

Due to inclement weather the regularly scheduled meeting for March 2, 2009, was held on Thursday, March 5, 2009, at 6:30pm.

The Alleghany County Board of Commissioners met in regular session on Thursday, March 5, 2009, at 6:30pm in the Board Meeting Room of the County Administration Building, 348 South Main Street, Sparta, North Carolina.

Present: Chair Ken Richardson, Vice-Chair Randy Miller, Commissioner Doug Murphy, Commissioner Milly Richardson, Commissioner Steve Roten, County Attorney Donna Shumate, County Manager Don Adams, and Clerk to the Board Karen Evans.

Chair Ken Richardson called the meeting to order.

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

Chair Ken Richardson stated that the Arts Council needs to be rescheduled, dispatch console and update on ADM funds needs to be added to the agenda.

Commissioner Milly Richardson made a motion to approve the amended agenda for this March 5, 2009, meeting. Commissioner Doug Murphy seconded the motion. Vote 5:0.

AGENDA
Thursday, March 5, 2009
6:30 PM

- 6:30 Meeting Called To Order
Pledge of Allegiance and Prayer
Motion on Agenda for March 2, 2009, meeting
Motion on Minutes for February 16, 2009, meeting
- 6:35 A. Public Comments—30 minutes
B. Public Hearing
RE: Planning Board Ordinance
C. Paige Stevens
RE: CJPP
D. Council on Aging Annual Report
E. Register of Deeds Annual Report
F. Arts Council Annual Report (deleted)
G. County Business
1. Findings of Fact—Simmons Case
2. School Facilities Committee Update
3. Appeal/Variance Notification Policy
4. Dispatch Console (added)
5. ADM Funds Update (added)
6. Other Business
7. Closed Session—NCGS 143-318.11(a)(6)—personnel
8. Adjourn

Chair Ken Richardson asked for public comments. None were received. He closed the public comments portion of the meeting.

County Manager Don Adams explained that the Planning Board ordinance originally consisted of nine members; one from each township with two at-large members and the proposed ordinance consists of five members; one from each fire district with two at-large alternate members. He talked about there was one vacancy at the time the Board was discussing this, one member has resigned since that time and currently there are six active members. He reiterated that the proposed change would consist of five voting members with two alternates. He explained why the Planning Board is asking for five voting members with two alternates.

Chair Ken Richardson declared a public hearing at 6:38pm regarding the proposed change of the Planning Board ordinance. He asked for public comments. No one spoke. He closed the public hearing at 6:40pm and resumed the regular meeting.

County Manager Don Adams explained that officially right now there are seven members because Bruce Cook's term expires next week and David Isner has volunteered to be an alternate. He read the proposed amendment.

County Attorney Donna Shumate discussed other ordinance changes besides the number of members plus alternates; fire districts rather than townships and three members will constitute a quorum.

County Manager Don Adams passed out the list of current Planning Board members. He talked about David Isner and Bruce Cook being the alternates if the Board wishes to reappoint Bruce Cook. He discussed the term lengths of members.

County Attorney Donna Shumate and County Manager Don Adams discussed the term length for the alternates.

Commissioner Steve Roten asked about how the members represent all of the fire districts.

County Manager Don Adams and County Attorney Donna Shumate explained that the ordinance states that if there are no applicants from a fire district, the position may be filled by a resident from another fire district.

Commissioner Doug Murphy asked about the time length for the alternates.

County Attorney Donna Shumate explained that the Planning Board talked about using the alternates as the people whose terms are over on the Planning Board.

County Manager Don Adams reiterated that the alternates' terms would be when the existing voting members' terms expires. He used an example of when a voting member's term expires and then they are an alternate until another voting member's term expires.

Commissioner Milly Richardson made a motion to approve the amended Planning Board ordinance. Commissioner Doug Murphy seconded the motion. Vote 5:0.

County Attorney Donna Shumate asked the Board to consider changing the number for the quorum to be three rather than five.

