

The Alleghany County Board of Commissioners met in regular session on Monday, February 7, 2011, at 6:30pm 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 and welcomed everyone.

Boy Scout Troop #299 led the Pledge of Allegiance.

Chair Richardson led a silent prayer.

Commissioner Cox made a motion to approve the agenda for this February 7, 2011, meeting. Commissioner Smith seconded the motion. Vote 5:0.

AGENDA
Monday, February 7, 2011
6:30 PM

- 6:30 Meeting Called To Order, Pledge of Allegiance and Silent Prayer
Motion on Agenda for February 7, 2011, meeting
Motion on Minutes for January 18, 2011, meeting
- 6:35 A. Public Comments—30 minutes
B. Dennis Smith
RE: Prayer at Meetings
C. Milly Richardson
RE: Prayer at Meetings
D. Rita Miller
RE: Tax Collector's Report
Annual Tax Office Report
E. County Manager's Business
1. Fuel Oil Bids
2. Resolution for Designation of Agent for Emergency Management Grant
3. Criminal Justice Partnership Program (CJPP) Award
4. Request from Board of Education
5. E-911 Budget Amendment—CAD Update
6. Planning Board Appointments
7. Board Retreat
F. County Commissioners' Business
1. NCACC Legislative Goals—Chair Richardson, Commissioner Cox & Commissioner Smith
How the Legislative Goals Could Affect Alleghany County
G. Closed Session—NCGS 143-318.11 (a) (6)—personnel
H. Adjourn

Chair Richardson made a motion to approve the minutes for the January 18, 2011, meeting. Commissioner Cox seconded the motion. Vote 5:0.

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

Jerry Brooks came before the Board to discuss opening the meeting with a prayer. He explained that at a previous meeting he asked Mr. Richardson why he doesn't want prayer and asked him for an explanation. He asked do the citizens of Alleghany County not deserve an answer and are the Commissioners not accountable to the citizens. He talked about the wording of the agenda changing from the moment of silence to a silent prayer. He asked when the change took place and who made that change. He talked about complying with the ethics policy. He said that if a Commissioner is uncomfortable to say a prayer then they can ask someone to do the prayer or the Board can appoint a chaplain to say the prayer. He further said that the Chairman can always say the opening prayer. He asked the Board to reinstate the opening prayer.

Reverend Brad Wooten quoted biblical scriptures regarding prayer and talked about now is not the time to take away prayer. He explained that prayer at the beginning of the meeting would set the tone for the meeting. He said that the citizens would like to see the prayer reinstated. He explained that they cannot make the Board pray. He asked if anyone that would like to stand while he leads a verbal prayer.

Chair Richardson stated no this time period is for comments only.

John McCray came before the Board on behalf of the Alleghany County Ministerium. He gave each Commissioner a letter from the Ministerium. He talked about the Commissioners are elected by the people for the people. He read the letter regarding their suggestion to allow individuals the option to defer their prayer time to another or choose a moment of silent prayer. He talked about a silent prayer is a prayer. He said that he thinks as long as there is a prayer; that's great. He asked the Board to consider this for the people and the Commissioners as individuals.

Kathy Murphy came before the Board representing Little Pine Church of the Brethren and the voice of the youth of the county. She read the first amendment of the constitution. She said that she would like to request that a spoken prayer be reinstated. She talked about she feels that going to a silent prayer; the Board has taken away the option to say an aloud prayer. She further talked about how government has already taken prayer out of the schools. She provided examples. She talked about the need to set good examples for the youth by praying in public. She asked that the Commissioners consider this.

Chris Huysman described himself for people to better understand who he is. He said that many here tonight are very passionate about this subject. He said that our founders relied on a strong religious foundation and outward prayers were part of their activities. He further said that few people were here when the prayer was taken out, and he wasn't here but was here for the vote and was appalled and had to leave to contain his disbelief that prayer would be replaced with a moment of silence. He said then it was changed to a silent prayer. He talked about the County Attorney's statement about will not win a court case seems to dismiss that court decisions are overturned. He explained that there are times to fight for principals. He said that later we will hear about the legislative goals from the NCACC, and one of their goals is to seek legislation to allow all counties to enact by resolution or, at the option of the Board of Commissioners, by voter referendum any or all revenue options from among those that have been authorized for any other county. He said that this would allow the Board of Commissioners to place additional taxes on the people of Alleghany County. He reminded everyone that at the Fall election; the referendum failed. He asked the Commissioners to explain this in better detail more than can be found on the internet. He asked that the Commissioners consider the wishes of the county and what is best for the community rather than their personnel opinions. He said that he is concerned for the wellbeing of the community and the Commissioners not listening to the community. He further said that he prays that the Commissioners reinstate prayer.

