

The Alleghany County Board of Commissioners met in regular session on Monday, November 19, 2007, 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, 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 Randy Miller made a motion to approve the agenda for this November 19, 2007, meeting. Commissioner Warren Taylor seconded the motion. Vote 5:0.

AGENDA
Monday, November 19, 2007
3:30 PM

- 3:30 Meeting Called To Order, Pledge of Allegiance and Prayer
Motion on Agenda for November 19, 2007, meeting
Motion on Minutes for October 29, and November 5, 2007, meetings
Motion on October Tax Releases & Refunds
- 3:35 A. Public Comments—30 minutes
B. Public Hearing (Continued from 11/5/07)
RE: QZAB Funding and Resolution
C. Mary Walker
RE: Tax Appeals and Late Applications
D. Martin Starnes and Associates
RE: FY 2006-2007 Audit
E. Red Cross Annual Report
F. Planning Committee Annual Report
G. BROC Annual Report
H. County Business
1. Long Term Care Committee Appointment
2. Tourism Initiative Resolution
3. Sign Moratorium
4. Tag Office
5. PEG Grant
6. School Bond Referendum Resolution
7. Adjourn

Commissioner Randy Miller made a motion to approve the minutes for the October 29 and November 5, 2007, meetings. Commissioner Warren Taylor seconded the motion. Vote 5:0.

Commissioner Milly Richardson made a motion to approve the vehicle releases and refunds for October. Commissioner Randy Miller seconded the motion. Vote 5:0.

Commissioner Milly Richardson made a motion to approve the real property releases and refunds for October. Commissioner Randy Miller 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.

Chair Ken Richardson reconvened the public hearing from the last meeting at 3:35pm regarding the QZAB funding.

County Manager Don Adams explained that the proposed financing is a 14-year loan at 0% interest with the following fees associated with the loan; \$20,000 for the financial consultants, \$20,000 credit enhancement insurance, \$6,750 for bond counsel,

\$2,000 for survey and title work, \$500 for the LGC application and \$750 for advertising and miscellaneous expenses. He explained that the application is due the first of January to be considered at the February Local Government Commission (LGC) meeting. He further explained that the LGC requested that the application be presented for the February meeting rather than earlier.

Chair Ken Richardson asked for public comments.

Dr. Jeff Cox, Superintendent, talked about prior reimbursement resolutions that the Commissioners have agreed for the schools to proceed with; bleachers and air conditioning. He further talked about the need to work on some additional projects and extend the timeframe since the application isn't going before the LGC until their February meeting.

Chair Ken Richardson asked for further comments. None were received. He declared the public hearing closed at 3:37pm.

Chair Ken Richardson asked Dr. Cox to get with the County Manager and bring the issue back to the Board of Commissioners.

Mary Walker, Tax Administrator, came before the Board to present late application letters for farm use for the following people; Mr. Miller, Myrtle Holloway signed by her power of attorney Roger Choate, Richard Crouse, and Gary Murphy.

Commissioner Milly Richardson made a motion to approve these requests as presented by the Tax Administrator. Commissioner Warren Taylor seconded the motion.

Chair Ken Richardson and Mary Walker talked about the Tax Office will see if they qualify for farm use because this action is just allowing them to make application.

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

Mary Walker talked about two letters are solid waste fee appeals. She further talked about the condition of the mobile homes in the first appeal.

Commissioner Milly Richardson made a motion to approve the solid waste fee appeal for these mobile homes. Commissioner Doug Murphy seconded the motion.

Chair Ken Richardson asked for clarification about the refund.

Mary Walker explained the process for the refunding solid waste fees.

County Manager Don Adams informed the Board about this property owner has an application before the Planning Board about remodeling these mobile homes to rent them out.

Mary Walker stated that these refunds are for past years only.

The Board voted on floor. Vote 5:0.

Mary Walker presented a letter about solid waste fees on Snow Drift Lane. She explained that the lady doesn't live there because she is taking care of her father, and the property hasn't had power for three years. She is asking that the solid waste fee be removed until she moves back to Alleghany County.

Commissioner Milly Richardson made a motion to approve the solid waste fee. Commissioner Doug Murphy seconded the motion. Vote 5:0.

