

The Alleghany County Board of Commissioners met in regular session on Monday, February 1, 2010, 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 Randy Miller, Commissioner Doug Murphy, Commissioner Milly Richardson, Commissioner Steve Roten, County Attorney Donna Shumate, County Manager Don Adams, and Clerk to the Board Karen Evans.

Chair Ken Richardson called the meeting to order and opened with a prayer.

Scout Troop 299 led the Pledge of Allegiance.

Chair Ken Richardson stated that closed session for economic development needs to be added to the agenda.

Commissioner Milly Richardson made a motion to approve the amended agenda for this February 1, 2010, meeting. Commissioner Doug Murphy seconded the motion. Vote 5:0.

AGENDA  
Monday, February 1, 2010  
6:30 PM

- 6:30 Meeting Called To Order  
Prayer  
Pledge of Allegiance led by the Boy Scouts  
Motion on Agenda for February 1, 2010, meeting  
Motion on Minutes for January 19, 2010, meeting
- 6:35 A. Boy Scouts Proclamation  
B. Public Comments—30 minutes  
C. Sherry Cahn  
RE: CJPP Program  
D. Forestry Service Annual Report  
E. Mary Walker  
RE: Tax Collection Report  
Tax Office Annual Report  
Board of E&R Schedule  
F. April Hamm  
RE: Charter Policy  
Drug/Alcohol Policy  
AIM Annual Report  
G. County Business  
1. Lions Club Request  
2. Shadow Ridge Subdivision  
3. Budget Amendment—Communication Towers  
4. Fuel Oil Request for Bids  
5. Wood Waste Request for Bids  
6. Solid Waste Discussions  
7. Other Business  
8. Closed Session—NCGS 143-318.11 (a) (4)—economic development (added)  
9. Adjourn

Commissioner Milly Richardson made a motion to approve the minutes for the January 19, 2010, meeting. Commissioner Randy Miller seconded the motion. Vote 5:0.

County Manager Don Adams presented a proclamation for the Boy Scouts. He read the proclamation that designates February 7-13, 2010 as Scouting Anniversary Week and expresses the appreciation to the Old Hickory Council and the Boy Scouts of America for their interest in and dedication to America's youth.

Commissioner Milly Richardson made a motion to approve the proclamation as read by the County Manager. Commissioner Doug Murphy seconded the motion. Vote

5:0.

Chair Ken Richardson asked for public comments.

DW Miles came before the Board about commercial solid waste. He said that he can offer some input on the subject, and he will be glad to assist on the subject.

Scott Moncrief came before the Board as a scout leader and parent to thank the Board for the proclamation. He explained that next he was coming before the Board as the Plant Manager of Martin Marietta. He further explained that they announced the closure of the business on Friday. He stated that he is speaking on behalf of Grant Godwin. He explained that the plant had 28 employees on Friday when it closed with 13 being Allegheny County residents. He further explained that they have reduced staff in Raleigh by 50%, also. He expressed thanks for the Board, their employees, Wilkes Community College and the support of the community.

Chair Ken Richardson stated the Board's appreciation for Scott Moncrief's work with Martin Marietta and is very sorry to hear the information about the plant closing.

Commissioner Doug Murphy thanked Scott Moncrief and Martin Marietta for allowing the kids to use the grounds at the facility.

Scott Moncrief stated that they are going to do everything they can to see if that arrangement can continue.

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

Chair Ken Richardson declared a brief recess at 6:46pm.

Sherry Cahn came before the Board to discuss the Criminal Justice Partnership Program (CJPP) board's decision to not open up the request for proposals for services for this year. She talked about the need to open up the process. She explained that the CJPP board said that they were satisfied with the services being provided. She further explained additional reasons why she thought the process should be opened up.

County Manager Don Adams provided the background of this request including the Board has a copy of the letter sent to Sherry Cahn and the process last year when Sherry Cahn put a bid in for the services. He explained who the members of the CJPP board are; the court system people who work with people placed in the CJPP program. He further explained that the CJPP board had a lot of discussion regarding Ms. Cahn's request and the board had questions about whether all of the services could be provided by Ms. Cahn.

Sherry Cahn stated that two programs would have to be subcontracted out to New River because they are the only approved ones in the county to offer the services.

Commissioner Steve Roten explained that this was the first meeting that he has served on this board, he participated in this and did not vote on this issue because he wasn't familiar with this. He reiterated that the background provided by the County Manager is accurate, and the CJPP board was concerned about Sherry Cahn not being able to provide all of the services.

Commissioner Doug Murphy and Sherry Cahn discussed the programs that Ms. Cahn would be able to offer which would be included in the grant proposal. She talked about the two programs that New River would have to provide; domestic violence and sex offender.

