

The Alleghany County Board of Commissioners met in regular session on Monday, February 2, 2015, at 6:30pm in the Board Meeting Room of the County Administration Building, 348 South Main Street, Sparta, North Carolina.

Present: Chair Tom Smith, Vice-Chair Karen Leys, Commissioner Larry Davis, Commissioner Mark Evans, Commissioner Bobby Irwin, County Attorney Donna Shumate, County Manager Don Adams, and Clerk to the Board Karen Evans.

Chair Smith called the meeting to order, led the Pledge of Allegiance and offered the Invocation.

Chair Smith said that closed session for (a) (3)—legal needs to be added to the agenda.

Commissioner Davis made a motion to approve the amended agenda for this February 2, 2015, meeting. Commissioner Leys seconded the motion. Vote 5:0.

AGENDA
Monday, February 2, 2015
6:30 PM

- 6:30 Meeting Called To Order, Pledge of Allegiance and Invocation
Motion on Agenda for February 2, 2015 Meeting
Motion on Minutes for January 20, 2015, Meeting
- 6:35 A. Planning Committee/BROC Annual Report
- 6:40 B. Council on Aging Annual Report
- 6:55 C. Daniel Roten – Emergency Management Coordinator
RE: Workforce Safety Program. Action Requested – Vote on the Program.
- 7:10 D. Rita Miller – Tax Administrator
1. Tax Collector Report of Unpaid Taxes. No action requested.
 2. Date for Advertisement of Tax Liens – Action Requested - Vote to set the date on when to advertise 2014 unpaid taxes.
 3. 2015 Insolvents for FY 2004/05 Bills – Action Requested – Vote on releasing the insolvents.
- 7:25 E. Travis Dalton – Planner
1. Salmon Lane Special-Use Cell Tower Permit. Action Requested – Vote on the request.
 2. Spry Road Special-Use Cell Tower Permit. Action Requested – Vote on the request.
 3. Ordinance Research Update. No action requested.
- 8:00 F. General Business
1. Budget Amendment for Social Services
Budget Amendment General Fund #12 in the amount of \$25,660 for a Social Worker position that was approved for child protective services at the December 1, 2014, meeting.
Action Requested – Vote on the Budget Amendment General Fund #12.
 2. Budget Amendment for Sheriff's Office
Budget Amendment General Fund #13 in the amount of \$633 for insurance claim involving a deer.
Action Requested – Vote on the Budget Amendment General Fund #13.
- G. Public Comments—30 minutes
- H. Commissioners Comments
- I. Closed Session – NCGS 143-318.11 (a) (6)—personnel
NCGS 143-318.11 (a) (3)—legal (added)
- J. Adjourn

Commissioner Evans made a motion to approve the minutes from the January 20, 2015, meeting. Commissioner Leys seconded the motion. Vote 5:0.

Agnes Joines presented the Planning Committee's annual report. She provided brochures to the Commissioners. She reviewed their history and activities for the year

including the number of people they have assisted with heating, grants received, and fundraisers held. She referred everyone to their brochure that shows all of their functions.

Commissioner Leys and Agnes Joines talked about Commissioner Leys recently saw Mrs. Joines on the PBS channel.

Stacy Hawks presented information about Blue Ridge Opportunity Commission's activities. She provided information to the Commissioners about their programs. She reviewed their activities for the year including how many people they have assisted. She explained their programs.

Commissioner Leys and Stacy Hawks talked about their budget including Blue Ridge Electric's Round-Up Program.

Chair Smith and Stacy Hawks talked about Blue Ridge Electric's Round-Up Program.

Commissioner Leys and Stacy Hawks talked about Head Start is handled through BROOC.

Karon Edwards, Alleghany Council on Aging Director, presented their annual report including their highlights of activities in 2013-14 for all of their programs; Meals on Wheels, Senior Center Meals, Level I-In Home Aide, Level II-In Home Aide, Consumer Directed Service, Transportation, Information/Referral, Evidence-based programs, social programs. She talked about their funding for this current year was reduced and are focusing on the people who need the services the most.

Commissioner Leys and Chair Smith talked about the Chair delivers Meals on Wheels one day a week. She said it seems like people have fun at the Senior Center.

