery County Transportation Advisory Board Bylaws. Mr. McKinney said he had a couple of questions about some terms that were used but nothing as to the legality of the document.

Ms. Smith reported that being at ACT for a while I found out we did not have any bylaws that had been approved by the Board of Commissioners. We did have a few drafts of some things that had been planned. I took those and did some changes. I have a draft of the Avery County Transportation Advisory Board Bylaws that I would like to request for the commissioners to consider adoption of.

Mr. McKinney said he wanted to make sure that he understood what was trying to be accomplished. It was not exactly clear to me about what you wanted to do. In Article 2, number 2, it says “serve as the advisory body to Avery County Transportation as lead agency in the operation of Avery County Transportation”. Are you saying that the advisory board would be the lead entity or agency that operates the Avery County Transportation? Ms. Smith says that the advisory board is required by the state to be the head of the transportation but the commissioners are always over the board. The advisory board is the step in between. Mr. McKinney said that in Article 3, number 3, “the last sentence says vacancy of contractor representatives may be filled by the contracting organizations director”. I don’t know what a contracting representative or agency refers to. Ms. Smith says this refers to the requirement to have someone from the senior services or DSS and if there is a vacancy from their board member then I think this is saying they can choose a member to serve. Ms. Smith stated that ACT did have contracts with these agencies. Mr. McKinney stated “number 5 says that the director of organizations may appoint a delegate or alternate to represent the organization”. What is the organization referring to? Ms. Smith said that is the other organizations that we have on the board such as ACADA, EMS, health district, etc. Mr. McKinney said it might be helpful to define the contractor and the organization. Mr. McKinney called Ms. Smith’s attention to Article IV D, you might want to clarify the statute number; it is 143-318.12(b)(2). That is the one that has to do with noticing the meeting and public meeting laws.

Chairman Griffith said with these questions it probably would be good if Ms. Smith got up with the County Manager and the County Attorney and went over the changes and worked this out and sent a copy back to the Board for approval the first meeting in September with the noted changes. **Board members present consented to the above statement by the Chairman.**

Tax Administrator Report – Phillip Barrier

Tax Collection Report

The Total Tax Collection for the month of July 2015 is \$134,331.27.

Motion by Martha Hicks and second by Maxine Laws to approve the Tax Collection Report for the month of July 2015 as presented. Motion unanimously approved with those in attendance (4-0).

Mr. Barrier reported that tax bills were sent out for the 2015 tax year. The total amount of bills was 25,397 with a total levy of \$15,410,576.50. I have charged my staff with collecting that money for this year. We got the tax bills out a little earlier this year.

Regular Releases

The Regular Releases for the month of July 2015 is \$1,039.98.

Motion by Maxine Laws and second by Faye Lacey to approve the Regular Releases for the month of July 2015 as presented. Motion unanimously approved with those in attendance (4-0).

Revaluation Sales July 2015

Mr. Barrier reported that up through the 24th of July there were 24 sales. For the 27th through the 31st, we had 21 sales which is the best week we have had in a long time. The amount of the sales was approximately \$4,000,000 and it was \$1,000,000 above the tax value. The average for the month was down but this one week it turned around.

Recess

Chairman Griffith called for a brief recess.

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

County Manager Updates – Tim Greene

Broadband Committee

Tim Greene, County Manager reported that the Broadband Committee did meet on July 27th with Dr. John Boyd, Keith Conover, Phil Trew, Maxine Laws and myself being in attendance. We are beginning to formulate a plan and will be meeting again next week and deciding what questions we will put on the survey and decide how we will conduct the survey.

Veteran's Committee

Mr. Greene also reported that the Veteran's Committee met on July 28th with Commissioner Hicks and Griffith in attendance along with myself, Georgia Henry, Mike Halus and Kevin Holden. We have a meeting scheduled for August 4th. We have talked about a number of things and looked at some pictures of different memorials. We have been to the square to look at possible locations of the monument. The corners have been flagged by the surveyor.

Agricultural Extension Building

Mr. Greene explained that the Board had talked at a board retreat about having an engineer look at the Agricultural Extension Building. According to the policy, you have to have a selection committee if the fee is \$30,000 or more and that certainly is not going to be the case here. The fee is going to be about \$500.00. I do have a name to present to you for approval. I checked with Tommy Burleson and his recommendation was Glenn Walker from Hickory.

Motion by Maxine Laws and second by Faye Lacey to contract the services of Mr. Glenn Walker, Engineer to look at the structural problems at the Agricultural Extension Building. Motion unanimously approved with those in attendance (4-0).

Appointment of Tax Administrator

The term of the Tax Administrator is for a four year term. It is time for appointment again. Mr. Greene said that he appreciated Mr. Barrier and that he has a wonderful staff and does a wonderful job with the public.

Motion by Maxine Laws and second by Martha Hicks to reappoint Mr. Phillip Barrier as our Tax Administrator. Motion unanimously approved with those in attendance (4-0).

