

The Alleghany County Board of Commissioners met in regular session on Monday, February 16, 2009, at 3:30pm 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 Steve Roten, County Attorney Donna Shumate, County Manager Don Adams and Clerk to the Board Karen Evans. Commissioner Milly Richardson was present but arrived late.

Chair Ken Richardson called the meeting to order.

Commissioner Randy Miller led the Pledge of Allegiance and opened the meeting with a prayer.

Commissioner Doug Murphy made a motion to approve the agenda for this February 16, 2009, meeting. Commissioner Randy Miller seconded the motion. Vote 4:0.

AGENDA  
Monday, February 16, 2009  
3:30 PM

- 3:30 Meeting Called To Order, Pledge of Allegiance and Prayer  
Motion on Agenda for February 16, 2009, meeting  
Motion on Minutes for February 2, 2009, meeting  
Motion on January Tax Releases & Refunds
- 3:35 A. Public Comments—30 minutes  
B. Board of Elections  
RE: Staff  
C. Kathy Murphy  
RE: Appeal Procedures  
D. William Simons  
RE: Appeal  
E. Joy Hines  
RE: Finance Office Annual Report  
Audit Contract  
401 K Contract  
F. Senior Services Annual Report  
G. Extension Service Annual Report  
H. County Business  
1. Fuel Oil Contract  
2. Library Annex Lease Agreement  
3. Fairgrounds—\$15 Fee  
4. Alleghany Memorial Hospital Resolution  
5. Ordinance Regarding Building Permits and Unpaid Taxes  
6. Other Business  
7. Closed Session—NCGS 143-318.11 (a) (3)—legal  
8. Adjourn

Commissioner Randy Miller made a motion to approve the minutes for the February 2, 2009, meeting. Commissioner Steve Roten seconded the motion. Vote 4:0.

Commissioner Randy Miller made a motion to approve the real and auto refunds for January. Commissioner Steve Roten seconded the motion. Vote 4:0.

Commissioner Randy Miller made a motion to approve the real and auto releases for January. Commissioner Steve Roten seconded the motion. Vote 4:0.

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

Commissioner Milly Richardson joined the meeting at 3:37pm.

Ed Adams, Chairman of the Board of Elections, presented statistics concerning the Board of Elections including the number of registered voters and changes plus 2008 elections results in regards to registered voters. He talked about the clerical side in the Elections department. He explained the process for selecting the elections workers and board members. He expressed their appreciation to the Elections' staff and poll workers. He talked about assistance provided to the candidates. He further talked about the Alleghany Kids Vote program including past events and upcoming events. He talked about their required trainings, certifications and instant runoff voting. He thanked the Board for the security at the Courthouse last week, and everyone was very appreciative of the security.

Rudy McKnight stated that it is an honor to work with Tom Smith and Ed Adams on the Elections board. He agrees with everything Ed has mentioned. He talked about the Kids Vote program. He explained that the program educates the kids about learning what the candidates stand for. He talked about two of the 14 kids have been asked to be pages in Raleigh. He further talked about the parties have to be in compliance with the voting laws, and everyone needs to recognize and compensate that. He thanked the Board.

County Manager Don Adams reviewed the outline of the planning appeal discussions that is getting ready to occur. He reiterated that this appeal and all appeals must be a quasi-judicial hearing. He talked the need to have an organizational conversation first. He reviewed the packets. He reviewed the notification requirements including the state law requirements, Property Rights Protection Ordinance requirements, current policy and other practices. He stated that every appeal that has been heard has had questions regarding the notifications. He said the Board can amend the notifications. He further said that today's discussion will center on quasi-judicial hearings and vested rights.

County Attorney Donna Shumate explained the Commissioners will be functioning as the Board of Adjustments. She reviewed the process of quasi-judicial matters. She read the North Carolina General Statute regarding conflict of interest and explained that the proceeding requires oaths, rules of evidence and testimony must be sworn. She talked about the Board will need to have discussions regarding the findings of fact and a decision on the matter. She further talked about quasi-judicial hearings require 4/5 vote. She reviewed vested rights from Section 13.9 of the Property Rights Protection Ordinance and common law vested rights, which require the situation to meet all four of the criteria.

