



The Alleghany County Board of Commissioners met in regular session on Tuesday, January 18th, 2022 at 10:00 am in the Board Meeting Room of the County Administration Building, 348 South Main Street, Sparta, North Carolina.

Present: Chair Bill Osborne, Commissioner Mark Evans, Commissioner Bobby Irwin, Commissioner Mechelle Luffman, Commissioner John Irwin, County Attorney, Heather Klein and Clerk to the Board Drew Todd.

Commissioner Mark Evans made a motion to approve the amended agenda. Commissioner Bobby Irwin seconded. Vote 5:0.

Alleghany County Board of Commissioners

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County Commissioners
Bill Osborne
Bobby Irwin
Mark Evans
Mechelle Luffman
John U. Irwin, Jr.

County Manager
Michael L. Carter

Clerk to the Board
Drew Todd

County Attorney
Heather R. Klein

AGENDA

Tuesday, January 18, 2022
10:00 am

10:00 Meeting called to order
Pledge of Allegiance
Invocation
Approval of agenda

10:05 **Public Comments:** Citizens are encouraged to comment at this time on any item(s) requiring the attention of the Commissioners. Guidelines for public comment are posted in the meeting room; please use the sign-up sheet provided.

A. 10:20 **Presentations to the Board:**

- i. Report on Ag Fair – Johnny Wishon, Travis Dalton
- ii. Sheriff's office end-of-year report – Nick Hawks
- iii. Financial update – April Hamm, Finance Officer
- iv. Facilities update – David Spicer, Public Works Director

B. 10:30 **General Business:**

- i. Laurel Springs VFD contingency – Morgan Reed
- ii. SWCD Mutual Aid Agreement Shared Resources – Eric Hamilton, District Director (pages 1-4)
- iii. Fairgrounds Concessions RFP – Cole Edwards, Recreation Director (pages 5-7)
- iv. Fairgrounds paving bid process – Cole Edwards, Recreation Director
- v. Resolution in Support for Existing High Country Workforce Development Area – Chair Bill Osborne (pages 8-9)
- vi. G B Wagoner Group contract amendment consideration

- vii. General Fund budget amendment #6 in the amount of \$200 for Dept of Social Services Donations (page 10)
- viii. “Good Cause” policy – Rita Miller, Tax Administrator (pages 11-12)
- ix. Requests for Release/Refund of Solid Waste Fee, Rita Miller (pages 13-21)
 - a. PIN: 3010987650
 - b. PIN: 3033641437
 - c. PIN: 4022873814

C. 10:50 Consent Agenda

- i. Rita Miller, Tax Administrator (pages 22-29)
 - a. License Plate Agency month end report
 - b. December auto refunds
 - c. December real and personal property refunds
 - d. Collections monthly totals report
 - e. Delinquent taxpayer contracts
 - f. Real and personal property releases

D. 10:50 County Manager Comments

- i. December building inspection report (page 30)

E. 11:00 County Commissioner Comments

F. Adjourn

Public comments

No comment

Presentations to the Board

Facilities update

David Spicer, Public Works Director gave an update on the snow event we experienced over the weekend. He said recycling is going well and that we purchased a roll-off truck from Wilmington. He gave an update on Animal Control. He said he is proud of all the staff who work with him in Public Works.

Sheriff’s office end-of-year report

Nick Hawks, Chief Deputy gave a full end-of-year report on the Sheriff’s Office.

There was discussion about projections of how numbers could change over the next year, why we aren’t keeping inmates, special programs in process, using 9-1-1 instead of Admin lines and IVC “sitters.”

Recess

General Business

SWCD Mutual Aid Agreement

Eric Hamilton, District Director explained the SWCD Mutual Aid Agreement and that each district will be responsible for their own employees when helping another district.

Commissioner Mechelle Luffman made a motion to approve the Mutual Aid Agreement. Commissioner John Irwin seconded. Vote 5:0.

Eric Hamilton said we were awarded the CCAP grant for Vet Park.

Financial update

April Hamm, Finance Officer gave the financial update.

Fairgrounds Concessions RFP

Cole Edwards, Recreation Director reviewed the Fairgrounds Concession RFP.

Commissioner Mark Evans made a motion to approve the Fairgrounds Concessions RFP. Commissioner Mechelle Luffman seconded. Vote 5:0.

Fairgrounds paving bids

Cole Edwards explained the process by which he acquired bids for paving at the Fairgrounds.

Commissioner Bobby Irwin explained the purpose of requesting estimates for paving at the Fairgrounds was to give the Budget Committee a starting point to see if this is feasible at all and possibly phasing the project in.

Commissioner John Irwin said TDA funds are available to fund part of the paving project.

County Manager, Michael Carter said we need to look at an overall drainage plan at the Fairgrounds as well.

Cole Edwards said the disc golf course has been completed. He said he will be planning a ribbon-cutting ceremony.

Resolution in Support for Existing High Country Workforce Development Area

Chair Bill Osborne explained the idea behind the Resolution in Support for Existing High Country Workforce Development Area.

Commissioner John Irwin said the legislature is proposing changing the number of areas from 20 to 9. He said if the change happens, our voice will be reduced.

Commissioner Mark Evans made a motion to approve the Resolution in Support for Existing High Country Workforce Development Area. Commissioner John Irwin seconded. Vote 5:0.

GB Wagoner Group contract amendment consideration

There was discussion about what G B Wagoner Group is asking for; a “floor” of 25 meals per day and 17% increase in individual meal cost.

County Manager, Michael Carter explained the agreement signed in September of 2019 was for 3 years ending in September of 2022. He said there are a number of agreements the County is involved in that have been questioned since he has been here for 2 years. He said the food services contract does not identify the ability for changes. He referenced County agreements that required termination to revise. He said the agreement was signed in good faith by both parties with the numbers identified. He asked once we start making changes and amending things, how do we stop?

