

**STATE OF NORTH CAROLINA  
COUNTY OF AVERY**

The Avery County Board of Commissioners met in Regular Session on Monday, March 4, 2013 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; Robert Griffith; Martha Hicks; Glenn Johnson

Members Absent: None

**Call To Order**

Chairman Poteat called the meeting to order at 3:30 p.m.

Chairman Poteat stated there are two items that a lot of discussion would like to be had. There is a time of public comment and that is where anyone can speak on any issue that they would like to. This may be timed according to how many people would like to speak. You must sign up to speak to an agenda item with the clerk. You are allowed to speak during public comments and also to an agenda item as long as you sign up with the clerk for the agenda item.

Martha Hicks led prayer.

Reo Griffith suggested an amendment to the agenda to move 3.4E (Discussion of the use of the Incubator) to just after the Public Hearing. Unanimous decision to shift agenda item 3.4E (Discussion of the use of the Incubator) to 3.2E just after the public hearing.

**Public Comments**

Kenneth Lance stated "I am a born again child of God, been in Avery County for 38 years. I am very disgusted and upset over what is taking place at the Banner Elk School. I think our county commissioners should be able to do what is needed for the benefit of our county rather than put money in a sinkhole. I don't think this should go any further. It is time for them to do what is right for the good of the county. This is not a settled deal. We need to be firm and we need to continue to speak up and let these gentlemen and ladies know. They have turned the wrong way and I do hope that they will get this thing straightened out and go forward in Avery County."

Junior Sluder said "From what I read in the paper, I am just confused on what some of you believe. A while back you voted to not let the public vote for beer and wine in the outlying places. I also read in the paper that beer over in the school was not going to increase sales any. To me I cannot understand the belief that some of you have to not let people vote on something but then go ahead and slam it down their throat in another way. Do what is right."

Faith Lacey stated "My heart is broken that we have come to this point. I say sell the school, stop the incubator and do not make another drug for people in the support groups to fight against. I am really disappointed that it has come to this. I would like to ask you to do away with the incubator and serve the people. "

Greg Gardner said "I want to thank the commissioners that they gave us the opportunity to speak. We have 766 names on petitions at this point and probably 20 or more coming in. Each petition that we sent had a half page letter. This detailed the business incubator and brewery proposed for the old Banner Elk Elementary school as well as request for citizens to help stop this project. The petition reads:

We the people as residents and taxpayers of Avery County, object to the proposed brewery coming into the Banner Elk business incubator. We feel that the money being spent on renovations to this property could be used more wisely for the betterment of the county.

We would rather see the property sold for the (reasonable) best offer, and that money wisely invested into bringing jobs into our county. Not just any jobs, but jobs that reflect more moral and ethical values to influence the future of our young people. That is what we are asking of you, our county commissioners."

Jim Fitzpatrick stated "I have lived in Avery County for the last 25 years. For the past 2 ½ years I have been Chief Operating Officer for the Headwaters in Banner Elk that includes the Old Country store which is known as the Heaton Store. We reopened the Heaton Store about a year and a half ago. At the time we did this as a service to the surrounding community. It is currently operated as a convenience store, gift shop and gas station. At the time we opened, it was anticipated that Banner Elk would annex us so we could sell beer and wine in the store. Unfortunately that was not able to happen. I have disagreed

with the way the county has handled the beer and wine situation but you have the right to do that. You do not have the right to be inconsistent. There has been a lot of discussion about the incubator. I am not happy with my tax dollars subsidizing businesses competing with me. Not only are you endorsing but also subsidizing a manufacturer of a product that you prohibit me selling just because my location is within a particular part of the county that you govern. That is inconsistent. You can easily rectify the inconsistency by bringing it up as an item on your agenda and voting about it or put it to a vote of the people.”

Chairman Poteat stated that the Board does not take action on public comment. He repeated again that if any of the public would like to speak to an agenda item you must sign up on the sheet with the clerk.

**Public Hearing – Closeout of the NC Tomorrow Project – Michelle Ball**

**Motion by Phyllis Forbes and second by Martha Hicks to go out of Regular Session and into a time of Public Hearing regarding the Closeout of the NC Tomorrow Project at 3:50 p.m. Motion unanimously approved.**

Michelle Ball, High Country Council of Governments, advised that Avery County was the lead agency on a grant that the High Country Council of Government received to prepare a comprehensive economic development strategy. This strategy report is on line at [regiond.org/ECODEV.html](http://regiond.org/ECODEV.html). This does cover the 7 counties: Alleghany, Ashe, Avery, Mitchell, Watauga, Wilkes and Yancey. The project is complete and what we did is a study of the 7 county region which will be combined to make one big economic development strategy for the entire state. We have completed this, spent the money and now having a public hearing to close out the project.

Clay Houston questioned how much the grant was for? Michelle Ball answered that this grant was for \$50,000 and it paid the salaries for the people to complete the economic development strategy report.

**Chairman Poteat declared the meeting to be back in Regular Session after a time of Public Hearing at 3:55 p.m.**

**Motion by Glenn Johnson and second by Reo Griffith to approve the Closeout Performance Report for the NC Tomorrow Project with the signatures as needed. Motion unanimously approved.**

Glenn Johnson stated “I know there are many questions and much misinformation. I am going to try to give you the facts. On a personal note, I have been told kiddingly so “you are a politician”. I am not a politician, I am Glenn Johnson. I have faults like anyone else; I also hope I have some attributes. We may agree 90% of the time but there will come a time when someone will say you should have done this or shouldn’t have done that but I assure you that I will always tell you the truth and I will always tell you where I stand. You will never have to wonder where I stand on something. A lot of the people that are here are the very people who elected me. I would like to think that the reasons that I just stated are some of the reasons you voted for me. I will stand up for all of the people of Avery County. We are all citizens of Avery County and pay taxes in Avery County. Mr. Sluder stated he was confused as to where I stand regarding alcohol. I attempted to put three articles in the papers entitled ‘The Great Divide; Looking to the Future; and The Business Incubator’. For whatever reason, one of the papers did not print the entire story.

As Mr. Sluder stated it was a 3 to 2 vote to not put beer and wine on the ballot countywide the last time. I had a conviction at that time prayed a lot about it and thought a lot about it and had a conviction to do just what I did, vote against it. I see this as a little different issue. If I have made a mistake it is what it is and I will have to deal with that.”

Mr. Johnson recalled the time he was at Blantons Business College and the time he was in Vietnam and the abundance of beer and wine and not having anything to drink but beer in Vietnam. He also related the medicinal use of beer.

Mr. Johnson stated “I know people in my church that drink an occasional beer or drink an occasional glass of wine. Are they a Christian? Who am I to judge? Would we as Christians not be better served if we were more concerned about men’s souls and changing their hearts than whether they have a beer with a pizza or glass of wine with dinner. I am speaking to you from the heart. We have gun control coming up here in a few minutes. Guns kill people. Alcohol kills people. If we take away all the guns is that going to stop killing people, if we take away all the alcohol is that going to stop killing people. We are the wettest dry county in the state of North Carolina.”