Daniel Roten, Emergency Management Coordinator, presented changes to the Alleghany County Workforce Safety Program including wording changes about carrying items on ladders, no smoking in County buildings, no smoking in County-owned vehicles, asbestos management, and employee acknowledgement sheet.

Commissioner Davis and the County Manager talked about that most of the asbestos has been removed. They talked about a few places that it may still be there and the only way to know is to expose it.

The County Manager talked about the schools have personnel certified to identify and remove it. He said we have personnel interested in taking classes to learn how to identify and remove it safely, and this would be for small jobs only.

Commissioner Evans made a motion to approve the Alleghany County Workforce Safety Program. Commissioner Leys seconded the motion. Vote 5:0.

Rita Miller, Tax Administrator, explained that State statutes require her to bring the report of unpaid taxes for 2014 before the Board the first meeting in February. She said, as of January 23, the amount is \$995,946.69 for a collection rate of 89.40%, and today it was 90.25%. She talked about a lot of people pay with their property taxes with their income taxes and also pay their property taxes right before they are advertised in the newspaper. She talked about the need for an order for her to advertise the delinquent taxes. She reviewed the normal advertising schedule will be on April 22 this year. She explained that this is the first step in enforced collections.

Commissioner Leys made a motion to approve advertising on April 22, 2015. Commissioner Irwin seconded the motion. Vote 5:0.

Rita Miller stated by statute she must make the annual settlement for FY 2014/15. She reviewed the settlement.

Rita Miller presented the 2015 insolvents, which are for 2004 tax bills. She explained after 10 years personal-property taxes and motor-vehicle taxes are not eligible for enforced

collections. She reviewed the personal property list. She explained today's research showed a couple of these people are deceased, couple of businesses are completely out of business, and the largest amount is solid waste charges not taxes. She further explained how the fees were applied then and the process now. She talked about her first insolvent list she brought before the Commissioners and the Tax Office is making progress on collecting more taxes.

Chair Smith and Rita Miller talked about we won't see the motor-vehicles bills after 10 years because of the tag/tax program. Rita Miller talked about the tag/tax program started in September 2013.

Commissioner Irwin and Rita Miller talked about the report and some of these individuals have declared bankruptcy so there is no way to collect those monies. He said some people just refuse to pay their taxes. She reviewed all of the enforced collection measures that they have tried. She mentioned the overall collection rate for 2004 is 99.63%. Commissioner Irwin mentioned that some of these aren't big numbers but it is people who have lived here all of their lives, and some of the same people will be on next year's list.

Commissioner Irwin asked the County Attorney what is there to do to collect this. She explained that some of these people are dead, some are in prison, and if they don't have anything there is nothing we can do. He said there are 4 or 5 that live here. She said that she knows Rita Miller is doing a good job about attaching bank accounts. He talked about he hates to see this same list next year, and he wants everyone to know that there are a few that refuse to pay their taxes.

Commissioner Leys stated there are 25 names on this list. She said she doesn't know how many cannot pay, but it is great work for the Tax Office to only have 25 on the list. Rita Miller explained the Tax Office staff works very hard and always looking for ways to collect more taxes.

Chair Smith and Rita Miller talked about information they have learned through their classes about other collection methods.

Commissioner Leys and Rita Miller talked about their goal is to not let it go more than 4 years but we have several to go before we get to that point. Commissioner Leys asked could we do that this fiscal year or next. Rita Miller said she wasn't sure if we can but will try. Rita Miller explained the foreclosure process is a year long at best. County Attorney Donna Shumate agreed in some situations.

Commissioner Irwin said the list isn't that big, and it's the people who won't pay their taxes when other people struggle to pay their taxes is what gets him. He asked if there is anything the Commissioners can do to help. Rita Miller said one thing that we've never done is advertise personal property but the costs is entirely the County's responsibility to pay. She stated if that is something the Board would like to do she can put it in her budget for next year.

County Attorney Donna Shumate talked about submitting judgments and spending more money than what would be collected.

Commissioner Leys made a motion to approve the insolvents. Commissioner Davis seconded the motion. Vote 5:0.

Rita Miller let everyone know that the revaluation hearing requests need to be in by Wednesday and the hearings start next week. She encouraged people to look at their property record card.

Commissioner Irwin reminded everyone that the lists are too long to read out loud, and it is public record.

