

The Alleghany County Board of Commissioners met in regular session on Monday, October 19, 2015, at 10:00am in the Board Meeting Room of the County Administration Building, 348 South Main Street, Sparta, North Carolina.

Present: Chair Tom Smith, Vice-Chair Karen Leys, Commissioner Larry Davis, Commissioner Mark Evans, Commissioner Bobby Irwin, County Attorney Donna Shumate, County Manager Don Adams, and Clerk to the Board Karen Evans.

Chair Smith called the meeting to order, led the Pledge of Allegiance and offered the Invocation.

Chair Smith said that Shelly Foreman needs to be removed from the agenda.

Commissioner Davis made a motion to approve the amended agenda for this October 19, 2015, meeting. Commissioner Leys seconded the motion. Vote 5:0.

AGENDA
Monday, October 19, 2015
10:00 AM

- 10:00 Meeting Called To Order, Pledge of Allegiance and Invocation
Motion on Agenda for October 19, 2015, Meeting
- 10:05 A. Rita Miller, Tax Administrator
1. September Releases and Refunds - Standard release and refund of both automobile and real property taxes due to reasons listed on the report. Actions Requested – Vote on releases and refunds.
 2. September Collections Report - Monthly 2015 collection rates through September as compared to 2014 monthly collection rates. No action requested.
 3. Enforced Collections Report – Summarizes enforced collections for the month of September 2015. No action requested.
 4. Payment Agreement Report - List of people with payment agreements who did not make payments. No action requested.
 5. Solid Waste Fee Release Requests – Two appeals will be presented. Action Requested – Vote on the requests.
- 10:15 B. Lisa Osborne, Social Services Director
RE: Social Services Annual Report. No action requested.
- 10:40 C. Shelly Foreman, Senior Director of Public Affairs (Deleted)
RE: Smoky Mountain Center Annual Report. No action requested.
- 11:00 D. General Business
1. Open Deputy Position
Request to fill an open deputy position, Grade 62, \$25,622.61. Action Requested – Vote on the request.
 2. Planning Board Pay
The Planning Board is requesting that the County consider approving a \$30 per meeting stipend. Action Requested – Vote on the request.
 3. Sales Tax Discussions
Continue discussions regarding recent sales tax changes and the local option sales tax. No action requested.
- E. Commissioners Business
1. Noise Ordinance—Commissioner Leys is requesting the Board to begin discussions regarding a noise ordinance.
- F. Public Comments—30 minutes
- G. Commissioners Comments
- H. Closed Session – NCGS 143-318.11 (a) (3) – legal
- I. Adjourn

Rita Miller, Tax Administrator, presented the September auto refunds under the vehicle tax system (VTS).

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

Rita Miller presented the September auto releases.

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

Rita Miller presented the September real property releases.

Commissioner Evans made a motion to approve the September real property releases.
Commissioner Leys seconded the motion. Vote 5:0.

Rita Miller presented the September real property refunds.

Commissioner Irwin and Rita Miller talked about the payments that are made by the mortgage company and the property owner the refunds go to the property owner.

Chair Smith and Rita Miller discussed an issue with a check written for a wrong amount.

Commissioner Irwin made a motion to approve the September real property refunds.
Commissioner Evans seconded the motion. Vote 5:0.

Rita Miller presented the September 2015 reports; collection rate report, enforced collection report, payment agreement report.

Rita Miller presented a request for a solid waste fee refund for a house that is an estate matter. She said the property has been vacate for 6 years, no insurance, no water, and no power but could be livable if repairs are made. She stated that it is her understanding that the property is getting ready to be marketed. She said she does not recommend to release it because the Tax Office will not know when it is being lived in.

County Manager Don Adams and Rita Miller talked about no one lived in it for the last 6 years.

Chair Smith and Rita Miller talked about her reason for not releasing it is because it habitable.

Commissioner Leys and Rita Miller talked about the taxes are paid.

Commissioner Evans and Rita Miller talked the power is turned off, and a permit would be obtained for the power to be turned back on. She explained they get a report of the electrical permits but nothing to note to put the solid waste fee back on it.