Chair Ken Richardson and County Attorney Donna Shumate discussed the options available to the Board after the appeal and their legal obligation to make a decision.

Commissioner Steve Roten and County Attorney Donna Shumate discussed that State law sets the 4/5 rule in the General Statutes.

County Manager Don Adams and County Attorney Donna Shumate discussed what happens if a 4/5 vote cannot be reached. She stated that 3/5 vote doesn't reverse the order.

County Manager Don Adams reminded everyone that this appeal is to override an administrative decision. He asked the County Attorney what is the next step after the appeal.

County Attorney Donna Shumate explained that the decision is subject to be appealed to Superior Court with 30 days after the Board's decision. She explained this is why the findings of fact are so important and a verbatim transcript will be prepared if it is appealed.

Commissioner Steve Roten and County Attorney Donna Shumate discussed that the 4/5 vote requirement changed in August 2007.

Commissioner Milly Richardson, Commissioner Doug Murphy and County

Attorney Donna Shumate discussed that the change came into effect after the ordinance adoption but that doesn't matter because the voting requirement is in effect now.

Chair Ken Richardson opened the quasi-judicial appeal hearing.

Chair Ken Richardson asked the Board members to disclose any conflicts affecting their abilities to be impartial. No one spoke.

Chair Ken Richardson asked the County Attorney if there are other rules that needs to be discussed other than the ones previously discussed.

County Attorney Donna Shumate stated that there is nothing else. She reiterated the rules being like a court setting where people can only provide sworn testimony and evidence has to be submitted to be considered.

Clerk to the Board Karen Evans administered the oath to anyone wishing to speak concerning the appeal; Kathy Murphy, Mario Gonzalez, Junior Townsend, Rita Miller, William Curtis Simons, Ken Mount.

Kathy Murphy, Planner, started reviewing the series of events concerning the appeal beginning with the complaint being investigated on October 24, 2007. She noted the dates and activities that occurred through January 24, 2009. She presented a PowerPoint presentation that showed the subdivision plat showing Simons lot 14, conveyed on May 18, 1994 and lot 13, conveyed on February 16, 1995; property record card indicating outbuildings in 1994; aerial photography of the Simons property flown in March/April 2005; Bear Creek subdivision plat; approved subdivision plat recorded on May 17, 2006; photographs of the property dated October 24, 2007; photograph received by email on January 18, 2008 and April 2, 2008; photographs of site reinvestigation September 3, 2008; and information from DENR regarding auto wrecking and salvage yards requirements. She presented evidence in the case including the land development designation of rural, current use and prior use is residential subdivision, property deeds, aerial photographs were flown between March and April 2005 shows that no junk, trash or other debris were on the parcels at that time.

Rita Miller, Real and Business Personal Property Appraiser for Alleghany County, stated that she visited the property, sent a letter about a structure not on the tax card, received no response, sent the form for the listing process for a business, and heard back that he doesn't have a business. She explained that she checked with the North Carolina Department of Revenue for a definition of the word business for tax purposes. She further explained that they said they go by a privilege license, which Alleghany County does not have, and they go by a list of test to determine whether a person has a business.

Kathy Murphy continued with her evidence that she checked with Randy Blankenship in the Inspections department to see if a building permit had been issued and it hadn't; Mario's Development Corporation purchased the adjoining property on December 5, 2005, at which Mr. Gonzalez stated that there was no junk, trash or debris on the Simons property; August 3, 2006, Mario Gonzalez received approval for his entrance permit for two entrances to Bear Creek subdivision and apparently the junk, trash and debris were not present.

County Attorney Donna Shumate stated that people can only testify as to what happened, and the other information is a conclusion.

Kathy Murphy continued with her evidence that the Alleghany County Board of Commissioners approved the final plat for Bear Creek subdivision on August 7, 2006 and a preliminary plat for Buck Ridge at the same meeting; Alleghany County Board of Commissioners granted final plat approval on November 3, 2008, for Buck Ridge and the junk trash and debris were present on the Simons property at that time. She reviewed the pictures in the PowerPoint presentation again.

