

The Alleghany County Board of Commissioners met in regular session on Monday, June 18, 2007, at 3:30pm in the Commissioners Meeting Room of the County Administration Building, 348 South Main Street, Sparta, North Carolina.

Present: Chair Ken Richardson, Vice-Chair Warren Taylor, Commissioner Randy Miller, Commissioner Doug Murphy, Commissioner Milly Richardson, County Attorney Donna Shumate, County Manager Don Adams and Clerk to the Board Karen Evans.

Chair Ken Richardson called the meeting to order.

Commissioner Randy Miller led the Pledge of Allegiance and opened the meeting with a prayer.

Chair Ken Richardson stated that closed session under (a) (3)—legal and (a) (4)—economic development needs to be added to the agenda

Commissioner Randy Miller made a motion to approve the amended agenda for this June 18, 2007, meeting. Commissioner Warren Taylor seconded the motion. Vote 5:0.

AGENDA
Monday, June 18, 2007
3:30 PM

- 3:30 Meeting Called To Order, Pledge of Allegiance and Prayer
Motion on Agenda for June 18, 2007, meeting
Motion on Minutes for June 4, 2007, meeting
Motion on May's Tax Releases & Refunds
- 3:35 A. Public Comments—30 minutes
B. Mary Walker
RE: Tax Appeal
C. Liz Roupe
RE: Logan Contract
D. Hunter Birkhead
RE: County Forestry Ranger
E. Dawn Nichols
RE: Alleghany Garbage Service Rates
F. Amy Pardue / Bill Maxwell
RE: Fairgrounds
G. County Business
1. Surplus Equipment
2. Single Family Rehabilitation Program
3. June Jamboree Request
4. Year-End Budget Amendments
5. Other Business
6. Recess
- 6:00 7. 2007/2008 Budget Public Hearing
8. Closed Session—NCGS 143-318.11 (a) (3)—legal (added)
NCGS 143-318.11 (a) (4)—economic development
(added)
9. Adjourn

Commissioner Randy Miller made a motion to approve the minutes for the June 4, 2007, meeting. Commissioner Warren Taylor seconded the motion. Vote 5:0.

Commissioner Milly Richardson made a motion to approve the May Tax Releases. Commissioner Randy Miller seconded the motion. Vote 5:0.

Commissioner Randy Miller made a motion to approve the May Tax Refunds. Commissioner Doug Murphy seconded the motion. Vote 5:0.

Chair Ken Richardson opened the public comments portion of the meeting.

Stacy Evans stated that he is asking to be put on tonight's agenda.

Commissioner Milly Richardson made a motion to put Stacy Evans on the agenda somewhere around number 5 or 6. Commissioner Doug Murphy seconded the motion. Vote 5:0.

Stacy Evans stated that he is only speaking on behalf of Jack Evans.

Chair Ken Richardson asked for further public comments. None were received. He closed the public comments' portion of the meeting.

Mary Walker, Tax Administrator, came before the Board to discuss an appeal for Stan McGrady that wasn't settled during the Board of Equalization and Review. She explained that she has a letter from the County Attorney regarding this situation. She reminded the Board that this appeal is in reference to qualifying for forestry land farm use. She stated that the law requires 20 acres, and he has 18.24 according to tax records. She further stated that the letter from Donna Shumate states the property is subject to a DOT right of way which would make the calculated acreage 19.56. She stated that this piece of property does not qualify for forestry use, and her recommendation is to not change the value.

Commissioner Warren Taylor made a motion to accept the Tax Administrator's recommendation. Chair Ken Richardson seconded the motion. Vote 4:1 (Milly Richardson).

Mary Walker stated that she has a late application for an elderly exemption. She read the statute regarding the deadline. She stated that she has a letter from Mr. Pardue, which she will provide the Board copies. She further stated that it is her recommendation to accept this application.

Commissioner Randy Miller made a motion to accept the Tax Administrator's recommendation. Commissioner Milly Richardson seconded the motion. Vote 5:0.

Mary Walker stated that she has a late application for forestry farm use from Carol Edwards. She read the statute regarding the deadline. She stated that she has a letter, which she will provide the Board copies. She further stated that it is her recommendation to accept this application.

Commissioner Warren Taylor made a motion to accept the Tax Administrator's recommendation. Commissioner Randy Miller seconded the motion. Vote 5:0.

Mary Walker stated that she wanted to make the Board aware of a letter that she has received from Mr. Andrews about farm use. She further stated that she has a written opinion from the Department of Revenue stating that this does not qualify for farm use. She explained that he deeded acreage to his daughter which makes him fall below the acreage requirement. She reiterated that she wanted to make the Board aware of this letter, and she will provide the Board a copy of it.