Chair Smith and Rita Miller talked about keeping consistent would be releasing the fee but when the property sales there is no way to know in order to put the fee back on.

Commissioner Evans made a motion to approve the request to release. Commissioner Leys seconded the motion.

County Manager Don Adams clarified that it hasn't been lived in for over 1 year and the power has been off for over a year.

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

Rita Miller presented a solid waste fee release request. She explained that the power is on, no one has lived in it since 2010, and it will require significant work to be lived in.

Commissioner Leys and Rita Miller talked about the property has no use at all and hasn't been used since 2010.

County Manager Don Adams and Rita Miller talked about it still has power.

Commissioner Leys said that it is hard to be consistent since it still has power.

Rita Miller said if the request is denied, she could let him know that it is because the power is still on.

Chair Smith said that electricity is always something that the Board considers.

Commissioner Irwin described his property situation and the reason the power is still on to run his well pump, and he doesn't pay the solid waste fee on it. He talked about the need to see why the electricity is on for this property.

Rita Miller said there are several examples like that.

Commissioner Davis said to find out whether he needs the power for anything else and bring it back.

The Board agreed.

Rita Miller explained that they are beginning the audits for 2015 and the types of businesses that will be audited this year.

Rita Miller mentioned 4 properties are scheduled to be foreclosed on October 30 at 10:00am. She provided the locations of the properties.

Rita Miller talked about she had researched having a minimal tax bill refund and was ready to bring it to the Board but now there is Senate Bill 159 dealing with the same issues. She said she is not ready to bring the information at this time because she wants to do some more work on this and bring it back when she has additional information.

Lisa Osborne, Social Services Director, presented Social Services' annual report. She explained they have 24 employees, routinely have audits conducted, and they have passed all of their audits. She stated that their total budget is \$24,000,000; County provides 3%, State provides 29%, and federal government provides 68%. She reviewed their accomplishments, Medicaid numbers, food/nutrition numbers, foster care increased, and daycare funding went down. She provided more information on Medicaid including the number of recipients.

County Manager Don Adams and Lisa Osborne talked about for food/nutrition benefits a family of 4 the maximum monthly gross income is \$2,600. They discussed the amount for a family of 2 is \$1,700 per month for gross income. He asked about Medicaid. She said that is very similar. She provided an example for a family of 4 ranges from \$2,100-\$3,900 income per month. They discussed that is for infants and children at the high range.

County Manager Don Adams talked about the income levels have been going up. Lisa Osborne agreed. He explained to look at our county wages versus how much the thresholds have gone up over the past 10 years. He said his point is we have employers that are paying \$9 an hour 10 years ago and \$9 an hour now. He stated that employment opportunities are out there, and this is one explanation why services are increasing.

Lisa Osborne talked about the food/nutrition program, and the State is looking at not meeting their USDA audit. She explained what that means and the State as a whole is not meeting the benchmark but Allegheny County is. She further explained that they are looking at holding the State responsible for \$75,000,000 if benchmarks aren't met.

County Manager Don Adams explained this will occur within the next 6 months and currently the State is at 83-85% compliance. Lisa Osborne that 34 counties are meeting the benchmarks including Allegheny. He said that the State as a whole must get back up to 95%, and if the State doesn't meet this threshold then there will be a penalty of \$75,000,000, and the ones that are not in compliance should be the ones to pay the penalty. He mentioned getting the County Commissioners Association involved. He stated that long-term Allegheny County should not be penalized since we are meeting the benchmarks.

Chair Smith, County Manager and Lisa Osborne talked about the timeline when someone applies for food/nutrition services and the amount of time to process the application.

Commissioner Leys and Lisa Osborne talked about examples of other counties that aren't meeting the benchmarks.

The County Manager said with the 2/3 of the counties that aren't in compliance to look at the top 10 and if they would meet the benchmarks it would be closer to the 95% because these are the larger areas.

Commissioner Leys said the larger areas are creating problems for the smaller areas.

