

The Alleghany County Board of Commissioners met in regular session on Monday, December 19, 2011, at 10:00am in the Board Meeting Room of the County Administration Building, 348 South Main Street, Sparta, North Carolina.

Present: Chair Ken Richardson, Vice-Chair Tom Smith, Commissioner Larry Cox, Commissioner John Goudreau, Commissioner Steve Roten, County Attorney Donna Shumate, County Manager Don Adams, and Clerk to the Board Karen Evans.

Chair Richardson called the meeting to order, welcomed everyone, led the Pledge of Allegiance and a silent prayer.

Chair Richardson stated that F.1. County Commissioner Business needs to be added to the agenda for Commissioner Cox to provide an update about New River.

Commissioner Cox made a motion to approve the amended agenda for this December 19, 2011, meeting. Commissioner Smith seconded the motion. Vote 5:0.

AGENDA
Monday, December 19, 2011
10:00 AM

- 10:00 Meeting Called To Order, Pledge of Allegiance and Silent Prayer
Motion on Agenda for December 19, 2011, meeting
- 10:05 A. Public Comments—30 minutes
B. Rita Miller
RE: November Releases and Refunds
November Collections Report
Tax Exemption Late Application
Tax and Solid Waste Release Request
Collins Discovery Tax Appeal
Present Use Value Late Application
- C. Harold Reedy
RE: Commercial Solid Waste Fees Appeal
- D. David Evans
RE: Forest Management Plan at Fairgrounds
- E. Pablo DeVincenzo
RE: Alternative Medicine Center Proposal
- F. General Business
1. Budget Amendment—Board of Elections, Town Election
2. Budget Amendment—JCPC
3. Law Enforcement Center Open Positions
County Commissioner Business (added)
1. Update on New River—Commissioner Cox
- G. Closed Session—NCGS 143-318.11 (a) (3)—legal
- H. Adjourn

Chair Richardson opened the public comments' portion of the meeting and asked for public comments.

Dennis Smith talked about the problems before the Nation. He further talked about how people don't look pass the democrat or republican, and how it doesn't matter which party is in office things don't change. He explained the left/right paradigm, what it means and how it has affected everything. He talked about Dr. Quigley including reading his obituary. He explained the purpose of talking about Dr. Quigley and how it relates to political parties/policies. He talked about the information available on this subject is great. He explained the reason he mentioned the left/right paradigm was because at the last meeting three members of the Commissioners voted to leave things as they were last year. He said that Commissioner Goudreau or Commissioner Roten should be elected as the Chairman of the County Commissioners. He provided reasons why Commissioner Goudreau or Commissioner Roten should be the Chairman. He talked about reasons why the current Chairman should not be the Chairman. He further talked about the voting records of Commissioner Smith, Commissioner Cox and Chair Richardson. He talked about when people put their political party interests before the interests of their county, state or country then that person is helping to destroy this country. He stated that if people don't put priorities in the proper order, everybody will soon be without the ability to do so. He read a prayer offered in the United States Senate.

Linda Chekanow asked if questions will be answered by a Commissioner during public comments.

Chair Richardson said this is a public comment section.

Linda Chekanow talked about having new rules.

Chair Richardson said if she leaves the Board a question she'll get an answer.

Linda Chekanow talked about several questions regarding New River and the vote about the cars including giving the motor vehicle assets to a private company, New River was bankrupt before those assets were given away, the five counties have to pay the unsecured debts of New River, the Commissioners will be obligated to use taxpayer monies to pay these debts and Commissioner Cox voted on two occasions to increase the amount Allegheny County will have to pay. She quoted Mr. Miller from the Wilkes newspaper. She asked what she missed. She talked about Mr. West would have had to provide vehicles to their employees at their expense. She further talked about this is now going to be at the taxpayers' expense. She quoted Commissioner Cox from an article in the Wilkes Journal Patriot. She talked about what she learned after speaking to over 30 people over the weekend including no one thinks the right thing was done. She further talked about additional information she learned talking with other people. She said that the consensus was that Chair Richardson cannot be counted on to represent the interest of Allegheny County. She further said that she would like to hear from Commissioner Cox about his votes. She talked about she wouldn't be surprised to see a tax increase because the County doesn't have a fund balance like Smoky Mountain Center or Daymark. She talked about the 160A agreement and its language about disposal of assets. She said she would like to know how the county is going to pay for it.

