

The Alleghany County Board of Commissioners met in regular session on Monday, February 5, 2007, at 6:30pm in the Commissioners 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 and welcomed everyone.

Commissioner Doug Murphy led the Pledge of Allegiance and opened the meeting with a prayer.

Commissioner Randy Miller made a motion to approve the agenda for this February 5, 2007, meeting. Commissioner Doug Murphy seconded the motion. Vote 5:0.

AGENDA
Monday, February 5, 2007
6:30 PM

- 6:30 Meeting Called To Order, Pledge of Allegiance and Prayer
Motion on Agenda for February 5, 2007, meeting
Motion on Minutes for January 16, 2007, DOT meeting; January 18, 2007, meeting; January 18, 2007, special meeting
- 6:35 Public Hearing
RE: 2004 Scattered Site Grant Close-Out
- 6:45 Public Hearing
RE: E-911 Road Names
- 6:55 Amy Pardue
RE: Subdivision Plat Approvals
- 7:15 Mary Walker
RE: Tax Office Annual Report, Collection's Report, Delinquent Taxes
- and
- 7:40 Board of Equalization & Review
NC Forestry Service Annual Report
- 7:50 Cooperative Extension Annual Report
County Business
1. Extension Service Memorandum of Understanding
 2. Soil & Water Operational Agreement
 3. Alleghany in Motion Certifications and Assurances
 4. ABC Permitting Resolution
 5. Secondary Road Resolution
 6. Long Term Care Advisory Committee Reappointment
 7. Animal Control
 8. Driver's License Office
 9. Planning Board Discussions
 10. Other Business
 11. Public Comments—30 minutes
 12. Closed Session—NCGS 143-318.11 (a) (3)—legal
 13. Adjourn

Commissioner Randy Miller made a motion to approve the minutes for the January 16, 2007, DOT meeting; January 18, 2007, meeting; January 18, 2007, special meeting. Commissioner Warren Taylor seconded the motion. Vote 5:0.

Chair Ken Richardson opened the public hearing on the 2004 Scattered Site Grant at 6:32pm.

Michelle Ball came before the Board to talk about the 2004 Scattered Site Grant. She explained the program, how the monies were spent including how many houses were renovated or relocated. She talked about the County is scheduled to receive another \$400,000 grant in 2007.

Chair Ken Richardson asked for public comments. None were received.

Chair Ken Richardson closed the public hearing at 6:35pm and reconvened the regular meeting.

Commissioner Milly Richardson made a motion to approve the closeout performance report. Commissioner Doug Murphy seconded the motion. Vote 5:0.

Wendy Williams, E-911 Coordinator/Mapper, presented three road names for approval; JJ Lane, Hamm Farm Lane, David's Way. She explained the location of each road.

Chair Ken Richardson opened the public hearing regarding the 911 road names at 6:38pm.

Chair Ken Richardson asked for public comments. None were received.

Chair Ken Richardson closed the public hearing at 6:40pm and reconvened the regular meeting.

Commissioner Randy Miller made a motion to approve the road names as presented by the E-911 Coordinator/Mapper. Commissioner Warren Taylor seconded the motion. Vote 5:0.

Amy Pardue, Planner, presented a subdivision plat for Blue Ridge Estates showing a 66.03 acre tract located in the Glade Creek Township with 55 lots. She explained the roads in the subdivision, and there is an eight-foot walking trail easement around the development.

Commissioner Milly Richardson and Amy Pardue talked about the Property Rights Protection Ordinance applying only to commercial businesses and not in this situation.

County Manager Don Adams explained the process of having the planning board consider changes to the Property Rights Protection Ordinance and holding a public hearing.

Commissioner Milly Richardson stated this should be the first order of business for the new planning board.

Commissioner Doug Murphy and Amy Pardue talked about the roads in the subdivision.

Commissioner Milly Richardson and Amy Pardue talked about a stipulation being on the deed regarding private roads.

County Manager Don Adams stated that the Department of Transportation would have to certify the road meets State standards.

Commissioner Milly Richardson talked about as long as the developer understands that these roads can't be taken over by the Department of Transportation then there shouldn't be problems later.