Lizabeth Roupe, Register of Deeds, talked about a service contract with Logan Systems for her office. She explained that she has had a contract with them since 2004. She further explained that they negotiated the contract with no increase over the current year and an increase for years 2-5 being 2.5%. She stated that the amount stated in the contract is included in her budget. She said she would like to renew the service contract with Logan Services.

County Manager Don Adams talked about the previous contract, and if the County goes with fewer years, they will charge a 4% increase annually. He further talked about if the Register of Deeds' intentions are to stay with the current vendor, then he recommends going with a longer term.

Commissioner Warren Taylor and Lizabeth Roupe talked about having other vendors that was less money but their services weren't good. She talked about she couldn't get them here when there were problems. She further talked about Logan provides excellent service, and they have had no down time since going with them. She

explained that this is the third year with them, and they are widespread in North Carolina.

Commissioner Milly Richardson made a motion to approve the Logan Services contract. Commissioner Doug Murphy seconded the motion. Vote 5:0.

Dawn Nichols came before the Board to discuss a request from Alleghany Garbage Service to increase their residential fees. She stated that it is part of the franchise agreement to come before the Board when requesting a fee increase. She explained they are requesting a residential price increase from \$16 to \$18 monthly effective July 1. She talked about reasons for the increase is mainly fuel costs.

Commissioner Warren Taylor and Dawn Nichols talked about the last time there was a rate increase.

Commissioner Milly Richardson made a motion to approve the request. Commissioner Doug Murphy seconded the motion. Vote 5:0.

Hunter Birkhead with the Forestry Service came before the Board to officially present the new County Ranger, Barry "Tater" Maines. He described Mr. Maines educational and experience background.

Barry Maines stated that it is a pleasure to be back home, and he is looking forward to serving Alleghany County citizens. He told the Board if he can help in any way to call him.

County Manager Don Adams and Barry Maines talked about currently having 80-90 forestry applications.

Chair Ken Richardson thanked Hunter Birkhead for working with the Commissioners on this issue.

Amy Pardue, Recreation Director, came before the Commissioners to discuss a situation that occurred at the fairgrounds. She gave the Board copies of the fairgrounds application and reviewed it. She updated the Board about the activities regarding the applications and events. She informed the Board since this situation, the Town Police and the Sheriff's Department have been spot checking events. She stated that private parties have been banned from using the facilities.

Chair Ken Richardson and Amy Pardue talked about the Fairgrounds Board has approximately 20 members, serves as an advisory board, holds regular monthly meetings, PA system be off by 11:00pm and Saturday events are normally cleaned up on Sunday. Amy Pardue stated that Detective Crouse brought this situation to her attention on Monday following the Saturday event, and informed her that the person renting the facility was charged with a misdemeanor.

Commissioner Doug Murphy asked how often alcohol is a problem at the fairgrounds.

Amy Pardue stated since they banned private parties, there has been none that she is aware of. She talked about the 11:00pm courtesy curfew. She explained that she has spoken to Don Adams and now has the Town Police and Sheriff's Department do spot checks.

County Manager Don Adams stated that they have also changed the procedures if someone applies on behalf of a religious organization, the Recreation Department must verify they are associated with that organization.

Billy Maxwell talked about changes that should be made to ensure that this doesn't happen again mainly being changing the \$50 fine to a \$500 fine per violation and have people present picture ID when they submit their application. He asked who defines what a church is.

County Manager Don Adams stated that the fairgrounds board defines that. He

explained that the fairgrounds board reviews all of the applications for approval or disapproval.

Billy Maxwell asked is it the law that the County must rent it to churches.

County Manager Don Adams stated that it is his understanding that if the facilities are made available to non-profits, then churches must be included. He further stated that he would have to defer to the County Attorney.

Billy Maxwell asked who provides liability insurance for events.

County Manager Don Adams stated that minor events do not provide additional liability insurance and all major events do provide additional liability insurance. He explained that liability insurance only covers the County if the County is at fault. He talked about a lot of the events are ran by non-profits. He stated that the only way to protect the County is to require everyone to have liability insurance.

Billy Maxwell and County Manager Don Adams continued discussing what defines a church. Mr. Maxwell stated that his pictures are the reason Mr. Crouse could fine the person that rented the facility for having alcohol.

Mrs. Maxwell stated that it was like being across the road from a nightclub. She said the doors were unlocked and beer cans were everywhere.

