

The Alleghany County Board of Commissioners met in regular session on Monday, October 20, 2008, 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 Warren Taylor, Commissioner Randy Miller, Commissioner Doug Murphy, Commissioner Milly Richardson, County Attorney Donna Shumate and County Manager Don Adams. Clerk to the Board Karen Evans was absent.

Chair Ken Richardson called the meeting to order.

Commissioner Milly Richardson led the Pledge of Allegiance and opened the meeting with a prayer.

Chair Ken Richardson stated that Charlie Long needs to be added to the agenda after Mary Walker.

Commissioner Milly Richardson made a motion to approve the amended agenda for this October 20, 2008, meeting. Commissioner Doug Murphy seconded the motion. Vote 5:0.

AGENDA  
Monday, October 20, 2008  
3:30 PM

- 3:30 Meeting Called To Order, Pledge of Allegiance and Prayer  
Motion on Agenda for October 20, 2008, meeting  
Motion on Minutes for October 6, 2008, meeting  
Motion on September Tax Releases & Refunds
- 3:35 A. Public Comments—30 minutes  
B. John Blevins  
RE: Work First Plan  
C. Mary Walker  
RE: Tax Appeals  
Charlie Long (added)  
D. Chamber of Commerce Annual Report  
E. Library Annual Report  
F. Rescue Squad Annual Report  
G. Charles Perry  
RE: Recombination Appeal  
H. Kathy Murphy  
RE: Subdivision Exceptions  
Ordinance Violations  
I. County Business  
1. Appeal Procedures Request  
2. Scale Discussion  
3. Long Term Care Community Advisory Appointment  
4. Fairgrounds Fund Budget Amendment  
5. Drug Fund Budget Amendment  
6. Register of Deeds Fund Budget Amendment  
7. Economic Development Fund Budget Amendment  
8. 150<sup>th</sup> Anniversary Budget Amendment  
9. Courthouse Christmas Lights  
10. Salary Sub-Committee Report  
11. Adjourn

Chair Ken Richardson explained that the Clerk to the Board was unable to attend this meeting. He further explained that the meeting is being recorded and minutes will be completed.

Commissioner Milly Richardson made a motion to approve the minutes for the October 6, 2008, meeting. Commissioner Randy Miller seconded the motion. Vote 5:0.

Commissioner Milly Richardson made a motion to approve the real and auto refunds for September. Commissioner Randy Miller seconded the motion. Vote 5:0.

Commissioner Randy Miller made a motion to approve the real and auto releases for September. Commissioner Milly Richardson seconded the motion. Vote 5:0.

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.

John Blevins came before the Board to discuss the Work First Plan. He reiterated to the Board that the State requires each county to adopt a Work First Plan every two years that will meet the needs of that particular county. He reviewed Alleghany County's Plan to be submitted to the State if the Commissioners approve it.

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

Charlie Long talked about his property tax value. He further talked about qualifying for reduced taxes because he is disabled. He said that he had to pay back taxes for three years. He explained that he sold 2.9 acres and the amount of his taxes last year versus this year. He talked about a mistake was found on his taxes, and Mrs. Walker fixed it, but his taxes are still higher this year than last year. He further talked about he appealed his taxes because of the power line, and now he doesn't own the power line. He explained that he feels like the amount he sold the power line property for should come off of his taxes.

Mary Walker, Tax Administrator, explained that she did visit the property, and he came and appealed during the informal hearings and received an adjustment because of the power line. She further explained that the property he sold went with the power line so that influence had to come off. She talked about auditing 1/8 of the elderly exemption/disabled annually and he no longer qualified because of his income is why they had to go back three years. She explained that normally this would be handled during Board of E&R. She talked about sometime when you sell property; the remaining track becomes undeveloped property, which is valued higher.

Rita Miller, Assistant Tax Administrator/Appraiser, reiterated that when open land is sold then the property becomes undeveloped if it is less than four acres and the smaller the parcel, the higher the value based on market sales when revaluation was completed. She explained the amount of acreage that Mr. Long's owns.

