

The Alleghany County Board of Commissioners met in regular session on Monday, February 20, 2012, at 10:00am in the Board Meeting Room of the County Administration Building, 348 South Main Street, Sparta, North Carolina.

Present: Chair Ken Richardson, Vice-Chair Tom Smith, Commissioner Larry Cox, Commissioner John Goudreau, Commissioner Steve Roten, County Manager Don Adams, and Clerk to the Board Karen Evans. County Attorney Donna Shumate was absent.

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

Chair Richardson stated that the items B and E needs to be rescheduled for another meeting.

Commissioner Roten made a motion to approve the amended agenda for this February 20, 2012, meeting. Commissioner Smith seconded the motion. Vote 5:0.

AGENDA  
Monday, February 20, 2012  
10:00 AM

- 10:00 Meeting Called To Order, Pledge of Allegiance and Silent Prayer  
Motion on Agenda for February 20, 2012, meeting  
Motion on Minutes for January 30, and February 6, 2012, meetings
- 10:05 A. Public Comments—30 minutes  
B. Steve Cothren Presentation (deleted)  
C. Rita Miller  
RE: January Releases and Refunds  
January Collections Report  
Motor Vehicle Appeal  
Solid Waste Fee Appeals  
Board of Equalization and Review Schedule
- D. Alleghany County Library Annual Report  
E. Alleghany County Rescue Squad Annual Report (deleted)  
F. General Business  
1. Budget Amendment—Social Services, Public Assistance  
2. Budget Amendment—Sheriff's Department, Insurance Proceeds  
3. Budget Amendment—Community Garden Initiative  
4. Budget Amendment—Transportation Fund, Rural Operating Assistance Program  
5. Qualified School Construction Bond—Piney Creek School Septic  
6. Northwestern Regional Library Contract Update  
7. Sertoma—Little League Football
- G. Commissioners Business  
1. Alleghany Memorial Hospital Request—Commissioner Goudreau  
2. National Defense Authorization Act—Commissioner Goudreau
- H. Adjourn

Commissioner Cox made a motion to approve the minutes from the January 30, and February 6, 2012, meetings. Commissioner Roten seconded the motion. Vote 5:0.

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

Dennis Smith came before the Board to continue conversations about the National Defense Authorization Act. He talked about since the Board's last meeting the Virginia house voted to nullify the Act. He read an article about Virginia's action. He named the other states and organizations that do not support the Act and read one organization's press release. He said at the last meeting, he ask that the Board to instruct the County Attorney to draft a resolution to preserve habeas corpus and civil liberties, and send a letter to our legislators. He further said all he can do is ask. He read a portion of the NC constitution. He read items that could flag someone as a terrorist. He talked about the FBI expanding their criteria for terrorists and listed some of the things on the FBI list. He said this is how freedom is lost. He talked about a new bill before Congress called Energy Expatriates Act. He described the proposed Act. He said that none of the things will do anything to protect people from terrorists. He further said to protect the people of the US, the first thing that should have been done is to make it as hard to cross the borders as it is to go through an airport. He implored the Board to act in defense of the republic and do whatever is necessary to preserve/defend individual liberties, preserve/defend the Constitution of the United States. He read a prayer that offered in the US Senate.

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

Rita Miller, Tax Administrator, presented the January auto releases and refunds.

Commissioner Smith made a motion to approve the January auto releases and refunds. Commissioner Roten seconded the motion. Vote 5:0.

Rita Miller presented the January real property releases and refunds.

Commissioner Roten made a motion to approve the January real property releases and refunds. Commissioner Cox seconded the motion. Vote 5:0.

Rita Miller presented the January 2012 collections' report. She explained that the first check from the debt setoff program has been received in the amount of \$6,620, which is for 55 accounts. She further explained that there are two pieces of property that are subject to the upset bid process from the recent foreclosure sales. She described the location of the properties, upset bid process is 3% above the current bid amount of \$1,908 on the first piece and \$2,961 on the second piece and the upset bids must be received by February 27.

