

The Alleghany County Board of Commissioners met in regular session on Monday, May 19, 2014, at 10:00am 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 Manager Don Adams, County Attorney Donna Shumate and Clerk to the Board Karen Evans.

Chair Cox called the meeting to order. He spoke about the change in the order of the agenda.

Chair Cox stated that the following changes need to be made to the agenda; delete Billy West, Glade Creek Volunteer Fire Department Annual Report and Rescue Squad Annual Report, and add the County Attorney requested that a letter from Louise Paglen added as 3.b. and closed session-personnel after public comments.

Commissioner Leys made a motion to approve the amended agenda for this May 19, 2014, meeting. Commissioner Goudreau seconded the motion.

County Manager Don Adams asked about using the word invocation on the agenda on the next agenda. The Board agreed.

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

AGENDA  
Monday, May 19, 2014  
10:00 AM

- 10:00 Meeting Called To Order  
Motion on Agenda for May 19, 2014, Meeting  
Pledge of Allegiance and Invocation  
Motion on Minutes from May 5, 2014, Meeting
- 10:05 A. Rita Miller - Tax Administrator
1. April Releases and Refunds - Standard release and refund of both automobile and real property taxes due to reasons listed on report. Actions Requested – Vote on releases and refunds.
  2. April Collections Report - Monthly 2014 collection rates through April as compared to 2013 monthly collection rates. No action requested.
  3. Enforced Collections Report – Summarizes enforced collections for the month of February 2014. No action requested
  4. Payment Agreement Report - List of people with payment agreements who did not make payments. No action requested.
  5. Motor Vehicle Appeal – Action Requested – Vote on the appeal.
  6. Board of Equalization and Review Minutes – Minutes from the April 15, 2014, Board of Equalization and Review meeting. Action Requested – Vote on the April 15, 2014, Minutes.
- 10:15 B. Billy West – Daymark, Executive Director (deleted)  
RE: Update on Services Provided by Daymark Recovery Services. No action requested.
- 10:25 C. Kay Luffman – Juvenile Crime Prevention Council Chair
1. Juvenile Crime Prevention Council FY 2014/15 Grant Program. Action Requested – Vote on the request.
  2. Juvenile Crime Prevention Council Annual Report
  3. Alleghany Connections Annual Report
- 10:35 D. Andy Evans  
RE: Mixed Beverage Referendum Discussions  
Action Requested — Vote on Referendum to be on November Ballot.
- 10:45 E. Social Services Annual Report
- 10:55 F. Glade Creek Volunteer Fire Department Annual Report (deleted)
- 11:05 G. Rescue Squad Annual Report (deleted)
- 11:15 H. General Business
1. Region D Development Corporation (RDDC) Board Appointments  
Don Adams, Bryan Edwards, Dennis Gambill and Clark Hunter currently serve on the RDDC Board.  
Action Requested – Vote to Reappoint Don Adams, Bryan Edwards, Dennis Gambill and Clark Hunter to the Region D Development Corporation Board.
  2. E-911 Budget Amendment  
E-911 Budget Amendment #3 in the amount of \$1,120 to budget for a computer in Dispatch.

Action Requested – Vote on the Budget Amendment.

3. Wellness Committee Proposal

The Alleghany County Wellness Committee is proposing to begin a new wellness program for the employees on June 1, 2014. The program will focus on our top medical risk factors indentified by Blue Cross/Blue Shield. The committee is requesting \$5,000 annually for the proposed program. They are requesting to have access to \$1,000 prior to FY 14/15 to get started by June 1, 2014. Action Requested – Vote on the Request.

3.b. Louise Paglen Letter (added)

4. Quasi-Judicial Meeting Procedures. No action requested.

I. Commissioner Comments

J. Public Comments—30 minutes

Closed Session—NCGS 143-318.11 (a) (6)—personnel (added)

K. Adjourn

Chair Cox led the Pledge of Allegiance and offered the Invocation.

Commissioner Smith made a motion to approve the minutes from May 5, 2014. Commissioner Davis seconded the motion. Vote 5:0.

Rita Miller, Tax Administrator, presented the April auto releases.

Commissioner Leys made a motion to approve the April auto releases. Commissioner Smith seconded the motion. Vote 5:0.

Rita Miller presented the April auto refunds.