Mario Gonzalez stated that he is the adjoining property neighbor and that this

has been going on for a while. He explained his history of the property starting with his purchase of the property. He further explained that he has a good neighbor relationship with Mr. Simons but this is becoming an environmental issue and there are cars turned over on the property. He had packets to give to the Board that contain photographs and emails from people regarding their concerns.

County Attorney Donna Shumate stated that comments from other people are not allowed unless they are present today to speak their comments.

Kathy Murphy explained that these are photos that she did not have. She gave them the packet of information.

Mario Gonzalez stated that the community sees this as an eye sore and an environmental issue. He further stated that prior to his property purchase, the stuff was not there. He explained that he did see firewood but no scrap metal or a junk yard.

Commissioner Doug Murphy asked if there is a privacy fence between the properties.

Mario Gonzalez answered no.

Commissioner Doug Murphy stated like it seems like a common sense solution.

County Attorney Donna Shumate reminded the Board to discuss the issue at hand.

Commissioner Milly Richardson asked if he offered to buy the property.

Mario Gonzalez answered yes but he wasn't willing to sale.

Commissioner Milly Richardson asked when that was.

Mario Gonzalez answered after he started developing the property. He said he doesn't recall the date.

Commissioner Milly Richardson asked how many lots adjoin the Simons property; three on the upper side.

Mario Gonzalez answered lots 2, 3, 4, 5, 6, 7. He said the majority of them are sold. He further said that no homes are on these lots. He explained that one customer decided to not go through with purchasing property/building home because of this, and he lost the sale.

Commissioner Milly Richardson asked at what point in time this occurred.

Mario Gonzalez stated that he doesn't know the date but it was some time after the purchase of the property.

Commissioner Milly Richardson asked why he put the entrances/roads where he did.

Mario Gonzalez explained that the Department of Transportation has site distance requirements.

County Attorney Donna Shumate reminded the Board that this is not an issue if the business existed before the ordinance.

Chair Ken Richardson asked Mario Gonzalez if he does not remember this property containing the information that is being discussed.

Mario Gonzalez stated that it not exist, may be some lawnmowers.

Commissioner Milly Richardson asked for clarification on the deed date whether it was prior to the ordinance adoption.

Kathy Murphy explained that Mario Gonzalez transferred it to his company, Deerwood Park, LLC in August 2006.

Commissioner Doug Murphy asked if the property was transferred prior to the ordinance.

The Board of Commissioners, Kathy Murphy and Mario Gonzalez discussed the deed date and ordinance adoption.

County Attorney Donna Shumate clarified May 15, 2006, for the ordinance and December 5, 2005, for the purchase date.

Junior Townsend stated that when he built the roads for Mario Gonzalez he saw a lot woods and trees. He said there may have been some lawnmowers but what he saw was wood.

Commissioner Doug Murphy asked about the date.

Junior Townsend and Mario Gonzalez said 2005.

Chair Ken Richardson asked Mr. Townsend to the best of his remembrance did the property appear that way prior to May 16, 2006.

Junior Townsend answered no.

Commissioner Steve Roten asked if there was no junk.

Junior Townsend reiterated that there were lawnmowers right next to the building.

Commissioner Steve Roten asked about cars.

Junior Townsend stated that he couldn't see behind the building.

Commissioner Doug Murphy said so there were possibly some mowers on property when the roads were being constructed.

Junior Townsend said he remembered some next to the building.

Commissioner Milly Richardson said that Mr. Townsend had already said there was a lot of trees and couldn't see everything. Correct?

Junior Townsend answered yes.

Kathy Murphy clarified this is not about lawnmowers but it is about operating as a junk yard/scrap yard. She talked about junk cars started to appear and now there are numerous cars being stockpiled as evident in the more recent photographs. She talked about the photographs and asked the Board to look at the tanks in the pictures.

County Attorney Donna Shumate reminded everyone to consider the photographs not the emails because the photographs are the only things considered as evidence.

Mario Gonzalez stated their concern about the tanks on the property and the environmental issues.

Chair Ken Richardson asked to the best of Mr. Gonzalez's knowledge did this not appear prior to May 16, 2006.

Mario Gonzalez answered no, it did not exist.

