

The Alleghany County Board of Commissioners met in regular session on Monday, March 7, 2011, 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 Tom Smith, Commissioner Larry Cox, Commissioner John Goudreau, Commissioner Steve Roten, County Attorney Donna Shumate, County Manager Don Adams, and Clerk to the Board Karen Evans.

Chair Richardson called the meeting to order, welcomed everyone, led the Pledge of Allegiance and a silent prayer.

Chair Richardson stated that item H needs to be deleted until a future date.

Commissioner Goudreau made a motion to approve the amended agenda for this March 7, 2011, meeting. Commissioner Cox seconded the motion. Vote 5:0.

AGENDA
Monday, March 7, 2011
6:30 PM

- 6:30 Meeting Called To Order, Pledge of Allegiance and Silent Prayer
Motion on Agenda for March 7, 2011, meeting
Motion on Minutes for February 21, 2011, meeting
- 6:35 A. Public Comments—30 minutes
B. April Hamm
RE: Annual Report
System Safety Program Plan
Community Transportation Program Explanation
Community Transportation Program Public Hearing
Community Transportation Program Approval
Community Transportation System Plan Request
Personnel Request
- C. Kevin Heath, Adams-Heath Engineering
RE: Glade Creek School Water/Sewer Bids
- D. Travis Dalton
RE: Noise Ordinance
- E. Dennis Smith
RE: Prayer and Moving On
- F. Kathy Murphy
RE: Beautification of the County
- G. Council on Aging Annual Report
- H. Forestry Service Annual Report (deleted)
- I. County Manager's Business
1. Blue Star Dedication
2. Audit Contract
3. TIP—Transportation Improvement Plan
4. Social Services Budget Amendment
5. Sheriff's Department Budget Amendment
6. Transfer Facility Budget Amendment
- J. County Commissioners' Business
1. Council on Aging Board vacancy—Chair Richardson
Discussion about the vacancy on the Council on Aging Board
2. Other Comments
- K. Closed Session—NCGS 143-318.11 (a) (6)—personnel
- L. Adjourn

Commissioner Goudreau made a motion to approve the minutes for the February 21, 2011, meeting. Commissioner Roten seconded the motion. Vote 5:0.

Chair Richardson opened the public comments' portion of the meeting and asked for public comments.

Mary Sue Boyette thanked each of the Commissioners for their service and willingness to put in the many hours of service. She said that she realizes there have been many pointed comments both ways over prayer and only God knows people's hearts. She further said that she respectfully disagrees with the decision and ask that the Board reconsider. She talked about sometimes when there is controversy there is not a win-win situation. She further talked about this decision has enabled some to silently pray and then some others cannot verbally pray. She asked the Board to pray about this some more, decide upon

something that is middle ground and find a time where people can verbally pray if someone so desires. She said that it is her prayer that each one is touched and to restore the verbal prayer.

Ralph Pratt talked about the Commissioners have a hard job. He further talked about he is a Christian and the Christians in this county are praying for the Commissioners. He said that no one can make anyone pray but he feels like Christianity is being taken out of the world and gave examples of why he thinks this is how the county is going. He talked about the responsibility to our friends and neighbors to preserve the right of prayer. He said that he realizes the problem didn't start now. He provided a quote about religion. He further said he agrees that a silent prayer is just as real as a verbal prayer but it worries him that this will be taken away also.

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

April Hamm, Transportation Director, came before the Board to present the annual report for Allegheny in Motion. She explained that they are the public transportation for Allegheny County. She further explained the make-up of her Advisory Board plus the organizations they represent, number/types of vehicles, number of employees, types of trainings held and the number/types of reviews that they have been through in the past year. She explained that transportation has two budgets; one in the General Fund and one is the Transportation Fund. She further explained her budgets including the actual County cost for the entire Transportation Department is \$1,559. She reviewed the types/amounts of the grants that they have received in the past year plus the number of miles/hours/trips traveled last fiscal year. She presented mileage/trip information for the first six months of this year as compared to last year. She said that they serve between 13-14% of the County's population.

Commissioner Roten and April Hamm talked about the expenditures and the trend has been increasing public transportation rather than reducing it.

April Hamm presented the System Safety Program Plan and reviewed the Plan including the description of elements and the six core elements of the program plan being driver/employee selection, driver/employee training, safety data analysis, drug and alcohol program, vehicle maintenance, security.

Commissioner Smith and April Hamm talked about the training was annually and now will be quarterly trainings.

Commissioner Roten made a motion to approve the System Safety Program Plan. Commissioner Cox seconded the motion. Vote 5:0.

April Hamm reviewed the Community Transportation Program grant application for FY 11/12. She explained the first portion is General Fund monies. She continued reviewing the grant administrative application in the amount of \$155,079 with a cost to the County of \$23,261.85 and the indirect costs reimbursement leaves a total cost of \$2,150 for the transportation program.

County Manager Don Adams explained the indirect costs and how the indirect costs report is created. He used examples of what is in the report, and these are overhead costs that the County would have anyway. He explained that this is an acceptable procedure to account for indirect costs.