Dave Linebach stated that he has two requests; in view of the poor judgment and complete disregard for the taxpayers of Allegheny County he asks that Commissioner Cox resign from the Board of Commissioners and asked that Chair Richardson be excused from any further deliberations about this.

Billy West said that he has reports for the Commissioners and the public. He explained that one report is their annual report showing their fund balance and their progress report for the first 40 days of the transition. He asked the Board to review the bullet points about their timeline. He reviewed the timeline including the recent reduction of staff which did not affect Allegheny County. He talked about the concern about the vehicles. He explained that the State changed the rules about vehicles. He talked about Shane Atwood made some comments about Daymark charging Medicaid while New River employees were working, and explained that it is impossible for Daymark to charge Medicaid during that time. He said that hopefully they can start billing Medicaid in January. He reviewed the information about what they have accomplished in 40 days, 8,918 patients seen during that timeframe, and where they are going. He talked about the staff here, and they have done an excellent job. He stated his appreciation for the staff.

Linda Chekanow thanked Mr. West and said had some abbreviated version of sections one through four had been printed in the newspaper she would have had a lot less question coming in here today. She stated that she had one question. She provided the paper to the Commissioners.

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

Rita Miller, Tax Administrator, presented the November auto releases and refunds.

Commissioner Smith made a motion to approve the November auto releases and refunds. Commissioner Roten seconded the motion. Vote 5:0.

Rita Miller presented the November real property releases and refunds.

Commissioner Roten made a motion to approve the November real property releases and refunds. Commissioner Goudreau seconded the motion. Vote 5:0.

Rita Miller presented the November 2011 collections' report.

Rita Miller presented a late application for the VFW. She explained that they received a notice that their exempt status had been revoked and has since had their exempt status reinstated. She stated that a new application for property tax exemption has been submitted.

Commissioner Roten made a motion to approve the application. Commissioner Cox seconded the motion.

Commissioner Smith and Rita Miller talked about her recommendation is for approval.

Commissioner Roten and Rita Miller talked about the loss of exempt status was because of not submitting paperwork.

The Board of Commissioners voted. Vote 5:0.

Rita Miller presented a request from Maurice Woodie requesting release of a dwelling value and solid waste fees because the dwelling hasn't been occupied since 2005 and was torn down in 2009. She explained that the demolition of the house wasn't reported to the Tax Office for 2010 or 2011. She further explained that she doesn't believe the Board has gone back in releasing previous years. She said her recommendation is to release 2011 only.

Commissioner Goudreau made a motion to accept the Tax Administrator's recommendation. Commissioner Roten seconded the motion. Vote 5:0.

Rita Miller talked about Mr. Collins' request from the last meeting. She reminded everyone that Mr. Collins requested that the dwelling be adjusted to 20% complete as of January 1, 2006. She explained that her recommendation is 35% based on the formula used by the Tax Office and completed by Mr. Collins. She further explained why she is recommending 35% because they cannot use the costs method for 2006 and market value for other years. She stated that since the certificate of occupancy was issued in November 2006, her recommendation is for the solid waste fee to remain.

Commissioner Roten and Rita Miller talked about 2006 is the only thing in question.

County Manager Don Adams and Rita Miller talked about she is recommending 35% and Mr. Collins is requesting 20%

Commissioner Cox made a motion to accept the Tax Administrator's recommendation

Commissioner Roten said the only problem he has is this is still charging him penalties.

Rita Miller talked about case law regarding this scenario.

Commissioner Roten said that he thinks the County bears some of the responsibility for this and don't think that is fair.

Commissioner Cox asked how can the Board amend that.

Commissioner Roten and Commissioner Cox talked about he owes the taxes. Commissioner Roten said he doesn't think he owes the 60% penalty, and the County is partially responsible.

County Manager Don Adams and Rita Miller talked about the penalty is charged according to State law.

Commissioner Roten and Rita Miller talked about the interest rate.

County Manager Don Adams and Rita Miller talked about the County is not charging interest back to 2006; the County is only charging the penalty.

Commissioner Roten said he understands it is higher than the County is charging others.

County Manager Don Adams said this penalty is what the State law says.

Commissioner Roten and Rita Miller talked about the State statutes' language

County Attorney Donna Shumate reiterated the information that the County Manager said.