Commissioner Evans said this could be an example of in smaller areas we are trying to help versus in larger areas they are numbers.

The County Manager talked about other areas that Social Services works in. The County Manager and Lisa Osborne talked about we have 1 fraud worker. The County Manager explained the system in place making employees respond quickly with the information in front of them in order to comply with the State/Federal guidelines. The County Manager talked about one way to help would be to invest in the fraud side. Lisa Osborne said they are taking the information presented at face value because of the guidelines, if fraud is suspected then it is turned over to the fraud worker. They discussed the fraud worker is a reimbursable expense. She presented the amount the fraud worker collected during the past year. The County Manager pointed out if there are faults, then it is the system not the employees.

Commissioner Evans and Lisa Osborne talked about this is what is actually collected. They discussed there are some uncollected. They talked about the process for collecting and the current number of fraud cases.

Commissioner Irwin and Lisa Osborne talked about they are open Monday-Friday except holidays with some areas being on call all the time. They talked about the number of calls received during the year and number of clients assisted.

Commissioner Leys said we are fortunate to have Lisa Osborne as the Director. She stated her appreciation for everything she is doing for Allegheny County.

Commissioner Leys and Lisa Osborne discussed there are 24 people and 1 open position. They discussed all programs are subject for chargebacks and the County is responsible for the chargebacks. Commissioner Leys and Lisa Osborne explained that Social Services is responsible for people of all ages. The County Manager said the morgue situation is better now than previous years. Commissioner Leys and Lisa Osborne discussed the adult protective services including Social Services is responsible for adult protective services including having adult guardianships.

Chair Smith said he assumes Social Services works with Council on Aging. Lisa Osborne said yes they do and have a contract with them to provide Level I services.

Commissioner Irwin mentioned that Lisa Osborne is on the Council on Aging board, and 20-30% of their meetings deal with Social Services.

Commissioner Leys and Lisa Osborne talked about the child protective services including the number of cases and child support enforcement including the number of times per month they are in court, 2 staff members do child support, and over \$700,000 was collected. Commissioner Leys mentioned they establish paternity for children also.

Commissioner Leys asked how we get people to select a primary care physician. Lisa Osborne said that everyone is working on getting people to select a primary care physician and explained several areas they are working on. Lisa Osborne said that this year's numbers are predicted to be higher.

Commissioner Irwin and Commissioner Leys talked about 2,798 were enrolled in 2014. Commissioner Irwin explained that 28-30% of the population are involved with Social Services. Lisa Osborne said yes for Medicaid.

Commissioner Leys and Lisa Osborne talked about adoption assistance including the different types of assistance.

County Manager Don Adams said if anyone knows of someone interested this is a great program. The County Manager and Lisa Osborne talked about the amount for placing children in residential homes. She talked about the huge benefit to keep children in the county, and currently there are 4 licensed homes.

Commissioner Leys and Lisa Osborne talked about the youth employment certificates, and the numbers are low but averaging the same as previous years. Commissioner Leys stated that if someone is under 18 they are required to have a work permit. Lisa Osborne agreed.

Commissioner Leys said she had no idea of the complexity of Social Services and stated her appreciation to Lisa Osborne.

Chair Smith declared a brief recess at 11:10am.

County Manager Don Adams presented a request from Sheriff Maines to fill an open deputy position, Grade 62, \$25,622.61.

Commissioner Davis and County Manager Don Adams talked about this position is already in the budget.

Commissioner Leys made a motion to approve filling the position as requested. Commissioner Evans seconded the motion. Vote 5:0.

County Manager Don Adams explained that the Planning Board had requested a \$30 per meeting stipend. He stated that they don't meet every month. He explained the types of their meetings and said that the meetings are lasting longer. He further explained the amount for an entire year would be up to \$2,400 and the amount for this year would be up to \$1,600.

County Manager Don Adams and Commissioner Davis talked about there are 5 members.

County Manager Don Adams explained how some of them are losing money to come to the meetings.

Chair Smith said we ask more and more of the Planning Board, and he personally thinks it is a good idea.

