

The Alleghany County Board of Commissioners met in regular session on Monday, August 16, 2010, 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 Milly Richardson, Commissioner Steve Roten, County Attorney Donna Shumate, County Manager Don Adams, and Clerk to the Board Karen Evans.

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 August 16, 2010, meeting. Commissioner Steve Roten seconded the motion. Vote 5:0.

AGENDA
Monday, August 16, 2010
3:30 PM

- 3:30 Meeting Called To Order, Pledge of Allegiance and Prayer
Motion on Agenda for August 16, 2010, meeting
Motion on Minutes for March 29 and August 2, 2010, meetings
Motion on July Tax Releases and Refunds
- 3:35 A. Public Comments—30 minutes
B. Travis Dalton
RE: Planning Annual Report
Property Rights Protection Ordinance Amendments
C. Mary Walker
RE: Tax Appeals
D. Recreation Department Annual Report
F. Board of Education Annual Report
G. County Business
1. Reminder Ethics Training & Joint Meeting
 2. Wood Waste Grinding Bids
 3. Propane Bids
 4. Legislative Goals
 5. New River Behavioral Healthcare Board Appointment
 6. Other Business
 7. Closed Session—NCGS 143-318.11 (a) (6)—personnel
 8. Adjourn

Chair Ken Richardson stated that at the last meeting the Board voted to change the date of first meeting in September due to the Labor Day holiday to Tuesday, September 7. He explained that he has a three-county area meeting already scheduled for that day. He said he will bring this up for more discussions later in the meeting.

Commissioner Doug Murphy made a motion to approve the minutes for the March 29 and August 2, 2010 meeting. Commissioner Milly Richardson seconded the motion. Vote 5:0.

Commissioner Milly Richardson made a motion to approve the real and auto releases for July. Commissioner Doug Murphy seconded the motion. Vote 5:0.

Commissioner Milly Richardson made a motion to approve the real and auto refunds for July. Commissioner Steve Roten seconded the motion. Vote 5:0.

Chair Ken Richardson asked for public comments.

Brandon Hawks talked about the status of the local economy, tax rate and losing focus of goals. He stated that he has been told that business do not want to be here because of the roads, tax rates and other things. He said that it is time to stop complaining and look for solutions/ideas. He explained that it is time to look at the local area with new eyes and gave examples of areas in the county. He talked about

government should be as small as possible, the need to start looking at other options, not needing single providers for any service, tax rate should be lower to 38¢ which will require people to fend for themselves, bring the county up-to-date, library needs to be invested in, and school system will have to combine Glade and Piney at some point. He asked the Commissioners to be very cautious about adding expenditures coming from the State/Federal government. He said that now is the time to grow.

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

Travis Dalton, Planner/Inspector, came before the Board to present his annual report. He described the number of building permits and planning permits he reviewed plus the number and types of other planning items that have occurred. He provided an overall review of the Planning Board's activities with the number of meetings held and proposed ordinance changes.

Chair Ken Richardson and Travis Dalton talked about the amount of building permits that he has reviewed in compared to previous years.

Travis Dalton explained Property Rights Protection Ordinance amendments that the Planning Board has discussed and would to have included in the ordinance. He summarized the on-premise sign regulations of free-standing signs, attached signs and variances.

Commissioner Doug Murphy and County Manager Don Adams talked about the Department of Transportation's rules along Highway 21.

Chair Ken Richardson and Travis Dalton talked about he is submitting this for consideration by the Commissioners.

County Manager Don Adams explained the process of adopting these changes including the requirement of holding a public hearing.

Travis Dalton explained the changes to the commercial lighting section of the ordinance. He further explained the final addition is exempted uses for any type of temporary agri-business.

Chair Ken Richardson asked does the Board have any problems with scheduling the public hearing on these changes. No one spoke.

Mary Walker, Tax Administrator, came before the Board to discuss tax appeals. She presented income information regarding a previous appeal by Mrs. Woodel about maintaining present-use value. She talked about the survey that was completed and when the house/garden/road is excluded then the property doesn't qualify because it doesn't have enough acreage.

Commissioner Steve Roten and Mary Walker talked about the state law is 10 acres in actual production. Mary Walker explained that Mrs. Moxley died so the family had to reapply because the Tax Office has to have an application on file.