Rita Miller presented a motor-vehicle appeal for a 2004 Kia Sedona Van with an assessed value of \$8,462, appraised value of \$4,500 and her recommendation is \$5,190, which is from the TEC software.

Commissioner Roten made a motion to accept the recommendation of the Tax Administrator. Commissioner Smith seconded the motion. Vote 5:0.

Rita Miller talked about a request to release residential solid waste fees. She explained that this is property that was previously used as apartments, electricity/water have been turned off, and is currently being advertised as storage units. She further explained that if the units are to be used as apartments again, the fees will be reinstated.

Commissioner Roten and Rita Miller talked about this request is for this coming year.

Commissioner Cox made a motion to approve releasing the solid waste fees. Commissioner Roten seconded the motion.

Commissioner Smith and Rita Miller talked about all of the units are going to be used for storage.

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

Rita Miller presented a solid waste appeal for a mobile home. She explained the condition of the mobile home on her site visit being the front porch has fallen off and caved in.

Commissioner Cox made a motion to approve releasing the solid waste fee. Commissioner Goudreau seconded the motion.

Commissioner Roten and Rita Miller talked about adding a stipulation of if power is turned back on to notify the Tax Office.

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

Rita Miller talked to the Board about setting the Board of Equalization and Review schedule in April. She further talked about the availability of the Board Meeting Room in April.

The Board agreed to hold the Board of Equalization and Review on Wednesday, April 4 at 6:30pm.

Debbie Brewer came before the Board to present the annual report for the Allegheny County Library. She reviewed the highlights and What's Happening at Your Library handouts. She talked about a region-wide fundraiser, which enabled them to have eBooks. She reviewed the year-end report. She explained their upcoming programs and upcoming computer classes. She talked about their fundraising activities. She further talked about their current sweetheart contest.

Commissioner Smith and Debbie Brewer talked about the Nooks and eBooks that are available. She talked about setting up a class about how to download eBooks.

Chair Richardson and Debbie Brewer talked about the library did a proposal for Golden Leaf monies. She explained the proposal for a technology center at the library.

County Manager Don Adams presented budget amendment General Fund #18 in the amount of \$32,894. He explained that this is federal low income energy assistance monies.

Commissioner Smith made a motion to approve budget amendment General Fund #18 in the amount of \$32,894. Commissioner Roten seconded the motion. Vote 5:0.

County Manager Don Adams presented budget amendment General Fund #19 in the amount of \$1,002. He explained that this is insurance proceeds where a 2006 Ford Explorer hit a deer.

Commissioner Cox made a motion to approve budget amendment General Fund #19 in the amount of \$1,002. Commissioner Roten seconded the motion. Vote 5:0.

County Manager Don Adams presented budget amendment General Fund #20 in the amount of \$7,000 for the community garden plan. He explained that this is regarding the memorandum of understanding that was passed at the last meeting. He further explained that this is a \$7,000 grant from the Health Department to the Extension Service for their community gardens.

Commissioner Roten made a motion to approve budget amendment General Fund #20 in the amount of \$7,000. Commissioner Smith seconded the motion. Vote 5:0.

County Manager Don Adams presented budget amendment Transportation Fund #1 in the amount of \$8,872. He explained that this is to budget for additional Council on Aging revenues, EDTAP revenues and employee fares/work first revenues and to budget for additional expenses in overtime, vehicle maintenance and fuel.

Commissioner Roten made a motion to approve budget amendment Transportation Fund #1 in the amount of \$8,872. Commissioner Smith seconded the motion. Vote 5:0.

County Manager Don Adams stated that he wanted to bring to the Board's attention that additional Qualified School Construction Bond (QSCB) monies are available. He explained that they are looking to reallocate these funds. He reminded everyone that these are the same funds as the loan for Glade Creek School and are 0% interest loans. He talked about the Piney Creek School septic system will be coming back before the Board. He explained that hopefully grants will be obtained for the system but grants will not pay the entire costs. He said he would like for the State to set aside QSCB funds for the system so they could be available, if needed, for the septic system.

