

The Alleghany County Board of Commissioners met in regular session on Monday, February 4, 2013, at 6:30pm in the Board Meeting Room of the County Administration Building, 348 South Main Street, Sparta, North Carolina.

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

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

Chair Cox stated that the agenda needs to be amended to change the date of the agenda to February 4, 2013, meeting, add motion on the minutes for the December 17, 2012, meeting, request from County Manager to discuss refinancing two USDA loans and a request from Commissioner Goudreau for a resolution.

Commissioner Goudreau made a motion to approve the amended agenda for this February 4, 2013, meeting. Commissioner Smith seconded the motion. Vote 5:0.

AGENDA  
Monday, February 4, 2013  
6:30 PM

- 6:30 Meeting Called To Order, Pledge of Allegiance and Silent Prayer  
Motion on Agenda for February 4, 2013 meeting (corrected the date)  
Motion on Minutes from the December 17, 2012, meeting (added)
- 6:35 A. Public Comments—30 minutes  
B. Rita Miller (Tax Administrator)-RE: Report of unpaid taxes, date of advertisement of tax liens, 2013 insolvents and annual report. Actions Requested – Choose a date to advertise tax liens in the newspaper. Vote on whether or not to approve the 2013 insolvents.  
B. 1. Commissioner Goudreau—Resolution (added)  
C. General Business  
1. FY 2013/14 Budget Schedule – Action Requested – Vote on whether or not to approve the budget schedule.  
2. Bridge Resolution – A resolution supporting the naming of Prather Creek Bridge on Highway 221 (Bridge No. 9) for fallen Deputy Sheriff Charles B. Shepherd. Action Requested – Vote on whether or not to pass the resolution of support.  
3. Social Services Child Daycare Budget Amendment – General Fund Budget Amendment # 9 in the amount of \$1,209. Additional funds from the State for child daycare subsidy. No County funds needed. Action Requested – Vote on whether or not to approve General Fund Budget Amendment # 9.  
4. 2013/14 Legislative Goals – General discussions regarding the North Carolina Association of County Commissioners adopted goals. No action requested at this time. A proposed resolution of support will be placed onto the next agenda.  
5. Board of Education Joint Meeting – The Alleghany County Board of Education wants to set up a joint meeting with the County Commissioners to discuss facility needs. Action Requested – Decide whether or not to hold a joint meeting and if so name some potential dates.  
6. USDA Loans Refinancing Discussions (added)  
D. Adjourn

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

Dennis Smith spoke people calling for the end of the US Constitution and these some of people have a problem with the second amendment. He read the second amendment. He said that many politicians will pick and choose the parts of the Constitution that they like. He continued talking about the Constitution. He talked about every person who has a public office taking an oath to support the Constitution. He named others who take an oath. He continued talking about people who have taken oaths to protect and defend the Constitution of the United States. He talked about actions across the nation regarding supporting the Constitution including reading a resolution that the Utah Sheriff's Association supported. He further talked about other actions of other sheriffs across the nation including conversations about the starting of a civil war if things continue to happen. He stated that he is going to ask the Board to support the Constitution. He said he has a copy of a resolution drafted in El Paso County, Colorado. He asked the Board to adopt a resolution like this. He asked each

Commissioner what they are willing to do to support the constitution. He read a prayer that was offered by a NC County Commissioner.

Brandon Hawks came before the Board to talk about the recent planning meeting of the Commissioners. He said for the time he stayed at the meeting the policy discussion was weak, very weak. He talked about bike trails and dreams are nice and fancy but he doesn't think anyone here has asked themselves what is the role of government. He stated everyone has their opinions but can agree on certain basic aspects. He listed out those basic aspects. He talked about the economic developer not being included in these discussions, which was wrong. He further talked about not getting into economic affairs because the Board members aren't entrepreneurs. He talked about things, such as, the budget, debt, spending, taxes, which are things that control economic growth. He explained that there were no conversations about cutting the budget. He stated that it seems that everyone is afraid to make a move. He said that it seems like the Board doesn't want to take a risk; if not then step down. He talked about the nonsense of tourism. He said that we always are dependent upon people coming here to spend money to make us better, which it does not do. He talked about going to Raleigh to talk to the politicians as the same thing; they don't care about us. He further talked about the public workforce praise but not the private workforce. He asked about them. He said to get out of the bubble. He talked about the merchants and downtown businesses are becoming extinct, and they would like a voice. He explained that economic development will help the budget situation. He talked about the increase in the budget and the county hasn't gotten better. He quoted Patrick Henry. He said he is willing to know the whole truth. He talked about going back to the basics, and what is the role of government. He talked about how it takes risks.