Commissioner Doug Murphy and Mary Walker talked about including the wooded area.

Commissioner Randy Miller and Mary Walker talked about how this property qualified in the beginning because it was a much larger tract then pieces have been sold off of it. She reiterated that the main thing according to the General Statutes is what is in actual production.

Commissioner Doug Murphy and Mary Walker talked about what was deducted from the survey; house site, right of ways and private driveway.

Commissioner Steve Roten stated that he disagrees with Mary Walker because cattle can walk on a driveway.

Mary Walker stated that she is just trying to abide by what the law says.

Commissioner Milly Richardson made a motion to grant to use value to the Woodel's and be grandfathered in because it has always qualified. Commissioner Steve Roten seconded the motion.

Chair Ken Richardson asked can we be investigated by the State.

Mary Walker explained that yes, the County can.

Commissioner Randy Miller stated that he thinks she should have it but this will open up a can of worms that may not be able to be closed.

Commissioner Steve Roten stated that he thinks appeals that have come before the Board in the past didn't have the acreage but this one does.

Commissioner Randy Miller agreed.

Commissioner Doug Murphy clarified that we do the calculations through a computer, they have a survey showing 11.18 acres, subtract out 1 acre for the house site that leaves 10.18. He talked about using the survey versus a computer. He further talked about the State won't render a clear answer about which to go by.

Commissioner Milly Richardson said that the State of North Carolina set this up so the Board can hear these appeals. She talked about the Commissioners have been given the authority to hear these appeals and render a decision based upon the information we have.

Commissioner Doug Murphy reiterated that the State hasn't provided a clear direction of what to use to determine these situations.

Commissioner Milly Richardson asked when the decision was made to go from deeded acreage to calculated acreage.

County Manager Don Adams and Mary Walker explained around 1994-1995 when the mapping system was completed.

Commissioner Milly Richardson said that since we have these accurate maps then why charge taxes on property that can't be used. She asked who decided to change that.

Mary Walker answered the Board of Commissioners.

Commissioner Milly Richardson said as the sitting Board we can change that from calculated acreage to deeded acreage.

Commissioner Doug Murphy asked for legal assistance.

County Attorney Donna Shumate explained the language does say acreage in production.

Commissioner Doug Murphy and Mary Walker talked about the property was being used for mowing hay when she was there, and she didn't see any cattle.

Commissioner Milly Richardson said if the driveway isn't fenced off, then the cattle will go there.

Commissioner Doug Murphy asked how much property would it include to add the driveway back in. He asked Mary Walker to email the State to ask again about what she should be using to determine acreage.

Commissioner Randy Miller stated that for 3½ years this is what she has been telling us about State law.

Commissioner Doug Murphy and Commissioner Milly Richardson agreed.

Commissioner Randy Miller stated that he doesn't want the County to be burdened later by a bad decision.

Commissioner Doug Murphy asked can Ken Richardson talk to his contacts in Raleigh to see if he can find out anything on this.

Chair Ken Richardson stated that Mary Walker's contact would be the best contact but he has someone he can ask.

Commissioner Milly Richardson rescinded her motion until additional information is obtained.

Commissioner Milly Richardson and Commissioner Doug Murphy stated that this has nothing to do with Mary Walker but with the State.

County Manager Don Adams asked if the County Attorney needs to get involved with this.

The Board agreed.

Commissioner Doug Murphy stated he wants clarification on the law.

Commissioner Randy Miller asked would this have been brought forward if the mother hadn't died.

Mary Walker stated that if she was audited; it would have. She read a portion of the North Carolina General Statutes regarding present-use value and the burden of proof is on the taxpayer. She said if they don't tell us, then we don't know.

Commissioner Doug Murphy stated that the passing of someone shouldn't automatically disqualify the property.

Commissioner Milly Richardson asked if the 1 acre for the house site is standard for Alleghany County or statewide.

Mary Walker stated that is decided by the Board of Commissioners with the adoption of the schedule of values at each revaluation.

Commissioner Milly Richardson and Mary Walker talked about the standard could possibly be changed during the next adoption of the schedule of values.