Travis Dalton, Planner, presented a Special-Use Permit application for a wireless tower facility off Salmon Lane in Ennice. He explained the owner and Horvath Communications request approval for this tower that is a 120-foot monopole and has received a Conditional-Use Permit from the Planning Board.

Tom Terrell stated that he represents Horvath Communications, who constructs towers, and Carolina West Wireless is the company that is looking for a tower site. He explained that Carolina West can co-locate on 2 of American Towers sites, which were recently approved. He further explained that it is easier to co-locate than construct new towers. He explained the reason they are looking for more towers can be explained by the need for more data access. He reviewed the information for this tower site including the closest tower site is over 3 miles away. He stated that a couple of people were here at the Planning Board hearing that didn't want to see it located in this area. He stated that the application is for a monopole tower but they offered to do a flush mount tower. He explained what the difference in the towers are and on the flush mount towers you use the co-locate ability.

Chair Smith and Tom Terrell talked about a monopole is what the application is for and a monopole allows for co-location.

Commissioner Leys and Tom Terrell talked about it would be creating a need for another tower site if using a flush mount tower. They talked about the farther down the tower the equipment is the harder it is to use it.

Chair Smith and Tom Terrell talked about the opportunity for the landowner is for the rent for the tower regardless of the co-locations on the antenna.

Commissioner Irwin and Tom Terrell talked about if the towers were taller there would be fewer towers. They further talked about in the future could there be something available for the government to co-locate repeaters on the tower.

County Manager Don Adams talked about the height of the towers would play a significant impact in this. He provided an example of 50' vertical separation required on some repeaters.

Commissioner Irwin and County Manager Don Adams talked about tower heights will be a conversation later in this meeting. Commissioner Irwin talked about problems with communications in the emergency services field. County Manager Don Adams explained we have two tower locations.

Tom Terrell introduced Travis Bray with Carolina West Wireless.

Travis Bray explained the need for a tower at this location including the current tower is a 30' wooden tower that cannot be added to. He provided coverage maps that show the current coverage and proposed coverage. He explained the need for LTE (4G) services also.

Commissioner Irwin and Travis Bray talked about the current tower is obsolete and will be torn down.

Chair Smith and Travis Bray talked about the location of the current tower.

Commissioner Irwin and Travis Bray talked about the coverage map shows the height over the tree lines. They talked about multiple factors that can be factored into needing additional towers.

Chair Smith stated that this application is operating under the current ordinance.

Chair Smith and Travis Bray talked about taller towers would require more fall zone.

Commissioner Evans and Travis Bray talked about each carrier takes 10' on the tower.

Commissioner Davis and Travis Bray talked about towers over 200' requires a beacon light.

County Manager Don Adams talked about running coverage maps for each slot on the tower because coverage will be different due each co-location's height. Travis Bray mentioned that terrain here makes a big difference. The County Manager explained companies may have a discussion about needing another tower site.

Commissioner Evans talked about co-locations mean less coverage.

Tom Terrell talked about ordinances were being written when not many people had cellphones.

Tom Terrell asked the property owners to come up; Michael and Sherry Dawson.

Sherry Dawson said they own the property located on Salmon Lane, and they are glad to have this opportunity. She talked about the 2009 tornado hit the highest point, which was them, landlines didn't work and it took several tries on her cellphone to get 911. She said she thinks it is important to have this type of communication. She provided an example of her daughter had a vehicle accident in a zone that didn't have cell service. She talked about there are several dead spots on 18.

Tom Terrell reiterated the flush mount offer but it is not recommended.

Commissioner Leys asked Carolina West when the 2 purchased co-location sites will work.

David Clum said he is a consultant for Carolina West. He explained they have been negotiating with American Towers for 8 months and maybe within 2 more months so by July/August the equipment will be operational.

Travis Dalton mentioned the company has offered to paint the tower Tea Chest Green unless the Board wants a different color.

David Clum mentioned that Carolina West and Skyline Telephone are working with the County on one of the towers they manage for emergency services.

Commissioner Irwin made a motion to approve the Ennice Special-Use Permit. Commissioner Leys seconded the motion. Vote 5:0.

Tom Terrell clarified the flush mount tower was not a condition.

The Board said no it wasn't.