Mary Walker presented motor-vehicle appeals for Mr. Stanley. She talked about she agrees with the appraisal of \$1,500 for the 1999 Chevrolet pickup because of the mileage and condition. She stated that he has another appeal for \$900.

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

Mary Walker stated that her recommendation for Mr. Ritchie's appeal on the 2002 Chevrolet pickup is \$10,700.

Commissioner Warren Taylor made a motion to approve Mary Walker's recommendation. Commissioner Doug Murphy seconded the motion. Vote 5:0.

Chris Cosner with Martin Starnes and Associates presented the annual audit report for 2006-2007. He reviewed the highlights of the audit.

County Manager Don Adams talked about the Board's budget process uses estimated fund balance number and the actual numbers were close to the estimates that were presented.

Ann Graves presented the annual report for Red Cross. She gave the Board a copy of their annual report. She explained the items that she has been working on. She talked about activities that they hope to start in Alleghany County that have worked well in Wilkes County. She further talked about they facilitate activities with the armed services when a member needs to come home for a family situation.

Betty Ann Eller explained the health and safety portion of the Red Cross program. She talked about having anonymous donor who donated a truckload of blankets which have been distributed to the fire departments. She talked about working with the Boy Scouts and the youth. She further talked about classes held at the wellness center in regards to health and safety. She explained the activities that they have worked on.

Agnes Joines presented the annual report for the Alleghany Planning Committee. She reviewed their fundraising activities including the Hillbilly Show. She talked about programs and activities that they are involved in.

Commissioner Doug Murphy, Agnes Joines and Betty Bledsoe talked about BROCC does not work with the youth in finding jobs during the summer like they used to.

Agnes Joines presented the annual report for the Blue Ridge Opportunity Commission (BROCC). She reviewed the list of their board members. She explained their history, purpose and activities that they work with including Head Start and helping people with housing needs. She stated that they also do a lot of fundraising.

The Board of Commissioners stated their appreciation for Betty Bledsoe and Agnes Joines for their work on these committees.

County Manager Don Adams presented a letter from Alex Jernigan requesting that Leslie Choate be appointed to the Long Term Care Advisory Committee for one year.

Commissioner Warren Taylor made a motion to appoint Leslie Choate to the Long Term Advisory Committee. Commissioner Milly Richardson seconded the motion. Vote 5:0.

County Manager Don Adams presented a resolution about the Northwest North Carolina / Southwest Virginia Regional Tourism Initiative. He explained the resolution.

Commissioner Milly Richardson made a motion to approve the resolution as presented by the County Manager. Commissioner Doug Murphy seconded the motion. Vote 5:0.

County Manager Don Adams reminded everyone that last Friday was the last day for the local tag office to be open. He explained that the previous boards had shown interest in performing these duties if circumstances provided for that opportunity. He stated that he met with the State DMV about the County performing these services. He further stated that he has been working with Mary Walker on this concept. He explained that DMV would require one window to be dedicated to the tag office, two different computer systems with two different cash drawers and changing office hours for the collection windows. He talked about the way the tax office operates now. He said that

this concept has never been done. He explained that most other tax offices recommend that it be a separate office due to the workload and personnel issues. He talked about concerns from DMV. He stated that he recommends proceeding with offering this service, direct Mrs. Walker to examine both alternatives and come back to this Board with recommendations if the Board wishes to go forward with this concept.

Commissioner Warren Taylor and County Manager Don Adams talked about the State will provide the computer system. County Manager Don Adams explained that the County will be responsible to provide the personnel, office supplies and equipment.

Commissioner Warren Taylor and County Manager Don Adams talked about the revenue side of this project being hard to estimate because the State does not collect the notary fees associated with tag work.

Commissioner Warren Taylor and County Manager Don Adams talked about the legislators looking at joining tag offices with tax offices in the future.

Commissioner Warren Taylor stated that this is an important enough issue to try to retain the services in Alleghany County.

County Manager Don Adams stated that they are looking at giving the County the first option but there are several other private individuals who are interested in providing this service. He talked about Mary Walker will have to do more research. He further talked about this is a way to offer a better service because the tax office and tag office work together.

Chair Ken Richardson stated that it sounded like there is a general consensus from the Board.

Mary Walker said she will try to have the information by the next meeting. She stated that she has some concerns that she has spoken to the County Manager about. She said she is not opposed to this, and she will look into this by the next meeting.