Mary Walker presented a letter from Deanna Dixon regarding a recent audit and the only 8.23 acres is in production out of the 10 acres so it was disqualified, and the appeal is only on the interest of the audit. She explained that the Statutes say that interest and penalties must be paid.

Commissioner Milly Richardson and Mary Walker talked about why the taxpayer wasn't aware of a bill.

Commissioner Steve Roten and Mary Walker talked about the interest is from the actual bill for the audit. Mary Walker talked about she doesn't qualify and is only appealing the interest.

Commissioner Milly Richardson asked about the bill that she doesn't know about.

County Manager Don Adams explained that during the audit if anything comes up different then the tax office has to go back three years and bill the taxpayers for the back taxes, interest and penalties.

Commissioner Doug Murphy and Mary Walker talked about the State sets the interest rates.

Mary Walker talked about the process of applying for present-use.

Commissioner Milly Richardson and Mary Walker talked about the process for the audit which is a State requirement that requires 1/8 of all present-use properties to be audited annually. Mary Walker talked about why the Tax Office started doing audits.

Commissioner Doug Murphy and Mary Walker talked about 8.2 acres is farmed.

Chair Ken Richardson talked about there is a request before the Board, and the Board needs to decide either way. No one spoke.

Chair Ken Richardson said this is tabled until Mary Walker comes back before the Board.

Mary Walker presented an appeal for an elderly exemption audit. She stated that State law requires 1/8 of these to be audited annually, too. She explained the disabled/elderly exemption. She further explained that Mr. Greene passed away on January 4, 2006, and Mrs. Greene still received the disabled exemption but she doesn't qualify. She talked about the amount is \$465.95, and Mrs. Greene is asking for any help that the Board can provide.

Commissioner Steve Roten and Mary Walker talked about why 2007 wasn't included.

Commissioner Doug Murphy asked can Mary Walker check on why it was put back on in 2008.

Commissioner Milly Richardson read a portion of Mrs. Greene's letter regarding how Mary Walker went beyond her way to help.

Commissioner Steve Roten said he thinks if we make a mistake then we should eat it.

Mary Walker said she is just trying to tell the Board what the law is. She further said she will check on why it was added back on in 2008.

Mary Walker presented a motor-vehicle appeal, owner went to Kelly Blue Book and his opinion of the value is \$25,500. She said her recommendation is \$26,950 which came from the NADA (Black Book) that the Tax Office uses.

Commissioner Milly Richardson made a motion to approve Mary Walker's recommendation. Commissioner Steve Roten seconded the motion. Vote 5:0.

David Evans, Recreation Director, came before the Board to present his annual report. He provided information about the recreation department for the 2009 season including the number of sport programs/participates, Duncan Recreation Center statistics, PARTF grant information, Sam Brown trail system information, fairgrounds information and ropes course information.

Commissioner Milly Richardson asked how we are doing the trail at Sam Brown.

David Evans answered that it is the recreation department; he and part-time employees.

Commissioner Milly Richardson stated that he did a wonderful job and that's a great utilization for that property.

Dr. Jeff Cox, Superintendent, came before the Board to present the Board of Education's annual report. He presented the 2009-2010 ABC accountability & adequate yearly progress (AYP) results and reviewed the highlights including Sparta Elementary School has come out of school improvement status, all four schools met expected growth and all Pk-8 schools met high academic growth, all of the schools have been identified as a school of distinction, 3 of the 4 have made AYP but they are currently

making some technical corrections then the high school may have it, high school graduation rate for 2009-10 was 86.2% which is the 6th highest graduation rate in the State. He said he wanted to take this opportunity to thank everyone for their work.

Dr. Cox talked about the upcoming funding cliff that was mentioned during the budget. He talked about a recent development about new monies and Allegheny County's portion is about \$365,000 that is earmarked for this year but regulations says that the money has to be spent by September 2012. He said he will encourage his board to hold as much of the money as possible for the funding cliff that is coming. He further said that they are going to try to minimize the budget impact on the schools and the Commissioners' budget. He informed the Board that they have gone out to bid for the Glade Creek Elementary School project, pre-bid meeting on September 1 and final bids are due by 3:00pm on September 16.