Patty Cox explained that she was brought up in church that no man knows the heart of a man but God. She said that she has been appalled by the people in the audience assuming they know what is in the hearts of these men. She provided examples. She said that no one knows what is in the hearts of these men. She talked about how much thought goes into each decision that is made. She explained that during the silent prayer, she could hear someone saying a prayer. She said that these men were not elected to be our spiritual leaders because that is what our ministers are for. She talked about people pointing fingers at these men and the need to judge these men by their deeds not one action.

Eula Ray Cook said that she think the lady misunderstood because she doesn't think anyone in here is judging anyone. She further said that they are just asking for prayer to be reinstated.

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

Dennis Smith mentioned some people who support silencing of vocal prayer in our Country including witches, warlocks and atheists. He said he doesn't know why Commissioners Cox, Richardson and Smith want to align themselves with those folks. He explained the actions of the first meeting in December where the opening prayer was replaced with a moment of silence then the actions at the first meeting in January including Tom Smith and Larry Cox's comments about they were okay with an opening prayer if someone else did it since they were uncomfortable with a vocal prayer and where many people attended the meeting were in support of an opening prayer plus Commissioners Larry Cox, Ken Richardson, Tom Smith voted at that meeting to abolish an opening prayer and then at the fourth meeting of the new Board the wording had been changed to a silent prayer and Jerry Brooks asked the Chairman to explain why he changed a moment of silence to a silent prayer and Chairman Richardson remained silent but during this meeting Chairman Richardson referred to himself and the Board as the movers and shakers of the County and how he wanted the Board to be a progressive Board. He said that the people of Alleghany County are the movers and shakers because they are the ones who do the work and pay their taxes that the County Commissioners are supposed to be stewards of. He asked isn't it true that when people elect someone to a particular office they should view their role as a public servant and as a servant they should do the business of the people as a steward. He talked about in other counties progressive means more taxes and people are already struggling to pay their taxes and put food on their table. He talked about how many people and meals the food closet served last year and people are losing their property due to foreclosures and jobs are hard to come by. He said that Commissioner Cox, Richardson and Smith don't think a verbal prayer is needed prior to the meetings. He said he disagrees and suggest we need prayer more now. He asked what is wrong asking the Lord to protect our country

and bless us. He quoted biblical verses. He said that he is asking that the Board reinstate the verbal prayer. He said he would like to thank the former Commissioners for their support. He read a letter to the Board; As a former Allegheny County Commissioner I, Graylen Blevins, David Carpenter, Dale Duncan, Eldon Edwards, Charity Gambill Gwyn, John Hampton, Randy Miller, Doug Murphy, Burton Osborne, Oscar Reeves, Milly Richardson, Warren Taylor, Leo Tompkins support the public acknowledgement of God in the form of a vocal prayer at the beginning of the Allegheny County Commissioners meetings. He asked the three Commissioners, if you are unable to see the significance in this action then how can we have confidence in the Commissioners' actions.

Milly Richardson thanked the Board for their time. She said that the County Attorney correctly stated that we have to follow court sessions. She said that she found a Supreme Court case where Chief Justice Burger delivered the opinion of the courts stating that chaplaincy does not violate the Establishment Clause. She read a portion of the Supreme Court case and talked about applying the 1st amendment through the 14th amendment. She talked about opening legislative sessions with a prayer. She said that no one is here to be judgmental. She asked that the verbal prayer be reinstated. She further asked people who agree to stand. Most people in the audience stood.

Rita Miller, Assistant Tax Administrator, talked about the Tax Collector must report to the governing body in February of each year the total amount of unpaid taxes for the current fiscal year. She explained that the amount is \$980,607.90 for non-vehicles as of February 2 which is a collection rate of 88.75%. She further explained that upon receipt of the report, the governing body must order the Tax Collector to advertise the delinquent taxes. She explained examples of when the advertisements have run in the past of the first of the May to mid-May.

Commissioner Cox and Rita Miller talked about this collection rate is up 1.5% over this same time last year.

Commissioner Smith and Rita Miller talked about letters are sent out prior to the advertisement explaining if the taxes aren't paid, their names will be in the newspaper.