County Attorney, Heather Klein explained her thoughts from March were that the contract does not allow for amendments. She said one of the things that concerned her was that the contract came out of litigation and she does not want to make changes that could lead to further litigation. She said in March, the recommendation from the SOG was if we are going to substantially change this contract, it needs to be rebid. Chair Bill Osborne asked if some of the COVID money for essential workers could be used for this purpose.

Michael Carter clarified that using COVID money to compensate G B Wagoner Group would be modifying the contract.

Heather Klein said the use of federal funds may trigger federal procurement rules so we would have to be very careful how we use the COVID funds.

Commissioner John Irwin said the NC legislature has come out with grant programs for restaurants who have not used the PPP programs.

Commissioner Bobby Irwin said it is heartbreaking that the County cannot help Garrison without putting the County in legal jeopardy. He said he wants to look at all options to help him. He said no one writing a contract 3 years ago could have predicted the changes that have happened.

There was discussion between Commissioner Mechelle Luffman and County Attorney, Heather Klein about potentially rebidding the food services contract.

Commissioner Mechelle Luffman said she would like to look at creative ways to help Garrison.

Chair Bill Osborne said he would like to look at any ways to help Garrison as well. He said Garrison's other contracts have stepped up to help him recently. Heather Klein said, being a government entity, we are held to different standards than private entities.

April Hamm explained there are documents that have to be approved by the Board with regard to the ARPA funds. She said the "final rule" is not in effect until April 1.

Commissioner John Irwin clarified the Board could either amend the contract, Garrison could cancel with 30 days' notice or the County could cancel with 30 days' notice.

Garrison Wagoner said if him terminating the contract is the only way to proceed, he is prepared to do so.

County Attorney, Heather Klein said she would want to check with the SOG to make sure we aren't proceeding incorrectly.

Garrison Wagoner said if the Board does go back with a bid process, there are many factors to consider in a new contract with regards to standby staff, secondary kitchen availability, etc. He said his food cost has gone up 33.9%.

County Manager, Michael Carter clarified that the food service bid package was created by the Sheriff's Office.

Garrison Wagoner explained how his business is not able to apply for any PPP grants. He asked whether the Board would award the contract or rebid it.

County Manager, Michael Carter said he believes in the spirit of competition. He said anything the Board commits ARPA funds to, they need to be prepared to "pony up" for because that's just how ARPA funds work. He said if it is looming that termination is coming from the provider, the Board needs to authorize the ability to advertise for the service once the receipt of termination is received.

Commissioner John Irwin made a motion to authorize the County Manager prepare an RFP for services contingent upon receipt of cancellation of the current contract. Commissioner Bobby Irwin seconded. Vote 5:0.

General Fund budget amendment #6

Commissioner Mechelle Luffman made a motion to approve GF budget amendment #6. Commissioner Mark Evans seconded. Vote 5:0.

Rita Miller – Good Cause policy

Commissioner John Irwin made a motion to approve the "Good Cause" policy. Commissioner Mechelle Luffman seconded. Vote 5:0.

Release/refund solid waste

Commissioner Mark Evans made a motion to approve release/refund of solid waste fee. Commissioner John Irwin seconded. Vote 5:0.

Consent agenda

Rita Miller gave the LPA report.

Commissioner Bobby Irwin made a motion to approve the consent agenda. Commissioner Mark Evans seconded. Vote 5:0.

County Manager comments

County Manager, Michael Carter encouraged the Board to look over the building inspection report. He asked for a special meeting prior to the February meeting. He appreciated David Spicer and his group for working while we were not here. He said he received 5 submittals for engineering/architectural services from the RFQ. He said next, ranking and interviewing the firms would be appropriate. He said he would like to use the Courthouse committee to rank the responding firms, let the committee do the leg-work then bring the information to the full Board.

Commissioner Mark Evans thanked Garrison for his service and commitment. He thanked the Sheriffs office, DOT crew, emergency personnel, maintenance for their work during these trying conditions from the snow.

Commissioner Bobby Irwin said DOT has done a fabulous job on the roads, County Maintenance clearing sidewalks and parking lots and getting the transfer facility ready to be used; he appreciates them. He said there is a coyote hunt in February and the info is in the Alleghany News. He said there is a cash prize for the winning team.

Commissioner John Irwin said it has been an interesting 2 weeks where he has done some reflecting. He cited Session Law 2011 about Occupancy Tax and how proceeds are to be used. He said by the County turning down the first telephone/internet RFP, the Board violated the law. He said we have not looked at our resources and told Bobby there is \$200,000 in the TDA fund right now. He said he is close to discovering something people don't want him to bring out and he is running for re-election in 2024. He thanked Garrison for his commitment to the community and for what he's done, the work of the EMS people, DOT and county workers.

Commissioner Mechelle Luffman thanked first responders, Sheriff's Department. He said Garrison has done a great job and she hates that our hands have been tied through this contract but we can't put the County in jeopardy of another legal action.

Chair Bill Osborne thanked 9-1-1, fire and rescue, Blue Ridge Energy, DOT. He thanked Garrison and said he has served this county well. He said he hopes something can be worked out. He read about the Affordable Connectivity Program income-based program that pays \$30/month on internet service and a one-time \$100 towards a computer or tablet. He said the library and Skyline have offered to help get paperwork completed for this program.

Heather Klein thanked Blue Ridge Energy. She said her power was back on within 2 hours.

Commissioner Mechelle Luffman made a motion to adjourn. Commissioner John Irwin seconded. Vote 5:0.

Respectfully Submitted,

Drew Todd
Clerk to the Board

Bill Osborne
Chairman