Chair Richardson said since there is no second it is tabled until a further time.

Rita Miller talked about a late application for present use value.

Commissioner Roten and Rita Miller talked about this is just the farmland.

Commissioner Roten made a motion to grant the request. Commissioner Cox seconded the motion. Vote 5:0.

Harold Reedy stated his concern is on solid waste, he weighs in and then he pays, then he gets a bill. He said he pays every time he crosses the scale. He said he doesn't want to pay twice.

County Manager Don Adams talked to Harold Reedy about he was put on pay at the scale because of back billing. Harold Reedy agreed. County Manager Don Adams asked is the issue that contractors pay \$60 a year or \$5 a month. Harold Reedy answered mainly yes and explained that he may go six months without going to the dump but is still charged; if uses the dump then should pay but doesn't think people should be charged a fee too. The County Manager talked about the discussion is with the Board because the issue is the availability fee.

Chair Richardson asked if he is being treated any different than anyone else.

County Manager Don Adams stated that all contractors are charged an availability fee.

Chair Richardson talked about the July 1, 2011, fee schedule.

County Manager Don Adams explained that issue is brought before the Board every year.

Commissioner Smith talked about the \$60 fee per year.

County Manager Don Adams explained that this is an availability fee that contractors pay but it is different than the household charge. He talked about the different categories on the fee schedule. He explained that there are only two ways to charge; charge at the gate or availability fee. He said as always before he has offered to talk to the Board about ways to fund or not fund the landfill.

Harold Reedy talked about if the County only charges the contractors when they have gone across the scales and the homeowner pay the \$60 fee. He reiterated that if the County only charges that contractor for what he dumps, the County can eliminate the \$60 fee.

County Manager Don Adams stated that he was just explaining the response to Commissioner Smith's question. He explained that every business in the county has an availability fee. He said that he is trying to explain all of the availability fees. He talked about the request before the Board is to remove the availability fee for contractors.

Chair Richardson thanked Mr. Reedy for coming to the Board and the Commissioners will continue conversations with the County Manager.

County Manager Don Adams talked about solid waste has been an issue. He explained that whether the Boards wants to increase or decrease the fees or reduce expenses at the landfill is the conversation for the Commissioners.

Chair Richardson declared a brief recess at 11:00am.

David Evans, Recreation Director, reviewed information in the Board's packets; timber stand improvement select harvest and recreational trail development project description and project background discussion, aerial map with 25 acres outlined in red. He reviewed the Allegheny County fairgrounds trail development and timber stand improvement selective harvest. He further reviewed the project objectives; contribute revenue to fairgrounds, expand woodland trail system and initiate forest management activity. He reviewed the background of this request and this opportunity. He further reviewed the fairgrounds board's actions. He explained the project description including the area description, timber description, management recommendations, and estimate of net timber revenues, implementation steps, and final discussions.

County Manager Don Adams explained the reason for coming before the Commissioners is because there will be a contract coming back before the Board and this involves the fairgrounds. He further explained the need to be selective on cutting the trees to be able to market the area for additional trails.

David Evans talked about a bow shoot representative and a boy scouts representative will be onsite during the layout of the skid rows to have the least impact.

Commissioner Smith and David Evans talked about the status of the bow shoots for the fire department along with the impact to the fire department and scouts. David Evans explained that it will be 45 days before anyone would step on the property.

Commissioner Smith and David Isner talked about serving on the fairgrounds board. David Isner talked about this project has merit, and he has been working with David Evans.

Chair Richardson made a motion to move forward on this project.

Commissioner Roten asked is the County going to be assured that the County will get top dollar for the logs. David Evans answered yes.

Commissioner Roten seconded the motion on the floor.

Commissioner Goudreau stated isn't the County supposed to follow the bidding laws.

County Manager Don Adams said this is a service contract so no; it doesn't have to be bid out.

The Board voted on the motion on the floor. Vote 5:0.