Commissioner Roten and Rita Miller talked about this increase in the collection rate does not include the larger releases the Board recently did because those involved motor vehicles.

Commissioner Roten made a motion to advertise like in the past and move forward. Commissioner Goudreau seconded the motion.

Chair Richardson asked for clarification about the date for advertisement.

Commissioner Roten talked about she said the first of May.

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

Rita Miller presented the annual report for the Tax Office. She explained that the Tax Office is responsible for the listing, assessing and collection of taxes for approximately 15,000 parcels of land, 2,500 business and personal property accounts and tax collection for approximately 16,000 registered motor vehicles. She further explained the different types of programs that the Tax Office administers; elderly/disabled program, present-use value program, veterans' exclusion program. She talked about how important it is for property owners to keep the Tax Office updated about changes of use for their properties. She explained the audit process and the number audits for each of the different programs. She talked about the largest project on the assessment side is the revaluation process. She further talked about the tax collection rates for real property and vehicles. She explained that they are in the process of working on the past due accounts program so they can track payment agreements, garnishments and other collection methods. She talked about they would like to visit other counties to see how vehicle bills are handled and explained the current process. She talked about staff keeping up to date on the changing tax rules.

Commissioner Roten said he would to personally thank Mrs. Miller for the job she is doing on the interim basis.

Commissioner Cox thanked her for her report. He asked about the collection of motor vehicle taxes in conjunction with purchasing tags. Rita Miller explained that has been delayed at the State level.

County Manager Don Adams explained that the County goes go out to bid for fuel oil. He further explained that the bids are going out tomorrow and are due on February 18. He said that he will bring bids back at next meeting. He reminded everyone that the County is currently out to bid on the Glade Creek School water/sewer project. He provided a timeline of bids including there is a pre-bid meeting on February 15 and bids are due on March 1. He informed the Board that he has sent out an invitation for proposals for all of the County's copiers. He explained that those bids are due on March 3.

Commissioner Cox and County Manager Don Adams talked about the fuel oil bids and local people are invited to bid.

County Manager Don Adams explained on the water/sewer project that letters have been sent out by the Inspections Department and hopefully interested bidders will show up to the pre-bid conference. He said that currently copies are available in his office and the Inspections office. He explained the process including the bidding process plus advertising in a minority newspaper.

Commissioner Cox talked about he is concerned about getting locals to bid. County Manager Don Adams said he doesn't know what else to do, and asked that anyone interested come to the pre-bid conference. The Manager explained that this was attempted with the Safety Training Facility and didn't get the local turnout that was expected.

County Manager Don Adams presented a proposed resolution about the designation of Gerald Leftwich as the primary agent and him as the secondary agent for a grant to get a generator for the EMS building. He explained the purpose of having a backup generator at the EMS building.

Commissioner Cox made a motion to approve the resolution. Commissioner Goudreau seconded the motion. Vote 5:0.

County Manager Don Adams presented proposals from Ms. Cahn and New River Behavioral Healthcare (NRBH) for the Criminal Justice Partnership Program (CJPP). He explained that they went out to bid since there are multiple providers that can provide this service. He explained the process, and they received two proposals; Sherry Cahn and NRBH. He further explained that each entity had an opportunity to present to the CJPP Board, and the CJPP Board time to ask questions. He talked about the CJPP Board's meeting and different aspects of each proposal that was discussed by the CJPP Board. He said that the CJPP Board's recommendation is to go with NRBH for the CJPP grant for four years.

Commissioner Roten added there was one service that Ms. Cahn wasn't able to offer.

Commissioner Cox made a motion to award the contract as recommended by the CJPP Board. Commissioner Smith seconded the motion.

Chair Richardson asked is this obligating future boards.

County Manager Don Adams explained that this is just saying that this won't have to go out to bid next year. He further explained that this is an annual grant that has to be applied for through the State. He said that it is 100% grant funded, and NRBH would have to apply for it annually for the next four years.

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

County Manager Don Adams talked about when Dr. Cox was here before the Board it slipped everyone's mind that they would like the Board to visit the High School.

Commissioner Cox agreed and said his notes said meet sometime next week to see the school especially the safety issues.

Chair Richardson asked if the County Manager and Clerk would work out a date and let the Commissioners know.

County Manager Don Adams asked would it be appropriate to have it on the next agenda.

Commissioner Roten asked why not schedule it on a day that the Board is already meeting.