Commissioner Milly Richardson clarified that if the County doesn't provide this service, someone else can.

County Manager Don Adams stated that is his understanding.

County Manager Don Adams stated that the proposed moratorium has been reviewed by the Planning Board and is now before the Commissioners. He explained that it can be adopted under police powers rather than zoning powers. He talked about the Board needs to discuss the content and whether this is something the Board wishes to pursue then the second issue is how this moratorium needs to be passed.

County Attorney Donna Shumate reiterated that the Planning Board wanted to address the sign issue. She explained that according to her research there are two ways to accomplish that; police powers or zoning. She talked about different counties pursued this action and was sued but they did it under police powers when they had zoning in place. She further talked about the Court of Appeals' discussion on these cases about if they have zoning they can still pursue it under police powers. She stated that she drafted two moratoriums, and the Planning Board came back with the police-power moratorium. She stated that she consulted a zoning attorney and asked if the County has zoning can this action be done under police powers. She said the reply she received stated that even if it is a stand-alone ordinance that regulates something covered under the zoning article then the attorney believes it has to be adopted under zoning powers. She stated the moratorium in front of the Board is not under zoning.

Commissioner Warren Taylor asked what the Planning Board is looking for.

County Manager Don Adams stated that the Planning Board is looking towards a stand-alone ordinance.

Commissioner Warren Taylor talked about having two conflicting opinions.

County Attorney Donna Shumate agreed. She explained that she thought she

had it figured out but then the opinion came back from the other attorney and now she is not so sure.

Commissioner Warren Taylor stated that the Board is better to wait until the Board can see what to do.

County Attorney Donna Shumate agreed and stated that maybe someone who does this on a daily basis should look at this.

Chair Ken Richardson asked about doing this for 90 days to allow time for the Planning Board to work on the ordinance while this answer is being researched.

County Attorney Donna Shumate explained that it is just for 90 days but if this is to be done under zoning then a public hearing is required and notifications have to be completed even for a moratorium.

Commissioner Milly Richardson, County Attorney Donna Shumate and County Manager Don Adams talked about the Planning Board recommended a moratorium to allow time to have a stand-alone ordinance and however the Commissioners adopt a moratorium is left to the Commissioners.

Commissioner Warren Taylor asked about having a public hearing before the Board can adopt a moratorium.

County Attorney Donna Shumate explained that a public hearing is required under zoning but not under police powers. She stated that she prefers to table this issue until the next meeting to allow her more time to research it. She talked about the Board could have discussions about the content to allow her to know which direction to go.

Commissioner Warren Taylor talked about this does what the Board was hoping to do.

County Manager Don Adams read a portion of the proposed moratorium "Now, therefore, be it ordained that the Board of Commissioners of Allegheny County hereby places a moratorium on the construction and placement of off-site signs for a period of ninety (90) days following the moratorium's adoption. Off-site signs shall be defined, for purposes of this moratorium, as Any sign, or any part thereof, erected and maintained by a business or service upon which advertising matter, public services information or other matter may be displayed and which advertises firms and organizations that, along with their goods and/or services, are not located on the same premises as the sign, and which surfaces are sold, rented, owned or leased for the purposes of advertising or providing information. A billboard/outdoor advertising sign shall be considered an off-site sign. This moratorium specifically does not cover temporary signs. Temporary signs, for purposes of this moratorium, shall be defined as "Any off-site sign, or any part thereof, erected and maintained by a business or service upon which advertising matter, public services information or other may be displayed and which is placed for a period of sixty (60) days or less. Temporary signs include, but are not limited to, yard sale signs, real estate signs, political signs, holiday signs, warning signs posted by utility or construction company. Billboards shall not be considered temporary signs even if placed for a period of sixty (60) days or less." He talked about differences between zoning and police powers and a new state law about zoning amendments or changes that requires the County to run ads in the newspaper twice, then notify all property owners. He explained the costs associated with the new State law, \$3,340.77 or \$5,208.48. He further explained that the price differences are due to the size of the ad and number of letters that must be mailed out. He stated that these prices do not include labor. He asked the Board if he gets the County Attorney's opinion that says it must be under zoning, is the money is place to start this process.

Chair Ken Richardson asked if the Board does this today can the Board go back and undo this at the next meeting.