Commissioner Warren Taylor and Rita Miller talked about the consideration that was provided because of the power line.

Charlie Long said to put the property back at the original amount then take off the amount he sold the power line property for.

Mary Walker talked about an adjustment was made because they picked up his son's doublewide as real property and personal property when it should have only been listed as real property. She suggested to the Board for her to get some information on this before they make a decision.

Chair Ken Richardson and Mary Walker talked about the level of income for the disabled.

Charlie Long talked about he should have been notified when he longer qualified for the exemption instead of having to pay the back taxes.

Rita Miller explained that once the application is made and accepted, it is really the taxpayers' responsibility to check that amount annually. She explained the audit process.

Commissioner Warren Taylor stated that he would like to see Mary Walker/Rita Miller bring back the information to be able to look at it in more depth before making any

adjustments.

The Board agreed for Mary Walker/Rita Miller to bring back more information.

Mary Walker talked about a letter she received regarding a couple that received their tax bill late and was unable to utilize the August discount amount. She explained that the tax office had the wrong address. She further explained that they brought their payment in on September 9 so they did not get the discount. She said that they are asking for the discount amount be refunded in the amount of around \$53.

Chair Ken Richardson and Mary Walker talked about the tax office did everything that was supposed to be done.

Commissioner Warren Taylor and Mary Walker talked about how many days between the time they received the bill and paid the bill. Mary Walker further talked about the postmark.

Commissioner Warren Taylor made a motion to deny the request. Commissioner Doug Murphy seconded the motion. Vote 5:0.

Mary Walker presented a letter for a solid waste appeal for Sharon O'Brien mother's mobile home that no one lives in. She explained how the house has water/electricity and is livable. She further explained how the house is currently used. She talked about if the house is rented, the tax office would not know about it. She stated that her recommendation is to release it.

Commissioner Milly Richardson made a motion to accept the Tax Administrator's recommendation. Commissioner Randy Miller seconded the motion. Vote 5:0.

Mary Walker presented another letter for a solid waste appeal from Jean Burrell. She explained that the water has been disconnected and it is for sale because her mother died.

County Manager Don Adams reminded the Board that the standard used previously is whether the house was livable or not and the fee is an availability fee.

The Board of Commissioners and Mary Walker talked about the condition of the house, availability fees, and new construction houses.

Commissioner Warren Taylor made a motion to deny the request.

Commissioner Doug Murphy and Mary Walker talked about the previous request.

County Manager Don Adams stated that it is entirely up to the Board to change the standard but the Board needs to be consistent.

Chair Ken Richardson talked about solid waste fee versus having this in the tax rate.

Commissioner Randy Miller seconded the motion on the floor. Vote 3:2 (Doug Murphy, Milly Richardson).

Mary Walker asked the Board to review the handouts she has provided regarding the 2009 circuit breaker and disabled veterans benefits. She talked about these go into effect January 1, 2009. She further talked about how these can impact the tax base. She explained how the circuit breaker program would work.

Rita Miller talked about the circuit breaker is like the puv of deferred taxes.

County Manager Don Adams asked if the elderly and disabled exemptions has it changed.

Rita Miller stated that it has not changed from past years.

County Manager Don Adams asked what the 2009 circuit breaker is.

Rita Miller explained this is more for the elderly and disabled exemptions. She further explained the program. She talked about this will be a benefit for some people. She further talked about the State is saying it will take 11 years for people to see the benefits.

County Manager Don Adams talked about this is the one that will take more time explaining to people to see if they qualify. He asked about the third program.

Rita Miller explained the disabled veteran program. She said that she thinks the tax office will have more activity with this program than the circuit breaker. She explained that Missy Smith and she will be handling the exemption programs.

Rita Miller and Mary Walker talked about ways to get this information out to the public.