Mr. Johnson read the three statements entitled The Great Divide; Looking to the Future; The Business Incubator (these statements were quoted in their entirety in the February 4, 2012 Minutes).

Martha Hicks said "When I came in as Commissioner, I said I would work for our county. Then when it came up to put beer and wine on the ballot I saw that was not what the biggest part of the county wanted so I voted against it. I am separating county government from my beliefs because I don't care to tell you how I believe and I don't believe in alcohol. If this comes up for a vote, I will vote against it. I have lived in this county for 68 years. Where a lot of families fail today is by not teaching their children that their reputation will stand when nothing else will. When I go somewhere in a restaurant and they serve beer and wine it condemns me. I feel like if the Lord came back at that time I would be at the wrong place. I have told Glenn, our manager and Mr. Gardella that if it came to a vote I would vote against it. I have gotten involved with the drug court and seen what the drug court can do for our young people that are on drugs and a lot of times you see this starting from alcohol and then going to drugs. I have tried to separate this and tried to keep a straight mind on what the county wants."

Kenny Poteat said "I appreciate your being here. I have been here a few years. I have enjoyed serving the people of Avery County. Each one of us has every right to speak our convictions and vote the way we feel. I ask you to stay around and see the outcome."

Phyllis Forbes stated "It is good to see all of you here. Sometimes the best way to hear it is first hand. I want to go back to the issue that Glenn had talked about. When we were approached and asked to vote to let the people have an opportunity to vote on beer and wine in Avery County, I personally believed that the right thing to do was to allow the people of Avery County as a whole to have a vote. It was not whether I supported beer or wine or didn't support it; it was my belief that every individual has a right to vote on an issue. That was where I was coming from. I did want the people of Avery County to have a say and I think this is an example of why we should have done this. There are 766 signatures on the petition but the population of Avery County is a lot more than that. One thing is for sure that this is the wettest dry county I have seen and it is here whether we like or not and the fact is Avery County is going to change whether we like it or whether we don't. It is going to change and we need to have a hand in how it changes. I know that this Board's attitude when we set up the incubator was to do something for the whole of Avery County that would spark economic growth, that would help people get into business and be successful. The whole plan is to rent a space, fix their own space up at their own expense, stay there for 2 years, take classes that will help them know how to run a business and then they move out and somebody else comes in and takes their place and they learn how to run a business. I don't think that is a bad plan, if people can have an opportunity to be successful. I don't think any of us had any idea that a microbrewery was one of the things that would be interested. That would bring in a lot of tourism. Our intentions are to help the people of Avery County. I don't think there is any way to take alcohol out of Avery County. I will stand by my decision on the incubator because it was made in good faith and a good purpose in mind."

Reo Griffith said "I am humbled at your attendance today at this meeting. I know 90% of you all. I am humbled by it. The word "consistent" has come up a time or two already. Like me, love me or hate me, I am consistent. You know where I stand on this issue. I have not wavered. I will have a lot more to say when we get into the agenda item of the incubator. I ask that you stay. Thank you for being here. You can rest assured as far as the incubator and the brewery goes my vote will be no; stop it."

### **Board Appointments**

#### **Agricultural Advisory Board – Ann Coleman**

Ann Coleman, Chairman of the Agricultural Advisory Board, explained that the Agricultural Advisory Board is in the process of preserving farmland in Avery County and to this date the Board has preserved about 3000 acres. We are here to get some reappointments to this Board. We are asking that Mr. Kenny Hughes, Ms. Bonita Smith, Mr. Douglas Clark and Ms. Ann Coleman be reappointed for a three year term.

**Motion by Phyllis Forbes and second by Martha Hicks to reappoint Kenny Hughes; Bonita Smith; Douglas Clark, and Ann Coleman. Motion unanimous by those in attendance (Commissioner Griffith had stepped out of the meeting at this time) 4-0.**

#### **Senior Tar Heel Legislature – Philip Adams**

Philip Adams, Avery County Senior Center Director, explained that Rachel Deal and Ina Winters are up for reappointment to the NC Senior Tar Heel Legislature. Rachel Deal is the lead Senior Tar Heel Legislature and Ina Winters is the alternate. Both of these ladies are very active and we ask that these ladies be reappointed. This appointment is for two years. Ms. Deal stated that she had served for 20 years.

**Motion by Martha Hicks and second by Glenn Johnson to reappoint Rachel Deal as lead Senior Tar Heel Legislature and Ina Winters as the alternative. Motion unanimous by those in attendance (Commissioner Griffith had stepped out of the meeting at this time) 4-0.**

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

### **Recess**

Chairman Poteat called for a brief recess so people could sign up to speak to an agenda item.

Chairman Poteat declared the meeting to be back in session. There are 16 persons signed up to speak to the Brewery/Incubator; 3 persons signed up for the Second Amendment.

Chairman Poteat stated that there would be a time limit of 3 minutes per person due to the number of people that wanted to speak.

### **Discussion of Use of the Incubator**

Glenn Griffith stated "I am a small businessman in Avery County. I have been most of my adult life. I have employed people. That is not what this issue is about. If it takes shutting down the incubator program to incubate business that the county does not want, then so be it. Everything that has ever been bad in my life was brought about by alcohol. I have a brother sitting here with one leg missing that can be contributed to alcohol. We won't do away with alcohol but why would you want to bring it into this county more than what we have. It is quoted 'where there is no vision the people perish'. That is talking about the leadership in the body of Christ. Alcohol destroys. We have a sheriff's department that is locking up left and right and graveyards collecting left and right. This is something that the county doesn't want more of. Why would you bring more in? I want to see business grow. I am one of the few independent truckers that will not haul alcohol. I am against these wineries."

Bill Baulieu said "Well, we are about this Banner Elk School again. We put you guys in office to be stewards of the money. We are tired of the waste and these made up jobs and this school is a rundown worthless building that doesn't need money dumped in to. It is a hole in the ground that you are dumping money into; it is a waste. There is a lot of private sector that have buildings that are trying to get rented right now that are paying taxes and now you are in competition with the private sector. If these kids want to learn a business they can learn at Mayland. We don't need to be paying for this stuff to go on. In 2014 the property valuations will be a half or third. They will raise your rates. They keep spending and wasting your money. If they are not going to stop it put a class action suit against them and make them stop. Businesses are drove out of here because they are overtaxed. They make up jobs and have to justify it."