County Manager Don Adams and Dr. Cox talked about the pre-bid meeting will be at 11:00am in the Board of Education's office on September 1.

County Manager Don Adams talked about if any subcontractors want to bid on the project, he encourages them to go to the pre-bid meeting and talk to the general contractors.

Commissioner Milly Richardson talked about trying to get local people involved.

Dr. Cox talked about the project is almost \$4,000,000 and encouraging general contractors to look at local subcontractors.

County Manager Don Adams talked about the recent experience regarding the safety training facility bids where the subcontractors didn't come to the pre-bid meeting and were called by the general contractors right before the bids were due.

County Manager Don Adams reminded the Board about the joint meeting with the Town on Monday, August 30 at 7:00pm at the County Administration Building. He also reminded the Board about the ethics training on August 30 at 4:30pm at the County Administration Building for the mandatory ethics training required by State law.

County Manager Don Adams presented propane bids for lock-in rates from September 1, 2010, to April 30, 2011; Blue Ridge Energies--\$1.489, G&B Energy--\$1.499 and Hometown Oil & LP Gas--\$1.666. He said his recommendation is Blue Ridge Energies.

Commissioner Steve Roten made a motion to accept the manager's recommendation of Blue Ridge. Commissioner Randy Miller seconded the motion. Vote 5:0.

County Manager Don Adams presented wood waste grinding bids; Cana Contracting Company--\$14,000 and WRICO--\$14,000. He explained that he tried to figure out a way to determine a difference between the two companies by calling both companies to see when each company can come to grind the wood waste and both responded that it would take a couple of weeks but they would be there by September 1. He said that the County has direct experience with CANA Contracting.

Commissioner Milly Richardson made a motion to award the bid to CANA Contracting. Commissioner Randy Miller seconded the motion. Vote 5:0.

County Manager Don Adams presented information regarding legislative goals. He asked the Board to review the information, think about anything they want to add to the goals, and this will be on the next agenda.

Chair Ken Richardson talked about this is an opportunity for all 100 counties to get their concerns before the NCACC. He reiterated that if the Commissioners have some concerns or issues; this is the beginning process to get items heard. He agreed about taking an opportunity to review these and submit our requests.

Chair Ken Richardson stated that he has a meeting on Tuesday, September 7,

so he is asking if the Board will change the date for the rescheduled Labor Day holiday meeting.

The Board discussed dates for the meeting.

Commissioner Doug Murphy made a motion to move the rescheduled Labor Day holiday meeting to September 9. Commissioner Milly Richardson seconded the motion. Vote 5:0.

County Manager Don Adams stated that the New River Behavioral Healthcare board appointment was placed on the agenda by a Commissioner; so he is turning the meeting over to the Board.

Chair Ken Richardson talked about the Commissioners each receiving a letter, and he talked to Randy Miller at the last meeting. He explained that Commissioner Miller has six meetings left, and he is happy with how things are. He reminded everyone that when they had meetings, the County has the Board of E&R meetings, and he couldn't attend.

Commissioner Randy Miller stated that the July meeting was when the grand opening in Jefferson was for Blevins, which he had to attend.

Chair Ken Richardson stated that he had a meeting with Zach Henderson, and it didn't come up. He reminded the Board that in December the Commissioners will realign all of the boards.

Commissioner Steve Roten asked Commissioner Miller if he intends to attend the meetings.

Commissioner Randy Miller answered yes.

Commissioner Milly Richardson made a motion to enter closed session at 5:09pm. Commissioner Randy Miller seconded the motion. Vote 5:0.

Commissioner Randy Miller made a motion to adjourn closed session at 5:34pm and reconvene the regular meeting. Commissioner Doug Murphy seconded the motion. Vote 5:0.

Chair Ken Richardson stated that no decisions were made during closed session.

Chair Ken Richardson stated that the Board has been made aware of two jobs that are being freed up by the State to advertise with the Extension Service. He talked about the Board needs to move forward to allow the advertising/hiring of these positions.

Commissioner Randy Miller made a motion to move forward on two positions in the Extension Service. Commissioner Steve Roten seconded the motion. Vote 5:0.

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

Respectfully submitted,

Karen Evans
Clerk to the Board

Attest:

Ken Richardson
Chairman