Chair Smith made a motion to approve the \$30 per meeting stipend for the Planning Board. Commissioner Davis seconded the motion.

Commissioner Evans said if they don't do it then it would be up to the Commissioners. He said that he appreciates what they do.

Commissioner Leys asked what choice the Board has.

County Attorney Donna Shumate said that it is necessary to have the Planning Board.

County Manager Don Adams said with the ordinances the County has, it is not a choice.

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

County Manager Don Adams provided a map showing the counties that have held the sales tax referendum according to the County Commissioners' Association. He explained that the current sales tax has been extended out to services, additional monies can be spent on K-12 education/community colleges/economic development, starts July 1 but he recommends to wait so the conversations have time to occur. He talked about the Board may have a special-called meeting to discuss the different ideas and how to proceed. He explained the economic development portion could line up with what is coming out of the Economic Development Plan. He stated that at the upcoming joint meeting, the chairs will present information about the Plan. He talked about having a special meeting in December/January.

Chair Smith said that it is a good idea to have some informal discussions after the first of the year.

Commissioner Leys asked about the timeline.

County Manager Don Adams said that he is looking at a joint meeting with the Board of Education within the next month, then after the first of the year have a meeting to discuss how to proceed.

Commissioner Irwin and County Manager Don Adams discussed the timeline for the ¼¢ sales tax including making the formal request in mid-January but it must be 60 days prior to the election. The County Manager recommended additional discussions for the intentions of the monies.

Chair Smith talked about having the conversations about the redistribution of sales tax after the first of the year.

Commissioner Leys said she thinks it is all together, and the need to do it sooner than January.

Commissioner Irwin said he don't want to miss the timeline for the referendum. He asked why the Board can't meet in December. He said he has to look at both in order to make the decisions.

County Manager Don Adams explained more about the ¼¢ sales tax, resolution has to be passed by mid-January, recommend having conversations as soon as the Board wants to have the conversations. He further explained why he separated the two taxes including being confusing to the public.

Commissioner Evans said one difference is we are going to get the additional sales tax and the ¼¢ sales tax may or may not be approved. He said his opinion is that they are separate conversations.

County Manager Don Adams agreed that discussions need to be held as soon as the Board wants about holding the referendum and the reason. He said that one of the items that he is going to put forth is emergency communications/emergency safety. He further said that this Board needs to have discussions because there are going to be other items.

Chair Smith said we had talked about communications at the previous meeting. He asked is there anything else to be considered.

Commissioner Leys asked what is the amount for the tax. County Manager Don Adams answered \$168,000 a year, if it was this year, but it could be more.

Commissioner Davis and County Manager talked about the County wouldn't get it all at one time. The County Manager provided the timeline of when the money would be received.

Commissioner Irwin and County Manager Don Adams talked about Alleghany County tried this in 2008.

County Manager Don Adams explained the other monies that we are talking about is \$227,000 starting July 1, 2016.

Commissioner Irwin talked about both of the taxes would start coming in roughly the same time. The County Manager agreed.

County Manager Don Adams explained it is a timing issue with Article 46 taxes. He talked about one concept is to develop a system where the 3 groups come present information. He stated that the Board doesn't have time to do that before the March 15 referendum.

Chair Smith asked in regards to Article 46, when does the Board need to have it ready to go. The County Manager said no later than mid-January, and recommends having a good idea where the money will go. The County Manager stated that the Board has 5 regularly scheduled meetings between now and when the resolution needs to be approved. The County Manager talked about timing-wise the next month or so discussing where the Article 46 is going. Chair Smith said this needs to be something that is very specific, and he thought the County Manager was going to bring a topic. The County Manager said yes but he didn't want to get in front of the Commissioners.