Clay Dale stated "I appreciate the opportunity to speak. If you stand on the word of God, I will support you. Do you have faith? Do you believe that God will fulfill his promises? Because if you do God says he will take care of those who stand by his word. In Avery County we have many things to debate over and too many things that divide us why would we choose one more thing to divide us? Why would we not go for something that would unite us? Maybe there are many ideas that our money could be spent on. I want you to know that if you will make a stand on the word of God, if you have enough faith to say we are going to set Avery County apart, we are going to base our time on morals. I want you to know I am behind you all the way. If you choose to stand what the word of God says, I am against you. I want you to know that we have an opportunity in Avery County and have an opportunity to be different from many other counties and many other places. I have a different testimony than you do Mr. Johnson. I do not glorify sin but I will tell you I know firsthand what alcohol will do. There are many in this room that knows what alcohol will do. What someone wants to do on their private land is their business. I don't want someone telling me what I have to do with my property. You referenced 64% of the taxes come in from certain places, those people paid those taxes and got what they paid for; a private community with gates and private security. We have a great opportunity and I know there is something special here and we have to preserve it and the only way is to rely on a God that says 'I change not'."

Greg Gardner said "A brewery would be Avery County shame and not Avery County pride. Maybe the reason no one has ever heard of a business incubator that might speak about their success. Alcohol—Proverbs 20:1 Wine is a mockery; strong drink is raging and whosoever is deceived thereby is not wise. Habukuk 2:15 Woe unto him that giveth his neighbor drink that putteth thy bottle to him and makest him drunk and also that thou mayest look on their nakedness. Also, Abraham Lincoln said 'liquor has many defenders but no defense'. It is estimated that the US has over 14 million confirmed drug users and of that number 3.5 million are between the ages of 14 and 17. Over 63% of high school seniors today report that they have been drunk at least once. Studies show that 10-15% of all Americans over 60 are alcoholics. Alcohol contributes to 100,000 deaths annually making it the third leading cause of

preventable death in the U.S. 50% of traffic accidents are alcohol related and drunk driving kills over 25,000 annually. Alcohol is a factor in half of murders, a third of suicides and a contributing cause of most divorces in America each year. It is also a contributing factor in 9 out of 10 unwanted pregnancies. I Corinthians 6:9-10 Know ye not that the unrighteous shall not inherit the kingdom of God? Be not deceived: neither fornicators, nor idolaters, nor adulterers, nor effeminate, nor abusers of themselves with mankind, nor thieves, nor covetous, nor drunkards, nor revilers, nor extortioners, shall inherit the kingdom of God. The subject of our young people has been brought up a lot recently; doing something for them. Could not the county, Town of Banner Elk and prospective buyer work together to give them a nice family game room, bowling alley or restaurant on the property but putting more alcohol under their noses especially Lees McRae students would be doing something against them.”

Maxine Laws stated “I agree with everything that has been said about the religious end of this. We are already \$50,000 in the hole for the roof how long is it going to take to get that back? I agree the rich people are paying a lot of taxes here but my money comes as hard if not harder than theirs so we should be considered. He talked about Lowes might be going to give us the windows, who is going to put them in? All this is going to be is money, money, money out of your pocket. Glenn can tell you it is a fine building well if it such a fine building why did they move the children out of it. We had to pay for a new school because the kids couldn’t go there. What are they going to do with the asbestos? We kindly feel like the rest of the Americans, Obama is going to cram it down your throat whether you want it or not. I think it is pretty understandable that they don’t care what the little people want even though we are the ones that have lived here all our lives.”

Tammy Baker said “I was Register of Deeds for 17 years here in Avery County, worked for the county government 30 years. I love this county. In my family background, dad had 15 brothers and sisters and 13 were alcoholics. My husband and I have spent 2 years in Washington, D.C. and we could not go in a restaurant that didn’t serve alcohol. If you wanted to eat or get groceries there was nothing you could do. When I came back in October I just kissed the ground in Avery County. I missed Avery County. We need more things for the young people. If the school can be fixed up with \$50,000 of our tax money why don’t we put something in there for our young people? Why are they getting in drugs and getting in trouble? We cannot resort to the brewery. We have to come up with some other way to come up with money. Let us say no to us. Let us keep Avery County different from D.C.”

Jimmy Hicks, said “I love Avery County, North Carolina and the United States. I am a Christian and because I am a Christian I love Jesus. Because I love Jesus he said if you love me keep my commandments. When you read the bible you know the things that God likes and know the things he don’t like. In Isaiah 5:20 Woe unto them that call evil good and good evil; put darkness for light and light for darkness; and put bitter for sweet and sweet for bitter. We can’t keep calling evil good and good evil. We have forgotten that lessons come from God. The bible says Seek ye first the kingdom of God and his righteous and all these things will be added unto you. If we want Avery County to prosper we need to stop everything that God says is bad and we need to start standing up and say we don’t want it. When we start doing that guess what will happen, God will step in and Avery County will start growing. Proverbs 29:18 says Where there is no vision the people will perish but he that keeps the law, happy is he. You have to do what God says to prosper. Some of my best friends, went over to Elk Park bought beer, wrecked and got killed. My Daddy had a bad problem and liked to drink. You say it is all right to sell beer, then you put them in jail for drinking it.”

Barry Sheppard stated “I am pastor of Ivey Heights Freewill Baptist Church. I understand we need another beer store in Banner Elk. If you take a glass and pour it full how much more can it hold? How much more can the county stand? The bible says when the enemy comes in like a flood the spirit of the Lord will lift up the standard. The enemy is coming to the county and you can see the people that are here today stand up against it. We have to stand for something. When I die and you pass by my coffin, I am going to be remembered for one or two things. You are going to say that guy solved problems or that guy created problems. We elected you to solve problems. Scott Heath was here the last time I talked and Scott he voted for what we are trying to keep down in the county and Phyllis did to. Now Scott is not here. I understand that we have to help everybody but because we are the little people does not mean we are the minority.”

Tim Hartley said “I look at the farming community; Christmas tree growers. I am not saying the microbrewery will take off and make the farmers great but we have to look at alternative crops. I have had several growers coming to me about growing alternative crops like Hopps. The market right now is in Asheville and if we had something locally that would help. I look at it with a different aspect.”

Brad Calhoun stated “I am pastor of Faith Baptist Church in Linville after having been a missionary in Quebec. I do not necessarily have a problem with an incubator but I have a real problem with a brewery being in the incubator. I dare say that all of the families here have been affected by alcohol. I have a

ministry to people who have addictions. Frankly, I do not want the brewery and I have to disagree with Mr. Johnson. If we, as a county, has an incubator and businesses are helped in any way or giving an advantage to the businesses that are coming in you are subsidizing this. I do not want my tax money used for this. I want to be counted as against the brewery. The incubator can be a good thing. I appreciate Martha and Reo and you will get my vote next time.”

Kenneth Lance said “I have heard a lot of good things. It is time that we come to the point if we are going to be against it if these people run I am not going to support them. I do not like what is happening. I know this building and worked on school maintenance for 12 years. In the wet season there is water under it. We had to go in and take rocks and build it up. The floor is rotting out. It is putting money into a hole. Even if you went to use it for something good, it is going to fall. Who is going to pay the light bill? Taxpayers. Just think, one good brewery and our taxes will drop to the bottom. It is a sad day when people that were elected goes for something like this.”