Chair Ken Richardson stated that he has wrote down everything Mr. Maxwell has suggested and will request that the County Manager give it to the fairgrounds for discussion and then come back to the Commissioners for actions.

County Manager Don Adams asked the County Attorney to look into statutes about the Commissioners making the fines stiffer. He explained that some of this will be governed by what the statutes will allow the Commissioners to do.

Commissioner Doug Murphy asked about events scheduled through recreation being shared with the Town Police and the Sheriff's Department. Amy Pardue stated that they haven't been but are now.

Hugh Campbell came before the Board regarding the concrete plant. He reminded everyone of the history of the tabled action. He stated that the Board hasn't got to the point where final action has been taken. He further stated that they are asking for the Board to approve or deny Mr. Evans' request because it appears to him that no final action has been taken.

Commissioner Warren Taylor and Hugh Campbell talked about neither Mr. Campbell nor Mr. Evans hasn't been back to any more Planning Board meetings.

Commissioner Doug Murphy stated that the Commissioners have asked the Planning Board to look at all of the ordinances. He further stated that he thinks they are doing a great job moving through these ordinances. He talked about the Planning Board's actions in the draft minutes regarding their discussions about the concrete plant.

Stacy Evans said that the Planning Board didn't know enough about the ordinance to recommend any changes.

Chair Ken Richardson stated that if he doesn't get a motion and a second, he can't do anything but table the request. He further stated that he understands there was 7-1 vote from the Planning Board to not recommend any changes to the ordinance.

County Attorney Donna Shumate reviewed options that the Commissioners have regarding this situation; accept the recommendations of the Planning Board, not accept the recommendations of the Planning Board, if no motion at all the issue will die or it could be tabled.

Chair Ken Richardson reiterated the options that were reviewed by the County

Attorney. He stated that if there is not a motion to accept the recommendations or not accept the recommendations then he would accept a motion to table the matter.

Commissioner Milly Richardson stated so moved.

Hugh Campbell asked for clarifications that it would be tabled for reconsideration later.

Commissioner Milly Richardson made a motion to table it for further consideration. Commissioner Doug Murphy seconded the motion. Vote 4:1 (Warren Taylor).

County Manager Don Adams presented a surplus list for items to be sold at the surplus sale on June 23.

Commissioner Milly Richardson made a motion to declare the items surplus. Commissioner Randy Miller seconded the motion. Vote 5:0.

County Manager Don Adams reminded the Board about the \$200,000 grant that Allegheny County has been awarded for housing rehabilitation. He stated that he has advertised for bids and received two; New River Community Partners and Benchmark. He explained that the only difference is the experience that each company has in administering this program because the amount of funds that can be used on administration is set by the State. He talked about Benchmark has more experience in administering this program. He stated that his recommendation is to proceed with Benchmark, and he will bring a contract back later. He invited the Board to come in and look at the two proposals. He stated that he is asking for a general consensus from the Board to proceed.

The Board of Commissioners agreed.

County Manager Don Adams presented a letter from the Sparta Revitalization Committee requesting a \$400 contribution towards advertising for the June Jamboree.

Chair Ken Richardson stated that this was requested at the joint meeting.

Commissioner Warren Taylor made a motion to participate with \$400. Commissioner Doug Murphy seconded the motion. Vote 5:0.

County Manager Don Adams presented General Fund budget amendment #31 in the amount of \$11,000 for deed stamps. He explained the budget amendment.

Commissioner Milly Richardson made a motion to approve General Fund budget amendment #31 in the amount of \$11,000. Commissioner Doug Murphy seconded the motion. Vote 5:0.

County Manager Don Adams presented General Fund budget amendment #32 in the amount of \$27,000 for fines and forts. He explained the budget amendment.

Commissioner Warren Taylor made a motion to approve General Fund budget amendment #32 in the amount of \$27,000. Commissioner Milly Richardson seconded the motion. Vote 5:0.

County Manager Don Adams presented General Fund budget amendment #33 in the amount of \$3,183 for occupancy tax. He explained the budget amendment.

Commissioner Randy Miller made a motion to approve General Fund budget amendment #33 in the amount of \$3,183. Commissioner Doug Murphy seconded the motion. Vote 5:0.

Commissioner Doug Murphy handed out a packet of information about a skate park. He asked the Commissioners to look at the information.

Dan Abernathy, Chairman of the Planning Board, stated that the Planning Board

made an informed decision about the concrete plant, not one done out of ignorance.

Commissioner Milly Richardson made a motion to enter into closed session under NCGS 143-318.11 (a) (3)—legal and (a) (4)—economic development at 4:26pm. Commissioner Doug Murphy seconded the motion. Vote 5:0.