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

Commissioner Doug Murphy made a motion to appoint the two alternates; David Isner and Bruce Cook. Commissioner Randy Miller seconded the motion. Vote 5:0.

County Manager Don Adams reiterated that this is with the understanding that this is the recommendation from the Planning Board that when someone comes off the Planning Board they serve as the alternate.

Paige Stevens with the CJPP program presented the grant application for the 2009/2010 CJPP program. She reviewed the services of the CJPP program. She explained that this is a State grant and request the Board of Commissioners to consider continuing the CJPP grant program.

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

Commissioner Milly Richardson made a motion to approve the minutes for the February 16, 2009, meeting. Commissioner Doug Murphy seconded the motion. Vote 5:0.

Janis Fender and Karon Edwards came before the Board to present the Council on Aging annual report. Ms. Fender discussed the number of staff members,

volunteers, total meals served, number of hours for in-home aid, respite care and transportation coordination through AIM. Mrs. Edwards talked about the number of field trips and locations where they took the seniors, extracurricular activities and fundraisers. Ms. Fender talked about their waiting list, requesting donations and their new look at the senior center. Mrs. Edwards showed pictures of the senior center and activities. They provided calendars and newsletters of their activities.

Chair Ken Richardson, Janis Fender and Karon Edwards discussed their pancake breakfast fundraiser.

Commissioner Doug Murphy and Janis Fender discussed the waiting list numbers for the programs.

Commissioner Doug Murphy and Karon Edwards talked about transportation is provided to seniors to the wellness center for senior activities.

Lizabeth Roupe, Register of Deeds, came before the Board to present her annual report. She presented their total collections, number of documents recorded, excise tax monies, amount of sales of real property transfers, certified copies of vital records, marriage licenses, death certificates, plats, number of notaries, number of transactions and the number of other request and inquires. She explained that they are seeing a surge in refinancing projects. She talked about her Deputy has completed an imaging project that has lasted two years and the purpose of the project. She talked about she sets long-term and short-term goals for her office.

Commissioner Randy Miller stated his appreciation of how the office treats the public.

Chair Ken Richardson talked about the original Commissioners' minutes are in the Register of Deeds office from 1868.

Commissioner Steve Roten and Lizabeth Roupe talked about the State sets the fees in the Register of Deeds office.

Chair Ken Richardson stated the Board's appreciation.

County Attorney Donna Shumate discussed the findings of fact that she drafted. She presented a change of taking out the wording of a few junk cars on number 18. She asked the Board about other changes.

Commissioner Milly Richardson made a motion to approve the findings of fact as presented. Commissioner Doug Murphy seconded the motion.

Chair Ken Richardson clarified that includes the modification presented by County Attorney Donna Shumate.

The Board voted 5:0.

County Manager Don Adams talked about the schools facility needs committee's recent meeting. He talked about the County is waiting to hear about the grant through the Rural Center. He presented information from the committee that prioritized their needs with their number one priority being Glade Creek Elementary School's water/sewer needs at a cost of \$750,000 to \$1,000,000 and space issues at a cost of \$2,280,000 to \$ 3,480,000.

Commissioner Doug Murphy and County Manager Don Adams discussed the grant through the Rural Center with a construction grant to be applied for in June.

County Manager Don Adams presented information from the committee including safety needs. He explained that they had requested the Board of Education to reprioritize the QZAB monies for the safety issues.

Commissioner Randy Miller and Commissioner Doug Murphy stated that it was met with positive feedback. Commissioner Randy Miller stated that the three main

things were the two items at Glade Creek Elementary School that has to be done and the \$105,000 problem at Alleghany High School.

Commissioner Milly Richardson asked about the problem at Alleghany High School.

Commissioner Randy Miller explained that the wall has spread apart and the roof may cave in. He explained the classroom's location.

County Manager Don Adams talked about everyone is realizing the tough budget year and discussed ideas of how to pay for Glade Creek Elementary School through debt relief. He continued talking about committing future debt relief for this project.

Commissioner Doug Murphy agreed and asked the Board to go out there and look at the needs.