The Board talked about when to schedule the meeting and decided on February 21 after the mid-month meeting.

County Manager Don Adams presented E911 Budget Amendment #7 in the amount of \$2,250 for a software update to the CAD system. He explained that this is money coming from the regular 911 fund balance.

Commissioner Roten made a motion to approve E911 Budget Amendment #7 in the amount of \$2,250. Commissioner Cox seconded the motion.

Commissioner Cox and the County Manager talked about these monies are for a software update to the system and don't involve any property or sales tax monies.

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

County Manager Don Adams talked about two Planning Board members' appointments expire soon. He provided the Board a list of the current members and their term expirations. He explained that Mr. Miles and Mr. Caudill's terms expire on March 5, 2011. He gave a history of what has been decided with prior boards; stagger terms and reasons why. He named each one of the members on the Planning Board and their term expirations. He passed Mr. Miles and Mr. Caudill's applications to the Board for their review. He said that both members are willing to continue to serve.

Chair Richardson and the County Manager talked about there are no term limits. The County Manager explained how the alternates are selected of when someone on the Planning Board doesn't want to serve as a full-time member they are asked if they want to serve as an alternate.

Commissioner Cox and the County Manager talked about the need for two alternates. The County Manager said that the Planning Board is currently reviewing the noise ordinance and the alternates don't participate in those discussions.

Commissioner Cox made a motion to reappoint Wayne Miles and Bill Caudill to the Planning Board. Commissioner Roten seconded the motion. Vote 5:0.

County Manager Don Adams talked about the Board retreat that was discussed at the last meeting. He reminded everyone after the last meeting, the Board was going to go back and think about things that could be discussed at that meeting. He reviewed the information that he has received so far.

Chair Richardson asked does the Board feel like a retreat would be helpful.

Commissioner Goudreau added that one topic was developing opportunities for the youth.

Commissioner Smith and Chair Richardson talked about the retreat would be for one day and if productive then may have another one.

County Manager Don Adams explained that he can see the first meeting being more educational and brainstorming on the topics and then another meeting for visioning. He said that this could possibly evolve into other meetings.

Chair Richardson talked about starting the meeting at 9am, break for lunch then continue. He asked about having the meeting on a Monday or a Friday.

The Board and the County Manager talked about dates for the retreat. The Board decided on February 25.

Commissioner Cox stated that this is an open meeting where the Board will take no action; just meet together for discussions.

County Manager Don Adams explained that public comments are mandated to have one a month even though the Board has two public comments sections each month. He described that these meetings are set up with an agenda and no action just like how budget meetings are. He explained setting up the retreat like a budget meeting where there is no one on the agenda but it is open to the public.

Commissioner Roten stated that this hasn't been done since he has been on the Board. He reiterated that this has to be at no expense to the taxpayers.

County Manager Don Adams stated that the location will be in a free space, and the only costs will be the Commissioners showing up plus a minimum amount of paper.

Chair Richardson declared a brief recess at 7:51pm.

Chair Richardson talked about the legislative goals conference on January 20-21 where 83 counties meet in Raleigh and the goals were about agriculture, environment, health and human services, intergovernmental relations, justice and public safety, public education, tax and finance, youth issues. He talked about the amount of regional representation at this meeting. He explained that 54 goals were presented, and the 5 priority goals directly impacts Alleghany County. He said he wants to start a conversation about how these goals impact Alleghany County. He explained that all 100 counties belong to the North Carolina Association of County Commissioners (NCACC) and the legislative process. He stated that the first priority goal is opposing the shift of state transportation responsibilities to counties. He said that it would be extremely expensive to do and it would save money at the State level but would be hard for the counties.

Commissioner Roten and Chair Richardson talked about it is all of the secondary roads in the county, not just the main paved roads.

Commissioner Cox talked about this would be devastating to Alleghany County. Commissioner Roten said yes it would without additional revenues.

Chair Richardson explained that this is for the six-seven lobbyists that work with the General Assembly for expressing the NCACC's views. He asked for additional comments about the first priority. No one spoke. He moved on to the second priority of reinstating ADM and lottery funds for school construction.

County Manager Don Adams explained that this goal has potential on the ADM side. He explained that this was where a portion of the corporate tax was used and the last year that the County received this the amount was \$95,000-\$100,000. He reiterated that the ADM side is a true benefit. He explained on the lottery side about the change in the way the allocation was calculated from 65% to per pupil, and the County didn't see a lot of change in monies. He talked about if they reinstate the monies under the same funding method the County would see another \$60,000. He reiterated how the ADM and lottery monies could impact Alleghany County.