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

Amy Pardue presented a subdivision plat for Cave Rock Estates showing two five-acre tracts located in the Cherry Lane Township with 10 lots. She explained the roads in the subdivision.

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

Amy Pardue presented a subdivision plat for Roaring Gap Club showing an 81 acre tract located in the Cherry Lane Township with 10 lots. She explained the roads in the subdivision. She further explained that she has inspected the property, and the roads are paved with phone and electric lines in place.

Commissioner Doug Murphy made a motion to approve the subdivision as presented by the Planner. Commissioner Randy Miller seconded the motion. Vote 5:0.

George Stancil, Director of Extension Services, presented their annual report including staff members, major initiatives, trainings attended, customer contacts, amount of information provided, workshops, tours, demonstrations, radio shows, fundraising, community activities they are involved in, experience of staff and the funding split between the County and the State for personnel costs.

Commissioner Warren Taylor, County Manager Don Adams and Bob Edwards talked about the Memorandum of Understanding including the 30/70 salary split for personnel.

The Board thanked George Stancil for his report.

Hunter Birkhead introduced Brandon Keener and Tommy Sports and explained their positions with the Forestry Service. He talked about the package for the county ranger position.

Tommy Sports presented an annual report for the Forestry Service. He handed out copies of his report. He named Alleghany County people who helped the Forestry Service during the year. He reviewed the statistics for 2006 including the accomplishments, total acreage, amount of damage, Firewise program, forest management numbers and pest control.

The Board of Commissioners stated their appreciation to the Forestry Service personnel.

Mary Walker, Tax Administrator, presented the annual report for the Tax Office. She gave a brief description of the tax office's activities, real property amount billed and collected, amount of motor vehicles billed monthly, list personal property and business property, transfer all of the deeds, completed revaluation, new assessment software, upcoming appeal process, number of farm-use applications and request for elderly exemptions, changes in advertising tax liens, implementing a new billing and collecting system in late February or March and projects completed during the year.

Commissioner Milly Richardson and Mary Walker talked about the new tax base.

County Manager Don Adams explained he will present more of this information during the budget planning session.

Commissioner Warren Taylor asked about delinquent taxes back to 1996 and prior.

Mary Walker talked about older delinquent taxes are tied to bankruptcy or are people they can't find and a portion will have to be wrote off in future.

Commissioner Warren Taylor and Mary Walker talked about the older delinquent taxes are not on the levy but they don't go away.

Mary Walker stated that according to the North Carolina General Statutes she must present the tax collection report on the first Monday in February. She explained that the collection rate is 91.44% currently. She talked about dates to advertise the delinquent taxes being the first week in May and will be in the paper on May 10.

Commissioner Randy Miller made a motion to give Mary Walker permission to advertise the delinquent taxes the first week in May. Commissioner Warren Taylor seconded the motion.

Commissioner Warren Taylor and Mary Walker talked about a letter to delinquent property owners receive before the ad goes in the paper. She talked about some laws are changing for advertising and will know more about that soon.

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

Mary Walker requested that the Board start looking at dates for the Board of Equalization and Review. She reviewed the North Carolina General Statutes' guidelines regarding the meeting dates. She reminded the Board that currently there are approximately 100 appeals.

Chair Ken Richardson asked if the Commissioners want to serve as the Board of Equalization and Review. He talked about all five members don't have to be present at all of the meetings.

The Board talked about serving as the Board of Equalization and Review and agreed to do so.

Mary Walker talked about dates for the meetings. She stated her opinion about how the Board needs to proceed. She asked the Board to decide on four dates to begin with.

The Board talked about the first two Tuesdays and Thursdays in April at 6:30pm.

Commissioner Milly Richardson talked about still being able to apply for use-value by working with Mary Walker and sending a letter to be presented to the Commissioners for approval.

The Board of Commissioners thanked Mary Walker.

County Manager Don Adams presented a Memorandum of Understanding (MOU) between the Cooperative Extension Service and Alleghany County. He explained that this MOU is to make the agreement more uniform across the state. He further explained the differences in the old agreement and new agreement; salary percentages, regional positions and new positions must be verbally agreed on before the position is offered. He stated that the remaining portion is the same. He talked about the salary match is in accordance to what the State gives.