Richard Sheppard stated “I have a lot of people here that are my friends on both sides of the issues. Glenn I hope you and Phyllis will reconsider. Beyond the alcohol deal and I am a minister and I see what alcohol does to people every day. I have never read a figure on how many jobs this is going to create. Between 4 and 6 jobs is what I have heard and that is going to save our county. We need to use some practical solutions. I have never heard any alternative. All I have ever heard is the microbrewery wanting space. Also a bicycle shop wants to rent space. If I am not mistaken the person with the bicycle shop has already rented space up the road. We are going to compete as public against private. Daycares are competing against the school and Head Start. Where is the person that is out here every day trying to make it, where do they stand? Our county does not have any business in this.”

Vickie Caraway said “There was not another forum to ask questions and I have several. As the renters, the Avery County Board of Commissioners would be the renters of this property, my one question is would the renters not be responsible for liability insurance on the building. My second question as renters do you not have the opportunity to say no to a business that applies to be placed in the incubator. The interesting thing is there has been one comment about the bicycle shop it is obviously about the microbrewery. Incubation of small business is a wonderful thing but does the county want to be a renter. I would think we could advocate for private business to be incubators of small business rather than have that come from the county itself.”

Christa Poore stated “I am a small business owner in the county. I do sell beer. My problem is if they want to start a brewery let them build their own building, buy a piece of land. I had to do mine. I did not have anyone come in and put a roof on my building. We bought the old Hanes Building in 2003. We had several different customers wanting to rent our building. They came before the commissioners, they turned them down for any tax incentives or tax breaks. As far as the incubator, I do not have a problem with it except for my tax money going into it. I have about 70-80% of my customers as tourist. We checked on putting a bowling alley in our building and it was \$600,000. There needs to be something for the young people in Avery County to do and the tourist to do. There is a brewery established in Avery County in Plumtree and he built it with his own money on his own property; I didn't pay for it.”

Jeter Griffith said “I too have a different testimony. I started drinking beer when I was about 11 or 12 years old. I started smoking marijuana when I was 14 and then from that I took pills and smoking meth and then I started selling drugs. I know there is a lot of people that will drink beer. To put a brewery in Avery County does not make sense. I don't think one of these commissioners would give someone a drink if they thought their life was going to follow that and it was going to wind up costing them an 11 year prison sentence. If I had not started drinking when I was 11 I doubt I would have been selling meth at 46 years old. I directly relate it to drinking. I don't want my grandchildren working in a microbrewery. It is our business when we are talking about setting up a brewery that is going to help 5 or 6 people get a job. That is not going to make or break Avery County.”

Glenn Johnson stated “Mr. Sluder brought up how I could be different on this issue than on county wide beer and wine. I apparently missed a page of my previous statements. Mr. Johnson read this statement: ‘You might ask how can Glenn Johnson be against a referendum to put county wide beer and wine on the ballot and be for a micro-brewery in the business incubator’. My position is that we are not expanding the sale of beer. It is already available within a stones' throw in all directions of the business incubator. It was obvious to me on the previous issue that the majority of people in our rural area did not want package stores in their neighborhoods. It is also obvious to me that the Town of Banner Elk does since they voted it in and approved the business incubator and the brewery. Beer is already being trucked in from who knows where, made in distant cities and in some cases in foreign countries. So since the business incubator is about job creation and bringing in more tax dollars via business taxes, sales tax and tourist dollars why would anyone be against that. I am not necessarily a proponent of the brewery as was stated in a local newspaper but I am a proponent of economic development in this county and in so doing

creating jobs and a better quality of life for our citizens especially our young people who are our future. If we continue to do the same things the same way we will continue to get the same results. Let's think outside the box!' As stated a few moments ago 6 jobs, there is a much larger picture here than any of us really realize. Mr. Johnson quoted from the NC School of Government: 'Elected officials in all levels of government are instrumental in the process of economic development. These efforts require public investment. Elected officials who provide support understand that economic development is a means for creating quality jobs and investment, generating tax revenue and improving the standard of living for NC residents. Economic development is usually a long term process that involves numerous organizational players and a variety of tools and strategies. Yet public officials and economic developers will do what they can to help their communities adapt, respond and prosper in the midst of changing economic conditions and fiscal uncertainties. There are few quick fixes to economic development. An effective approach includes a mix of strategies and tools that are consistent with a community's long term vision and goals. Immediate results are more the exception than the norm. Small business development and entrepreneurship programs provide support to smaller firms and encourage the start up of new enterprises in order to stimulate economic development. However, several NC counties and cities invest in and help facilitate certain small business development activities including business incubators, revolving loan funds, technical assistance, entrepreneur networks and equity or venture capital funds.' This is something brand new to Avery County. The reason there is so much controversy around economic development is because we are trying to do something."

Glenn Johnson gave a power point presentation regarding economic development and tourism in Avery County. Mr. Johnson explained that Avery County needed broadband for everybody. About 40% of the children who received iPads cannot use them at home because of the lack of internet service. The economic development director has been on top of this and the equipment is hung on Hawshaw Tower and installed on the middle school roof so we are working on economic development. A company in Hickory has done all of this without any expense to the county due to the economic development director. Mr. Johnson quoted from articles written by Harris Prevost: "Imagine an economic engine that occupies 11% of a counties total square miles yet pumps in revenues from a tune of almost 60%. An entity that enlarge provides its own roads, maintenance, security and other infrastructure and draws not a dime from the counties Medicaid coffers, sends virtually no students to the schools yet employs 10 1/2% of the counties total workforces and also endows hospitals, colleges, fire and rescue squads and more. The golf communities pay over 58% of our property taxes and if you add in the ski slopes it is 64% total." Mr. Johnson stated that the golf communities are paying a majority of the taxes and we receive the services.

Martha Hicks stated "When the incubator started I voted for it because I thought it was going to be a good thing. I did vote for us to hire an economic development person to try to get jobs in. I voted against the roof on the school because we had it in the budget and we took it out of the budget because we could not balance the budget. We wanted to start first in trying to balance the budget with what we could cut down here for the county so we decided everyone would take a 3% cut. Then we had an insurance policy that was a 90/10 policy and cut the insurance to 80/20 and that saved. If we had not started cutting our own county employees, your taxes would have been higher than what they are. We were very fortunate in Avery County that we didn't get hit until last year where other counties got hit 4 and 5 years ago. This year we don't have anywhere else to cut unless we cut employees. We will probably have to take money out to balance the budget. If we took out of it last year and take out this year and keep taking out of your revenue, we are going to be in the same place as these other counties. I think the incubator was going to be a good thing. I thought it would help people get started and after 2 years if they wanted to do business and then go out and set up their business. This started going "sour" when we started talking about the brewery. Dr. Boyd made a comment that they might go over to the school and use some of that and create some more things to offer people to come to school for. We did at one time give some people \$10,000 to try to start a business here and we were going to pay the rent for them for six months. They were supposed to start their business at the Old Hanes Building but they never started the business and we lost \$10,000. You have to be careful when you are trying to back people in setting up their business. There was a man in the commissioners meeting last month that said Avery County was far ahead of them because they did have an economic development person and had to let him go. I am going to take some of the blame, there are some things in the incubator that should have been done before it started. There must be a Board. I don't think we would have been here today if we had a Board that voted on what businesses would go in. At first I didn't think the county should go into business and might still be that way. I have been for selling the school but when we got the school signed back to us that is when the bottom fell out of the sales. Right now you can't sell the school and get out of it what the tax value is."

