

The Alleghany County Board of Commissioners met in regular session on Monday, September 19, 2011, 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 Attorney Donna Shumate, County Manager Don Adams, and Clerk to the Board Karen Evans.

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

Commissioner Cox made a motion to approve the agenda for this September 19, 2011, meeting. Commissioner Goudreau seconded the motion. Vote 5:0.

AGENDA
Monday, September 19, 2011
10:00 AM

- 10:00 Meeting Called To Order, Pledge of Allegiance and Silent Prayer
Motion on Agenda for September 19, 2011, meeting
Motion on Minutes for August 29, and September 6, 2011, meetings
- 10:05 A. Public Comments—30 minutes
B. Rita Miller
RE: August Releases and Refunds
August Collections Report
Commercial Solid Waste Fee Release Request
Residential Solid Waste Fee Release Request
Update on Collections
- C. New River Behavioral Healthcare
RE: Alleghany Unit Quarterly Report
- D. Recreation Department Annual Report
- E. County Manager's/General Business
1. Comments about the Alleghany County Community Transportation Plan
2. Glade Creek Volunteer Fire Department Fire Report
3. National Employ the Older Worker Week Proclamation
4. Farmers Market Contract
5. Alleghany Community Television PEG Channel Agreement
6. Occupancy Tax Ordinance Discussions
- F. Closed Session—NCGS 143-318.11 (a) (3)—legal
- G. Adjourn

Commissioner Smith made a motion to approve the minutes for the August 29, and September 6, 2011, meetings. Commissioner Cox seconded the motion. Vote 5:0.

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

Dennis Smith asked why are some people finding it hard to pay their bills and the reason is the Federal Reserve. He talked about the Federal Reserve and their actions. He further talked about the Nation's economy, the Federal Reserve and the banking industry. He explained how the Federal Reserve was created and read an article about a meeting on Jekyll Island where the Federal Reserve was created. He read speeches from 1932 and 1967 about the Federal Reserve, the Federal Reserve banks and American currency. He quoted past US presidents about our monetary system and banking. He asked why people haven't heard about these things. He talked to the Board about two bills before Congress HR 459 and S 202; Federal Reserve Transparency Act of 2011. He summarized the bills. He asked the Board to sign a resolution asking our two Senators to co-sponsor S 202. He stated that our Representative has already signed to co-sponsor the bill. He read the proposed resolution. He read a prayer that was 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, came before the Board to present the August auto releases and refunds.

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

Rita Miller presented the August real property releases and refunds. She explained that the majority of these are where people don't take the discount or the property owner and mortgage company both pays the taxes.

Commissioner Roten made a motion to approve the August real property releases and refunds. Commissioner Cox seconded the motion.

Commissioner Smith and Rita Miller talked about the duplicate payments.

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

Rita Miller presented the August 2011 collections' report. She reviewed the amount billed, collected and the collection rates for real property and vehicles.

Rita Miller presented a letter asking for approval of releasing a commercial solid waste fee for Tracy Evans Sawmill because the business is no longer in operation. She explained that \$50 can be released out of the \$60 owed plus a portion of the interest can be released also. She explained there is a letter from his employer showing when he started working for a different company.

Commissioner Roten made a motion to approve the request. Commissioner Cox seconded the motion. Vote 5:0.

Rita Miller presented a letter asking for approval of releasing a residential solid waste fee and explained the request from Mr. Whitley being from this year forward. She explained that they are in the process of tearing the house down.

Commissioner Smith made a motion to approve the request. Commissioner Cox seconded the motion. Vote 5:0.

Rita Miller presented a letter asking for approval of releasing a residential solid waste fee and explained the request from Mr. McCann being from 2007 until now.

County Manager Don Adams asked has this been granted in the past.

Rita Miller stated not that she knows of.

Commissioner Roten made a motion to approve the request beginning in 2011. Commissioner Cox seconded the motion. Vote 5:0.

Rita Miller presented a letter asking for approval of releasing a residential solid waste fee.

Commissioner Roten made a motion to approve the request. Commissioner Cox seconded the motion. Vote 5:0.

Rita Miller provided an update on the accounts turned over to the County Attorney for collections.

Chair Richardson and County Attorney Donna Shumate talked about the timeline and the steps in the process.

Rita Miller stated that upon a suggestion from the auditors they added a third collection drawer, which helped a lot during the month of August.

County Manager Don Adams asked for an update on the collections effort for past-due taxes. He talked about the tax certification process. He asked Rita Miller to explain prior year taxes on the certifications and business personal property being added to the forms.