Chair Richardson and Commissioner Smith talked about the number of lobbyists that NCACC has, and NCACC also relies on the Commissioners to talk to our legislators.

Chair Richardson and County Manager Don Adams talked about lottery money, and everything the Manager is hearing from Raleigh is that everything is on the table in the budget.

The County Manager explained how the County uses the lottery proceeds to pay debt payments. He provided the history of the lottery and how it was sold to the public for use in public education.

Chair Richardson talked about the third priority of ensuring adequate mental health funding. He talked about the importance of this priority and the General Statutes require that counties must provide mental health services. He explained that if adequate money is not provided by the General Assembly then it falls onto counties. He listed out three highlights to this priority; seek legislation to ensure adequate capacity of state-funded acute psychiatric beds, oppose legislation to close state-funded beds until there is adequate capacity statewide, seek legislation to maintain the existing levels of state funding for community mental health services

Commissioner Cox talked about he attended the New River Service Authority board meeting in January, and they were extremely concerned about budget cuts and how to maintain providing needed services. He said that they were talking about this year and hasn't got to next year yet. He said that this is a critical need.

Chair Richardson said that the fourth priority is to preserve the existing local revenue base. He further said that there have been times to help with the State budget shortfall they take monies away from the counties. He talked about helping in balancing the budget but not taking away the counties' revenues sources.

County Manager Don Adams explained some examples where the State took money from the counties; intangible taxes, ADM, stopped paying to incarnate people who get State time. He told the Board that something is coming out of committee right now and there is a lot of talk about misdemeanors cannot do State time. He used an example. He explained the two main costs when you house inmates are food and medical. He further explained that this could make the County lose our federal inmates, too.

Commissioner Roten talked about charges start out big and gets reduced down to misdemeanors.

County Manager Don Adams agreed and said that they still serve time.

Chair Richardson said this is one good example of the fourth priority.

Commissioner Roten talked about part of the goals is about having options available to other counties. Chair Richardson and Commissioner Roten talked about the fourth priority of preserving local revenue base and the fifth priority of authorizing local revenue options.

Chair Richardson explained the fifth priority of authorizing local revenue options.

Commissioner Roten said that the Board should have enough sense to not implement something that the voters voted down.

Chair Richardson explained that if this gets passed, then it is up to each county by resolution or referendum whether to proceed. He talked about the last two have been by referendum only; sales tax and deed transfer tax.

Commissioner Smith talked about these five goals came out of several different committees. He explained that all of these are on the NCACC website.

Commissioner Goudreau talked about reconsidering opening prayer be reinstated as requested by the public. He thanked everyone for coming tonight. He read a sentence in the code of ethics policy that the commissioners should conduct the affairs of the Board in an open and public manner. He said that he believes when we stand together and pray we aren't conducting our affairs in an open and public manner. He further said that he believes in prayer and sees no reason not to open the meetings with prayer. He talked about other governmental entities that have prayer in their meetings. He said that he would be more than willing to do 100% of the prayer if someone isn't comfortable doing it.

Commissioner Goudreau made a motion to reinstate prayer right after the pledge of allegiance.

Chair Richardson talked about putting this on the next agenda.

Commissioner Goudreau said that the issue was on the agenda that was adopted and the Commissioners should be allowed to talk about the subjects during the meetings.

Commissioner Roten said he didn't know when or how the wording was changed.

Commissioner Roten seconded the motion.

Commissioner Smith said he is very much in favor of a silent prayer. He further said that he believes that a silent prayer is just as appropriate as an out loud prayer. He stated that he stands on his earlier vote.

The Board voted on the motion on the floor. Vote 2:3 (Commissioner Smith, Commissioner Cox, Chair Richardson)

Commissioner Goudreau made a motion to enter closed session at 8:28pm under NCGS 143-318.11 (a) (6)—personnel. Commissioner Smith seconded the motion. Vote 5:0.

Commissioner Cox made a motion to adjourn closed session at 9:23pm and reconvene the regular meeting. Commissioner Goudreau 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 9:25pm. Commissioner Cox seconded the motion. Vote 5:0.

Respectfully submitted,

Karen Evans
Clerk to the Board

Attest:

Ken Richardson
Chairman