Commissioner Leys made a motion to approve the April auto refunds. Commissioner Goudreau seconded the motion. Vote 5:0.

Rita Miller presented the April auto refunds under the vehicle tax system (VTS).

Commissioner Leys made a motion to approve the VTS April auto refunds. Commissioner Goudreau seconded the motion. Vote 5:0.

Rita Miller presented the April real property releases.

Commissioner Smith made a motion to approve the April real property releases. Commissioner Davis seconded the motion. Vote 5:0.

Rita Miller presented the April real property refunds.

Commissioner Leys made a motion to approve the April real property refunds. Commissioner Goudreau seconded the motion. Vote 5:0.

Rita Miller presented the April 2014 reports; collections' report, enforced collection report, and payment agreement report.

Rita Miller presented a motor vehicle appeal on a 2006 Chevrolet Malibu, with a tax value of \$7,980, an appraisal of \$4,950. She stated that the Tax Office's recommendation is \$5,240 which came from Kelly Blue Book.

Commissioner Leys and Rita Miller talked about how the values are so different because the entire state uses Tech to assign the values, and doesn't take into consideration the vehicle's condition and mileage.

Commissioner Leys made a motion to approve the Tax Office's recommendation. Commissioner Goudreau seconded the motion. Vote 5:0.

Rita Miller presented a motor vehicle appeal on a 2007 Ford Ranger, with a tax value of \$6,876, an appraisal of \$2,000. She stated that the Tax Office's recommendation is \$3,218 which came from Kelly Blue Book.

Chair Cox stated that this cut the value in half. Rita Miller explained it is due to the condition and mileage of the vehicle.

Commissioner Smith made a motion to approve the Tax Office's recommendation. Commissioner Davis seconded the motion. Vote 5:0.

Rita Miller presented the Board of Equalization and Review minutes for approval.

Commissioner Leys made a motion to approve the minutes. Commissioner Goudreau seconded the motion. Vote 5:0.

Chair Cox asked about people who have not made their payment according to their payment agreement; what is the next step. Rita Miller explained that the account goes to the enforced collection methods then to the County Attorney if those methods don't work.

Commissioner Leys talked about payment agreements are voluntary, and she appreciates the citizens for following through.

Kay Luffman presented the Juvenile Crime Prevention Council's (JCPC) grant request to help the youth in the county. She explained that they met all of their goals and objectives for the program. She reviewed the JCPC program for FY 2014/15 by explaining each program. She further reviewed the funding allocations for each program for a total amount of \$66,134.

Commissioner Smith and Kay Luffman talked about the removal of the mediation program because it wasn't being used.

Commissioner Leys and Kay Luffman talked about the 20% match is required to receive the State monies. They discussed the number of youth affected by each of the programs. Kay Luffman explained Project Challenge. They talked about Kay Luffman has served on this committee for 30 years and has been retired for 15 years. Commissioner Leys stated her appreciation.

Chair Cox and County Manager Don Adams talked about the vote is required before the budget because of grant requirements.

Commissioner Leys made a motion to approve the JCPC funding allocation for 2014/15. Commissioner Smith seconded the motion. Vote 5:0.

Kay Luffman presented Alleghany Connections' annual report. She reviewed the history of Alleghany Connections over the last 28 years, and 3 years ago they added the tutoring program. She explained the tutoring program including having 16 tutors and how the tutors work with the students. She stated that program is funded through a grant. She explained the mentoring program. She talked about the costs of the program, and they are using volunteers for the program. The County/Town money pays the liability insurance. She explained different items that they use their funds for.

Commissioner Smith and Kay Luffman talked about the mentors are volunteers.

Commissioner Leys said the community owes her and this committee for the excellent work with the youth.

Kay Luffman said she appreciated it, and thanked their board of directors for their hard work.

Andy Evans explained that since the last time he was before the Commissioners, the Town voted to support the mixed beverage questions to be on the ballot in November. He requested the Commissioners to vote on the requests to be on the ballot.

Commissioner Smith and Andy Evans talked about there are two requests that would go on the ballot; mixed beverage and operate an ABC store.

Commissioner Smith, County Manager Don Adams and Andy Evans talked about conversations with Kate Cosner about the additional election costs would be minimum. The County Manager explained that if the two questions require an additional page, then there would be additional costs but she didn't think that would occur. The County Manager said that he thinks the Commissioners would have to ask the Board of Elections for the numbers.