County Manager Don Adams and Commissioner Doug Murphy talked about these services are provided for clients with substance abuse and mental health problems and the monies are used for assessments.

The Board of Commissioners, County Manager Don Adams and Sherry Cahn talked about her services that can be offered and her prior employment with New River.

Commissioner Milly Richardson stated that as a Commissioner and a board member for New River if you can offer the service for a cheaper price she doesn't see any harm in allowing Ms. Cahn to put in a proposal to be considered.

County Manager Don Adams talked about the process would be for the CJPP staff to prepare the request for proposals and receive the bids then this Board can decide who gets the award.

Commissioner Steve Roten reiterated that the big issue with the CJPP board was that she couldn't provide all of the services.

County Manager Don Adams agreed and talked about the relationships developed with New River to administer this program. He explained the value of the relationships with the people involved with the programs.

The Board of Commissioners and County Manager Don Adams continued discussing whether to allow proposals for the upcoming fiscal year's services for the CJPP program.

Commissioner Milly Richardson made a motion to ask for proposals.

County Manager Don Adams asked if the proposals should go through CJPP and then come to the Commissioners or everything come here.

Commissioner Steve Roten talked about the tight timeframe for the CJPP proposal.

Commissioner Milly Richardson amended her motion to allow proposals and then the Board to look at them. Commissioner Doug Murphy seconded the motion on the floor.

Chair Ken Richardson asked if the Commissioners are qualified to determine who can deliver these services to the consumers rather than the CJPP board. He talked about the CJPP board's qualifications. He further talked about the CJPP program and there is a percentage of this that the County participates in and we may not be able to participate this year because of the budget situations but that is another conversation for later.

Commissioner Randy Miller asked can we add another Commissioner to this board and explained why he is suggesting this.

Commissioner Steve Roten talked about this will ultimately come back to this Board.

Commissioner Milly Richardson said she isn't qualified to determine the qualifications. She asked Ms. Cahn if there is some guidelines available from the State that show what services should be provided.

Sherry Cahn talked about the substance abuse program and all clients have to have an assessment. She explained the different levels of services.

County Manager Don Adams stated that court personnel must buy into the value of this for this program to work.

Sherry Cahn agreed and stated that it is collaboration between CJPP and court personnel.

County Manager Don Adams asked have we ever had a time when we weren't getting the referrals.

Sherry Cahn stated that it varies.

County Manager Don Adams stated that Ms. Cahn is correct, and this is a

program trying to help to keep people out of prison plus it is collaboration between the two.

Commissioner Milly Richardson amended her motion for the proposals to go to the CJPP board with additional Commissioner input. Commissioner Doug Murphy seconded the motion. Vote 5:0.

Commissioner Randy Miller made a motion for Ken Richardson to go to the CJPP board meeting. Commissioner Milly Richardson seconded the motion.

Chair Ken Richardson stated that he would not interfere with another board, and the Board of Commissioners has a Commissioner on the board that is experienced in this area.

Commissioner Steve Roten stated that he doesn't think he should go there and dictate what they were doing.

Commissioner Doug Murphy stated that he feels like Sherry Cahn or anyone else can submit proposals but he doesn't have the knowledge or expertise to overturn another board's action.

Commissioner Randy Miller withdrew his motion.

Brandon Keener and Russell Choate came before the Board to present the Forestry Service annual report. Mr. Keener talked to the Board about the number of management plans completed and the number of acreage affected. He further talked about timber stand improvements, number of landowners to service this year, fire control efforts for last year, fire control resources, training with the Volunteer Fire Departments, information and education activities completed by the Forestry Service and pest control activities.

Commissioner Doug Murphy, Brandon Keener and Russell Choate discussed pest control activities.

Commissioner Steve Roten, Brandon Keener and Russell Choate talked about hemlocks.

Chair Ken Richardson congratulated Russell Choate on achieving this position and talked about how hard Russell Choate worked on this.

The Board thanked the Forestry Service for their services.

Mary Walker, Tax Administrator, came before the Board to present the Tax Collection Report of 87.38 % for real property and vehicles at 71.31% as of today, where is a little lower than this time last year. She reminded the Board to keep in mind that vehicles are billed monthly. She asked for the Board's permission to advertise in the newspaper for delinquent taxes. She reminded everyone that she has to send letters to everyone 30 days in advance, and they normally advertise the 2<sup>nd</sup> week in May. She asked the Board if they have any problems with that.

Commissioner Milly Richardson made a motion to advertise the week of May 10<sup>th</sup>. Commissioner Randy Miller seconded the motion. Vote 5:0.