Bob Bamberg came before the Board to provide the Chamber of Commerce's annual report. He provided information about the amount of literature provided by the Chamber to anyone who requests information. He talked about having four driving loops showing different areas of the county. He continued discussing the different types of literature available from the Chamber promoting Allegheny County. He talked about where these materials are located and places where Allegheny County is advertised. He talked about the impact of the gas prices and real estate market. He compared numbers from last year and this year. He offered his appreciation to the Chairman and the County Manager for their efforts on the regional tourism group. He talked about activities that bring people to Allegheny County and the need for additional activities. He further talked about recognizing volunteers fell onto the Chamber four years ago. He explained the recognition of the volunteer will be later in November.

Chair Ken Richardson and Bob Bamberg talked about the tourism revenues recorded by the State.

Commissioner Milly Richardson and Bob Bamberg discussed who prints the different types of literature.

Debbie Brewer presented the Library's annual report. She provided the highlights of the library's prior year activities. She reviewed some of the highlights, library statistics, number of programs provided and attendance, door counts, circulation numbers, internet/computer usage. She talked about a brochure about what is your library worth, upcoming programs and a recent fundraiser.

Brandon Jones presented the Rescue Squad's annual report. He presented the history of the squad, number of members and their certifications, junior squad members, types of equipment they have, number of calls and types, types of training and amount of hours and the budget breakdowns.

The Board stated their appreciation to the Rescue Squad.

Commissioner Warren Taylor and Brandon Jones talked about the economic situation impacting donations.

Charles Perry displayed a map of his property. He talked about he had surveys done to show where the corners are that show that he is on three different properties. He explained that he had talked to his neighbor who had his property surveyed and discovered that Mr. Perry is on everyone's property. He explained that his neighbor offered to sale a portion of property to him to fix this problem. He further explained that this is off Choate Dairy Road near Little River. He talked about the location of his property.

County Manager Don Adams talked about discussions from the last meeting about changing wording in the subdivision ordinance. He asked Kathy Murphy if the wording that the Board will be discussing next will take care of this situation.

Kathy Murphy answered yes.

Commissioner Warren Taylor asked what the problem is with this case.

Kathy Murphy explained the situation regarding this area is that all of the lots are grandfathered in but they do not meet the minimum acreage requirement. She further explained to fix Mr. Perry's problem the resulting lots from the recombination will be less than  $\frac{3}{4}$  of an acre, which violates the subdivision ordinance.

The Board of Commissioners, County Attorney Donna Shumate and County Manager Don Adams discussed the language change concerning exchanging lot lines.

Chair Ken Richardson asked if Mr. Perry would allow time for the Board to work on this situation.

Mr. Perry agreed.

Kathy Murphy, Planner, presented proposed amended wording for the land subdivision ordinance (see attached). She explained how this action would occur.

Chair Ken Richardson, County Manager Don Adams and Kathy Murphy used Mr. Perry's example of how this would work.

Kathy Murphy continued discussing the proposed wording change.

County Attorney Donna Shumate and Kathy Murphy discussed the wording change about un-subdivided lands.

Chair Ken Richardson told the Planner to get with the County Attorney to work on the wording of the proposed amended wording.

County Manager Don Adams reminded everyone that the Board has to have a public hearing then the wording can be changed or amended.

Commissioner Milly Richardson made a motion to hold a public hearing on the proposed amended wording for the subdivision ordinance. Commissioner Doug Murphy seconded the motion. Vote 5:0.

County Manager Don Adams talked about the Board will hold a public hearing on November 3 on the proposed wording.

Kathy Murphy and Charles Perry talked about the timing of his situation.

Kathy Murphy brought a summary of complaints and violations for the Property Rights Protection Ordinance as requested at the last meeting.

Chair Ken Richardson talked about before the Board proceeds Commissioner Taylor pointed out the Board would have to decide whether the Board wanted to see violation.

Kathy Murphy quickly reviewed her recollection from the last meeting.

Chair Ken Richardson asked the Board if they wanted to have further conversations on this summary.