William Curtis Simons said he did have a permit for the building and that guy has built a lot of steel buildings, the lawnmowers were never a business, his son came and

would change the spark plugs. He talked about when Mario Gonzalez offered to buy the property there was three Chevrolets and one van on the property. He said he got hurt in 2004, and people started bringing refrigerators\ scrap and dropped them off. He said that he didn't do anything for 1 ½ years because he was hurt. He further said that he had junk cars at Cliff's since he got hurt, and he has been selling junk for 30 years. He stated that Steve Kennedy came got a motor after he got hurt.

Commissioner Doug Murphy asked when Mr. Simons got hurt.

William Simons stated that it was January 24, 2004.

Commissioner Milly Richardson asked if the accident left him in a wheelchair and had to have extensive therapy and was unable to work that covered most of 2004 and 2005.

William Simons agreed and said that this is not a business because he is just doing it on the side. He talked about she must have had the wrong address or something because he didn't get the letters.

Chair Ken Richardson asked what existed on his property prior to May 16, 2006.

William Simons stated that there were still a few vehicles in the woods, three pickups and a van when Mario tried to buy the property. He explained that a guy moved them for him and Steve took the motor. He further explained that she didn't see anything in the pictures because he was hurt.

Commissioner Doug Murphy asked prior to this, was Mr. Simons was doing something on the property.

William Simons answered yes since 1995.

Commissioner Steve Roten asked scrap stuff.

William Simons stated that he has been doing this for 20 some years. He said he had vehicles on Cliff's land prior to that because he lived in town and the town wouldn't allow them. He said that Cliff Rector couldn't be at this meeting because he is working tobacco. He further said that the tax woman said to clean up some of this stuff. He stated that he cleaned up some of it but he told her he wasn't getting rid of his antique cars.

Ken Mount stated that he knows William Simons and Mario Gonzalez, and agreed that Mario had given William some wood and him some too. He further stated that when William got hurt he moved the cars for him.

Chair Ken Richardson asked if this was a business prior to May 16, 2006.

Ken Mount asked what is classified as a business.

Chair Ken Richardson explained as clarified by staff earlier; money exchanged between parties for goods.

Ken Mount stated that no he was not doing a business. He further stated that there were old cars in the woods.

Kathy Murphy readdressed a couple of issues; postal service attempted on three separate occasions to deliver certified, return receipt letters and she has the returned letters in hand that have been returned as undeliverable. She explained that she was advised to mail letters again, one certified and one uncertified, because the purpose was to get the notice to him to get him to come into the office. She further explained that one letter was delivered.

Chair Ken Richardson asked if the address was the same on all of the letters.

Kathy Murphy agreed and stated that the information came from the County tax

records. She explained that lawnmowers was discussed when he came in the office, the building and stuff in the building, lawn mower business belonged to his son and S&S Firewood is his son's business. She said she wanted to clarify that if someone discontinues use for 180 days then they lose their vested rights and the Property Rights Protection Ordinance applies to a business operating on a particular parcel of land.

Commissioner Milly Richardson says she has questions based on the ordinance. She talked about vested rights for a business. She read Article 9 Nonconforming Uses and Buildings, Section 9.1 and 9.4. She says this says any use of the lot. She says she is confused because the ordinance does not say it has to be an established business. She talked about the violation spreadsheet presented by Kathy Murphy and the violation at 551 Sheriff Road, an illegal junk yard. She said she recalled no enforcement action taken because it was grandfathered in. She said her confusion comes from this person had a full-time job and not using this as a business but using the land. She asked what is different.

Commissioner Doug Murphy said he needs clarification of the Planning Board's actions.

County Attorney Donna Shumate stated that this wasn't action of the Planning Board but the County Planner.

Kathy Murphy explained business came into play from the definition of a junk yard. She stated that business is open for interpretation. She used examples.

Commissioner Milly Richardson asked again what is the difference between the Simon's case and 551 Sheriff Road.

County Attorney Donna Shumate stated that the Board is here to talk about the Simon's case not 551 Sheriff Road.

County Manager Don Adams talked about determining whether this is business or non-confirming use has vested rights.

Commissioner Milly Richardson stated that he does not have to prove it was a business.