Kenny Poteet stated "Sam Laws did have some very good questions but I did strongly advocate that we use part of fund balance rather than go to the taxpayers. That is certainly a viable option to dip into fund balance. I certainly appreciate you being here. This meeting is important to all of us no matter what side you are on. I assure you there will be some motions uttered and you will know the outcome."

Phyllis Forbes did not comment.

Reo Griffith stated "The people of this county elected me with an overwhelming vote in November to serve the people of this county. I ran as a fiscal conservative Republican candidate. In just the last few minutes taxes have been mentioned. From Washington to Newland, you don't raise taxes and then make bigger government and it has happened. There have been employees hired since the tax increase, positions filled that was not filled before July. There have been budgets raised. Mr. Greene was the economic development director's budget raised after a tax increase?" Mr. Greene answered "that department did receive more money this year than last year but it was part of like all the department's budget requests and during budget process we just take everybody's request and go to them and cut down what we feel is necessary. There was an increase." Mr. Griffith stated "that is not in my opinion a conservative way. Now for the matter at hand the incubator and beer. Out of all the testimonies that have been given here today, I have a little brother back there that gave a testimony about the damaging effects. That is not the whole issue. As I said I ran as your fiscal conservative candidate and I aim to fulfill what I campaigned on. Mr. Jack Wiseman and Mr. Junior Slider sitting back here and I said boys don't look at me you had better make certain you have it in black and white showing me what you need for me to vote yes on raising taxes or giving you more money. The School of Government in one article states 'incentives may occasionally be provided to businesses in which some citizens would consider dangerous, harmful or generally not in the economic development interest of the community. If no hearing is held prior to approval then such incentives might later be vulnerable to the claim that the public benefit was not properly weighed against the cost of incentives. NC General Statute 157.1 and the Mayrid case required public hearings before any expenditure before economic development can occur and before any lease is signed. Without these hearings, the courts may declare the economic development project to be an unconstitutional giveaway of taxpayer's money.' We have reached a point where the county can no longer claim to be preserving and protecting the building. A roof is in the process of being put on the old school to preserve it. There has been a security system put in it and doors have been rekeyed and that is roughly \$65,000. The Board of County Commissioners did not have to ask your approval, the state gave statutory authority to spend that money to preserve this county property. Now it is designated as economic development solely with the incubator so now the state says you shall have hearings before any more expenditure. All expenditures are now clearly for economic development. If the county is going to proceed with the AC PRIDE there must be a public hearing for all future expenditures including money in the economic developments current budget. Every lease must have its own public hearing before being signed. This is a matter of statute. Before any more money is spent and before any lease is signed a public hearing must happen. Adequate notice with key facts must be provided to the taxpayers. The School of Government has an article about giving notice in recommended form. At the February 4 meeting Chairman Poteat quoted an article from the School of Government in response to the Republican resolution on absenteeism. In this case I have articles by multiple law professors of the School of Government including Tyler Mulligan advising local government to conduct public hearings for any economic development project. We should continue the advice of the School of Government. No more expenditures until there is a public hearing with adequate notice."

Commissioner Griffith reported on a timeline concerning the incubator. "September 15, 2011 Informational meeting—Bret Gardella introduced AC PRIDE to County Commissioners. November 7, 2011 County Attorney reports that the school board will deed the school to the county at the school board's next meeting. December 5, 2011 Bret Gardella's quarterly update—during update, discussion turned to the old Banner Elk School. It was a consensus of the Board to have the maintenance department to winterize the building. January 3, 2012—Gardella requested security camera system, rekeying and commercial lighting of old Banner Elk School. The lighting system was approximately \$5,000, rekeying was approximately \$5,400. Also Gardella asked for engineering regarding the heating and roofing system. He advised there was a source of funds available and if the firm of McGill and Associates was brought on board to perform the engineering study Mr. Denny Martin with the firm would assist in finding grant monies. No grant monies have been found. Mr. Wiseman stated that there were certain assets on the property and requested that the county manager work with disposing of these and the money go towards the security system. Chairman Poteat advised that the Board had not voted on whether to proceed on the AC PRIDE project. Dr. Carol Burns expressed her concern about not having any written materials, information or a budget for this project. She said certain aspects of this project felt secretive. Motion to allow the economic development director to proceed with AC PRIDE project and security measures. Motion was unanimously approved. EDC Director must get assurance that the Town of Banner Elk will give a variance and that the state and county inspectors are in the building before any money was spent on this project. Economic Development Committee was discussed and that will be put on hold at this point. March 5, 2012—EDC update---Gardella requested internet service at the old Banner Elk School so software can be installed to allow cameras to be viewed from a remote website at any time. The cost of this service would be \$92.66 per month. Discussion then focused on the need to relocate telephone lines. Gardella states that 2 telephone poles that run through the drive through space