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

County Manager Don Adams presented the Soil and Water Operational Agreement. He reviewed the changes between the old agreement and new agreement which is mainly supervising duties between federal and county employees. He read the changes under personnel about the supervising duties.

Commissioner Milly Richardson made a motion to approve the agreement. Commissioner Warren Taylor seconded the motion. Vote 5:0.

County Manager Don Adams presented the certifications and assurances for Alleghany in Motion. He explained that Alleghany County receives federal funds to operate the transportation system. He further explained that the monies revolve around issues such as nondiscrimination, proper budget procedures, lobbying activities, procurement policies, public hearings, school transportation, demand response service and alcohol/drug testing policies.

Commissioner Warren Taylor made a motion to approve the certifications and assurances. Commissioner Milly Richardson seconded the motion. Vote 5:0.

County Manager Don Adams presented a resolution about naming Sheriff David Edwards as the county official that makes recommendations to the suitability of persons or locations for ABC permits.

Commissioner Warren Taylor made a motion to approve the resolution as presented by the County Manger. Commissioner Milly Richardson seconded the motion. Vote 5:0.

County Manager Don Adams presented the secondary road FY 06/07 resolution.

Commissioner Warren Taylor made a motion to approve the resolution. Commissioner Randy Miller seconded the motion. Vote 5:0.

County Manager Don Adams stated that Gill Thadani has been nominated to be reappointed to the Long Term Care Advisory Committee. He mentioned that this committee has two vacancies if the Board knows of anyone that would like to serve on this committee.

Commissioner Warren Taylor made a motion to approve the reappointment of Gill Thadani. Commissioner Milly Richardson seconded the motion. Vote 5:0.

County Manager Don Adams talked about the Board of Commissioners and Town Council has received information about animal control issues. He explained that Alleghany County currently contracts with Twin Oaks Vets for shelter services. He further explained the current contract, county's responsibility and vet's responsibility, compensation agreement, adoption assistance and fundraising efforts.

Commissioner Milly Richardson asked if the Commissioners need to look into the situation to see if changes need to be made. She talked about repeat customers and groups of unwanted litters. She stated that she will be glad to look into this.

Commissioner Doug Murphy reviewed the fees and how some people abuse the system.

County Manager Don Adams stated that the real issue is does the Board make spaying and neutering mandatory. He further stated that the other group offered \$35 to have your animal spayed or neutered. He talked about requiring spaying and neutering for everyone or graduated rules.

Commissioner Warren Taylor mentioned letting Commissioner Milly Richardson review the situation.

Commissioner Milly Richardson stated that she and Commissioner Murphy will look into this and report back.

County Manager Don Adams updated everyone about how the County handles cats. He explained that the animal control ordinance centers on dogs. He reviewed how the ordinance is enforced and that if cats are a problem then a study would need to be completed regarding spaces needs, personnel needs, et cetera.

Commissioner Milly Richardson talked about dogs are vicious and a threat to the public and when cats become a public threat then the Board will address that situation.

County Manager Don Adams stated that he has received information from the State that the Driver's License office will close its location at Law Enforcement Center and replace it with a bus service. He further stated that he has contacted our representatives, and Representative Jim Harrell is trying to find out what is going on and the Board should wait for his research. He explained his meeting with state officials and why they are looking at doing this.

Commissioner Milly Richardson asked the County Manager to continue to keep the Board updated.

Commissioner Warren Taylor and County Manager Don Adams talked about the office hours, two people would be serving Alleghany County citizens and doing simple tag renewals.

County Manager Don Adams updated the Board regarding the progress with the

planning board. He stated that the positions have been advertised and are accepting applications. He further stated that the application deadline is February 13, and two applications have been turned in.

Commissioner Doug Murphy made a motion to extend the application deadline for another week. Commissioner Milly Richardson seconded the motion.

Commissioner Ken Richardson and Planner Amy Pardue talked about continuing to advertise and spreading the word to let people know.

Commissioner Milly Richardson said that the Board needs to get the applications in people's hands.

