

The Alleghany County Board of Commissioners met in regular session on Tuesday, September 7, 2004, at 6:30pm in the Conference Room of the County Office Building, 90 South Main Street, Sparta, North Carolina.

Present: Chair Eldon Edwards, Vice-Chair Warren Taylor, Commissioner Sandy Carter Herndon, Commissioner Patrick Woodie, County Manager Don Adams, and Clerk to the Board Karen Evans. Commissioner Graylen Blevins was present but arrived late. County Attorney Ed Woltz was absent.

Chair Eldon Edwards called the meeting to order and opened with a prayer.

Commissioner Warren Taylor made a motion to approve the agenda for this September 7, 2004, meeting. Commissioner Patrick Woodie seconded the motion. Vote 4:0.

AGENDA
Tuesday, September 7, 2004
6:30 PM

- 6:30 Meeting Called To Order
- Motion on Agenda for September 7, 2004 meeting
- Motion on Minutes for August 16, 2004 meeting
- 6:35 Public Hearing
- RE: E-911 Road Names
- 6:45 Public Hearing
- RE: Occupancy Tax Ordinance Amendment
- 7:00 Mary Walker
- RE: IIS Budget Amendment
- County Business
- 1. Senior Tar Heel Legislature Representative
- 2. 2005 Legislative Goals
- 3. WCC Business/Industry Training Information
- 4. Budget Amendment—Finance Software
- 5. Budget Amendment—Employee Picnic
- 6. Amendment One Resolution
- 7. Litter Sweep
- 8. Alleghany County Library—Property Acquisition
- 9. Other Business
- 10. Public Comments—30 minutes
- 11. Adjourn

Commissioner Sandy Carter Herndon made a motion to approve the minutes for the August 16, 2004 meeting. Commissioner Warren Taylor seconded the motion. Vote 4:0.

Wendy Williams, E-911 Coordinator/Mapper, presented two road names for approval; Starmount Lane and Ladybug Lane. She explained where each road is located in the County.

Chair Eldon Edwards recessed the regular meeting at 6:35pm and opened the public hearing regarding the E-911 Road Names.

Chair Eldon Edwards asked for public comments. None were received.

Chair Eldon Edwards closed the public hearing at 6:36pm and reconvened the regular meeting.

Commissioner Patrick Woodie made a motion to approve the E-911 road names as presented by the E-911 Coordinator/Mapper. Commissioner Sandy Carter Herndon seconded the motion. Vote 4:0.

Chair Eldon Edwards recessed the regular meeting at 6:38pm and opened the public hearing regarding the Occupancy Tax Ordinance amendment.

County Manager Don Adams reviewed the highlights of the ordinance; number of units reduced from five to one, 100% of net proceeds goes to the Chamber of Commerce, the County is entitled to hold 3% of the monies for administrative purposes, effective date of November 1, 2004. (see attached ordinance)

Commissioner Sandy Carter Herndon and County Manager Don Adams discussed this tax is only charged to tourists coming to Alleghany County, not charged to Alleghany County residents.

Commissioner Patrick Woodie mentioned that 2/3 of the money must be used on travel and tourism and the remaining monies are to be used for tourism-related expenses.

Commissioner Warren Taylor stated that for the last couple of years, the County has been giving 100% of the occupancy tax monies to the Chamber of Commerce.

Chair Eldon Edwards asked for public comments.

Bob Bamberg stated his appreciation to the Board for this action. He further stated that he is working on increasing tourism in the County.

Chair Eldon Edwards asked for further public comments. None were received.

Chair Eldon Edwards closed the public hearing at 6:46pm and reconvened the regular meeting.

County Manager Don Adams explained to the Board that if an ordinance does not have a unanimous vote with all board members voting at the first reading, the ordinance must be brought back at a later meeting for a second reading and a final vote. He further explained that at the second reading, the ordinance must have the majority of the votes before it can be considered as adopted.