Gene Jones said he encourages the Board to think about the resolution that is going to be presented tonight. He further said that this is a reminder to the Board that they took an oath to uphold the Constitution. He talked about he has studied the constitution and has been an elected official. He reiterated that the Commissioners took an oath and people expect the Commissioners to uphold the Constitution. He talked about how he has and uses guns. He said it takes a person to make a gun do something. He talked about deranged people. He said that the people he knows that have guns don't own assault weapons; they own defense weapons. He gave examples of his home being shot into numerous times over 18 months. He gave another example of another person. He continued with his example on his property. He said he wants the Board to think about the resolution and uphold the Constitution. He stated that he has a concealed carry permit and respects the law. He said that this county is a pro-gun county. He stated his appreciation for the Board's work but he wants the Board to think about their oath and would like to see the Commissioners uphold it.

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

Commissioner Leys made a motion to approve the minutes from the December 17, 2012, meeting. Commissioner Goudreau seconded the motion. Vote 5:0.

Rita Miller, Tax Administrator, explained that in February each year, the Tax Collector must report to the Commissioners the total amount of unpaid taxes for the current fiscal year that are liens on real property. She explained that the unpaid 2012 taxes as of January 28, 2013 is \$835,059.89 for a collection rate of 89.6%. She asked about an advertising date to advertise the tax liens. She recommended the week of April 24, 2013, which is the same as last year.

Commissioner Goudreau made a motion to advertise the tax liens the week of April 24, 2013. Commissioner Davis seconded the motion. Vote 5:0.

Rita Miller said that the affected property owner will receive a letter at least 30 days prior to then advertisement. She presented the motor vehicle insolvent list for 2013 in the amount of \$18,167.18. She explained that these taxes are older than 10 years old and cannot be collected.

Commissioner Smith and Rita Miller talked about the enforceable collections would have to have been started before September 2012.

Commissioner Leys and Rita Miller talked about the only way to collect these taxes are if they offer to pay.

Chair Cox and Rita Miller talked about this is for taxes older than 10 years.

County Manager Don Adams and Rita Miller talked about this is for all motor vehicles. The County Manager talked about the new tag/tax collection method will over time eliminate the vast majority of these.

Commissioner Smith made a motion to accept the insolvent list.

Commissioner Leys asked if the County doesn't have any other means to collect. Rita Miller said only if they walk in and offer to pay. Commissioner Leys said she recognizes a lot of the names with small affordable amounts.

Chair Cox and Rita Miller talked about how the Tax Office has been more aggressive on collections and these are over 10 years old.

Chair Cox seconded the motion on the floor.

Rita Miller said this year's is considerable less than last year.

Commissioner Leys and Rita Miller discussed talking to the County Attorney about this is the last resort.

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

Rita Miller presented the 2013 real and personal property insolvents in the amount of \$15,540.23. She explained the description of the properties listed on the report.

Commissioner Smith and Rita Miller talked about the deed certification process.

Commissioner Davis and Rita Miller talked about if these are declared insolvent then what happens next year.

County Attorney Donna Shumate explained that these are only for taxes owed for 2002, and this has nothing to do with current year taxes. She reiterated that they are only 2002 taxes.

Commissioner Leys and Rita Miller talked about a business on the list that is not in business anymore.

Commissioner Davis made a motion to approve the 2013 insolvents for real and personal property. Commissioner Leys seconded the motion.

Chair Cox explained that this is hard to do. He told Rita Miller that she is doing a good job but this is hard to do.

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

Rita Miller presented the Tax Office's annual report. She provided information about the assessment department including staff and their responsibilities, number of parcels/personal property listings/business listings. She talked about the present-use value program, the various exclusion and exemption programs. She further talked about their auditing process. She stated that the 2012 assessed values are \$1,660,696,911. She presented information regarding the collection department including staff and their responsibilities, having 13,000 registered motor vehicles, working to improve the delinquent tax collections. She explained that they have collected delinquent real property taxes in the amount of \$327,835.39 and delinquent motor vehicle taxes in the amount of \$55,105.89. She reviewed that \$109,988.09 was collected through payment agreements, \$58,487.64 through garnishments and \$21,044.10 through the debt set off program. She talked about the Tax Office staff put forth a tremendous amount of work in their responsibilities.