Commissioner Milly Richardson stated that she thinks the Board needs to be involved before further action is pursued.

Kathy Murphy reviewed the overview of Mr. Simons' case and to date this violation is just sitting there and is at the point of what we do. She explained the situation.

County Attorney Donna Shumate explained there are two options; criminal remedy or civil remedy. She further explained both options.

Chair Ken Richardson said for the Board to decide on what procedure and then if the Board wants to be involved prior to further action.

County Attorney Donna Shumate stated that the ordinance allows for either option. She explained that Ashe County does criminal action and 95% of them are resolved as soon as the summons is issued.

Chair Ken Richardson asked which route the Board wants to go.

County Attorney Donna Shumate stated that Ashe County sometimes files civil charges depending upon the type of ordinance.

Chair Ken Richardson asked does the Board want to do anything.

Commissioner Warren Taylor said he thinks the Board needs to decide on one option and doesn't think each violation should come to the Commissioners because if the Planning Board thinks it is a violation then why should it come back to the Commissioners.

Kathy Murphy reminded the Board about the checklist of things that she does before it gets to the last step.

County Manager Don Adams stated that the main enforcement place is the building inspection office. He further stated that there are situations that occur that doesn't require a building permit and that is when they are enforced through the ordinance.

Commissioner Milly Richardson said if the Board isn't ready to decide can the Board table this until the next meeting.

Commissioner Warren Taylor stated that there are two options.

Commissioner Doug Murphy asked if more time can be allowed for people to comply.

County Manager Don Adams stated that when a criminal summons gets served, the Board needs to be prepared for what follows.

Commissioner Randy Miller talked about going with the criminal and leave the door open for civil if it is needed.

County Attorney Donna Shumate explained that most of the ordinances say one or the other or both. She used an example.

Commissioner Doug Murphy talked about needing to use common sense.

County Manager Don Adams asked who decides when the final trigger gets pulled.

Commissioner Milly Richardson stated that she thinks things should come before the Board before action is taken.

Commissioner Randy Miller agreed because the Board will be the people that gets the telephone calls.

Commissioner Doug Murphy stated that he doesn't have a problem with it coming back before the Board and if this is what it takes to get someone to do something; he doesn't have a problem with it.

Commissioner Warren Taylor asked how many of these does Kathy Murphy have right now.

Kathy Murphy answered 20 or so.

Commissioner Warren Taylor asked does the Board want to review 20 or 25 of these things.

Commissioner Milly Richardson stated that it is our obligation.

Chair Ken Richardson stated that he is gathering that the Commissioners want to go beyond step 7 and leave it flexible for criminal or civil action and review each one.

Chair Ken Richardson asked the County Attorney or County Manager how the wording for the motion needed to be made.

County Attorney Donna Shumate talked about when Kathy Murphy's investigation report ends then she will bring it to the Board to take the additional action.

Commissioner Milly Richardson made that motion. Commissioner Randy Miller seconded the motion.

Chair Ken Richardson talked about not addressing all of the issues at one time, probably be able to take five per meeting until the Board has considered all of them.

Commissioner Milly Richardson and Commissioner Doug Murphy talked about the timing and final process that the Board will be considering.

Commissioner Warren Taylor stated that he has concerns about tying up the Board's time. He gave an example.

Commissioner Doug Murphy talked about when the Planner has gone through seven steps and it is a violation, will the Board be able to obtain additional information.

Commissioner Milly Richardson stated that she understands Warren's concerns, but right now there is a backlog and when the backlog is completed, the issues will be dealt with as they come.

Kathy Murphy explained that she thinks they will get more calls because people will be policing their neighbor.

County Manager Don Adams stated that he recommends having this as a Board discussion at the next meeting, and all of the Board will be discussing is the procedures on how to deal with the backlog and future complaints.

The Board voted on the motion. Vote 4:1 (Warren Taylor).