Rita Miller explained the current tax certification process. She talked about the forms are for 10 years. She read the language about the tax certifications and if the Tax Office makes an error in not reporting the delinquent taxes on the forms they cannot foreclose on the property but can use other collections methods. She further explained it was the current PIN number but the form has 10 years, and how they use the 10-year history currently.

County Manager Don Adams talked about now the Tax Office is researching history of all of the taxes for 10 years which they are getting a lot of feedback about delinquent personal property taxes. He provided two examples of how the business personal property taxes could be applied.

County Attorney Donna Shumate provided an example of using the same PIN number attached to the real property.

Chair Richardson said that is the point that he has a problem with. He talked about 10 years for the business personal property.

Rita Miller said there are two ways to look at it; if there has been a certification completed before or if there hasn't been one completed.

Chair Richardson said he has been shown one that shows zero.

Rita Miller answered she will do whichever way the Board wants.

County Manager Don Adams said this is just to get this on the table for discussions.

Commissioner Roten said there is no problem with the real property.

Rita Miller agreed and stated that this is business personal property or personal property. She said her recommendation is if the Board exempts one type of personal property then exempt all personal property.

County Manager Don Adams talked about he would hate to throw this method out. He said that the Board could go from this date forward on the personal property.

Chair Richardson asked how much of a problem would it be to start at a particular date and then keep up with the personal property. Rita Miller stated that if the Tax Office certified it before then they aren't doing anything with it. They talked about the Tax Office can't foreclosure on the business personal property, business personal property and who has to pay the past-due taxes.

Commissioner Goudreau talked about the realtor can check on the tax certifications prior to closures.

Rita Miller agreed and said that certifications can be obtained at any time.

Commissioner Cox asked about going back to the original person who the tax belongs to.

Rita Miller said yes it is possible.

County Attorney Donna Shumate talked about how many of these accounts we are talking about and collection enforcement.

Rita Miller talked about the business personal property would go to any property that they own.

Chair Richardson talked about moving forward at this meeting or have something prepared for a future meeting.

County Manager Don Adams recommended that the County Attorney and Tax Administrator come back with a proposal on how to handle this. He asked the Board if they are willing to take business personal property and personal property to put it on real estate.

Commissioner Roten, Commissioner Goudreau and Commissioner Cox stated their support.

Commissioner Roten stated his appreciation to the Tax Administrator for working on collections.

Amy Greene with New River Behavioral Healthcare stated that she is the newly appointed Unit Director for the Alleghany Outpatient office. She explained the number of clients they have served; 344 adults, 87 children. She further explained the types of services provided. She talked about they have recently added two staff members to targeted case management for adults and children. She further talked about they continue to provide the CAP case management and works with CJPP. She explained the new Currents program which is the new PSR program. She talked about their success with the program. She further talked about the types of classes they offer in the Currents program. She talked about their community service projects and fundraising efforts.

Chair Richardson and Amy Green talked about she is now 100% in Alleghany and Paige is 100% in Ashe. She explained that her services are primary in Alleghany County but has one area that she works on in Ashe and Wilkes counties.

Commissioner Smith and Amy Greene talked about where the classes are held and the number of people taking the classes are increasing.

Commissioner Cox and Amy Greene talked about just serving Allegheny County clients.

Chair Richardson declared a brief recess at 10:55am.

David Evans, Recreation Director, presented the annual report for the Recreation Department. He discussed the packet of information that he provided to the Board; summary of facility usage, breakdown of different sports for 2010 and 2011, fairgrounds events, fundraiser activities. He reviewed detailed information about each one of the facilities.

During the presentation the following comments/questions occurred between the Commissioners, the County Manager and David Evans; use of blankets covering the swimming pool, swimming lessons, last time the tennis courts were resurfaced, seeking outside funding for the resurfacing, conversations where come other counties' coaches are reluctant to come here because of the unevenness of the tennis courts, reasons that the water line size was increased at the Concession Stand, commitment of \$15,000 from the community for the Veterans Memorial Park and recommendation from the Chairman of this project being part of the current Golden Leaf activities.

The Board thanked David Evans for his report.

County Manager Don Adams reviewed the Allegheny County Community Transportation Plan and where we are currently, maps available, meeting on September 26 from 4:00pm to 6:00pm at the Senior Citizens Building for public review of the maps. He talked about the timeline after the September 26 meeting. He explained that the maps are available in the County Administration Office, Sparta Town Hall and the Library. He continued talking about the community open house on September 26.

County Manager Don Adams presented a letter from Chief David Higgins with Glade Creek Volunteer Fire Department. He read the letter asking that Mack Ruppard be appointed to replace Sandy Hammock on the Fireman's Relief Fund Fire Report.