Travis Dalton presented a Special-Use Permit application for a wireless tower facility off Spry Road. He explained the owner and Horvath Communications request approval for this tower that is a 120-foot monopole and has received a Conditional-Use Permit from the Planning Board.

Tom Terrell explained this site is owned by Dennis and Debbie Osborne and his sister, who lives in Colorado. He said the closest tower is 6.2 miles away. He said that one person spoke at the Planning Board hearing who said she didn't want a tower located here but understands the need for cellphone towers. He talked about a situation where the sister in Colorado has not signed the lease yet due to her circumstances. He explained that Dennis and Debbie Osborne have signed the lease.

Dennis and Debbie Osborne explained that his sister lives in Colorado. He talked about his sister's husband's recent health issues, he died last weekend but she will be signing the lease and sending it back.

Chair Smith said he was sorry for their loss.

Tom Terrell explained that he talked to the County Attorney about adding a condition on the permit that no building permit can be obtained until the signed lease is returned.

County Attorney Donna Shumate reiterated that this Permit will be contingent upon getting the signed lease.

Travis Bray discussed the Spry Road site and the coverage map showing proposed coverage along 93. He stated the existing tower is 30 feet.

Commissioner Irwin and Travis Bray talked about the current tower is on a power pole so the equipment will come off the power pole.

Tom Terrell talked about his experiences here have been excellent and his experiences in other places and thanked everyone for their cooperation.

Chair Smith and Commissioner Leys talked about the color is Tea Chest Green.

Commissioner Davis made a motion to approve the Special-Use Permit for the Spry Road site contingent upon the signed lease. Commissioner Evans seconded the motion. Vote 5:0.

Travis Dalton presented information concerning his research from the last meeting about towers. He reviewed his research from the surrounding counties; permit fee, max tower height, required co-location distance, allow for emergency services, abandoned towers.

Commissioner Irwin said that our current fees were put in place in 2001. Travis Dalton agreed. Commissioner Irwin talked about increasing the fee from here on out and the height could be looked at too.

Chair Smith talked about looking at the existing ordinance in place and asked has the Planning Board looked at this. Travis Dalton said no, not really because they are considering towers under the Property Rights Protection Ordinance.

Commissioner Leys talked about the amount of time that Travis Dalton spends on a permit. Commissioner Irwin said one way to look at it is we are losing money, and we are the cheapest county around. Commissioner Leys reviewed the fees. Commissioner Irwin reviewed the research.

Commissioner Leys asked Travis Dalton if he would ask Carolina West what the coverage would be with a 199' tower. Travis Dalton said he will contact them.

Commissioner Irwin asked does this need to go to the Planning Board. County Attorney Donna Shumate said the Commissioners have the option to refer it back to the Planning Board.

Chair Smith said he would like to take some time to review the ordinance.

Commissioner Irwin and Travis Dalton talked about he has 3 tower applications coming via FedEx this week.

County Manager Don Adams talked about the 3 applications that are coming in. He said he would defer to the County Attorney on vested rights.

Commissioner Leys talked about the most important thing to consider changing at this point is co-locating the County's emergency services communications.

County Attorney Donna Shumate said she don't know how to stop the 3 that are coming even with a moratorium. She talked about the time needed for a moratorium.

Commissioner Irwin said they might be interested in additional higher tower. He asked couldn't the application include language about there is a possibility of additional tower height and increased fees. County Attorney Donna Shumate explained that the applications are already on the way so they have already a financial interest in the site prior to the application coming in. Commissioner Irwin talked about turning the application down if we wanted to and they can reapply after the changes have been made. County Attorney Donna Shumate stated not unless you have some legal grounds for doing so, and as long as they meet the requirements of the existing ordinance.

Commissioner Evans said Travis Dalton can have conversations with them about whether they would be interested in additional height and there may a couple of other changes too, if that happens. County Attorney Donna Shumate said then they could always withdraw their application but she doesn't think the Board can legally make them withdraw. Commissioner Irwin and the County Attorney talked about the application can be voted down if there are some legal reasons to do so.

Travis Dalton stated that the applications are for conditional-use permits.

Chair Smith and Travis Dalton talked about the next Planning Board meeting is on March 9 at 6:30pm.