Chair Richardson and County Manager Don Adams talked about the application says we are borrowing the money but there is no legal requirement to borrow the money.

The County Manager reviewed the process if the Board elects to borrow the money. He updated the Board about the progress of the septic system; land delineated, working with the Health Department to determine the proper system. He talked about instructing the architect to put together costs for the system to be able to use the information in the QSCB application.

Commissioner Cox made a motion to allow the County Manager to move forward applying for the QSCB monies. Commissioner Smith seconded the motion.

Commissioner Smith and the County Manager talked about this is the same program as the Glade Creek School project.

Commissioner Roten and County Manager talked about the laws changed on how the tax credits can be applied; Glade Creek's first loan is 1.9% and the second one is 0%. The County Manager explained how the tax credit would work for a bank, and the last he heard BB&T is still interested because the risk isn't there anymore.

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

County Manager Don Adams read the proposed change to the Northwestern Regional Library Contract. He recommended how to continue; if there are other recommended changes from this Board, after this Board is done, take it back to John Hedrick for it to be presented to the other counties. He talked about other changes may be coming back before this Board from other counties.

Commissioner Smith asked Commissioner Goudreau about the new language. Commissioner Goudreau answered yes he is fine with it.

County Manager Don Adams stated that he will send this back to the Northwestern Regional Library and will bring back final changes from other counties to this Board.

County Manager Don Adams talked about sertoma football. He reminded everyone that the Board asked the County Attorney to write a letter to the Commissioner of Insurance about some of the points and concerns from the last meeting. He said that the letter was sent on February 10 and started reading the letter. He talked about there was some question about the accident policy is why it was included in the letter. He continued reading the letter. He explained that we have not heard a response back. He talked about he thought it would be a good idea to talk about insurance for all of sports other than sertoma so everyone understands how Allegheny County's insurance works. He said that a parent comes in to sign up their kid, signs the bottom of the paper, fee is collected, and the County obtains \$10,000 excess medical insurance policy through Nationwide, which is the same as sertoma. He explained that this is an excess medical accident policy not a primary policy. He further explained that Allegheny County pays premiums on the players so the following people are also covered; all players, managers, coaches, cheerleaders, officers and official volunteers. He explained that the additional coverage is because the entire league is also covered under the same policy. He said that people get confused about the liability side. He talked about Allegheny County has liability insurance and we state that we run a Recreation Department, and it does cover us for liability. He said some confusion may be having liability insurance doesn't mean everything is covered medically that may occur. He read a statement that parents sign when signing their children up for sports through the Recreation Department. He used examples of situations where liability insurance could come into play and situations where it probably wouldn't. He stated people are confusing medical and liability insurances. He talked about parents are assuming some of the liability when they sign their children up for sports. He further talked about parents should read what they are signing when they are signing their children up for sports. He said now he wanted to switch to sertoma. He talked about policies should have been valid because Allegheny County paid for them. He said in the event the policy wasn't in place Allegheny County was not exposed to any more liability than the other sports that Allegheny County participates in. He talked about by the sear nature of sertoma running through Allegheny County's Recreation Department; Allegheny County was not exposed to additional liability. He explained the question before this Board is whether Allegheny County has staff involved in this process. He reviewed how staff has gradually become involved with sertoma over the past few years. He said that the Commissioners have three choices; to allow David Evans to continue with sertoma, allow staff to work with the new league being formed or get out of little league football. He explained why it would be hard for him to recommend staff to continue to work with sertoma. He further explained why it would be hard for him to recommend staff to continue to work with the new league being formed. He said at this point he cannot support staff being involved. He stated that unfortunately where he is at for the Recreation Director and county staff is that Allegheny County turns it back over to the volunteers for them to totally run it.

Chair Richardson and County Manager Don Adams talked about if the County takes the third option then the County's liability insurance will not cover football. They talked about the local sertoma board, and they are not an official board, they are in agreement to not split the little league, more complicated factor is 7<sup>th</sup> and 8<sup>th</sup> grade because there is an interest from the schools to have a strong regional league. The County Manager explained that if they play on Davis Field they would be required to name Allegheny County as an additional insured, which is different.