County Manager Don Adams stated that the only issue is that Kathy Murphy will enforce this from tonight until the next meeting.

Commissioner Randy Miller asked can it be rescinded within the 90 days.

County Attorney Donna Shumate stated that it can be but there are procedures to follow.

County Manager Don Adams talked about if the Board adopts this tonight effective tonight, she enforces it next week then the County finds out it was illegal.

Chair Ken Richardson asked why Ashe County could adopt a moratorium.

County Attorney Donna Shumate stated that Ashe County doesn't have zoning.

Commissioner Warren Taylor talked about the notice to property owners.

Kathy Murphy reviewed the new zoning laws regarding moratoriums.

County Manager Don Adams talked to Kathy Murphy about the zoning moratorium.

Commissioner Doug Murphy said that it sounds like to him this could be a legal issue if passed under police powers, enforced then find out the County has to go with zoning.

Commissioner Warren Taylor talked about the Property Rights Protection Ordinance and regular zoning.

Chair Ken Richardson stated that this issue is tabled until the next meeting.

County Manager Don Adams talked about a proposed PEG grant. He talked about Alleghany Cablevision currently provides a public, educational or governmental access channel and that action allows the County to apply for grants funds in the amount of \$25,000 for a dollar to dollar match for a total budget of \$50,000. He explained that there are \$23,624 for a codecs in the QZAB project to pay for video equipment in the Cyber Campus that he hopes can be used towards the required \$25,000 match. He continued explaining that if the grant doesn't allow the QZAB to be used as matching funds then the schools would contribute \$10,000 of the matching funds and Alleghany County would contribute \$15,000.

Commissioner Warren Taylor asked can we approve it after they decide whether it qualifies.

County Manager Don Adams talked about the first option shows that the QZAB project is used for matching funds.

Travis Sturgill explained what codecs are and how they work. He started explaining the list of equipment for the two options.

Commissioner Milly Richardson and Travis Sturgill talked about this will give productions a more professional look.

County Manager Don Adams talked about that this will provide video recording to go to another level.

Commissioner Milly Richardson asked about broadcast quality.

Travis Sturgill talked about current problems with broadcasting. He continued to describe the equipment and its purpose.

Commissioner Milly Richardson asked if this will allow students to use this to learn.

Travis Sturgill stated yes and the students are the driving force. He continued to describe the equipment.

County Manager Don Adams reiterated that the total budget is \$50,000, with one scenario using the QZAB project as matching money. He stated that he is asking for

permission to apply for the grant. He talked about how two pieces will enable the Cyber Campus to move forward. He explained that the second budget is similar. He talked about the extra differences between the two budgets including audio upgrades. He explained how the audio and video would work. He talked about the possible location of the cameras. He explained that this will take care of long-term video and audio needs. He further explained that he has spoken to the schools, and they are interested. He talked about the schools will provide \$10,000 and the County provide \$15,000.

Chair Ken Richardson talked about the second quote, and it seems like the County is getting \$50,000 of equipment for \$15,000.

County Manager Don Adams stated that this is a grant, and it should take care of our needs.

Chair Ken Richardson talked about applying for the second proposal because the first one has a chance to have something kicked out.

Commissioner Warren Taylor talked about this is a rare opportunity.

Commissioner Randy Miller made a motion to apply for both proposals. Commissioner Milly Richardson seconded the motion.

Commissioner Doug Murphy asked will this be available to the students.

Travis Sturgill stated that yes this is something that will benefit them greatly.

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

County Manager Don Adams presented a resolution titled Intent to Proceed with a Referendum for Alleghany County General Obligation School Bonds. He explained the highlights of the resolution including the number had been rounded up to \$7,535,000 and the election date is scheduled for March 11.

Commissioner Warren Taylor made a motion to approve the resolution as presented by the County Manager. Commissioner Randy Miller seconded the motion. Vote 5:0.

County Manager Don Adams reminded the Board about the next meeting is the organizational meeting of the Commissioners.

Being no further business, Commissioner Milly Richardson made a motion to adjourn the meeting at 5:10pm. Commissioner Randy Miller seconded the motion. Vote 5:0.