Pablo DeVincenzo read information about following up from a previous meeting. He talked about a petition and the plan for the Alternative Medicine Center of Sparta. He explained that they have a new location. He invited everyone to their open house on January 10, 2012, from 4pm to 6pm. He talked about he has 105 signatures supporting the need for the Alternative Medicine Center of Sparta. He further talked about they are not looking or seeking help or money to have a location or fill their pockets or to gain publicity, they are looking and seeking the Board's help to provide to those who are unable to receive health care attention and help them to start living a better quality of life. He continued reading his prepared information. He asked Alleghany County to provide signs to direct to the semi-hidden BDC building and the need to put one sign in front of each entrance of the BDC building. He talked about Alleghany County and the Town of Sparta have three entities managing and handling people seeking health care; Health Department, Social Services and the Hospital. He further talked about these entities have information about people with no/low income, without insurance and health issues. He explained that alternative treatments will be covered by one or all of these entities. He further explained upon the final fee arraignments from the Alternative Medicine Center of Sparta with the three entities, the Center should receive fee payments. He explained the entity paying the Alternative Medicine Center of Sparta will be elected by the County and/or the Town's decision. He provided the Commissioners a detailed description of their fees. He stated that as soon as the Commissioners and County Manager review his petition and plan, he would like to be informed when to meet again. He thanked everyone for their support.

Chair Richardson said that each one of them will be talking to the County Manager and will make him aware of a future meeting.

County Manager Don Adams presented budget amendment General Fund #16 in the amount of \$3,189. He explained this is for election expenses reimbursed by the Town.

Commissioner Roten made a motion to approve budget amendment General Fund #16 in the amount of \$3,189. Commissioner Cox seconded the motion. Vote 5:0.

County Manager Don Adams presented budget amendment General Fund #17 in the amount of (\$1,610). He explained that this is the reduction in JCPC funds due to State budget cuts.

Commissioner Roten made a motion to approve budget amendment General Fund #17 in the amount of (\$1,610). Commissioner Cox seconded the motion. Vote 5:0.

County Manager Don Adams presented two letters from Sheriff Edwards. He talked about it is the standing policy for vacant positions to come before this Board. He listed out changes in the Jail and in Dispatch; David Bare is moving to fill Steve Cothren's position, Randy Williams is moving to fill David Bare's position, which will leave an open position to be filled in the Jail, retirement of Mike Rowe and his position to be filled by Katherine Boger and a terminated position be filled by Gary Finney.

Commissioner Roten made a motion to approve to fill the one open position in the Jail. Commissioner Cox seconded the motion. Vote 5:0.

County Manager Don Adams talked about including the open position filled by Gary Finney.

Commissioner Roten amended his motion to include the Dispatch position. Commissioner Cox seconded the amendment. Vote 5:0.

County Manager Don Adams talked about having two Dispatch co-supervisors at a Grade 63 and the Sheriff is looking at one Dispatch supervisor at a Grade 64. He explained previously when it was one person it was a Grade 64.

Commissioner Smith made a motion to approve the request.

Commissioner Smith and County Manager Don Adams talked about this position is on the pay plan that was formally adopted.

Commissioner Roten seconded the motion on the floor. Vote 5:0.

County Manager Don Adams wished everyone a Merry Christmas.

Commissioner Cox provided an update from the last New River meeting. He said he realizes there are some questions out there, and he is attempting to get information out there about what has happened. He talked about he wants people to know that he is a member of the New River board but he is a member of this Board of Commissioners, and he reports back to this Board. He explained that he talks to citizens, mental health employees, and he listens to the people and his heart in trying to make the right decision and trying to make sure services are provided for the people who need these services. He talked about there are three things important to him with this situation; maintain services, keep jobs, limit the liability to the county. He explained that the first two have been met. He talked about the County has paid out a lot of money but have secured a deed of trust on the building. He explained that he asked Ms. Foreman to come present some information. He further explained the areas that she will cover.

Shelly Foreman talked about the important thing is to base the opinion on what is right and what is law. She explained that Alleghany County has always had a strong commitment to the people in this county that needs mental health services and has a long history of providing funding for those services. She talked about the County Manager and Commissioner Cox are spending a lot of time regarding mental health. She talked about the cars in question were not property of New River to dispose of or other items that were purchased using State funds. She explained that this action has been based on State statutes, administrative code, opinion by the Attorney General's office, and the practice that has been occurring for several years. She talked about any property that is purchased using State funds must be disposed of in a manner that allows for the continuation of services or in a manner that the funds go back to the State. She explained that most of what New River Service Authority (NRSA) is dealing with is with property that was purchased with State funds. She talked about no county monies were used, and the right/legal thing was done regarding the cars. She further talked about the failure of NRSA has been a catastrophic failure and the Commissioners and County Managers on the New River board are putting in more time than imaginable trying to rebuild the services. She explained that Daymark being able to come in partnering with Smoky Mountain Center and the counties to provide the services to the clients. She said that she will be glad to answer any questions about this.