County Manager Don Adams stated he has to prove it was being using prior to the ordinance as it is being used now.

Commissioner Milly Richardson and County Attorney Donna Shumate discussed the need to determine vested rights.

Kathy Murphy explained how she determined he didn't have vested rights because he didn't provide proof that he was doing business then as he is now.

Commissioner Doug Murphy asked does the aerial photographs show things stored in 2005.

William Simons agreed.

Commissioner Milly Richardson stated that in 2005 Mr. Simons couldn't pursue this because he was not physically able.

Kathy Murphy talked about if he was doing this in 1994/1995; he was not doing this in March/April 2005 so he would have to have started up again between then and December 2005.

William Simons stated that he still had vehicles there. He says this is not a business because to have a business you have to go everyday and work at that business.

Kathy Murphy stated that he has a right to live on the land, and if you start up a business then you have to get a conditional-use permit.

William Simons stated that he never quit.

Commissioner Randy Miller asked William Simons if, prior to May 15, 2006, did he receive any money for anything off of his property.

William Simons answered saying that he can't remember. He said that Steve Kennedy bought a motor off of him.

County Attorney Donna Shumate stated that the Board needs to decide on the findings of fact. She said that it does help the Board make a decision. She reiterated to agree on what each person can agree on. She says that she needs to know what the Board believes are fact. She stated that she would assume that everyone would agree that the property deed was recorded on May 18, 1994, to William Curtis Simons and wife, Louella Simons. She further stated that she would like for the Board to tell her which ones they believe.

Chair Ken Richardson stated that the property was purchased in 1994. The Board agreed.

County Attorney Donna Shumate stated that evidence presented showed Mario's Development Corporation purchased their property on December 5, 2005.

Chair Ken Richardson asked if the Board agrees with that. The Board agreed.

County Attorney Donna Shumate asked about the aerial photograph.

Commissioner Doug Murphy stated that he doesn't know because he can't tell what is stored on the property.

Commissioner Milly Richardson stated that she can't see what is in the woods.

County Attorney Donna Shumate asked about the aerial photograph being flown in March/April 2005.

Chair Ken Richardson asked if the Board agrees about it being flown in March/April 2005.

The Board of Commissioners and County Manager Don Adams discussed the timing of the aerals being flown.

County Attorney Donna Shumate stated that the Board needs to either accept the date as a fact or reject it.

Commissioner Steve Roten stated that he doesn't think it proves anything.

Commissioner Milly Richardson stated that you can't tell what is on the property.

County Attorney Donna Shumate and Kathy Murphy discussed that if the Board doesn't accept it as a fact then they don't accept it as a fact.

County Attorney Donna Shumate asked if the Board agrees there was firewood on the property.

The Board agreed.

County Attorney Donna Shumate asked if there was anything else the Board believes existed prior to the adoption of the Property Rights Protection Ordinance.

Commissioner Milly Richardson answered junk cars.

Commissioner Randy Miller said that Junior Townsend stated that he couldn't see in the woods but he did see lawnmowers.



Chair Ken Richardson stated that it sounds like to him that it is a true consensus of the Board about the firewood.

Commissioner Steve Roten stated that he knows personally from 1991 until the time he retired this past year that Mr. Simons had vehicles on the property in the 90's.

County Attorney Donna Shumate asked would the Board agree that vehicles were there.

Commissioner Milly Richardson answered yes.

Commissioner Doug Murphy stated that there was something there.

County Attorney Donna Shumate asked what was the property being used for prior to the enactment of the ordinance is the question.

Chair Ken Richardson stated that a home has vehicles but that doesn't show him that there was anything there before 2006.

County Manager Don Adams reiterated that the question is what the Board sees today, was it like that prior to the May 2006 date and the 180-day clause.

Commissioner Milly Richardson referred to the Property Rights Protection Ordinance Section 11.3 and vested rights in Section 13.9.

Chair Ken Richardson asked for action by the Board. He said that the Board has been given the options available and with the information outlined by the County Manager, County Planner and County Attorney.

Commissioner Milly Richardson made a motion to find that he does have vested rights for this particular use. Commissioner Steve Roten seconded the motion.