Commissioner Leys, County Manager Don Adams and Andy Evans talked about the actual wording is dictated by State law. Commissioner Leys said she would like to see it.

Commissioner Davis said he thinks it should be left up to the citizens to decide.

Andy Evans said all they are asking is an opportunity for the citizens to decide.

Commissioner Leys said she doesn't see the petitions out in restaurants, and she hasn't seen a lot of work out there yet. Andy Evans said the petitions are in local businesses, and they haven't started

the door-to-door petitions yet. Commissioner Leys said she is not saying she's against it but is saying she hasn't seen anything, and this is going to take a lot of work. Andy Evans stated that he is a full-time Wilkes Community College student with a full-time job and another committee member is also.

Chair Cox asked there are a number of for the signatures yet. Andy Evans stated not yet.

Commissioner Smith and Andy Evans talked about July 3 is when the petitions have to be turned in.

Commissioner Leys and Andy Evans talked about when the Commissioners have to decide. He said the petition drive would go full force if this isn't approved by the Commissioners.

Chair Cox and Andy Evans talked about this being a Town issue versus being a County issue. Andy Evans explained they started County wide first to give everyone an opportunity.

Chair Cox said that he has given this a lot of thought, and the Commissioners are being asked to put it on the ballot for the people to decide. He explained that no one has approached him to support this and the only comments he hears are we have enough as it is. He said that he understands that the committee isn't asking the Commissioners to endorse this but looking back over the generations in his family, hard liquor has caused some of them a great deal of pain over the years. He stated that he is saying this to explain his vote, which is going to be a no if the Commissioners vote on it.

Andy Evans explained that we already have an ABC store, and their research shows that there are no facts about crime rate increase or alcohol use goes high or gets worse.

Chair Cox stated his appreciates that and for standing up for what you believe.

Commissioner Leys made a motion to delay the vote on this. She said she wants to see what will be on the ballot and would like to see some work.

Commissioner Smith said he agrees about seeing the wording on the ballot. He seconded the motion. Vote 4:1 (John Goudreau).

John Blevins, Social Services Director, presented the annual report for Social Services. He thanked his staff for their hard work. He reviewed the highlights of the report including the financial charts showing the breakdown of expenses and revenue sources. He provided information about their programs and program trends. He explained that they are audited quite often during the year. He reviewed the statistics for the programs. He explained how they work with people after age 18 that have been in foster care through an agreement and the options available for them.

Chair Cox and John Blevins talked about this is a North Carolina agreement and can be stopped at any time.

John Blevins continued presenting his annual report including their statistics for the number of phone calls/number of visits last year, number of Medicaid clients, reviews/changes, average 10 days processing time, average payment amount, Food/Nutrition Service, work permits issued, child support collections, incentives money received, daycare funding, crisis fuel assistance, low income energy assistance. He explained the ways they help businesses in the county and a lot of money is brought back into the county. He reviewed the challenges for the upcoming year including the NCFAST program, and how their processes have changed. He said he hopes this report will provide an idea what Social Services have been doing.

Commissioner Leys said thank you for the compassion that the staff shows and appreciation for John Blevins' leadership. She stated that this is a federal requirement and there isn't a choice.

Chair Cox stated his appreciation to John Blevins and his staff.

County Manager Don Adams presented the Region D Development Corporation (RDDC) board appointments for Don Adams, Bryan Edwards, Dennis Gambill and Clark Hunter, who are currently serving on the RDDC Board. He reviewed the letter from Phil Trew explaining the program. He explained that some local businesses have taken advantage of the program.

Chair Cox and County Manager Don Adams talked about these are annual appointments.

Commissioner Leys stated her appreciation for their work and economic development efforts.

Commissioner Smith and County Manager Don Adams talked about how often they meet including meeting as applications come in. The County Manager explained there are two types of SBA loans and the differences; 7A and 504.

Commissioner Leys asked if it possible for people to come to do a presentation to the Commissioners. The County Manager Don Adams said yes; he will invite Phil Trew.

Commissioner Smith made a motion to reappoint Don Adams, Bryan Edwards, Dennis Gambill and Clark Hunter to serve on the Region D Development Corporation Board. Commissioner Davis seconded the motion. Vote 5:0.