Commissioner Warren Taylor made a motion to adjourn the closed session and reconvene the regular meeting at 4:56pm. Commissioner Doug Murphy seconded the motion. Vote 5:0.

Chair Ken Richardson stated that no action was taken during closed session.

Chair Ken Richardson recessed the meeting until 6:00pm.

Chair Ken Richardson reconvened the meeting at 6:00pm. Commissioner Milly Richardson was absent.

Chair Ken Richardson declared the public hearing open regarding the 2007/2008 budget. He welcomed everyone and explained the guidelines for this public hearing.

County Manager Don Adams explained that the budget was presented to the Commissioners in accordance to NCGS 159-12. He further explained that the Commissioners set the public hearing date and has held several budget meetings. He stated that the Board is not in a position to adopt the budget tonight. He further stated that the Board will have additional budget meetings. He talked about he presented a \$14,545,585 budget with a revenue-neutral rate.

Gleason James with Citizens for Fairness talked about the revenue-neutral rate by stating that he understands that the revenue-neutral rate would be half of the current year tax rate meaning half of 70¢, not the Manager's recommendation of 43¢. He stated that he petitions of 900 people's signatures requesting a fair tax rate. He gave the petitions to the Chairman. He reiterated the revenue-neutral rate is 35¢. He stated that he is appealing on behalf of the citizens to get a low tax rate. He talked about reducing the budget to get a fair tax rate. He further talked about this is not the fault of the Commissioners, this is something that has been accumulating over 20 years because if properties had been valued correctly over the last 20 years, this wouldn't have happened. He said that if the Board is going with a revenue-neutral rate then 35¢ sounds good to him.

Page Richardson stated that the way he figured the 70¢ on a \$100 value compared to 43¢ on a \$200 value for property that doubled in value is a 16¢ increase. He talked about values increasing. He further talked about a lot of people have to make payments on their taxes as they are now. He stated his appreciation for the Board listening to him.

Michelle Phipps stated the importance of providing support for the schools' budget, and keeping the teachers and facilities funded. She further stated that she is a parent of a Piney Creek Elementary School student. She talked about needs at the schools including the Piney Creek Elementary School gym. She said she hopes the Board will think of the children when making these decisions.

Dr. Jeff Cox stated that he wanted to publicly state how much the Board of Education supports the Commissioners. He talked about the willingness of the Commissioners to participate in the QZAB funding. He explained the QZAB funding concept and that it will save money. He talked about the QZAB payment will be \$146,000 for the next 14 years. He said that he hopes to hear within the next couple of weeks and will share the news with the County Manager. He talked about the proposed budget does not include some needed positions. He further talked about the need for the three middle school positions, NCWISE clerical position, and the fiber connectivity. He explained the pricing with e-rate and without e-rate for the fiber connectivity. He stated that he understands that the Board has a tough challenge ahead. He stated he appreciates what the Commissioners are doing. He asked the Board to keep the children in mind.

John Farrelly stated his thanks, as well. He further stated his appreciation for what the Commissioners are doing. He talked about it takes a lot of courage for what the Commissioners do for Alleghany County.

Hoyt Sparks stated that the revenue-neutral rate came as no surprise to how that number came in. He talked about the tax collections, and the Commissioners should be more aggressive on collecting taxes. He further talked about what is wanted not what is needed. He talked about several issues; veterans affairs, fund balance would not be devastated, 20¢ is ridiculous as well as the 44¢ because somewhere in between is the needed rate. He reviewed the County Manager's 20¢ budget about the personnel reduction. He talked about scare tactics don't work. He stated that he hoped the Commissioners can see above that. He talked about some expenses could have been reduced or avoided. He further talked about personnel needs. He stated that increases in positions should be justified with facts and figures including the workload. He further stated that capital equipment including transportation vans should be explained. He said he appreciated the Commissioners' time. He further said the Board needs to be conservative when looking at all of these requests and should consider the workloads.

Chair Ken Richardson asked for additional public comments. None were received. He thanked everyone for their conduct in the public hearing. He declared the public hearing closed at 6:23pm and continued the Commissioners' meeting. He stated that the Board will not be voting on the budget tonight, and they will be setting another meeting later.

Being no further business, Commissioner Randy Miller made a motion to adjourn the meeting at 6:25pm. Commissioner Warren Taylor seconded the motion. Vote 5:0.

Respectfully Submitted,

Karen Evans
Clerk to the Board

Attest:

Ken Richardson
Chairman