County Manager Don Adams explained that the Planner had given each Commissioner a copy of the letter from Paul Reeves regarding windmills and Kathy Murphy's opinion letter. He further explained that it depends on what the windmill will be used for in relation to the County's ordinances.

Kathy Murphy explained that she responded to the letter about how each of the County's ordinances would apply in regards with building a windmill. She further explained that she can't make a determination until she has a proposal in front of her.

County Manager Don Adams summarized it if the power from the windmill is being used for 51% residential or farm use, then it eliminates the Property Rights Protection Ordinance and the High Impact Land Uses/Polluting Industries Ordinance but the Ridge Protection Ordinance would apply on certain ridges. He reiterated that at any time that this windmill is used for anything other than 51% of residential or farm use then the ordinances would apply.

County Manager Don Adams asked if the Board would like to discuss the Planning Board applicant. He reiterated that the Board had asked him to interview the candidate. He said that he did so along with two Commissioners.

Chair Ken Richardson stated that him and Commissioner Randy Miller along

with the County Manager meet with her, and sees no reason to not select her for the Planning Board for a one year term.

County Manager Don Adams stated that her name is Betty Stewart.

Commissioner Milly Richardson made a motion to appoint her to the Planning Board. Commissioner Randy Miller seconded the motion. Vote 5:0.

County Attorney Donna Shumate stated that she hasn't written out the appeal procedures but requests that appeals be in her hands seven days before the Board's meeting.

Chair Ken Richardson stated that the Board will honor that request.

County Manager Don Adams presented the scale bids for the Transfer Facility. He talked about the County received two bids; American Scale Company and Charlotte Scale Company. He stated that the equipment was \$48,120.50 from American Scale and \$47,821.83 from Charlotte Scale. He explained the difference items; pit wall repairs, angle iron, decking.

Commissioner Milly Richardson and County Manager Don Adams talked about pouring concrete in cold weather.

County Manager Don Adams stated that \$12,000 is included for two months of scale rental. He stated that Larry Davis and he recommends American Scale Company because the County has been working with them for years and the load cells quoted by American Scales has been around for decades and have been proven. He talked about the difference of around \$300.

Commissioner Randy Miller made a motion to approve the recommendation of Larry Davis and Don Adams. Commissioner Milly Richardson seconded the motion. Vote 5:0.

The Board of Commissioners and Larry Davis talked about selling the current scales for scrap.

County Manager Don Adams asked about borrowing the money or how does the Board want to pay it. He reminded the Board about borrowing the money for the scales and loader plus purchasing the EMS capital. He presented a reimbursement resolution.

Commissioner Milly Richardson made a motion to approve the resolution for \$73,910.50. Commissioner Randy Miller seconded the motion. Vote 5:0.

County Manager Don Adams presented a letter requesting that Leslie Choate be reappointed to serve on the Alleghany County Nursing Home Community Advisory Committee.

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

County Manager Don Adams presented budget amendment Fairgrounds Fund #1 in the amount of (\$8,907). He explained that this budget amendment is to accurately budget fund balance numbers according to the audit.

Commissioner Milly Richardson made a motion to approve budget amendment Fairgrounds Fund #1 in the amount of (\$8,907). Commissioner Randy Miller seconded the motion. Vote 5:0.

County Manager Don Adams presented budget amendment Drug Fund #1 in the amount of (\$601). He explained that this budget amendment is to accurately budget fund balance numbers according to the audit.

Commissioner Randy Miller made a motion to approve budget amendment Drug Fund #1 in the amount of (\$601). Commissioner Milly Richardson seconded the



motion. Vote 5:0.

County Manager Don Adams presented budget amendment Register of Deeds Enhancement Fund #1 in the amount of (\$813). He explained that this budget amendment is to accurately budget fund balance numbers according to the audit.

Commissioner Randy Miller made a motion to approve budget amendment Register of Deeds Enhancement Fund #1 in the amount of (\$813). Commissioner Milly Richardson seconded the motion. Vote 5:0.