County Manager Don Adams presented budget amendment E-911 Fund #3 in the amount of \$1,120 for a computer that had to be replaced. He explained that this is an eligible expense.

Commissioner Leys made a motion to approve budget amendment E-911 Fund #3 in the amount of \$1,120. Commissioner Smith seconded the motion. Vote 5:0.

County Manager Don Adams reminded the Board about our good health insurance renewals because of a \$68,000 reduction due to 100% participation with the Blue Cross/Blue Shield wellness program. He explained that he asked for volunteers to start a Wellness Committee, and the Committee started by sending surveys to the employees about their interests with 100 responses submitted. He further explained that the Committee's focus will be our top medical risk factors as identified by Blue Cross/Blue Shield; BMI, blood pressure, cholesterol, tobacco use, diet and stress. He reviewed the programs/activities the Committee has developed; BCBS Healthy Outcomes, Nutritional/Healthy Cooking Classes, Dance/Movement, Nutrition Education Classes, Smoking/Tobacco Cessation, Stress Management, The Biggest Loser, Walking Club, Yoga. He explained that he asked them to create a program within \$5,000, and they want to make it a year-long program. He stated that the only way to continue to get good insurance renewals is for everyone to get healthier. He talked about the \$5,000 budget, if we wait until the budget adoption then it will be August before they can start, and they would like to start June 1, 2014. He reviewed the budget breakdown. He explained that the Wellness Committee is also requesting 30 minutes extra up to 3 days per week at lunch for exercise which will be documented on timesheets. He stated that the Wellness Committee has done a good job. He reviewed the Wellness Committee's budget request of preapproval for \$5,000 annually, access to \$1,000 this year, leaving \$1,000 this time next year for next year's program's startup.

Commissioner Smith talked about getting involved with this program. He said we have seen the savings.

Commissioner Smith made a motion to approve \$5,000 to go towards this program. Commissioner Goudreau seconded the motion.

Chair Cox explained that it's not all about the money. He said he can see improvements that employees have made.

Commissioner Leys mentioned working with the Healthy Department on the smoking cessation program. She stated her appreciation for the work by the committee.

County Manager Don Adams reiterated that the committee has done a good job.

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

County Attorney Donna Shumate begin to discuss two letters she received; Louise Paglen on May 15, 2014 and Dave Pokela on May 16, 2014.

Chair Cox declared a brief recess at 11:22am.

County Attorney Donna Shumate stated that she received two letters; Louise Paglen on May 15, 2014 and Dave Pokela on May 16, 2014. She explained the letter from Louise Paglen, who has been retained by some of the affected property owners, is requesting a continuance for the May 21, 2014, quasi-judicial hearing. She explained that the letter from Dave Pokela says they would rather the hearing not be continued because it has been scheduled for so long. She talked about the timeline regarding this appeal including the Planning Board's denial was on March 10, 2014, and the applicant gave notice of appeal a few days after that. She talked about the conversations with the Commissioners concerning setting the meeting including having time for a training session. She said the May 21, 2014, date has been scheduled for at least a month. She said that is the request from Louise Paglen.

County Manager Don Adams explained that Wednesday night's hearing has been advertised for a couple of weeks and all 63 affected property owners were mailed notification. He said he is not sure

how to do this in regards to changing the date. He said he has to defer to the County Attorney and the Board.

Chair Cox asked the County Attorney if she has a recommendation.

County Attorney Donna Shumate said that she has thought about, and as much as she likes to give people time to be prepared, she agrees that the County has already spent money on the advertisements and mailed 63 letters. She said we have no way to notify those people between now and the time of the hearing on Wednesday night. She further said if the Board postpones it, when would it be because June is already full with the budget meetings. She explained that the ordinance says the meeting should have already occurred. She said she knows there was a request for documents before this letter came out.

Commissioner Leys said she hears the County Attorney does not recommend delaying it.

Commissioner Goudreau explained with the advertisement in the newspaper, the Board would have to have some type of a meeting.

Commissioner Smith made a motion to proceed with the original date of Wednesday night to hear the appeal. Commissioner Davis seconded the motion. Vote 5:0.

County Attorney Donna Shumate provided an outline on how to proceed Wednesday night by beginning with the Chair calls the meeting to order then asks if there are any conflicts, if so the member states the conflict, the Board votes to excuse that Commissioner or not, individually swear people in to speak, Chair will call on Travis Dalton to present the application to the Board, Chair calls on the applicant and swears in to speak, applicant presents evidence, questions asked and then the affected property owners are allowed the same opportunity. She talked about affected property owners being represented by an attorney and how to proceed in that scenario.