Commissioner Cox made a motion to approve Mack Ruppard to the Relief Fund for Glade Creek Volunteer Fire Department. Commissioner Goudreau seconded the motion. Vote 5:0.

County Manager Don Adams presented a proclamation regarding the National Employ the Older Worker Week during the week of September 18-24.

Commissioner Goudreau made a motion to approve the proclamation. Commissioner Cox seconded the motion. Vote 5:0.

County Manager Don Adams presented a Memorandum of Understanding (MOU) between Appalachian District Health Department/Allegheny County/Allegheny County Farmers Market. He explained the purpose of the MOU and each group's responsibility plus the Farmers Market budget in the amount of \$20,000.

Commissioner Smith made a motion to approve the Memorandum of Understanding between Appalachian District Health Department/Allegheny County/Allegheny County Farmers Market. Commissioner Roten seconded the motion.

Commissioner Smith asked about these funds do not include any construction monies. The County Manager answered no, it does not.

Commissioner Cox stated that his wife is the Treasurer of the Farmers Market, and asked will that exclude him from voting.

County Attorney Donna Shumate said it doesn't since Commissioner Cox will not receive any direct benefit from the MOU.

Commissioner Goudreau asked Teresa Herman about the permanent location for the Market.

Teresa Herman, Extension Service Agent, provided an update about the selection process.

Commissioner Goudreau and Teresa Herman talked about funding for the location.

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

County Manager Don Adams talked about the contract with Allegheny Community Television, Incorporated (ACTV) to operate PEG channels. He said at this point he is not asking for approval because the contract has insurance requirements, and they don't have insurance yet. He talked about the meetings held regarding the contract. He summarized sections of the contract. He asked the Board

to review the contract, and he will put it on the next agenda. He explained that they received copies from other counties and PEG channels. He continued reviewing the sections of the contract.

Chair Richardson asked about Section 10 and how that affects the Board of Commissioners about comments made at Commissioners' meeting where someone viewing the meeting is offended by those comments.

The County Manager and County Attorney Donna Shumate talked about ACTV owns the footage, not the Board of Commissioners.

Chair Richardson said if ACTV chose to edit something from the Commissioners' meetings; that is them not us.

The County Manager stated that is correct. He used an example of the last Kids Vote Forum. He said that ACTV has editorial control over their recordings. He explained that there should not be editing done to Commissioners' meeting other than adding names.

Chair Richardson asked about obscene language being edited.

County Attorney Donna Shumate answered yes. The County Manager said yes they can edit that.

The County Manager continued reviewing the contract.

Chair Richardson said that unless there is something besides the insurance requirement and with the understanding that the Chair will not sign the contract until the County Manager is satisfied with the insurance requirements then he recommends approval.

Commissioner Smith made a motion to approve the contract contingent upon the completion of the insurance requirements. Commissioner Goudreau seconded the motion. Vote 5:0.

County Manager Don Adams presented information about the occupancy tax. He talked about items included in their packets; draft of the ordinance and questions to answer about the creation of the Tourism Development Authority (TDA). He explained the purpose of the ordinance. He read and explained the proposed ordinance. He asked if the County Attorney has any comments.

County Attorney Donna Shumate stated that it basically follows the statutory requirements.

Chair Richardson and the County Manager talked about all of the requirements have been met for the ordinance. They talked about the timeline for adopting the ordinance.

County Manager Don Adams said he provided a list of questions that needs to be answered about the TDA. He stated that he needs some guidance to develop the resolution for the development of the TDA. He asked how many members should there be.

Chair Richardson stated that based on what he has heard the Chamber, motel/hotel, bed and breakfast, Sparta Revitalization Committee (SRC), restaurants, Cascade Highlands are establishments he thinks needs to be represented on the TDA.

Commissioner Cox and Chair Richardson talked about people could fulfill dual roles. Commissioner Cox stated the need to get it large enough but not too large; maybe five.

Chair Richardson and Commissioner Goudreau talked about Cascade Highlands being a member in Alleghany County on the Cascade Highlands. Commissioner Goudreau talked about Alleghany County people involved with Cascade Highlands and the more groups the Commissioners put on then the larger it will be.

The Board talked about the number of participates and establishments represented. Chair Richardson talked about going from three Commissioners to five Commissioners and the purpose. Commissioner Goudreau said he thinks it should be three to five members, and agreed to five. Commissioner Smith stated he is fine with five.

County Manager Don Adams reiterated that everyone agrees to five members. The Board agreed.

County Manager Don Adams talked about representation and the possibility of doing what the Chair talked about as long as the requirements are met.