Commissioner Randy Miller talked about you can't do one without the other regarding the water and sewer. He further talked about the timeline of activities.

Chair Ken Richardson thanked Commissioner Randy Miller and Commissioner Doug Murphy for serving on this committee. He said that once issues have been identified, the Board has little choice in how to address them. He talked about, in the appropriate time, having a joint meeting. He talked about once the County hears from the Rural Center, the County can move forward.

County Manager Don Adams discussed the timing of the project. He explained that the Board has to know what type of building will be put on the property because that affects the water/sewer systems. He reviewed a timeline for the Glade Creek Elementary School issue.

Chair Ken Richardson and Commissioner Randy Miller talked about they are looking at QZAB funds to fix the problem at the High School. Commissioner Randy Miller talked about the possibility of obtaining additional QZAB monies.

Chair Ken Richardson stated that he hoped that Commissioners Miller and Murphy will continue to serve on the committee.

County Manager Don Adams talked about the appeal/variance notification policy. He explained that there will be a variance request at the next Commissioners' meeting. He asked should the Commissioners have a notification policy that notifies surrounding property owners. He reviewed the notification requirements including the state law requirements, Property Rights Protection Ordinance requirements, current policy and other practices. He gave examples of situations needing notifications. He asked the Board do they wish to change the current policy.

Chair Ken Richardson talked about the surrounding property owners should be heard.

Commissioner Randy Miller stated that he would want to know so he could be there personally if anything was to be in his neighborhood.

Commissioner Doug Murphy agreed.

County Attorney Donna Shumate asked if the Board wants to use the same standards as the Property Rights Protection Ordinance being 2000 feet or owners touching the property.

Commissioner Milly Richardson talked about a more cost-effective way to do the notifications such as advertising in the paper. She talked about postage is going up.

County Manager Don Adams talked about if the Board is hearing an appeal of a conditional-use permit that the prior process notified the people in 2000 feet area, he recommends that the same people be notified, or if looking at variances/vested rights

then the notifications could be contiguous property owners.

Commissioner Milly Richardson reiterated saving money by a newspaper ad.

County Manager Don Adams asked about the variance's notification process that is coming to the Board at the next meeting. He reviewed the options available.

Chair Ken Richardson talked about the need to be notified. He said he isn't sure about contiguous property owners or 2000-foot owners.

Commissioner Doug Murphy talked about advertising in the paper reaches the community.

County Manager Don Adams talked about the case at the next meeting requires a conditional-use permit which will notify the 2000-foot people.

Commissioner Milly Richardson stated that she doesn't think the County should mail letters to everyone but notify by an ad in the paper.

Commissioner Doug Murphy said he thinks the County needs to do this.

Chair Ken Richardson stated that it sounds like a consensus that the County needs to do the notifications.

Commissioner Steve Roten stated that he thinks for variances, yes but not for vested rights. He talked about the need for the community to know about the variances.

Chair Ken Richardson asked how many are in the 2000 feet for this case. Kathy Murphy answered 30.

Chair Ken Richardson asked if anyone has any problems for this one case to notify everyone in the 2000 feet and work out the notification process later.

County Manager Don Adams and Kathy Murphy talked about letters going to property owners for the next case.

Chair Ken Richardson said that before the Board gets another case, this needs to come back for further discussions.

Commissioner Steve Roten and Kathy Murphy discussed how she gets the information for property owners in the 2000-foot buffer.

County Attorney Donna Shumate reminded the Board that the letter goes to the property owner not the tenant.

County Manager Don Adams updated the Board about the dispatch console. He talked about the personnel turn over in Dispatch and the timeline of obtaining bids for a Moducom system. He explained that they received console quotes from Ra-Tech Services and Embarq. He talked about what is included in the quotes. He said that Ra-Tech's quote is \$88,861 and Embarq's quote is \$114,380.41. He explained that these quotes are equal in the equipment and services. He said that he met with them and researched both companies. He said that he is recommending to the Board to go into contract with Ra-Tech Services for \$88,861. He explained that the original quotes were closer but Embarq wanted to re-quote the project because of the time since the original quotes were submitted months ago. He said that he wanted to make sure that Embarq's 911 equipment is compatible with this console, and it is. He said that he will ask the County Attorney to review the contracts.