Chair Cox and County Manager Don Adams explained how we got the 63 names by using the GIS system and going 2,000 feet from the property.

County Attorney Donna Shumate explained that's her proposal on how to operate Wednesday night.

Chair Cox and County Attorney Donna Shumate talked about repetitive evidence, and she would like for the Board to consider that all of the property owners are heard.

Commissioner Leys and County Attorney Donna Shumate talked about a sign-in sheet will help to determine who is in the 2,000 feet. The County Manager explained that the applicant has the lease agreement to represent the property owner. Commissioner Leys asked about the general public speaking that are not part of the affected property owners. County Manager Don Adams said there is a list of affected property owners and the sign-in sheet will show individuals and/or businesses and if people are representing an affected property owner.

County Manager Don Adams talked about the order of calling people to speak and maybe having people who have an organized presentation speak first. County Attorney Donna Shumate and the County Manager talked about they don't know how to determine that.

The County Manager talked about trying to move this along in a fair and efficient matter.

Chair Cox asked could the applicant's attorney ask questions of the affected property owners and or vice versa. County Attorney Donna Shumate answered yes and attorneys may be able to object to the evidence presented. She explained that if it goes to Superior Court from either side, we need to have it documented.

Chair Cox said we want to be as fair and as open as possible.

County Attorney Donna Shumate and County Manager Don Adams talked about relevant issues regarding time and having to decide some items during the meeting. He talked about trying to prepare for a large crowd.

Chair Cox and County Attorney Donna Shumate talked about she will be available to offer any assistance during the meeting other than telling the Board how to rule.

County Manager Don Adams said in the ordinance it is very specific why the Board can approve or deny. He talked about the basis of approval and basis of denial, and it has to be referred to in the motion.

Commissioner Goudreau said he is glad the Commissioners were able to add a spoken invocation to the agenda.

Commissioner Leys agreed with Commissioner Goudreau's comments, and said Chair Cox did a great job.

Commissioner Leys talked about the meeting tomorrow where Mark Woods, Superintendent of the Blue Ridge Parkway, and Pat Mitchell, Assistant Secretary for Rural Economic Development, will be at the Tourism Development Authority's meeting. She said that she hopes the Commissioners can attend this meeting. She told the Board that she has been selected to attend the Rural Center Leadership Academy, and she appreciates the Board's support because it is three days three different times.

Chair Cox opened the floor for public comments.

Mark Evans thanked the Board, the County Manager, the County Attorney and the Clerk for their services. He talked about the Election is coming up in the fall and if he is fortunate enough to be elected he will work for the betterment of the county.

Louise Paglen thanked the Board for considering her request, even though she is disappointed with the results. She talked about she has had some discussions with her clients and have a meeting this afternoon. She brought some things to the Board's attention based on her research through the Institute of Government; 48-hour meeting notice isn't posted on the website, which would a basis for an appeal if it violates the open meetings law and having an opportunity to cross examine witnesses. She asked the Board to consider allowing time for an additional hearing, if requested, in order for her to prepare and present competent evidence on behalf of her clients. She talked about this is an important decision that will be made by this Board and the standard of review by Superior Court will look if procedures are followed and the evidence presented. She thanked the Board for their time.

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

Commissioner Leys made a motion to enter into closed session under NCGS 143-318.11 (a) (6)—personnel at 12:00pm. Commissioner Smith seconded the motion. Vote 5:0.

Commissioner Goudreau left the meeting at 12:01pm.

Commissioner Smith made a motion to adjourn closed session at 12:08pm and reconvened the regular meeting. Commissioner Leys seconded the motion. Vote 4:0.

Commissioner Leys made a motion to allow the County Manager to overlap paying the existing Board of Elections Director and the new Elections Director starting Thursday of this week for three work days. Commissioner Davis seconded the motion. Vote 4:0.

Being no further business, Commissioner Leys made a motion to adjourn this meeting at 12:13pm. Commissioner Smith seconded the motion. Vote 4:0.

Respectfully submitted,

Attest:

Karen Evans  
Clerk to the Board

Larry Cox  
Chairman