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

Chair Ken Richardson and County Manager Don Adams talked about holding a public hearing and the process. Chair Ken Richardson asked that the public hearing be scheduled for the first meeting in March.

Commissioner Doug Murphy asked if maps are available for the public to see for the joint water project about where the lines will run.

County Manager Don Adams stated that the lines will be along 21 and small lines running from the pumping station. He reminded everyone that the water authority has no authority in this county. He stated that the lines will be in the right-of-way and the water authority will only sell water to the Town of Sparta or Alleghany County not individual users. He talked about issues with mandatory tapping on.

Commissioner Doug Murphy and County Manager Don Adams talked about it will basically follow the State's right of way.

Commissioner Milly Richardson stated that she met with the Fire Commission and has shared the concerns with the County Manager. She said that she will talk about it more later.

Chair Ken Richardson asked for public comments.

Dean Choate asked about the new planning board. He stated that some people feel like the township won't like the "one" person representing the township and how will the Commissioners handle that.

Chair Ken Richardson further comments. None were received.

Commissioner Warren Taylor made a motion to enter into closed session at 8:16pm under NCGS 143-318.11 (a) (3)—legal. Commissioner Milly Richardson seconded the motion. Vote 5:0.

Commissioner Warren Taylor made a motion to adjourn the closed session at 9:08pm and reconvene the regular meeting. Commissioner Milly Richardson seconded the motion. Vote 5:0.

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

Commissioner Warren Taylor made a motion to enter into the settlement agreement with Maymead which will be attached to the order in this case. Commissioner Milly Richardson seconded the motion. Vote 5:0.

Being no further business, Commissioner Milly Richardson made a motion to adjourn at 9:09pm. Commissioner Warren Taylor seconded the motion. Vote 5:0.

Respectfully submitted,

Karen Evans

Clerk to the Board

Attest:

Ken Richardson
Chairman

ALLEGHANY COUNTY

NORTH CAROLINA

RESOLUTION

WHEREAS, G.S. 18B-904 (f) authorizes a governing body to designate an official, by name or by position, to make recommendations concerning the suitability of persons or locations for ABC permits; and

WHEREAS, the County of Alleghany wishes to notify the NC ABC Commission of its designation as required by G.S. 18B-904 (f);

BE IT THEREFORE RESOLVED that David Edwards, Sheriff, is hereby designated to notify the North Carolina Alcoholic Beverage Control Commission of the recommendations of the County of Alleghany, regarding the suitability of persons and locations for ABC permits within its jurisdiction.

BE IT FURTHER RESOLVED THAT notices to the County of Alleghany should be mailed or delivered to the official designated above at the following address:

Mailing Address: Post Office Box 53
Office Location: 40 Alleghany Street
Sparta, North Carolina 28675
(336) 372-4455

Adopted this the 5th day of February, 2007.

NORTH CAROLINA)
ALLEGHANY COUNTY)

RESOLUTION

FISCAL YEAR 2006-2007 SECONDARY ROAD CONSTRUCTION PROGRAM

WHEREAS, at a Public Hearing conducted on Tuesday, January 16, 2007 at 7:00pm in the Commissioners Meeting Room of the Alleghany County Administration Building for the purpose of considering the Secondary Road Improvement Program for Alleghany County; and,

WHEREAS, the fiscal year 2006-07 Secondary Road Construction Program was presented by the personnel representatives of the N.C. Department of Transportation, with Alleghany County having been allocated \$4,337,1173.92; and,

WHEREAS, after hearing the concerns of the citizens of Alleghany County, and in order to expedite the beginning of construction of secondary roads; and,

WHEREAS, the Alleghany County Board of Commissioners deemed that the best interest of the citizens of Alleghany County was to concur with the recommendations as presented by the N.C. Department of Transportation.