Chair Cox and Rita Miller talked about how long Alleghany County has been participating in the debt set off program. She explained how the debt set off programs works.

Commissioner Smith and Rita Miller discussed how the Tax Office has been pleased with the debt set off program.

Commissioner Goudreau and Rita Miller talked about the audits and how the parcels are selected for an audit.

Commissioner Smith and Rita Miller talked about the exemption programs and making people aware of these programs. She talked about the programs and the qualifications for the programs.

Commissioner Leys and Rita Miller talked about the income level currently is \$28,000.

Chair Cox and Rita Miller talked about the County administering and collecting the Town of Sparta's tax including that the County received around \$6,800 last year.

Commissioner Goudreau read the An Alleghany County Resolution to Preserve and Defend the Constitution of the United States and the State of North Carolina. He said this is a proposed resolution that he would like for the Board to consider. He further said that the Board has already heard some comments, and the Commissioners know how the people in Alleghany County feel. He said yes the Commissioners took an oath.

Commissioner Goudreau made a motion to adopt the resolution as written.

Commissioner Goudreau talked about he knows the County Manager has concerns about the language pertaining to him. He explained that he has spoken to the Sheriff and there is no problem there.

Commissioner Smith explained that he listened closely to Mr. Jones earlier in the meeting, was raised in a house with guns and everyone in this room probably has guns. He said that he got this by email and looked at it yesterday. He talked about this is being debated by the senate. He further talked about one issue is the background checks, and at one time the head of NRA was interested in this. He said he was a little confused by that. He further said that he would like to spend some time with this document and there is some wording that he is not 100% comfortable with.

Commissioner Goudreau said that background checks aren't part of it.

Commissioner Smith said it mentions extreme background checks.

Commissioner Goudreau talked about how the Board can debate every word.

Commissioner Smith said which we have done before.

Commissioner Goudreau agreed. He stated that the real key is people's second amendment rights, and they are being infringed upon.

Chair Cox asked for a second. No one spoke.

Commissioner Leys asked the County Attorney about the legal options.

County Attorney Donna Shumate explained that procedurally there is a motion, a second discussion then a vote or if there is no second then the Board cannot proceed.

Chair Cox asked for a second. No one spoke.

Commissioner Leys says she is pro gun, has some guns in her house and wouldn't hesitate to use them. She explained that she doesn't feel like the Board has enough information, and her concern about some of the wording isn't accurate. She talked about she doesn't think the County Manager can manage the Sheriff in any way except financially.

Commissioner Goudreau talked about the County Commissioners can only control the budget legally in regards to the Sheriff.

Commissioner Leys read the portion in the resolution about the County Manager. She said that she doesn't think the County Manager can authorize the Sheriff to do anything.

Commissioner Goudreau said it doesn't say that. He talked about the language in the resolution regarding the County Manager and the County funds.

Chair Cox asked for a second. No one spoke.

Motion dies due to lack of a second.

County Manager Don Adams presented the proposed budget schedule for fiscal year 2013/14. He read the proposed dates. He said by law he has to present his budget to the Board by June 1, which is on a Saturday. He requested that particular meeting be the week of May 30. He said if the Board is comfortable with this schedule, he can start with the departments.

Chair Cox talked about the last work day is June 28.

County Manager Don Adams talked about the public hearing is to hear the public comments regarding the budget. He talked about the public hearing can be held mid-June.

Commissioner Leys made a motion to approve the proposed budget schedule. Commissioner Goudreau seconded the motion. Vote 5:0.

County Manager Don Adams presented a resolution regarding a proposal to name a bridge in Scottville. He read the proposed resolution titled Naming Prather Creek Bridge on Highway 221 (Bridge No. 9) For Fallen Deputy Sheriff Charles B. Shepherd.

Chair Cox and County Manager Don Adams talked about the County has met all of the requirements for DOT.

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

Chair Cox noted that members of the Shepherd family are in attendance at this meeting.