Commissioner Goudreau talked about his problem is the language in the General Statutes about the disposition of the equipment, and he doesn't see vehicles as equipment. He further talked about he doesn't feel that vehicle are essential to providing medical services.

Shelly Foreman explained that past examples of the State's interpretations say what happens if vehicles are purchased with State monies. She talked about people that they serve, vehicles are used for many purposes, one program that sends people out into the community to make sure clients are taking their medicines. She used several examples of how the vehicles are used. She talked about the vehicles are used more than anyone thinks and are vital to providing services.

Commissioner Goudreau talked about the other problem that people have was handing them to Daymark, which is a private provider even though they are a non profit. He further talked about New River was an extension of government.

Shelly Foreman talked about those were purchased with State mental health funds; monies allocated by the General Assembly for the provisions of those types of services. She further talked about the 160A was a monopoly, and all others are a not for profit or a for profit organization. She stated that she can provide information about several examples of where providers failed and the assets were transferred to the next provider. She said she can understand but this isn't the State's history. She talked about there was precedent set and policies in place to deal with providers failing. She explained that they have never had an experience nor has any other LME experienced this when it wasn't just a natural automatic process.

Commissioner Goudreau talked about another concern was when it hit the papers that the New River board was going to sale the cars and the response was that Smoky was going to sue.

Shelly Foreman said that wasn't necessarily accurate. She explained that conversations had been occurring even before Daymark came into the conversation. She further explained that they asked them to make a decision about the cars; they didn't threaten to sue New River but said that they would seek an injunction to stop the sale of the vehicles until the ownership could be determined.

Commissioner Goudreau asked isn't an injunction a legal matter. Shelly Foreman said that it is through the courts.

Dave Linebach said he has a question. Shelly Foreman explained that she is here to talk to the Commissioners.

Commissioner Roten and Shelly Foreman talked about 68 vehicles went to Daymark. Commissioner Cox said there is over 100 total.

Commissioner Roten asked are the others waiting to be sold. Commissioner Cox stated he doesn't know but there should around 40 some to be sold.

Commissioner Roten talked about when he looked over the outstanding bills, there are several bills related to the vehicles.

Shelly Foreman talked about there is proper guidelines for disposal and would think that New River would be following those guidelines.

Commissioner Cox stated his appreciation for Shelly Foreman and Billy West coming to this meeting. He explained that they are here to answer questions. He further explained that he can answer why he voted the way he did. He provided a timeline of the history of votes regarding the cars and why he voted the way he did. He talked about services are needed and the cars are needed to help provide those services. He explained that these are not Cadillac models, they are Subaru models to use on rougher roads, and these cars have a lot of miles on them.

Shelly Foreman and Commissioner Cox talked about the need for the vans. She stated that these cars are used directly for getting people services that are needed. They talked about some employee are concerned about the additional liability and won't use their own vehicles. He continued talking about people who need the services; people have come to this Board about prescription drug problems and high suicides rates. He said that he couldn't live with the fact that someone couldn't get the treatment they need. He further said that he had to vote as his conscious told him to. He used an example of when other providers went into other service areas the cars went with them. He talked about Daymark needs to succeed. He further talked about they need the cars to provide the services and trying to help the people of Alleghany County. He said people may question his vote but he hopes people don't question his motive. He talked about the request to the SBI, and Ashe was on board with it but everyone thought everyone needs to wait on the report from Martin Starnes.

Commissioner Goudreau made a motion to enter into closed session at 12:15pm under NCGS 143-318.11 (a) (3)—legal. Commissioner Cox seconded the motion. Vote 5:0.

Commissioner Goudreau made a motion to adjourn closed session at 12:58pm and reconvene the regular meeting. Commissioner Cox seconded the motion. Vote 5:0.

Chair Richardson stated that no decisions were made during closed session.

Being no further business, Commissioner Goudreau made a motion to adjourn at 12:59pm. Commissioner Cox seconded the motion. Vote 5:0.

Respectfully submitted,

Karen Evans
Clerk to the Board

Attest:

Ken Richardson
Chairman