of parking areas Mountain Electric would remove these poles for \$3500. Gardella stated another separate electric service for the cafeteria would need to be installed which would be \$1500. In depth discussion regarding the zoning variance. May 7, 2012 EDC update—Gardella stated the camera system had been installed. May 18, 2012 a cleanup date for the old school was scheduled. There was discussion about planned upcoming events. Michaelle Poore advised about a proposed agreement for use of the outside school for events such as Woolly Worm and such as that. Agreement would require individuals to have liability insurance and notify the individuals the terms of use. The proposed fee schedule is similar to what the school board charged. May 17, 2012 EDC Budget—Tim Greene stated that \$153,942 is budgeted for economic development and he said that \$237,000 had been cut from the budget for refurbishing of the old Banner Elk School. The EDC Director had requested \$60,000 for advertising which was cut to \$30,000 and incentive fund was set at \$30,000. There was discussion about renovating the old Banner Elk School. It was suggested that the repair of the roof be included in this budget. It was agreed to hold the repair of the roof for another year unless there was another decision and for it to come out of the general fund. It was agreed that if the money in the incentive fund is not used that these monies could be transferred to the advertising line item. The Board agreed to put \$75,000 in capital back in the economic development budget to keep the AC PRIDE project going. These monies will be used for the sprinkler system, to make the bathrooms ADA compliant, and build a ramp. June 18, 2012 Old Banner Elk School—very detailed discussion regarding conversation between Avery County and Banner Elk regarding existing businesses being allowed in the incubator. Rick Owen noted that no Board of Directors has been appointed yet to determine how these businesses are going to be chosen. Gardella stated that during this discussion the county had already paid over \$20,000 for utilities, cleaning of the buildings and putting up a camera system. He estimated the county would spend an additional \$50,000 for the sprinkler system and ADA compliance. Gardella further stated “it is going to take some time to market the establishment and build their business plan. In the meantime our costs are going to continue.” Chairman Poteat advised Gardella to go to the next planning board meeting in Banner Elk. Mr. Gardella said he was not sure he would be ready to go to the meeting because he had to compile more information. After more discussion as reflected in the minutes the discussion focused on removing the fence around the school and the Woolly Worm festival use of the school. September 15, 2012 – EDC—Mr. Johnson pointed out the goals, objectives, and recommendations for the Avery County Land Use Plan in regards to economic development. He stated that these things that the Board is trying to do in economic development is the very things that our planning board came up with several years ago. AC PRIDE—the Banner Elk Planning Board changed the definition of the zoning ordinance regarding the existing businesses. This was sent back to the city council and there will be a public hearing next month. This particular zoning ordinance should be altered so we can move on with the project. The conditional use permits will be finalized the last quarter of the year. There is a letter of intent for one business starting up in the incubator. Gardella reported that most of the repair work has been budgeted for except for the roof. He stated he had been given two letters of intent. He requested a budget amendment of \$55,000. Mr. Wiseman stated that the original request was cut out of the budget but conversation was that if and when there was valuable candidates a roof would be reconsidered. Glenn Johnson said it was specifically said in the budget process that the Board would take it out of the budget but would consider a budget amendment if there were clients going into the building. December 3, 2012-- -EDC—debate over the roof and questioned about cost. This was a brief timeline concerning the incubator since it was introduced September 15, 2011. As of today the Avery County Taxpayers or the county has budgeted to spend \$140,000 approximately for an incubator that may never exist. Since the economic director introduced the concept of AC PRIDE to the county commissioners on September 15, 2011 536 days have passed. During the past 536 days the town of Banner Elk has not issued a permit for the incubator. There is no legal binding guarantee that the town will ever issue a permit. Avery County has not prepared leases for perspective businesses to sign for the incubator. After 536 days we do not know how much the incubator will cost, how many jobs it will produce or how it will impact our tax basis. So it is still impossible to measure the actual economic benefits that the incubator will create for Avery County. I spoke with a gentleman that is here in the meeting , Mr. Tim Hartley, I admire you. I stood in this same room a month ago as a lone ranger. That is a good thing about America whether you are for or whether you are against at least you have a right to stand up and speak. Mr. Tim and I spoke and he said if you were putting in a bible book store you would be for it. I am not for the incubator. I don't think it is a good fiscal decision for the taxpayers of Avery County. It has been stated that we might even have a shortfall this year so if we are I don't think we can afford this project that we don't even know at the end of the day what the cost is.”

“Mr. Chairman and my fellow commissioners I firmly believe as the taxpayers representative the county commissioners have a duty to be good stewards of the taxpayer's money. It is their money and not ours. As a good steward we must stop any project where we cannot determine its value to the taxpayers. The incubator is no different. Mr. Chairman, after all current obligations of the new roof, etc have been paid I at this time will make a motion to stop all spending towards the business incubator project at the old Banner Elk School.”

**Motion by Reo Griffith to stop all spending towards the business incubator project at the old Banner Elk School.**

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

**Motion by Reo Griffith and second by Martha Hicks to stop immediately plans for a brewery on any county property at this time or any future time.**

Glenn Johnson stated "As I told you I am about giving the facts and I have tried my best to do that. As I stated before I was against the county wide beer and wine and as I stated previously I see this differently. I have told numerous people that I would vote to go ahead with this. At the last commission meeting the Chairman stated that it was apparently 4 to 1. I have given my word to go ahead with this project. Someone in the office said it didn't matter which way I went on this that I lost. I will always tell you where I stand; always tell you the facts. As Reo stated correctly the very things we are trying to do with economic development the planning board said all the same things. I am going to do my best to do my duty and I am going to do the best I can for all the people of Avery County."

Reo Griffith stated "As I think our legal counsel will agree and I don't know that we need to put it in the form of a motion because it is a general statute 157.1. No more money of Bret Gardella's budget spent in the name of economic development without a public hearing. I think legal counsel might want to advise further."

Chairman Poteat advised the County Attorney to research this general statute and give her opinion.

Michaelle Poore stated "I spoke with Mr. Griffith last week about this and I think he and I agree on the information what the general statutes require.

**VOTE: For: Reo Griffith; Martha Hicks; Against: Phyllis Forbes; Glenn Johnson**

Chairman Poteat stated "Once again I appreciate you all being here. I appreciate my fellow board members however we vote. What I am about to say is not to please the people that are here. I could care less about the next election, I probably won't be there. 20 years is going to be enough; it has been tough but I have been proud to represent you. Let me say that as a county commissioner for over 18 years I do listen to the people. If you were saying something that went against my moral belief and something I thought was wrong I would not vote for it. I cast my vote for Reo's motion.

**Chairman Poteat voted for the motion.**

**Vote passes 3 to 2.**

#### **Recess**

Chairman Poteat called for a 3 minute recess.

Chairman Poteat declared the meeting to be back in session after a brief recess.

#### **Resolution to Preserve and Defend the US Constitution and the NC Constitution – Travis Proctor**

Travis Proctor representing the High Country Sportsman Coalition and Daniel Boone Bear Club stated that this is a resolution to preserve and defend the US Constitution and the NC Constitution. Mr. Proctor read aloud the resolution:

*Whereas: Article I Sec. 30 in the NC Constitution states "A well regulated militia being Necessary to the security of a free State, the right of the people to keep and bear arms Shall not be infringed;"and*

*Whereas: President Obama recently announced his 23 anti-gun initiatives – even going so Far as to use Executive Orders to bypass our God given rights of self-defense; and*

*Whereas: It being "necessary to the security of a free State" meant that the right of the People to bear arms was, and remains, the ultimate barrier to government tyranny; and*

*Whereas: Gun control only ensures law-abiding citizens are powerless in the face of criminal Threat; and*

*Therefore: The Avery County Commissioners resolve to defend the 2<sup>nd</sup> Amendment And Article I, Sec.30 and will not bow down to Unconstitutional laws, executive orders, Or foreign/domestic tyranny. Furthermore, the Commissioners call upon the Governor*

*And General Assembly of North Carolina to pass legislation that will guarantee the Protection of our God-given right to self-defense for all North Carolinians; and*

*Be It Further Resolved: the County Manager be directed to see that no county Paid staff participate in nor allow any county resources be used in the implementation Or enforcement of any Unconstitutional law, executive order or executive directive That infringes on the God-given right to self-defense.*

Mr. Proctor stated that this resolution was not anything as county commissioners have not already sworn to uphold. What we are concerned about is for the local government to adopt this resolution and if enough counties adopt this resolution that the state will adopt this resolution and eventually be sent on to Washington.