Mary Walker presented the Tax Office's annual report. She reviewed what the Tax Office is responsible for doing for Alleghany County and the Town of Sparta including the required audits and updating the office regarding tax law changes. She discussed tax changes effective January 1, 2010. She talked about they are starting to work on a statewide address system that has to with the jurisdiction of where the vehicles are located, and this will be a fairly extensive data base for the Tax Office. She reminded the Board that the motor vehicle law goes in effect July 1, 2011. She continued talking about their activities for the past year including collecting taxes with credit/debit cards. She talked about the projects that she wants to accomplish before she retires this year; delinquent property taxes, debt set-off program. She further talked about the County Attorney and herself are working on properties that are to be sold

unless the taxes are paid.

Mary Walker talked to the Board about setting a schedule for the Board of Equalization and Review (E&R). She reminded the Board what the NCGS says about setting the meetings. She requested dates for the Board to start the meetings and requested three meetings.

Commissioner Doug Murphy made a motion to set the Board of E&R meeting for April 20, April 27 and April 29 at 6:30pm. Commissioner Randy Miller seconded the motion. Vote 5:0.

April Hamm, Transportation Director, came before the Board to discuss the Charter Policy. She explained the Charter Policy and the purpose of the policy. She said she is recommending this policy and has already registered with FTA.

Commissioner Doug Murphy and April Hamm talked about this does not interfere with normal public transportation.

Chair Ken Richardson and April Hamm talked about this policy will simplify the requests from numerous groups, we can open this up for everyone and the rates will be at full costs.

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

April Hamm presented Alleghany in Motion's (AIM) drug and alcohol testing program. She explained that this has been in place since 2003. She talked about changes between the past policy and current policy.

Chair Ken Richardson and County Manager Don Adams talked about this is more detailed than the EMS policy because of the FTA's requirements. The County Manager explained that the same process is followed.

Commissioner Steve Roten and April Hamm talked about the number of random tests per quarter.

County Attorney Donna Shumate stated that she has reviewed this and thinks it is a good policy.

County Manager Don Adams reiterated that it is the same policy basically but has to have certain language for FTA.

Commissioner Milly Richardson made a motion to approve. Commissioner Steve Roten seconded the motion. Vote 5:0.

April Hamm presented the annual report for AIM. She talked about the upcoming FTA review. She explained what is involved with the review. She reviewed the number of staff members, vehicles, trainings held, vehicle maintenance inspections, amount of ROAP funds, amount of supplemental ROAP funds, received notice that the Section 5310 grant has been awarded, indirect costs, miles/hours traveled and trips completed.

The Board thanked April Hamm for her efforts with AIM.

County Manager Don Adams presented a request from the Lions Club regarding the concession stand. He reviewed the current policy for the concession stand requiring that 20% of net profit be paid to the fairgrounds for all non-profit groups that charge admission. He reviewed the Lions Club request to reduce their commission to 10% mainly due to the amount the Lions Club has invested in the fairgrounds since the beginning of the fairgrounds. He explained where this money goes and is decided by the Fairgrounds Board how to spend it including maintenance related items.

Commissioner Milly Richardson talked about the Lions Club donated a countless amount of man hours for the fairgrounds. She stated she would be in favor of scaling back to 10% based on their commitment to the fairgrounds over the years.

Commissioner Milly Richardson made a motion to grant this request.

County Manager Don Adams recommended that it should be all non-profits if the Board is going to change it for non-profits.

The Board of Commissioners and County Manager Don Adams talked about changing the policy for all non-profits and taking it on a case-by-case basis.

Chair Ken Richardson seconded the motion on the floor.

Chair Ken Richardson and County Manager Don Adams talked about the money being used for the upkeep and modifications of the fairgrounds.

Commissioner Doug Murphy and County Manager Don Adams talked about decreasing the amount to 10% for all non-profits. The County Manager informed the Board that the 20% does not pay for all of the needs at the fairgrounds.

Commissioner Murphy stated that he doesn't have a problem looking at 10% for all non-profits. He asked can we send this to the fairgrounds board for their consideration and input.

Commissioner Milly Richardson agreed and stated that would be a good approach.

Commissioner Milly Richardson withdrew motion and wants to take it to the fairgrounds board.

County Manager Don Adams talked about Shadow Ridge subdivision will be on the next agenda.

County Manager Don Adams presented budget amendment General Fund #16 in the amount of \$4,100 for maintenance for the communication towers.

Commissioner Doug Murphy made a motion approve budget amendment General Fund #16 in the amount of \$4,100. Commissioner Milly Richardson seconded the motion. Vote 5:0.