Respectfully Submitted,

Karen Evans
Clerk to the Board

Attest:

Ken Richardson
Chairman

ALLEGHANY COUNTY

NORTH CAROLINA

RESOLUTION

Supporting the Northwest North Carolina/Southwest Regional Tourism Initiative (RTI) in Seeking Funding Assistance from the US Economic Development Administration (EDA)

WHEREAS, Alleghany County, North Carolina, is an active and participating member of the Northwest North Carolina / Southwest Virginia Regional Tourism Initiative; and

WHEREAS, Alleghany County supports the collaborative efforts underway to support the various components of the RTI's mission statement and associated strategies; and

WHEREAS, the Alleghany County Board of Commissioners have reviewed the *Pre-application for Funding Assistance from the U. S. Economic Development Administration, Executive Summary*, dated November 1, 2007; and

WHEREAS, EDA funding is essential to carrying out the Fiscal Year 2008 work program of the Regional Tourism Initiative;

NOW, THEREFORE BE IT RESOLVED by the Alleghany County Board of Commissioners, by action taken on November 19, 2007, hereby endorses the *Pre-application for Funding Assistance from the U.S. Economic Development Administration*.

Adopted this the 19th day of November, 2007.

Resolution Stating Intent To Proceed with a Referendum For Alleghany County General Obligation School Bonds

WHEREAS:

The Board of Commissioners of Alleghany County, North Carolina, has considered the need for capital improvements for public schools in the County. The Board has received a request from the Alleghany County School Board to proceed with a referendum on the issuance of County general obligation bonds to provide funds for construction and improvement of school facilities, in particular for the construction of a new middle school for the County.⁷

BE IT THEREFORE RESOLVED by the Board of Commissioners of Alleghany County, North Carolina, as follows:

1. The Board makes an initial determination to proceed with a referendum on March 11, 2008, for County general obligation school bonds in the maximum amount of \$7,535,000.

2. The County Manager is authorized and directed to proceed with the proper steps toward the authorization of the referendum, including proceeding with an application to the North Carolina Local Government Commission (the "LGC") for its approval of such bonds. The Board appoints the County Manager as the County's authorized representative with respect to the LGC application process.

3. The Board makes the following findings of fact in support of its determination:

a) The proposed capital projects are necessary and expedient for the County. The County has engaged in a substantial process of discussion with the County school board, and in the review of the School Board's analysis of school facility needs. Based on this review and the School

Board's analysis, the County determines that the proposal to construct a new middle school for the County is necessary and expedient for the County. The Board notes, however, that the projects eventually funded with bond proceeds will depend on final project costs and the County's evolving needs.

b) The amount of bonds proposed is adequate and not excessive for the proposed purpose. The proposed bond amount has been derived from the School Board's request for the referendum. The School Board's request is the result of significant work by the School Board in evaluating options and determining project costs. Based on this review and the School Board's analysis, the County determines that the amount of bonds proposed is adequate and not excessive for the proposed purpose.

c) The County's debt management and budgetary and fiscal management policies have been carried out consistently in accordance with the law.

d) The Board estimates a maximum potential tax impact to the County of 5 cents per \$100 of assessed valuation to pay the principal of and interest on the bonds. The actual amount of any tax increase will depend on final project costs, changes in the County's tax base and other factors, including factors outside the County's control. The Board believes that any such tax increase will be appropriate and not excessive under all the circumstances if the County's voters approve the bonds. The County will in all cases work to minimize the potential tax impact of any financing in a manner consistent with sound financial policy and consistent with the timing of the project. In addition, the County will evaluate alternative means of financing project costs in a continued effort to provide the most cost-effective capital funding for the County.

4. The Clerk to this Board is authorized and directed to publish a notice of the County's intent to apply to the LGC for approval of the bonds. This notice must be in the form prescribed by statute and consistent with this resolution. All previous steps to that end previously taken by County officers are ratified, approved and confirmed.

5. The Board appoints Sanford Holshouser LLP, as the County's bond counsel with respect to the proposed school bond referendum, and directs the County Manager to negotiate the terms of bond counsel's engagement.

6. All County officers and employees are authorized and directed to take all such further action as they may consider necessary or desirable in connection with the furtherance of the purposes of this resolution. All such prior actions of County officers and employees are ratified, approved and confirmed. All other resolutions, or parts thereof, in conflict with this resolution are repealed, to the extent of the conflict. This resolution takes effect immediately.

Adopted this the 19th day of November, 2007.