Commissioner Milly Richardson made a motion to approve the quote with Ra-Tech for the dispatch console. Commissioner Doug Murphy seconded the motion. Vote 5:0.

County Manager Don Adams updated the Board about the State's freeze on

lottery funds and, initially, ADM funds. He reiterated what the ADM funds are used for and how they are used. He explained that the State froze the February distribution. He said that the County planned on \$35,767 in ADM monies and has received it, \$100,159 budgeted for lottery funds and currently is \$35,000 short of that budget with \$55,909.70 sitting in the account. He talked about speaking to Dr. Cox who talked to Board of Education. He stated his concerns about these funds for next year. He said the State has unfrozen the funds as of today. He explained that he asked Dr. Cox to get approval from the Board of Education, and he stated that he is asking the Board for approval to draw down the money and split it with the Board of Education.

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

Chair Ken Richardson talked about a letter from the North Carolina Department of Transportation about the secondary road program is being cut by more than 50%. He stated these funds have been deferred but the roads will stay on the list. He talked about the amount of money for the secondary road program in Alleghany County.

Commissioner Milly Richardson stated that the Department of Transportation has cut their hours.

County Manager Don Adams talked about Highway 89 from I-77 to the Virginia line. He further talked about the restrictions placed on the highway on December 19 of "no thru traffic" with a petition of over 400 signatures gathered about tractor-trailer traffic and trucks avoiding the scales. He said that the Department of Transportation was not aware of how DMV has been enforcing the restriction. He explained that they are enforcing trucks caught three miles either way.

Commissioner Steve Roten and Commissioner Milly Richardson talked about this applies to any vehicle with a GVWR over 26,000.

County Manager Don Adams stated that they are aware of the situation and are working on solutions to alleviate this for local traffic and businesses. He stated that his recommendation is to write a letter about this. He reiterated that they are working on it but they are not considering removing the restriction.

Commissioner Doug Murphy, Commissioner Steve Roten and Commissioner Milly Richardson talked about the safety issues on Highway 89, situation is an extreme displeasure, our appreciation for their assistance and this isolates the eastern part of the county.

The Board of Commissioners talked about who should sign the letter. Commissioner Doug Murphy talked about safety needs to be addressed.

Chair Ken Richardson asked to bring the letter to the next meeting.

County Manager Don Adams stated that he would recommend signing the letter within the next couple of days because by the next meeting they may have already decided.

Chair Ken Richardson talked about prior discussions of tabling action prohibiting building permits because of taxes not being paid. He reminded everyone that the County is running out of time with the General Assembly. He explained that this would require adding Alleghany County to be included in the legislation that has already been introduced. He further explained the process to be included.

Commissioner Steve Roten made a motion to proceed. Commissioner Randy Miller seconded the motion. Vote 5:0.

Commissioner Randy Miller made a motion to go into closed session at 8:00pm under NCGS 143-318.11 (a) (6)—personnel. Commissioner Doug Murphy seconded the motion. Vote 5:0.

County Attorney Donna Shumate left the closed session at 8:30pm. She

returned at 8:48pm.

Commissioner Randy Miller made a motion to adjourn closed session at 8:50pm and reconvene the regular meeting. Commissioner Doug Murphy seconded the motion. Vote 5:0.

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

Commissioner Randy Miller made a motion to grant permission to the County Manager to retain Ed Woltz on a legal matter. Commissioner Milly Richardson seconded the motion. Vote 5:0.

Being no further business, Commissioner Milly Richardson made a motion to adjourn at 8:52pm. Commissioner Steve Roten seconded the motion. Vote 5:0.

Respectfully submitted,

Karen Evans
Clerk to the Board

Attest:

Ken Richardson
Chairman