Commissioner Leys talked to the family by saying it is an honor to name this bridge for their family and it's a shame that he didn't get to know them.

County Manager Don Adams presented budget amendment General Fund #9 in the amount of \$1,209 for additional child daycare monies.

Commissioner Goudreau made a motion to approve budget amendment General Fund #9 in the amount of \$1,209. Commissioner Davis seconded the motion. Vote 5:0.

County Manager Don Adams talked about the Board going over the legislative goals at the planning session. He said at the next meeting the legislative goals will be put on the agenda for a proposed resolution of support.

County Manager Don Adams explained that the Board of Education has requested a meeting to look at facility needs with focus on the High School and school safety. He said the Board can select dates for the meeting or let the Board of Education select some dates. He further said that the first discussion is whether to have the meeting or not.

Commissioner Leys said she would welcome a meeting to learn about the capital needs and safety concerns.

Chair Cox and the County Manager talked about the last time this type of meeting occurred. The County Manager explained that he thinks this is going to be more long-term planning at the High School and safety concerns are more about the security of the facilities.

Commissioner Smith and County Manager Don Adams talked about this would be similar as before like a walk through. The County Manager talked about meeting times.

Commissioner Leys asked about proposed dates. County Manager Don Adams said the Board can select some or let the Board of Education decide on some recommended dates.

The Board talked about dates/times for the meeting. County Manager Don Adams said he recommends giving several dates. The Board decided on February 27 then March 6 as a backup date at 4:30pm.

County Manager Don Adams talked about two loans he would like to have conversations about refinancing. He said that both USDA loans, and they are tied to grants. He explained how the grant system works through USDA. He said that the projects are finished. He explained that there are no prepayment penalties. He further explained information about refinancing these two loans including borrowing the money on real property, 15-year loan at 3% or 2.5%. He talked about the budget impact

including the additional amount of money needed being either \$34,032 or \$38,177 depending upon the interest rate. He further talked about the current interest rate and the amount saved in interest would be \$616,292 to \$648,964. He explained if the Board wishes to proceed then there has to be a public hearing, go thru the LGC, and has to get exact payoff amounts for the two loans. He said that the numbers can vary because of when the payoff amount is received. He further said that he has spoken to banks and what the interest rate would be today. He reiterated that if the Board agrees to move forward then the next step would be the public hearing and submitting LGC application which would cost \$1500. He talked about other costs associated with the refinancing, and he is estimating the costs to be \$5,000-\$7,000.

Commissioner Smith and the County Manager talked about refinancing dramatically reduces the interest paid over the life of the loan.

The County Manager explained that conversations with the LGC and they said to give thought of coming up with the additional \$34,000 per year. He further explained the LGC including they will make the County submit an application and prove everything he is telling the Board. He said that the hardest thing is to come up with the additional monies.

Chair Cox talked about the payments reduces annually.

County Manager Don Adams talked about the LGC requirements of level principal payments.

Chair Cox asked if the Board decides to say yes, will that commit the County. County Manager Don Adams broke out the timeline and said his deadline is the next meeting of deciding to move forward by the 18<sup>th</sup>, and then have the public hearing on March 4 so the closing date will be mid April. The County Manager explained if the Board waits past the next meeting it pushes the closing back to May and the importance of the interest rate.

Commissioner Leys talked about it is projected that interest rates are going to increase. She further talked about the Board can have the County Manager pursue this and get the numbers then decide.

Commissioner Leys made a motion for the County Manager to pursue refinancing the County's two USDA loans. Commissioner Smith seconded the motion.

Commissioner Goudreau said that it makes sense to save the \$600,000 over a period of time but this is adding money to the budget. He further said that everyone needs to keep that in mind. He stated that something needs to be removed from the budget to make up the additional money then he would have no problem supporting it.

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

Chair Cox talked about the goals that were discussed and will be discussed at a future meeting. He further talked about the planning session and the County putting forth a proposed goal about the Department of Transportation's equity formula. He explained that it was well received by the rural counties, there was good support and was referred to committee with good feedback.

Being no further business, Commissioner Goudreau made a motion to adjourn at 8:04pm. Commissioner Leys seconded the motion. Vote 5:0.

Respectfully submitted,

Karen Evans  
Clerk to the Board

Attest:

Larry Cox  
Chairman