Commissioner Milly Richardson explained that this use is as defined as having items on his property that he sells.

County Attorney Donna Shumate asked is this for firewood, lawnmowers, cars, scrap metal or what.

Commissioner Milly Richardson stated all of the above.

Commissioner Doug Murphy asked if the vested rights is under item B in the Property Rights Protection Ordinance.

Commissioner Milly Richardson agreed and stated that her motion is vested rights B under 13.9. Commissioner Steve Roten seconded.

County Manager Don Adams stated that the Board may want to look at vested rights again.

Commissioner Milly Richardson stated that it is A rather than B, vested rights under A.

The Board voted on the motion on the floor. Vote 4:1 (Ken Richardson).

Chair Ken Richardson stated that the motion overturns the decision of the County Planner. He closed the hearing.

Commissioner Milly Richardson stated that she hopes that Mr. Simons and Mario Gonzalez will make every effort to rekindle the good neighbor relationship.

Commissioner Doug Murphy stated his appreciation to Kathy Murphy and her dedication. He talked about being good neighbors and using the common sense approach on issues.

County Attorney Donna Shumate explained there will be an order at the next meeting.

Commissioner Doug Murphy suggested that each Commissioner take a couple of minutes to list out the fact that each one thinks is relevant to the case.

County Attorney Donna Shumate agreed and asked the Board if they will provide those to her for the findings of fact.

County Manager Don Adams reiterated to write down what portion of this hearing convinced you that he had vested rights.

Commissioner Randy Miller stated that he was personally on the property in Spring of 2006 and there were junk cars then. He said he didn't say anything during the hearing because he was doing personal business at that time.

Commissioner Doug Murphy reiterated that it would be wise to plan a day to look at these ordinances. He talked about having the framework of common sense with the ordinances.

Joy Hines, Finance Officer, presented the audit contract for this year with Martin Starnes and Associates in the amount of \$37,725.

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

Joy Hines presented the 401-K agreement. She explained that 401-K changed from BB&T to Prudential.

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

Joy Hines presented the annual report for the Finance Office including the number of their computer transactions, flu shot clinic, NACo drug discount card available to anyone, First Charter changed over to Fifth Third, Register of Deeds added floodplain fee, open enrollment is the week of June 8-12, starting budget process soon, number of people covered through the County health insurance and investment rates are down.

Commissioner Milly Richardson stated that the Finance Office does an excellent job.

Wanda Brooks with Senior Services presented their annual report including information regarding the Appalachian senior programs and the foster grandparent program. She presented statistics on their number of volunteers, number of clients served and hours of service. She reviewed information about the foster grandparent program and the senior companion program. She introduced Tammy Taylor who works with these programs.

David Isner, Interim Extension Service Director, presented the Extension Service's annual report. He handed out their Report to the People. He reviewed the report's subheading and quotes, staff members, entity that does educational outreach, mission and vision and the educational programs, what they have accomplished, staff serves on over 30 committees/boards, 2008 & 2009 advisory council, where they are headed. He explained that Extension can respond at three levels; individual, family & community. He asked the Board to review the rest of the brochure.

Commissioner Milly Richardson stated that Extension Service does an excellent job.

David Isner invited the Board to come to their office any time.

Chair Ken Richardson thanked David Isner and Jacqueline Gordon for staying.

County Manager Don Adams discussed the fuel oil contract. He further discussed the proposals; G&B and Hometown. He explained that Hometown's rack costs are higher than G&B but markup is significantly lower with Hometown's overall costs being less than G&B's.

Commissioner Milly Richardson made a motion to approve the contract for Hometown. Commissioner Randy Miller seconded the motion. Vote 5:0.

County Manager Don Adams presented the library annex lease. He explained that the prior lease was for one year. He reminded everyone that they had requested a three-year lease but the County couldn't do the three-year lease until the County had advertised in the newspaper, and the ad has ran. He said that the Commissioners have to declare that the facility is not needed during the three-year time period and approve the lease for the three years if the Board decides to do so.

Commissioner Milly Richardson made a motion to declare that the facility is not needed during the three-year time period and approve the lease for the three years. Commissioner Doug Murphy seconded the motion. Vote 5:0.