Commissioner Sandy Carter Herndon made a motion to approve the amended Occupancy Tax Ordinance. Commissioner Warren Taylor seconded the motion. Vote 4:0.

County Manager Don Adams stated that Patricia Polley has agreed to be Alleghany County's Senior Tar Heel Legislative alternate.

Commissioner Patrick Woodie made a motion to approve the appointment of Patricia Polley to serve as Alleghany County's Senior Tar Heel Legislative alternate. Commissioner Warren Taylor seconded the motion. Vote 4:0.

The Board stated their appreciation to Pat Polley for agreeing to this appointment.

County Manager Don Adams presented information from Wilkes Community College regarding business/industry training that the college has completed. He explained to the Board the different categories on the report; Focused Industrial Training, Small Business Center, New & Expanding Industry Training.

Commissioner Graylen Blevins arrived at the meeting at 6:49pm.

Commissioner Sandy Carter Herndon and County Manager Don Adams discussed the number that Martin Marietta has employed.

Commissioner Sandy Carter Herndon and Commissioner Patrick Woodie talked about the resources available through Wilkes Community College to all of the community.

County Manager Don Adams presented budget amendment General Fund #4 in the amount of \$103,101 for the Finance Office. He explained that the budget amendment is to accurately budget the purchase of the finance software. He further explained that the County is borrowing the money to purchase this software with the loan payment coming from the Finance Office's budget.

Commissioner Warren Taylor made a motion to approve budget amendment General Fund #4 in the amount of \$103,101. Commissioner Patrick Woodie seconded the motion. Vote 5:0.

County Manager Don Adams presented budget amendment General Fund #5 in the amount of \$800 for the employee picnic on September 11, 2004. He explained the idea of having an employee picnic and the employees providing the side items with the County providing the hamburgers, hot dogs, drinks and paper products for the picnic.

Commissioner Sandy Carter Herndon made a motion to approve budget amendment General Fund #5 in the amount of \$800. Commissioner Graylen Blevins seconded the motion. Vote 5:0.

County Manager Don Adams stated that the Board of Commissioners and their families are invited to the picnic.

County Manager Don Adams talked about door prizes being offered to the employees who participate in the picnic. He further talked about door prizes including two-days of vacation and two Christmas gift certificates in the amount of \$50 each.

The Board of Commissioners stated that these were good ideas.

Commissioner Sandy Carter Herndon stated that she would donate two nights at her vacation rental property as a door prize.

County Manager Don Adams reviewed the activities planned for the picnic.

County Manager Don Adams presented a resolution for support of Amendment One that allows for self-financing of development bonds. He explained the process of the self-financing development bonds and how this could affect Alleghany County.

Commissioner Patrick Woodie made a motion to approve the resolution as presented by the County Manager. Commissioner Sandy Carter Herndon seconded the motion. Vote 5:0.

Mary Walker, Tax Administrator, came before the Board to discuss budget amendment General Fund #3 in the amount of \$19,998. She explained that this budget amendment is for the software analysis that was completed earlier this year by IIS.

County Manager Don Adams provided a timeline of the work completed by IIS for the Tax Office software. He explained that the process reached the contract stage, but the contract had issues so that the County Attorney and he could not recommend the Board approve the contract. He stated that contract problems include software license issues, the lack of a maintenance contract and end-user agreements. He stated that until these issues are resolved, he and the County Attorney cannot recommend going with this software.

Commissioner Patrick Woodie and Mary Walker talked about the number of counties using this system and the new aspects of the software.

Chair Eldon Edwards asked if these problems cannot be worked out, what happens.

Mary Walker talked about the Tax Office is starting the revaluation process. She stated that she doesn't think the Tax Office can handle revaluation and switching software at the same time. She further

stated that she is continuing to look at new software.

The Board of Commissioners talked about the \$19,998 IIS bill.

Commissioner Warren Taylor made a motion to approve budget amendment General Fund #3 in the amount of \$19,998. Commissioner Patrick Woodie seconded the motion. Vote 5:0.