Commissioner Irwin asked about moving it up. Travis Dalton explained after he gets the packet he has to review it and mail notices to the property owners in the 2,000 feet area, has to be in the paper and posted for two weeks.

Chair Smith said one possibility is for Commissioner Irwin to spend some time with the County Manager, County Attorney and Travis Dalton about the ordinance changes.

County Manager Don Adams said he would be happy to meet with Commissioner Irwin. He asked is this something to send to Planning Board or do it yourself. He talked about the 3 pending applications and are we trying to proceed. He asked is the Board attempting to put this in place for those applications or future applications. County Attorney Donna Shumate said she doesn't think the Commissioners have the ability anyway for stopping the 3 applications that are in the process. County Manager Don Adams asked is the Planning Board going to take this up or is this Board going to take it up because if the Planning Board is going to take it up then it needs to be a directive to come back within the next 30 days with some type of recommendation. He talked about trying to proceed forward with the 3 applications. She reiterated that people have already spent money relying on the current ordinance. Travis Dalton explained that he has been in conversation with these people for 2 or 3 months. County Manager Don Adams said that according to legal nothing can be done for these 3 applications and asked if is going to be the Planning Board or this Board to work on the changes. Commissioner Irwin said to use the Planning Board since we have them. Travis Dalton discussed a timeline for the Planning Board including their meeting on March 9, he can have multiple options for the Planning Board to consider then he can bring their recommendations back to the Board of Commissioners at the mid-month March meeting.

Commissioner Davis and Travis Dalton talked about these 3 applicants haven't said anything about any extra height.

Chair Smith asked if anyone has a problem with it going to the Planning Board. Commissioner Leys said that sounds like a good plan. Commissioner Davis said to let the Planning Board study it.

Chair Smith declared a brief recess at 8:28pm.

County Manager Don Adams presented budget amendment General Fund #12 in the amount of \$25,660. He explained the revenue for the budget amendment is from the State. He reminded everyone of John Blevins' conversations about this position's funding; 100% covered this fiscal year and next year it may cost the County \$4,000.

Commissioner Leys stated that someone has been hired for this position.

Commissioner Leys made a motion to approve budget amendment General Fund #12 in the amount of \$25,660. Commissioner Davis seconded the motion.

Commissioner Irwin talked about the position has already been approved.

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

County Manager Don Adams presented budget amendment General Fund #13 in the amount of \$633. He explained that this is for a vehicle accident involving a deer.

Commissioner Irwin and County Manager Don Adams explained what happened in this incident and this is putting the insurance proceeds in place for the repair.

Commissioner Leys made a motion to approve budget amendment General Fund #13 in the amount of \$633. Commissioner Davis seconded the motion. Vote 5:0.

County Manager Don Adams announced that the Town was awarded the Farmers Market Grant. He explained that the Town Manager and he will be working out the budget.

Commissioner Leys and County Manager Don Adams talked about this is from NC Department of Commerce, and is a new grant.

Chair Smith thanked everyone involved in the grant.

Commissioner Leys and County Manager Don Adams talked about we applied for \$50,000, and assuming the best until we learn otherwise.

Chair Smith opened the floor for public comments. None were received. He closed that portion of the meeting.

Commissioner Evans talked about he and Commissioner Irwin attended the joint committee meeting last week with the school board. He said there are challenges, and they want the full boards to get together a couple times a year. He explained some items that they have done on maintaining the buildings.

Commissioner Irwin reminded everyone that the revaluation appeal deadline is approaching.

Commissioner Leys explained that the DSS board has met several times on getting a director and is making some progress. She said that they have also hired the other vacant positions.

Commissioner Evans made a motion to enter into closed session under NCGS 143-318.11 (a) (3)—legal and (a) (6) —personnel at 8:42pm. Commissioner Davis seconded the motion. Vote 5:0.

Commissioner Davis made a motion to adjourn closed session at 9:22pm and reconvened the regular meeting. Commissioner Leys seconded the motion. Vote 5:0.

Chair Smith stated no action was taken during closed session.

Being no further business, Commissioner Irwin made a motion to adjourn at 9:23pm. Commissioner Evans seconded the motion. Vote 5:0.

Respectfully submitted,

Attest:

Karen Evans
Clerk to the Board

Tom Smith
Chair