County Manager Don Adams informed the Board that the fuel oil request for bids and wood waste grinding request for bids are going to be sent out and are due on February 15 so this topic will be on the next agenda.

County Manager Don Adams talked about information prepared by the Karen Evans regarding the number of solid waste fees transferred to Tax Office for 2009. He reviewed the paper; 68 accounts were transferred to Tax Office for \$15,060, 27 accounts were placed on real property for \$6,784, 10 accounts were placed on lessors' real property for \$4,754.

Chair Ken Richardson and County Manager Don Adams talked about some were placed on business personal. The County Manager talked about it is his understanding that all of these should have been placed on real property, and he had talked to the Tax Office regarding this.

Commissioner Milly Richardson talked about if we have a renter and they are behind then we don't have a lot of recourse to collect these late fees. She talked about if something is put into place like the County could cut off services to the business until the account is caught up. She asked if that would be a fair way to collect the fees.

Chair Ken Richardson and County Attorney Donna Shumate talked about the possibility of taking people to small claims court.

Chair Ken Richardson stated that someone is going to have to make up for this shortfall, and this money is used to operate the Transfer Facility. He further stated that his concern is if the board wants to take action on this is to make it effective July 1, not

retroactive.

Commissioner Doug Murphy asked how other places handle this.

Chair Ken Richardson explained that this used to be built into the tax rate which 7 cents was for the operation of the Transfer Facility. He used examples on how that impacts different people.

DW Miles came before the Board and stated that he has no problem with the amount charged or personnel involved in the process and residential solid waste is no problem but commercial is different. He stated that he gets notices every 90 days and takes it to the tenant. He talked about he has a partnership with his tenants and tries to help any way possible. He stated that it is an unjust tax to put on the landlord because he has no recourse. He further stated that The Pines was allowed to run up a \$6,000 bill. He said that he has paid a lot of these bills but he did not pay the solid waste fees for 2009. He explained that the remedy is to just change the procedure. He talked about receiving a letter that solid waste may be charged to him if a tenant didn't pay it and the personal property of the tenant's business, too. He reiterated that the Board needs to just change the procedure, and it is unfair to the landlord because he doesn't have any recourse. He requested that 2009 be included.

Commissioner Milly Richardson asked can this be for the next meeting to bring ways back to change this and procedures to change it.

County Manager Don Adams talked about the Board has three choices; can't cut off services because it is an availability fee, change the way we charge availability fees, go through the civil courts to collect these fees or do this the way it is being done.

Commissioner Milly Richardson and County Attorney Donna Shumate talked about the civil court process.

Chair Ken Richardson and Commissioner Milly Richardson talked about working with the Town about the Town's garbage service collection. Commissioner Milly Richardson mentioned that maybe Bryan Edwards could be at the next meeting.

County Attorney Donna Shumate stated that the Board is really talking about two different things; county availability fee and town garbage pickup service.

Commissioner Milly Richardson talked about seeing if the Town will work with us on this issue.

County Manager Don Adams stated that he will ask the County Attorney to give the Board a legal opinion about these issues.

DW Miles stated that the bills are very confusing because people are getting multiple bills.

Chair Ken Richardson requested that the County Manager and County Attorney bring information back to the Board at the next meeting or next for discussion.

County Manager Don Adams talked about it may be worthwhile to set aside additional time to discuss this.

DW Miles stated that he called the School of Government, and this is not a requirement of the County Commissioners to collect taxes this way.

Commissioner Steve Roten talked about the costs of going through the civil process.

Chair Ken Richardson read a press release regarding Karen Evans receiving her North Carolina Certified County Clerk designation.

The Board stated their appreciation for Karen Evans.

Chair Ken Richardson stated that he and Commissioner Miller will continue to meet on the salaries for employees. He said that he is still working to set up meetings with each Commissioner to discuss upcoming issues.

Wayne Miles talked to the Commissioners about the availability of the Transfer Facility is a privilege and if people aren't paying then it isn't a privilege.

Commissioner Doug Murphy made a motion to go into closed session at 8:38pm under NCGS 143-318.11 (a) (4)—economic development. Commissioner Milly Richardson seconded the motion. Vote 5:0.

Commissioner Randy Miller made a motion to adjourn closed session at 8:58pm and reconvene the regular meeting. Commissioner Doug Murphy seconded the motion. Vote 5:0.

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

Being no further business, Commissioner Doug Murphy made a motion to adjourn at 9:00pm. Commissioner Randy Miller seconded the motion. Vote 5:0.

Respectfully submitted,

Karen Evans  
Clerk to the Board

Attest:

Ken Richardson  
Chairman