Mary Walker talked about the number of tax software systems she has reviewed.

Mary Walker stated that as of September 3, 2004, the collection rate was 51.16%. She explained that over half of the county taxes were collected during the month of August as compared to 46% last year.

County Manager Don Adams mentioned that in the previous agenda packets were copies of the prior legislative goals, and this is the last meeting before the NCACC deadline to discuss any proposed legislative goals.

The Board of Commissioners discussed a proposed goal of increasing the flexibility of the E911 fund monies to be used for other items related to 911 services.

County Manager Don Adams stated that he would write a letter to the County Commissioners Association for the Board's signatures about the need for greater flexibility with E911 funds.

Chair Eldon Edwards discussed the Litter Sweep program that the Governor has proclaimed and the possibility of the County participating in this action.

Commissioner Warren Taylor discussed the excellent job that the inmates have done in cleaning the road sides.

Commissioner Sandy Carter Herndon made a motion to support the Fall 2004 Litter Sweep Roadside Cleanup September 18 – October 3, 2004. Commissioner Warren Taylor seconded the motion. Vote 5:0.

County Manager Don Adams presented budget amendment General Fund #6 in the amount of \$21,112. He explained that the Board has copies of the property deeds, deed of trust and promissory note for the property beside of the library formerly known as the old Sparta Post Office. He reviewed the promissory note regarding this property explaining that the County will provide \$21,112 and the Library board will provide \$42,221 for the first payment and if a no-payment default occurs on the deed of trust, the only option for the Richardson's is to recover the land. He stated that the terms of the purchase is \$190,000 paid over three years with the County providing \$21,112 towards the first payment and the Library paying the remaining payments.

Jonathan Halsey explained that the Library is asking the County for 1/3 of the down payment. He explained how much money the library board has, and this request is a one-time request with the goal being for the library to raise the remaining monies.

County Manager Don Adams explained the action needed by the Board; vote on the budget amendment for \$21,112, give the Chairman permission to sign the deed of trusts and other sale documents after the County Attorney's has given his approval on the documents.

Commissioner Sandy Carter Herndon made a motion to approve budget amendment General Fund #6 in the amount of \$21,112 and give the Chairman permission to sign the deed of trusts and other sale documents after the County Attorney's has given his approval on the documents. Commissioner Patrick Woodie seconded the motion. Vote 5:0.

Commissioner Patrick Woodie stated that on Monday, September 13, the majority of the trustees of the Duke Endowment will be in Alleghany County.

Commissioner Patrick Woodie further stated that 13 local citizens are beginning the Alleghany County Leadership Challenge. He explained the program.

Commissioner Sandy Carter Herndon and Commissioner Patrick Woodie discussed Duke Endowment funding different projects in the County.

Commissioner Patrick Woodie invited the Board to lunch at the Wellness Center at 11:45am with the Duke Endowment trustees on the 13th.

Chair Eldon Edwards asked for public comments.

Susan Reinhardt gave the Board a handout about the road naming public hearing that occurred earlier in this meeting. She explained why she missed the public hearing. She further explained that the road name that was presented for the Air Bellows Gap Perch community does not meet the continuity of the area. She further explained that she owns the majority of the lots on the road and Lindsey Caudill, who owns property on the road, does not like the requested name. She stated that she talked to the homeowner on the road about naming the road something that fits to the area.

County Manager Don Adams talked about the ordinance is 50% of the residents plus one to name a road. He explained the purpose of naming this road. He reminded the Board that in previous actions, the Board has gone with the understanding of 50% of the residents plus one. He stated that this road has one resident at this time with another house to be built.

Commissioner Warren Taylor asked if the 911 ordinance has guidelines about naming the road according to the history of the area.

County Manager Don Adams stated that the ordinance does not.

Commissioner Warren Taylor talked about meeting with the other property owners on the road to discuss changing the road name to be consistent with the area.

The Board of Commissioners discussed advertising for this public hearing and notices being sent to the residents instead of property owners when a road is going to be named.