Benny Vance said "I have been a lifelong resident in Avery County ad hunted all of my life. I am President of the Daniel Boone Bear Club. I ask that you vote to consider this resolution. This is a very important issue to us as gun owners. We know the situations that have happened and our hearts go out to these people. Our political people in Washington uses a lot of these situations to meet an agenda that has nothing to do with that. Albert Jaynes told me about 20 years ago that 'guns don't kill people, people kill people'. I ask that you consider this resolution."

Jeff Pollard stated "I am the son of a combat veteran that suffered greatly in WWII and he never let me forget how important freedom is and he never let me forget what happens to a people that are disarmed and can't fight. I came to Avery County in 1975 when I got out of the army. I started a business. I had the freedom to do what I wanted to do. I thank God for that freedom and for those brave men that took their squirrel rifles and defended us. I believe that with arms you are a citizen, you take away those arms you are a subject. Avery County, in my opinion, is what America was and I hope it always stays that way. Without guns I would not go to Louisiana to sell trees. You can't give them a foot hold. If you think you can trust the American government to take care of you pick up your history book and read about the American Indian. Please consider this resolution."

Nancy Morrison said "I don't represent the bear club. What I am is an absolutely unapologetic constitutionalist and if we mess with our constitution we are giving up our rights and if anybody thinks that the only people that will retain guns is law enforcement they are wrong, it will also be all the criminals. I am totally for the second amendment but more than that our founding fathers gave us a document that safeguards us. We owe it to their memory and our well being now and our children and grandchildren to keep this intact. Our Sheriff has gone publicly saying he will defend the constitution and err on the side of the constitution rather than on the side of executive orders. Our present government is selling us out. It stops right here on the local level. Guns are not dangerous, people are dangerous, criminals are dangerous. I urge you to consider this resolution. "

Chairman Poteat said he didn't think any of this Board had a problem with a resolution concerning this.

Michaelle Poore, County Attorney, read aloud a resolution that she recommended:

*Whereas, the Second Amendment to the United States Constitution states that "(A) well-Regulated Militia, being necessary to the security of a Free State, the right of the people To keep and bear Arms, shall not be infringed,";and*

*Whereas, the Avery County Board of County Commissioners are the duly elected Governing body of Avery County, North Carolina; and*

*Whereas, it is the duty of each Commissioner to uphold the Constitution of the United States and the Constitution of the State of North Carolina; and it is further the duty Of the Commissioners to uphold the laws of the United States and the laws of the State of North Carolina not inconsistent therewith; and*

*Now, Therefore, Be It Resolved, that the Avery County Board of County Commissioners Does hereby affirm their opposition to any and all legislation, and/or Executive Orders That infringes upon the Second Amendment rights of the people;*

*Now, Therefore, Be It Further Resolved, that the Avery County Board of County Commissioners does hereby reaffirm our solemn oaths and obligations to uphold and Defend the Constitutions of the United States and the State of North Carolina.*

Chairman Poteat said this resolution was at the advice of legal counsel. Chairman Poteat questioned Mr. Proctor how he felt about this proposed resolution. Mr. Proctor was concerned about the section being taken out that deals with the County Manager being directed to see that no county paid staff participate in nor allow any county resources be used. Ms. Poore stated she did not think it was proper for the Board to direct the manager to make a determination of what laws are or are not constitutional. It places a burden upon the manager to make a legal decision. Mr. Proctor stated that there were several counties that were going to pass this resolution. Ms. Poore said that the resolution has been altered by some counties also. Chairman Poteat said that the Board was in favor of what you are trying to do but there needed to be an agreement with the county attorney.

Benny Vance said that what their concern was that if some executive order came down from Washington that they wanted to come and confiscate our guns would a deputy be obligated to come to our house and get them in a situation that is going to put him in danger. We don't want that to happen. We want our county commissioners not to obligate the employees to do this. We don't want to have to put our guns up. That is our concern.

Ms. Poore said she could appreciate the concern and why the language is proposed but I think it is difficult for the county manager to make a determination on behalf of the constitution.

Chairman Poteat said there is not a person up here that is against this resolution but it is very difficult to go against legal counsel.

Commissioner Griffith said that we should listen to Ms. Poore with a few word changes.

Commissioner Forbes stated that she is in support of this but when the attorney makes a recommendation we should listen to it.

Commissioner Hicks said she is for the resolution but we have to listen to the attorney.

Commissioner Johnson said that he was concerned with this section. That was the only problem that he had with that resolution. We are all in favor of protecting the second amendment.

Chairman Poteat instructed the County Attorney and Mr. Proctor to work toward on an agreement with the wording and the Board would address this at the next meeting.

### **Recess**

Chairman Poteat asked for a 3 minute recess.

Chairman Poteat declared the meeting to be back in session after a brief recess.

### **Avery County Senior Services Grant Application – Philip Adams**

Philip Adams, Director of the Avery Senior Services, explained that the senior center would like to apply for a \$5000 kitchen equipment grant. This grant is from Blue Cross and Blue Shield. There is no financial impact and no matching funds. Some of these items we would need to put on next year's budget if the grant is not received.

**Motion by Phyllis Forbes and second by Martha Hicks to approve the grant application for \$5000 for kitchen equipment for the Avery County Senior Services with no expenditure of county funds. Motion unanimously approved.**

### **Avery County Senior Services Budget Amendment – Philip Adams**

Mr. Adams stated that the recommendation is to transfer \$5,556 from Congregate Nutrition to In-home Aide Level 2. This will actually be an increase in our revenue line item of \$5,556 and increase in the expenditure line item In-Home Aide Level 2 by the same amount. The Original budget for Congregate Nutrition included \$13,000 in consumer contributions. Through encouragement and expressing the need for and use of consumer contributions there has been a higher response than anticipated. From July 1, 2012 through the end of January 2013 we have collected \$12,357.00. Therefore we are requesting to transfer \$5,556 to our In-Home Aide program which will give us a 19% increase in service or 339 additional units of service. This will not require any additional County Funds.

Martha Hicks commented that for a long time the senior services did not push to get people to pay anything but since budget cuts have happened we have encouraged the people to pay a dollar or so.

**Motion by Martha Hicks and second by Glenn Johnson to realize the transfer of \$5,556 from Congregate Nutrition to In-Home Aide Level 2. Motion unanimously approved.**

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

Phillip Barrier, Tax Administrator, announced that he had hired Sharon Coffey Moody in the Tax Collectors Department.

### **Tax Collections Report**

The Tax Collections for the month of February 2013 is \$495,810. We had a \$70,000 payment come through to catch up some past due taxes.

**Motion by Martha Hicks and second by Reo Griffith to approve the Tax Collections Report for the month of February 2013 as presented. Motion unanimously approved.**

### **Real and Personal Property Releases**

The Real and Personal Releases for the month of February 2013 is \$1402.60 in Total Releases.

**Motion by Martha Hicks and second by Glenn Johnson to approve the Real and Personal Releases for February 2013 as presented. Motion unanimously approved.**

### **Motor Vehicle Releases**

The Total Motor Vehicle Releases for the month of February 2013 is \$358.79.