County Manager Don Adams discussed a letter from John Miller on behalf of the sesquicentennial celebration regarding waiving the \$15 fee at the fairgrounds. He said that he has reviewed the minutes that say to not waive this fee. He reiterated the request for the sesquicentennial celebration and quilters' guild who is working on a quilt for the sesquicentennial celebration.

Commissioner Milly Richardson talked about the Board is going to have to do it for everyone.

County Manager Don Adams stated that it is only for local non-profits.

Commissioner Doug Murphy made a motion to make the fee non-waive able. Commissioner Milly Richardson seconded the motion.

Chair Ken Richardson asked what about the recommendations of the fairgrounds board.

County Manager Don Adams stated that this was a request from them. He reviewed the reasons for adding the \$15 a day fee with the initial reason being to get people to bring the keys back.

Commissioner Steve Roten asked why the money can't be refunded once they bring the keys back.

County Manager Don Adams said that he would recommend a per event fee.

Commissioner Doug Murphy amended his motion to waive the \$15 a day fee to a \$20 per event fee to be refunded once the keys are returned. Commissioner Milly Richardson seconded the amendment.

County Manager Don Adams talked the need to set a deadline as to when they get their refund.

The Board of Commissioners and County Manager Don Adams discussed the ways to address the key issues including the timeframe when the keys would need to be returned. They further discussed the need to enforce this across the board or not. County Manager Don Adams used examples of deadlines for the keys to be returned.

Commissioner Doug Murphy talked about taking this back to the fairgrounds board to let them make that decision.

County Manager Don Adams stated that he is on the fairgrounds board and they voted last year to charge the \$15. He said his recommendation is to release it and develop a way to charge a key deposit.

Commissioner Doug Murphy amended his motion to release the fees and send it back to the fairgrounds board in order to develop different means to collect for the keys. Commissioner Milly Richardson seconded the motion. Vote 5:0.

County Manager Don Adams presented a proposed resolution for Allegheny Memorial Hospital asking to be included on the federal stimulus package.

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

County Manager Don Adams presented an ordinance from Yadkin County that prohibits the issuance of building permits to delinquent taxpayers. He stated that this is what Mary Walker was talking about regarding mobile homes at the last meeting. He further stated that this type of ordinance requires state legislation approval. He explained that this would help with mobile homes tax collection and would help with all buildings. He said if the Board is interested this would be legislation to have Allegheny County's name added to the law.

The Board of Commissioners talked about the benefits of ways to collect taxes, building permits issued, how this would affect the contractors and the legislation deadlines.

County Manager Don Adams noted to the Board that he made an interdepartmental transfer for Social Services. He explained that the transfer is to move \$10,000 from Public Assistance to Social Services Professional Services. He explained that this falls within his authority, and he has to report it. He further explained that the funds are coming from funds that DSS isn't spending where that they thought would be. He said that the professional services are needed for a trial case that involves a child's welfare.

Chair Ken Richardson informed everyone that the Social Services Board is aware of this and approves this action.

Commissioner Doug Murphy reiterated about the possibility of having a meeting about ordinances just for clarity and not to change anything.

Chair Ken Richardson reminded everyone of the budget planning meeting on Monday, February 23 at 5:00pm.

Chair Ken Richardson discussed the sesquicentennial celebration last Thursday night. He talked about the favorable comments from those who attended. He said this is just the beginning and encouraged everyone to attend the upcoming events.

Commissioner Randy Miller made a motion to go into closed session at 6:28pm under NCGS 143-318.11 (a) (3)—legal. Commissioner Milly Richardson seconded the motion. Vote 5:0.

Commissioner Doug Murphy made a motion to adjourn closed session at 6:35pm and reconvene the regular meeting. Commissioner Milly Richardson seconded the motion. Vote 5:0.

Chair Ken Richardson stated no decisions were made during session.

Being no further business, Commissioner Steve Roten made a motion to adjourn at 6:36pm. Commissioner Randy Miller seconded the motion. Vote 5:0.

Respectfully Submitted,

Karen Evans  
Clerk to the Board

Attest:

Ken Richardson  
Chairman