County Manager Don Adams explained communications from the time a 911 call comes in the dispatch center including all equipment and space used to the time that the call goes out to the response person. He provided examples of the equipment that is used during the process. He explained that the county currently has dead spots, and the solution is more towers. He further explained how the system works currently, and the solution is very expensive. He explained how 911 monies are spent. He further explained the current system and what is being required. He talked about in order to continue to receive 911 funds, we are going to have to develop a backup system. He explained the 911 board goes through grant cycles. He reiterated that we will need to develop an entire operational plan that has a backup system, apply to the 911 board for that, and at the same time apply for solutions to the current problems. He talked about having to have someone to develop a plan for the communications. He said that the State is encouraging us to look at neighboring-counties' centers to be the backup and at that point that forces us to look at our towers. He explained what is involved in looking at other counties as a backup. He talked about if we build our own backup system, don't know how the 911 Board will view that. He further talked about we can put together a strong application system for the dispatch center, but they won't pay to build out 3-4 more towers. He explained we are going to have County dollars invested in this.

Commissioner Irwin asked is the 911 board going to mandated this. County Manager Don Adams said it is mandated. Commissioner Irwin asked when. The County Manager answered we are supposed to have something by the end of this fiscal year. Commissioner Irwin said the County has no choice. County Manager Don Adams said no if the County wants to keep our \$130,000 annually. They talked about we are running out of time. Commissioner Irwin talked about the ¼¢ sales tax, and citizens need to realize it is this or property taxes. The County Manager said yes this is a costs to the County and the revenues will have to come from somewhere. The County Manager said the study that he brought before the Board during budget time, and the need to start soon on this. The County Manager explained this isn't much different than hiring an engineer.

Commissioner Leys and County Manager talked about \$19,000 is just for the plan for the dispatch backup, and the rest of the costs of the study is geared towards the entire communications.

County Manager Don Adams talked about getting the details regarding the amount of money he needs in order to go through the process and get a plan in place. He said he knows when looking at the surrounding areas and the amount of money they spent to get something in place is how he provided estimates.

Chair Smith explained that this could be part of a referendum, and his opinion is something specific needs to be associated with the referendum. He encouraged everyone to talk to the County Manager if there are other areas. He said this will be on the next agenda.

Commissioner Leys said she is interested in studying the need for a noise ordinance. She explained that she received a call from a citizen in Ennice experiencing problems with really loud noise. She further explained how they have worked with the law enforcement and nothing is being resolved. She talked about the need to look into this. She said that she is not looking for a noise ordinance regarding noises on farms or businesses, just loud music in close proximity to others. She explained that she talked to law enforcement, and they don't think it would take a lot to enforce it. She said that she understands Piney Creek has a similar problem. She said she is asking the Board to consider having conversations. She explained that the Commissioners have discussed this before, and it failed because lack of a motion. She said she feels like it deserves another conversation. She reiterated that she is looking at this particular case.

Chair Smith and Commissioner Leys talked about the person had talked with Law Enforcement, and they cannot enforce it because there is no ordinance.

Commissioner Irwin said he has more complaints about the trash and dangerous situations with refrigerators and freezers. He said he doesn't know if people have went to discuss the noise level or the dangerous situations with the people.

Commissioner Leys said she is concerned.

Commissioner Irwin mentioned looking at both at the same time.

Commissioner Leys asked what needs to occur next.

County Manager Don Adams explained having general discussions among the Board then send it to the Planning Board and would hope that the Commissioners would look at passing it. He further explained that there is an ordinance that has been drafted by a previous Planning Board. He said the Board has two choices; send it to the Planning Board to look at the noise ordinance with the understanding the Board will consider it or look at the noise ordinance that is drafted.

Commissioner Leys said maybe first step is to get the ordinance to the Commissioners.

Commissioner Leys asked what were the oppositions the previous time. Chair Smith said there were concerns about the enforcement of it.

Chair Smith said he would like to see what the Planning Board has done.

Commissioner Evans said he would like to know more about the number and types of complaints and get feedback on that part.

County Manager Don Adams mentioned putting this on the next agenda and put this in front of the Sheriff and ask him to provide information about noise complaints.

Commissioner Evans asked what kind of enforcement would there be. County Attorney Donna Shumate answered that there would be penalties associated.