**Motion by Phyllis Forbes and second by Reo Griffith to approve the Total Motor Vehicle Releases for the month of February 2013 as presented. Motion unanimously approved.**

### **Special Releases**

Mr. Barrier reported that in part of the cleaning up records and sending out letters, there have been 4 individuals that said they did not know that they owed these taxes. They are saying they do not think it is fair to pay the interest since they did not know that they owed these taxes. Mr. Barrier said that he was requesting that the interest be released. They have paid the taxes. In NC General Statute 105.381, this gives the Board of Commissioners the authority to release this interest.

**Motion by Glenn Johnson and second by Phyllis Forbes to release the Total Interest for the four appropriate bills totaling \$1274.36.**

Martha Hicks questioned if we couldn't take half and half. Mr. Barrier said that the taxes were paid. Chairman Poteat said the interest nearly equaled the tax itself.

Phyllis Forbes called for the question.

**Motion unanimously approved.**

### **Sales Statistics**

There were 5 foreclosures in the month of February.

### **Board of Equalization and Review**

At the last meeting the Board voted to have a Special Board of Equalization and Review. There are 8 candidates. Five members need to be chosen with one alternate.

Chairman Poteat explained to the Board to take the 8 names and rank the names. Whoever you feel is the most worthy candidate to serve on this Board you would give a number one and so on. The lowest score wins. The ballot must be signed. The results will be available in the clerk's office.

### **Recess**

Brief recess for the Chairman and Clerk to tally the votes for the Board of Equalization and Review. Chairman Poteat declared this meeting to be back in session after a brief recess.

The Board of E&R members are as follows in alphabetical order : Don Baker; Vernon Carpenter; Julie Loven; Jayne McNeil, Bob Tatum and alternate Edith "Dedy" Traver.

Bob Tatum 10 votes (3 first place, 1 second place, 1 fifth place)

Don Baker 17 votes (2 first place, 1 second place, 1 fifth place, 1 eighth place)

Vernon Carpenter 18 votes (1 second place, 2 third place, 1 fourth place, 1 sixth place)

Julie Loven 18 votes (1 second place, 2 third place, 1 fourth place, 1 sixth place)

Jayne McNeil 19 votes (1 second place, 1 third place, 2 fourth place, 1 sixth place)

Edith "Dedy" Traver 30 votes (1 fourth place, 1 fifth place, 1 sixth place, 1 seventh place, 1 eighth place)

Susan Brown 32 votes (1 fifth place, 1 sixth place, 3 seventh place)

Bill Baulieu 36 votes ( 1 fifth place, 1 seventh place, 3 eighth place)

Chairman Poteat voted as follows: Bob Tatum 1, Julie Loven 2, Vernon Carpenter 3, Jayne McNeil 4, Don Baker 5, Edith "Dedy" Traver 6, Susan Brown 7, Bill Baulieu 8.

Phyllis Forbes voted as follows: Bob Tatum 1, Jayne McNeil 2, Vernon Carpenter 3, Julie Loven 4, Edith "Dedy" Traver 5, Susan Brown 6, Bill Baulieu 7, Don Baker 8

Reo Griffith voted as follows: Bob Tatum 1, Don Baker 2, Julie Loven 3, Jayne McNeil 4, Bill Baulieu 5, Vernon Carpenter 6, Susan Brown 7, Edith "Dedy" Traver 8

Martha Hicks voted as follows: Don Baker 1, Vernon Carpenter 2, Jayne McNeil 3, Edith "Dedy" Traver 4, Bob Tatum 5, Julie Loven 6, Susan Brown 7, Bill Baulieu 8

Glenn Johnson voted as follows: Don Baker 1, Bob Tatum 2, Julie Loven 3, Vernon Carpenter 4, Susan Brown 5, Jayne McNeil 6, Edith "Dedy" Traver 7, Bill Baulieu 8

Glenn Johnson said that Mr. Barrier had mentioned a new hire. He wanted everyone to know that commissioners do not do the hiring in departments. I have only been in one hiring process and only one and that is because there was no full time position there.

Mr. Johnson said he had been told that he knows nothing about how the tax rate or tax valuation works. If your house drops in valuation in order to have the same money coming in and provide the same services, the rate has to go up. We are looking for the revenue neutral. If we are going to provide the same services and bring in the same money and the value goes down the rate must come up.

#### **Resolution in Support of the Legislative Goals Adopted by the NCACC**

Chairman Poteat reported that many hours had been put into these legislative goals and that the NCACC did listen to the people. They are seeking all 100 counties to approve the resolution in support of legislative goals.

**Motion by Phyllis Forbes and second by Reo Griffith to adopt the Resolution in Support of the Legislative Goals as printed. Motion unanimously approved.**

#### **County Manager Updates – Tim Greene**

Tim Greene reported that the small courtroom project was coming along fine and the transportation building is coming along good also.

#### **Finance Officer Report – Tim Greene**

Tim Greene commented that the county tries to maintain 20% in a general fund. A gentleman mentioned that we had \$20,000,000; I will not say that is a true statement or a false statement. Our total fund balance consists of general fund, jail project fund, courthouse renovation project fund, capital reserve fund, E911 fund, fire district fund, revaluation fund and the grant project fund. In the budget process, we will go over this again. As finance officer, it bothers me when a statement is made that the county has all this money and the Board is raising taxes just to be stocking money in the bank and that is really not the case. The Commissioners are very frugal and wise in dealing with the money and very conscientious in how they use it.

#### **County Attorney Report – Michaelle Poore**

No County Attorney Report.

#### **Selection of Vice Chair**

Chairman Poteat stated that the Board had been without a vice-chair for quite a while and that is going to end today. There is a process that I have chosen which is nominating a slate of candidates; there can be 1 or there can be 4. The floor is open for nominations for vice-chair

Phyllis Forbes nominated Glenn Johnson.

Reo Griffith nominated Martha Hicks.

There were no further nominations.

**Vote: Phyllis Forbes and Glenn Johnson voted for Glenn Johnson.**

**Reo Griffith and Martha Hicks voted for Martha Hicks.**

**Chairman Poteat voted for Glenn Johnson as vice-chair.**

Chairman Poteat advised that at this time Mr. Glenn Johnson will be vice-chair.

**Approval of Minutes**

**Motion by Martha Hicks and second by Glenn Johnson to approve the Closed Session Minutes for January 7, 2013. Motion unanimous with those voting (4-0).**

**Agenda Consent Items**

**Adopted by Consensus.**

**Upcoming Meetings**

There will be a joint meeting with the Avery Fire Commission and Avery Fire Association and the Board of Commissioners on March 5, 2013 at 7:00 p.m. March 15, 2013 Joint meeting with the Avery County Board of Education at 7:30 a.m.

**Adjourn**

**Motion by Phyllis Forbes and second by Glenn Johnson to adjourn this meeting at 8:40 p.m. Motion unanimously approved.**

---

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

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