Chair Eldon Edwards stated the Board's appreciation for Ms. Reinhardt coming to the meeting.

Chair Eldon Edwards asked for further public comments. None were received.

Being no further business, Commissioner Warren Taylor made a motion to adjourn the meeting at 7:45pm. Commissioner Patrick Woodie seconded the motion. Vote 5:0.

Respectfully submitted,

Karen Evans
Clerk to the Board

Attest:

Eldon Edwards
Chairman

AN ORDINANCE TO ESTABLISH AN OCCUPANCY TAX WITHIN ALLEGHANY COUNTY

BE IT ORDAINED that effective November 1, 2004, this ordinance supersedes the ordinance entitled AN ORDINANCE TO ESTABLISH AN OCCUPANCY TAX WITHIN ALLEGHANY COUNTY dated August 5, 1991, with an effective date of October 1, 1991; thereby rendering that ordinance of no further force and effect.

BE IT FURTHER ORDINATED by the Board of County Commissioners of Alleghany County, North Carolina, that on the effective date a countywide occupancy tax be established pursuant to the authority granted by the North Carolina General Assembly under SB1181 and by the enactment of the following ordinance:

Section 1 – Occupancy

The Alleghany County Board of Commissioners may levy a room occupancy tax of three percent (3%) of the gross receipts derived from the rental of any room, lodging, or accommodation furnished by a hotel, motel, inn, tourist camp, or similar place within the county that is subject to sales tax imposed by the State under G.S. 105-164.4(a)(3). This tax is in addition to any State or local sales tax. This tax does not apply to accommodations furnished by a summer camp for minors, or by a nonprofit charitable, educational, or religious organization.

Section 2 – Administration

A tax levied under this section shall be levied, administered, collected, and repealed as provided in G.S. 153A-155. The penalties provided in G.S. 153A-155 apply to a tax levied under this section.

Section 3 – Distribution and Use of Tax Revenue

Except as otherwise provided in this act, Alleghany County shall, on a quarterly basis, remit one hundred percent (100%) of the net proceeds of the occupancy tax to the Alleghany County Chamber of Commerce. The chamber of commerce shall use at least two-thirds of the funds remitted to it under this subsection to promote travel and tourism in Alleghany County and shall use the remainder for tourism-related expenditures. The chamber of commerce shall report quarterly and at the close of the fiscal year to the Alleghany County Board of Commissioners on its receipts and expenditures for the preceding quarter and for the year in such detail as the board may require.

The following definitions apply in this subsection:

- (1) Net proceeds. – Gross proceeds less the cost to the county of administering and collecting the tax, as determined by the finance officer, not to exceed three percent (3%) of the first five hundred thousand dollars (\$500,000) of gross proceeds collected each year and one percent (1%) of the remaining gross receipts collected each year.
- (2) Promote travel and tourism. – To advertise or market an area or activity, publish and distribute pamphlets and other materials, conduct market research, or engage in similar promotional activities that attract tourists or business travelers to the area. The term includes administrative expenses incurred in engaging in the listed activities.
- (3) Tourism-related expenditures. – Expenditures that, in the judgment of the entity responsible for expending the net proceeds of the tax, are designed to increase the use of lodging facilities, meeting facilities, or convention facilities in a county or to attract tourists or business travelers to the county. The term includes tourism-related capital expenditures.

Section 4 – Alleghany Tourism Development Authority

When the annual net proceeds of the occupancy tax exceed one hundred thousand dollars (\$100,000), the Alleghany Board of Commissioners shall adopt a resolution creating a county Tourism Development Authority, which shall be a public authority under the Local Government Budget and Fiscal Control Act. The resolution shall provide for the membership of the Authority, including the members' terms of office, and for the filing of vacancies on the Authority. At least one-third of the members must be individuals who are affiliated with businesses that collect the tax in the county, and at least three-fourths of the members must be individuals who are currently active in the promotion of travel and tourism in the county. The Board of Commissioners shall designate one member of the Authority as chair and shall determine the compensation, if any, to be paid to the members of the Authority. The Authority shall meet at the call of the chair and shall adopt rules of procedure to govern its meetings. The Finance Officer for Alleghany County shall be the ex officio finance officer of the Authority.