Finance Officer Report – Nancy Johnson

Budget Amendment

The Avery County Board of Commissioners voted to set aside \$400,000 to be used for a Veteran's Memorial.

Chairman Griffith questioned when the courthouse was renovated what was the amount that we were under the budget? Mr. Greene said approximately \$600,000. The account will be closed out on June 30th and the money will roll back into the general fund.

Motion by Maxine Laws and second by Faye Lacey to adopt the Budget Amendment for \$400,000 to be used for a Veteran's Memorial with a debit of \$400,000 to Veteran's Memorial (10.6070.7420) and a credit of \$400,000 to Fund Balance Appropriation (10.3990.0000). Motion unanimously approved with those in attendance (4-0).

Budget Amendment

Sewer line repairs are to be completed this summer in four locations at the Avery County High School. The cost is approximately \$45,000. Additional funding will be requested next summer to complete the project.

Chairman Griffith relayed to the Board that Mr. Todd Griffin, Principal at Avery High School, thanked the Board and the County Manager for funding this project.

Motion by Martha Hicks and second by Faye Lacey to adopt the Budget Amendment regarding the Avery County High School sewer line repairs with a debit of \$45,000 to Avery County Schools Capital Outlay (10.7000.6115) and a credit of \$45,000 to Fund Balance Appropriation (10.3990.0000). Motion unanimously approved with those in attendance (4-0).

Budget Amendment

The steps and retaining wall are in dire need of repair at the Avery County Morrison Library. This would cost approximately \$17,000.

Chairman Griffith stated that when this first came up \$6,000 was cut out of the budget. How did this jump from \$6,000 to \$17,000? Mr. Greene said that this was just the steps in the front of the library but now we have added the retaining wall. The retaining wall is caving in so we thought we would fix it also. Commissioner Lacey said that this needs to be fixed.

Motion by Faye Lacey and second by Maxine Laws to fix the steps and the retaining wall at the Avery County Morrison Library and adopt a budget amendment with a debit of \$17,000 to Building and Grounds Capital (10.5000.7410) and a credit to Fund Balance Appropriation (10.3990.0000). Motion unanimously approved with those in attendance (4-0).

Budget Amendment

The icemaker at the Senior Center is broken and cannot be repaired. Request funds to purchase a new icemaker.

Motion by Martha Hicks and second by Maxine Laws to approve the Budget Amendment to purchase a new icemaker for the Avery Senior Center with a debit of \$1,700.00 to capital outlay (10.5960.7400) and a credit of \$1,700.00 to Fund Balance Appropriation (10.3990.0000). Motion unanimously approved with those in attendance (4-0).

Budget Amendment

Request to move funds from the Available for Appropriations line item to the finance department to cover the cost of website maintenance for the county. This was budgeted in Economic Development last year.

Motion by Maxine Laws and second by Martha Hicks to approve the Budget Amendment regarding website maintenance with a debit of \$1800.00 to Maintenance Contracts (10.4400.1540) and a credit of \$1800.00 to Available for Appropriations (10.7000.6000). Motion unanimously approved with those in attendance (4-0).

Budget Amendment

Request to move funds from the Available for Appropriations line item to the Public Buildings and Grounds Department to cover the cost of getting an engineering opinion on the Ag. Building.

Motion by Maxine Laws and second by Faye Lacey to adopt the Budget Amendment for an Engineer for the Agricultural Building in the amount of \$500.00 with a debit of \$500.00 to Contract Services (10.5000.5400) and a credit of \$500.00 to Available for Appropriations (10.7000.6000). Motion unanimously approved with those in attendance (4-0).

County Attorney Report – Gerald McKinney

Mr. McKinney reported that he had been to the county attorney's conference and it was very informative and productive and good topics were covered.

Chairman Griffith instructed the County Attorney to look at the board policy where the board receives the applications for board appointments at the second meeting and the appointments are made at the first meeting. Chairman Griffith stated that November through April we only have one meeting a month so we cannot go by the policy and this needs to be changed.

Approval of Minutes

Motion by Maxine Laws and second by Faye Lacey to approve the June 1, 2015 Regular Meeting and June 4, 2015 Recessed Meeting. Motion unanimously approved with those in attendance (4-0).

Agenda Consent Items

Martha Hicks questioned how far along have we gotten with putting in the buildings at the convenience sites? Mr. Greene stated that all of the buildings are in with the exception of the Three Lane convenience center. There will have to be quite a bit of work done at the site before the building goes in.

Adopted by Consensus of the Board.

Upcoming Meetings

Chairman Griffith stated that the vice chair has requested that we have another board workshop. The board workshop is scheduled for August 17, 2015 at 9:00 a.m. The second Regular meeting for the month of August will be cancelled.

Chairman Griffith requested each board member stop by the County Attorney's office for an update on some issues.

Adjourn

Chairman Griffith adjourned the meeting at 7:20 p.m.

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

ATTEST: _____
Cindy Turbyfill, Clerk