County Manager Don Adams presented budget amendment Economic Development Fund #1 in the amount of (\$4,150). He explained that this budget amendment is to accurately budget fund balance numbers according to the audit.

Commissioner Randy Miller made a motion to approve budget amendment Economic Development Fund #1 in the amount of (\$4,150). Commissioner Milly Richardson seconded the motion. Vote 5:0.

County Manager Don Adams presented budget amendment General Fund #17 in the amount of \$1,500 for the 150<sup>th</sup> anniversary celebration.

Commissioner Doug Murphy made a motion to approve budget amendment General Fund #17 in the amount of \$1,500. Commissioner Milly Richardson seconded the motion. Vote 5:0.

County Manager Don Adams presented information from the Sparta Revitalization Committee that purchased lights to go on store fronts on Main Street. He explained that they want to purchase something similar for the Courthouse. He further explained where the lights will be placed on the Courthouse. He said there may be some costs with the Maintenance Department installing the lights.

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

County Manager Don Adams stated that the next item is just a report from the salary sub-committee that has met which consisted of Commissioner Ken Richardson, Commissioner Randy Miller and himself.

Commissioner Randy Miller talked about they have met and the Board needs to look at this situation, should be addressed and need to think how to address it.

County Manager Don Adams stated that the County has a longevity issue since the Board has been giving cost of living raises. He talked about ways to fix the longevity issue to a step plan and putting employees on their correct step in relation to number of years of services. He further talked about taking up this issue in January.

County Manager Don Adams stated that with the issues with the stock market, the County does not invest in risky stocks. He explained that the County bids out cd's locally. He further explained that all of the bidding banks participate in a statewide collateral system. He talked about ways the bids are coming due. He further talked about changing the way to make sure that the County has access to money to prevent cash flow issues.

Chair Ken Richardson stated that he wanted to make sure each Board member receives a copy from the NCACC about the State's revenue problems, and how Alleghany County can handle those issues if they are passed down to the counties.

Being no further business, Commissioner Milly Richardson made a motion to adjourn the meeting at 5:30pm. Commissioner Randy Miller seconded the motion. Vote 5:0.

Respectfully Submitted,

Karen Evans  
Clerk to the Board

Attest:

Ken Richardson  
Chairman

**Proposed Amended Wording  
Land Subdivision Ordinance, Alleghany County, North Carolina**

**Article 5. DEFINITIONS AND INTERPRETATIONS**

-  
**Add –**

**10. Nonconforming Lot.** A legally created lot previously subdivided and recorded in the office of the county register of deeds prior to the enactment of this ordinance which fails to meet minimum dimensional requirements for the district in which it is located.

**Renumber 10 thru 17**

**Section 17. Subdivision will become section 18**

**Add –**

**i.** The combination or recombination of nonconforming lots of record for subdivisions which involve only the combination or recombination of lots which are nonconforming lots of record and which do not include the addition of other unsubdivided lands and further, where the proposed lots as combined or recombined fail to meet the current dimensional requirements of the zoning district in which the lots are located, the combination or recombination of such lots may be administratively approved by the planning director if such approval can be made without destroying the intent of this ordinance, provided that the following conditions are met:

(1) The lands involved in the combination or recombination are all included within lots or portions of lots previously subdivided and recorded in the office of the county register of deeds.

(2) The total number of lots is not increased.

(3) No resultant lot shall be smaller in area than the smallest lot of any of the lots prior to combination or recombination.

(4) All subdivisions for which administrative approval is given herein shall be depicted on a map or plat thereof which shall meet all the requirements of the subdivision regulations and state law for recording in the county register of deeds. Upon administrative approval being given, such map or plat shall be filed for record in the office of the county register of deeds.

**j.** The division of land solely for the purpose of creating lots to be occupied by electrical substations, water towers, community water and wastewater systems, cell towers and similar structures used for public or quasi-public utility purposes.

**PENDING REVIEW AND APPROVAL OF THE COUNTY ATTORNEY**