County Manager Don Adams explained the Planning Board tried to put together a non-complicated ordinance.

Commissioner Irwin asked is there a standing ordinance for noise. Commissioner Leys said no. County Manager Don Adams said this is a noise ordinance drafted by the Planning Board in 2011, and he will put this topic back on the agenda for the next meeting along with getting the statistics. Chair Smith said this does not involve the Planning Board at this time.

Commissioner Irwin asked is there any interest in asking the Planning Board to look into a safety issue and a trash issue similar to what the Town has. Chair Smith said he doesn't know what the Town has. The County Manager clarified the ordinances being requested of the Town's ordinances. Chair Smith said he would be prepared to look at the ordinances. Commissioner Irwin mentioned having Bryan Edwards here. Commissioner Leys and County Manager Don Adams talked about the County cannot spot zone, and there is a series of rules that have to be followed to cleanup the facility itself.

County Manager Don Adams reiterated the actions for the next meeting. He asked are the Commissioners asking Bryan Edwards to come because they hired a company, Benchmark, to do theirs. Commissioner Irwin said it could be a question/answer session.

Chair Smith opened the floor for public comments. None were received. He closed that portion of the meeting.

Commissioner Irwin asked how are the inspections for the septic permits going. The County Manager said he received an email today stating that they are getting caught up.

Commissioner Irwin mentioned the report from Soil and Water showing the new no-till drill. He talked about the possibility of putting a canvas over it to protect it.

Commissioner Leys read the email that the County Manager referred to regarding the Health Department. She assured everyone that the Board of Health is working to fix this problem. She read an email from Beth Lovette regarding the septic permits.

Commissioner Leys mentioned that Scott Smith donated a truckload of pine needles for the Council on Aging building, and it looks good.

Commissioner Leys talked about the veterans' healthcare problems and Alleghany Memorial Hospital (AMH) has been working on this issue. She read a statement from Brett Liverman, CFO at AMH, about the Veterans choice card was a big issue, and AMH can accept the choice card as of June 2015. She continued to read the statement. She reassured everyone that AMH is working hard to work out the problems, and if there are problems call Brett Liverman.

Commissioner Irwin explained what he has experienced. He described the choice card procedures based on his experience. He stated his concern is the Hospital needs money and helping get veterans where they don't have to drive as far. He further explained the process. He said he is glad to hear the Hospital is working with them.

Commissioner Irwin mentioned he doesn't know if it would do any good to have a meeting with several providers in order to get the correct language out. Commissioner Leys said she agrees, but there isn't one answer for everyone and everyone is different. She further said that this is a great idea but doesn't think it is our function. The County Manager said that he is not sure that this is in Jeramiah Hampton's functions, and asked why the Hospital couldn't take the lead to invite insurance companies and veterans including Jeramiah Hampton. Commissioner Leys mentioned maybe get a Veterans Administration representative. The County Manager said he thinks we need to have someone who is more involved in the process. Commissioner Irwin said he is looking at services for the veterans and utilizing the Hospital, and the Commissioners are responsible for the citizens. Commissioner Irwin said that there is a disconnect between what the Hospital says, what Jeramiah Hampton says and what the insurance company covers. Commissioner Leys mentioned there are non-Medicare veterans and Medicare veterans. She said she is only one AMH board member but they should be able to work out something.

Commissioner Evans addressed his two absences including he stayed in contact with the Chair on the issues during that time, and he was on two mission trips.

Commissioner Evans made a motion to enter into closed session under NCGS 143-318.11 (a) (3)—legal at 12:55pm. Commissioner Irwin seconded the motion. Vote 5:0.

Commissioner Evans made a motion to adjourn closed session at 1:35pm and reconvened the regular meeting. Commissioner Irwin seconded the motion. Vote 5:0.

Chair Smith stated no action was taken during closed session.

Being no further business, Commissioner Irwin made a motion to adjourn at 1:36pm. Commissioner Davis seconded the motion. Vote 5:0.

Respectfully submitted,

Attest:

Karen Evans
Clerk to the Board

Tom Smith
Chair