NOW, THEREFORE BE IT RESOLVED, by the Alleghany County Board of Commissioners that the Secondary Road Construction Fund for FY 2006-2007 be expended in the following manner:

FY 2005-2006 Allocation

Highway Fund	\$ 1,257,394
Trust Fund	<u>724,599</u>
Total Allocation	\$ 1,981,993

FY 2006-2007 Anticipated Allocation

Highway Fund	\$ 1,350,232.25
Trust Fund	<u>1,004,892.67</u>

Total Anticipated Allocation	\$ 2,355,124.92
Two-Year Total	\$4,337,117.92

PAVING UNPAVED ROADS

SR 1126	Wooten Road -\$100,000 Supplemental Funding – 0.40 mile Rural Priority #11H	
SR 1177	Tiley Road -\$200,000 Supplemental Funding – 0.56 mile Rural Priority #21	
SR 1456	Presnell Road - \$50,000 Supplemental Funding – 0.50 mile Rural Priority #23	
SR 1151A	Cheek Mountain Road - \$1,000,000 From West 3.43 miles to NC 18 – 3.43 miles Rural Priority #1F	
SR 1352	Kennedy Road - \$100,000 From SR 1358 to Dead End – 0.30 mile Rural Priority #2F	
SR 1407	Nile Road -\$200,000 From SR 1405 to Virginia Line – 0.25 mile Rural Priority #3F	
SR 1409	Duncan Ridge Road - \$350,000 From SR 1407 to SR 1412 – 0.49 mile Rural Priority #4F	
SR 1432	Osborne Call Road - \$225,000 From SR 1422 to Dead End – 0.76 mile Rural Priority #5F	
SR 1306	Loggins Road -\$150,000 From SR 1303 to Dead End – 0.40 mile Rural Priority #6F	
SR 1340	Fox Knob Road - \$75,000 From NC 93 to Dead End – 0.10 mile Rural Priority #7F	
SR 1408	Cox Run Road - \$200,000 From SR 1407 to Dead End – 0.58 mile Rural Priority #8F	
SR 1315	Phipps Diary Road -\$350,000 From NC 93 to Dead End – 1.25 miles Rural Priority #9F	
SR 1158A	Old County Line Road - \$300,000 From SR 1157 to US 221 – 0.93 mile Rural Priority #10F	
	Rural Paving Total (9.95 miles)	\$3,300,000

Rural Paving Alternates

- In the event that any roads in the priority have to be placed on the “Hold List” due to unavailable right of way or environmental review, or if additional funding becomes available, funds will be applied to the road (s) listed in priority order in the paving alternate list.

SR 1411	Old Quarry Road - \$330,000 From SR 1436 to SR 1412 – 1.05 miles
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Rural Priority #11

SR 1328 Long Bottom Road - \$375,000
From SR 1330 To NC 113 – 1.20 miles
Rural Priority #12

GENERAL SECONDARY ROAD IMPROVEMENTS

Various Spot Stabilization, paved road improvements,
replacement of small bridges with pipe,
safety projects, etc. - \$114,382.17

SR 1143 Elk Knob Road – Re-Alignment of Curve ~ 0.3 miles east of NC 18 - \$200,000

Paved Road Improvements \$314,382.17

UNPAVED ROAD SPOT IMPROVEMENTS

Spot Stabilization—State Roads \$250,853.64

1102	1109	1117	1123	1126	1128
1129	1130	1131	1132	1134	1135
1138	1139	1141	1148	1151	1154
1156	1158	1159	1163	1165	1166
1167	1168	1170	1171	1174	1180
1183	1191	1193	1209	1300	1302
1305	1306	1310	1311	1313	1314
1315	1317	1318	1328	1332	1340
1342	1344	1349	1351	1352	1353
1354	1355	1356	1400	1401	1403
1405	1406	1407	1408	1409	1411
1416	1423	1428	1432	1434	1437
1438	1439	1443	1446	1450	1455
1462	1468	1479	1480	1501	1515

CONTINGENCIES

Reserved for Staking, Right-of-Way Acquisition, Road Additions, Emergencies, Overdrafts, and Paving Entrances to Certified Rescue Squads and Fire Departments. \$471,882.17

Notes: Program Subject to Availability of Funding, Right-of-Way, and Environmental Review. Proposed Funding Allocations are only projections. Should the actual allocations be greater, NCDOT will continue down the priority list to fund additional secondary road projects. When secondary roads cannot be paved due to inability to obtain right of way, NCDOT will continue down the priority list to fund additional secondary road projects.

Approved this the 5th day of February, 2007.