Commissioner Smith said for everyone to keep in mind that this program was started in 2005 and was dependent upon volunteers. He explained that over the years how the County got involved.

Commissioner Smith made a motion to adopt the third option to excuse ourselves from the youth football league. Commissioner Goudreau seconded the motion. Vote 5:0.

Chair Richardson declared a brief recess at 11:04am.

Commissioner Goudreau explained the Commissioners have been approached by Allegheny Memorial Hospital and with the request that was made he felt that this needed to get out in the open. He further explained that before the meeting he asked the County Manager about a referendum with information included in the Board's packets and the County Manager can review that information if the Board wishes. He said that he would like to have a public forum where the Allegheny Memorial Hospital explains the situation to the people.

Chair Richardson said that it is important that the public understands that the Hospital has not made a formal request to the Commissioners, which they can get on the agenda at any time, and it is then the Board's choice about how to proceed. He further said that he would encourage the Hospital board to make a formal request. He stated that he thinks all of the Commissioners have been talked to individually but no formal request has come before this Board.

Commissioner Goudreau explained his reason for public forum is to allow more dialogue.

Commissioner Smith stated he agreed. He talked about there are few issues that affect every citizen of this county of this magnitude. He further talked about the need for medical care. He stated that

the public would have a lot of questions and the Hospital staff/board could answer. He talked about this is a good step to let every citizen talk about this situation.

Commissioner Cox said that he thinks the Commissioners all are thinking on the same lines. He said that the County isn't in the hospital business. He talked about having the forum in the auditorium, set up some microphones, public ask questions and the Hospital provides answers. He talked about the public needs to hear how they got to where they are and how bad the situation is. He further talked about the need for medical care in this community.

Commissioner Roten said he agrees with what has been said.

Commissioner Goudreau talked about how to proceed to allow Don Adams to get with the Hospital board to suggest going that route or come make their formal presentation to this Board or do both.

Chair Richardson talked about the County would be involved like any other economic development deal. He further talked about we can't afford to lose 160-180 jobs.

Commissioner Goudreau talked about they could detail their long-range plan.

County Manager Don Adams reiterated what he has heard about contacting the Hospital. He stated that if the Hospital doesn't answer questions from the public then the public will come to the Commissioners for the answers. He said that he will call the Hospital to request that they make a formal request to the Board, suggest holding a forum and it will not be a County-ran forum but Commissioners could attend.

Chair Richardson talked about previous forums where the organization does the presentation but the County doesn't run the forum.

County Manager Don Adams said he will call the Hospital.

Commissioner Goudreau talked about the National Defense Authorization Act, and the resolution from El Paso, Colorado to preserve habeas corpus and civil liberties. He further talked about sections of the Act. He talked about the oath that all of the Commissioners took to support and maintain the Constitution. He stated that he would like for the County to come up some resolution to follow the other states and take it to the State legislators requesting them to follow other states.

Commissioner Goudreau made a motion to develop a resolution on the county level opposing the National Defense Authorization Act, Section 1031 and 1032 as it applies to US citizens and take it to the General Assembly to take the matter up.

Commissioner Smith talked about those two sections has some merit and has a lot of debate about it.

Commissioner Smith seconded the motion on the floor.

Commissioner Goudreau restated his motion.

Commissioner Roten asked if the resolution will closely follow the example from El Paso, Colorado. Commissioner Goudreau talked about needing the assistance of the County Attorney to write the resolution.

Commissioner Cox talked about there isn't just one side in opposition on this matter.

Chair Richardson reminded everyone that this was passed by the US House and US Senate, meaning that this is an issue that was addressed by both parties but if the President does veto this then it is another conversation.

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

Being no further business, Commissioner Cox made a motion to adjourn at 11:28am. Commissioner Goudreau seconded the motion. Vote 5:0.

Respectfully submitted,

Attest:

Karen Evans  
Clerk to the Board

Ken Richardson  
Chairman