The Board talked about the representation and guidelines for selecting people. The County Manager explained he can build it into the resolution; 1/3 who are affiliated with businesses that collect occupancy tax and 1/2 who are currently active in promotion of travel and tourism and say that the Chamber of Commerce must be represented. He further explained the reason he included the Chamber is because they are the only ones that have officially asked to be on the TDA.

Chair Richardson reviewed the list of establishments he mentioned.

Commissioner Cox talked about a concern of his is about the TDA and Chamber. He said he thinks a Chamber member needs to be on the TDA.

The County Manager reviewed why he is asking these questions.

Commissioner Smith agreed that the Chamber should be on the TDA and should be listed in the resolution.

Commissioner Goudreau talked about most members are probably already Chamber members.

Chair Richardson agreed but said it should not be a requirement.

The County Manager asked if it should be in the ordinance or not.

Chair Richardson said the Chamber should decide on one person to be approved by the Commissioners as noted in the resolution.

The Board talked about ways to proceed about the representations.

Commissioner Goudreau asked if the SRC does really attract tourists. He said maybe have someone from the realtors on the TDA. Chair Richardson said he thought about SRC promoting travel in Sparta in general. Commissioner Goudreau said that the SRC charter does talk about Main Street, he isn't opposed to it but it was just a thought. They talked about realtors and how they could promote the county. They talked about Cascade Highlands and how it needs to be someone from Alleghany County.

County Manager Don Adams talked about the general agreement is the Chamber should be there and other general ideas for the other 3-4. He asked what about groups to submit a name for consideration.

Chair Richardson reviewed the list of establishments; Chamber, motel/hotel, bed and breakfast, SRC, restaurants, Cascade Highlands

Bob Bamberg, Chamber of Commerce Director, talked about vacation rentals are normally viewed with bed and breakfasts in the Chamber.

Chair Richardson stated his personal opinion is that vacation rentals are with the hotel/motel group.

County Manager Don Adams talked about ways to proceed with the representation process. He said he will create a resolution listing the five groups in discussion.

Commissioner Goudreau talked about sticking to the minimums but consideration will be given to the five establishments.

Commissioner Cox agreed.

County Manager Don Adams talked about using language such as preference will be given to applicants who represent these areas. He said that terms is the next conversation. He used the Planning Board as an example where the initial term was for one year then staggered terms.

Chair Richardson asked about the term of three years. Commissioner Roten said four years maybe. Commissioner Goudreau said either is fine. Commissioner Smith said he likes the one-year term in the beginning.

County Manager Don Adams said he will set it up to get staggered terms.

Chair Richardson and Commissioner Goudreau talked about people serving at the pleasure of the Commissioners.

County Manager Don Adams stated that the Commissioners can have serving at the pleasure of the Board and have no removal process. He talked about the member selection, chair selection process, whether they are paid, who serves as staff, where will be the office be located and general operation questions like is a telephone needed are all questions that will need to be answered before the creation of the TDA. He said he has enough for the rough draft resolution but reiterated that these other questions will need to be answered.

Chair Richardson asked about could the members be paid under the ordinance. County Manager Don Adams answered as long as it stays within the 1/3 of tourism-related expenses. The County Manager talked about looking at how other boards are viewed and handled.

County Manager Don Adams said he has enough for the resolution but asked about the Chamber.

Chair Richardson and County Manager Don Adams talked about the Chamber, the TDA can contract with the Chamber for telephone, copier, etc. and there would be a contract between the TDA and the Chamber. The County Manager talked about will a directive be given to the TDA to not duplicate services/expenses.

Commissioner Goudreau talked about the Commissioners can encourage them to work with other organizations to keep costs down but doesn't think the Commissioners need to direct them.

County Manager Don Adams said he will bring the resolution back at the next meeting.

Chair Richardson asked about the ordinance.

Commissioner Goudreau and County Manager Don Adams talked about the TDA has to be in effect prior to the effective date of the ordinance.

Chair Richardson asked if there is opposition to the ordinance before any more time is spent on occupancy tax.

No one spoke.

Commissioner Goudreau made a motion to enter into closed session at 12:42pm under NCGS 143-318.11 (a) (3)—legal. Commissioner Cox seconded the motion. Vote 5:0.

Commissioner Goudreau made a motion to adjourn closed session at 2:04pm and reconvene the regular meeting. Commissioner Smith seconded the motion. Vote 5:0.

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

Being no further business, Commissioner Cox made a motion to adjourn at 2:06pm. Commissioner Goudreau seconded the motion. Vote 5:0.

Respectfully submitted,

Karen Evans
Clerk to the Board

Attest:

Ken Richardson
Chairman