- (a) Duties—When the Board of Commissioners establishes a Tourism Development Authority as provided in Section 4 of this ordinance, then the Authority shall expend the net proceeds of the tax levied under this Act for the purposes provided in this Act. The Authority shall promote travel, tourism, and conventions in the county, sponsor tourist-related events and activities in the county, and finance tourist-related capital projects in the county.
- (b) Reports—When the Board of Commissioners establishes a Tourism Development Authority as provided in Section 4 of this ordinance, then the Authority shall report quarterly and at the close of the fiscal year to the Alleghany County Board of Commissioners on its receipts and expenditures for the preceding quarter and for the year in such detail as the board may require.

Section 5 – Effective Date

The effective date of this ordinance shall be November 1, 2004.

Adopted this the 7th day of September, 2004.

ALLEGHANY COUNTY

NORTH CAROLINA

RESOLUTION AMENDMENT ONE SUPPORT

WHEREAS, Alleghany County has a need to attract more jobs and economic development opportunities; and

WHEREAS, self-financing development bonds will have a direct impact on creating new jobs, new investment, and strengthening the tax base in our state and have been used successfully to promote economic development; and

WHEREAS, these bonds will give local governments flexibility to pursue multiple types of economic development projects including industrial site development, redevelopment of existing industrial and Brownfield sites, affordable housing and community revitalization; and

WHEREAS, these bonds allow North Carolina's local governments to use a new mechanism to invest in public improvements designed to attract private sector investment; and

WHEREAS, North Carolina is only one of two states in the nation that do not have this economic development tool; and

WHEREAS, self-financing development bonds have received wide-range bi-partisan support from the General

Assembly and the business community, as well as municipal, county and state government and Governors Holshouser, Martin and Hunt; and

WHEREAS, North Carolina will have some of the strongest safeguards in the country to ensure self-financing bonds are used for good purposes; and

WHEREAS, these bonds are subject to voter approval on the November 2004 ballot and deserve rightful consideration by the citizens of the State; and

NOW, THEREFORE, BE IT RESOLVED that the Alleghany County Board of Commissioners strongly supports self-financing development bonds because now is the time to enhance our ability to create new jobs and investment in our town.

Adopted this the 7th day of September, 2004.

ALLEGHANY COUNTY

NORTH CAROLINA

PROCLAMATION

LITTER SWEEP FALL 2004

WHEREAS, the North Carolina Department of Transportation annually organizes a statewide spring roadside cleanup to ensure clean and beautiful roads in North Carolina; and,

WHEREAS, the Fall 2004 Litter Sweep cleanup will take place September 18 – October 3, 2004 and local governments, businesses, civic and professional groups, churches, schools and concerned individuals are encouraged to organize cleanups in their communities; and,

WHEREAS, the cleanup will increase awareness of the need for cleaner roadsides, emphasize the importance of not littering, and encourage recycling of solid wastes; and,

WHEREAS, the “Litter Sweep” cleanup will be a part of educating the children of this great State regarding the importance of a clean environment to the quality of life in North Carolina; and,

WHEREAS, the great natural beauty of our State and a clean environment are a source of great pride for all North Carolinians, attracting tourists and aiding in recruiting new industries; and,

WHEREAS, the 2004 Fall cleanup will acknowledge the 16th Anniversary of the North Carolina Adopt-A-Highway program and its thousands of volunteers who labor throughout the year to keep our roadsides clean.

NOW, THEREFORE, BE IT PROCLAIMED that the Alleghany County Board of Commissioners does hereby proclaim September 18 – October 3, 2004 as “**LITTER SWEEP**” in Alleghany County and encourage all citizens to take an active role in making Alleghany County cleaner and more beautiful.

Adopted this the 7th day of September, 2004.