April Hamm reviewed the capital portion of the Community Transportation Program grant application in the amount of \$157,750, which is the Transportation Fund. She reviewed the capital summary; two replacement lift vans for \$86,000, replacement conversion van for \$39,700, replacement minivan for \$28,750, logos for four vans for \$1,700, scanner for \$200 and snow blower for \$1,400. She explained that the match is 10%, or \$15,775, and there is enough money in the Transportation Fund fund balance to cover the match.

Commissioner Smith and April Hamm talked about the current fund balance amount in the Transportation Fund.

County Manager Don Adams reminded the Board that the operational fund is based on a per-mile and per-hour costs. He said that this is close to a small business and the rate is set to build the fund balance to pay for its own capital so it does not impact the General Fund.

Chair Richardson opened the public hearing at 7:03pm on the Community Transportation Program grant application. He asked for public comments.

April Hamm stated that voluntary public involvement forms are available on the Clerk's desk for anyone that would like to complete one.

Chair Richardson asked for additional public comments. None were received. He closed the public hearing at 7:05pm and reconvened the regular meeting.

Commissioner Cox made a motion to approve the grant application. Commissioner Roten seconded the motion. Vote 5:0.

April Hamm reviewed the Community Transportation System Plan. She showed the Board a copy of the previous plan. She reviewed the purpose and how the Plan would be updated. She said the costs for the Plan will be a capital request for the following year on the same grant that she just presented for next year. She explained that they have to have a letter from the County Manager requesting the Plan by June 30. She further explained that the Plan will cost around \$70,000 with a 10% match which will come out of the Transportation Fund fund balance numbers.

County Manager Don Adams said they are requesting permission to send a letter to the State asking for assistance with the Plan.

Commissioner Smith made a motion to move forward asking for assistance. Commissioner Cox seconded the motion. Vote 5:0.

Chair Richardson asked when the Plan is completed it will be an updated version of this printed version. April Hamm agreed.

April Hamm said she has a personnel request to add a full-time driver position in the Transportation Fund operational fund using the fund balance. She reviewed the justifications of asking for an additional full-time driver being an increase in ridership/miles for the past two years, part-time shuffling/managing drivers. She named all of the places and the number of times they traveled to each place last week for a total of 9,015 miles with 12 vans. She continued reviewing the justifications for the added position; volatility of drivers/turnover/maximum number of hours for part-time drivers, time and money invested in training each driver, consistency with disabled/elderly/terminally ill passengers, current system changes including psycho-social rehab transports to Ashe County every day and back, Council on Aging is going to start being open on Friday again, Smoky Mountain Center grant to provide transportation for some mental health people and should receive \$4,000 from that grant to provide those services. She explained the costs of adding a full-time driver position with a total of \$26,250.37. She talked about some of the money can be transferred from the part-time salary line to full-time salary line of \$8,656.13 so the actual yearly costs will be \$16,932.05. She talked about the costs for the remainder of the year; \$4,233.01.

County Manager Don Adams explained that normally he doesn't allow department heads to come ask for additional personnel mid-year. He further explained this is a service-oriented department. He said that she could hire additional part-time people to cover this. He explained the mileage increase and she has to watch the number of hours per employee because if they work over a certain number of hours they qualify for benefits.

April Hamm explained that she did talk to her Advisory Board, and they are in full support of this request.

County Manager Don Adams reiterated that this is supported by the service revenue not tax dollars.

Commissioner Roten made a motion to approve the request. Commissioner Cox seconded the motion. Vote 5:0.

Commissioner Cox thanked April Hamm for the services offered to the citizens.

Commissioner Roten and April Hamm talked about the increase in fuel prices, which is already budgeted. April Hamm explained that their usage will increase because of the fuel price increases.

County Manager Don Adams and April Hamm talked about the Advisory Board has previously adjusted the fuel prices, and they will be looking at rates in April to see if an increase is needed.

The Board thanked her for her work.

Kevin Heath with Adams Heath Engineering came before the Board to present information about the Glade Creek School water/sewer bids that came in last week. He explained that they received six bids, apparent low bidder is Eberhart Construction from Willow Springs, NC. He further explained the original budget in the amount of \$800,000 and the revised budget in the amount of \$837,350 and reviewed the amounts in the budget stayed the same with the exception of the construction line was increased and contingency was reduced which is now at 5%. He reviewed the summary of the project funding; USDA Loan \$520,000 and USDA Grant \$280,000. He talked about the County will need to commit up to \$37,350 toward the project. He said that he is asking for tentative approval contingent upon USDA approval.

County Manager Don Adams asked Kevin Heath to explain the costs estimate from April 2010.

Kevin Heath explained that they reviewed several options and had to make their best costs estimate on their recommendations. He further explained that the difference is because of the soil conditions on the project. He explained how they can reduce the 10% contingency to 5% contingency after the bids come in.

County Manager Don Adams explained the timeframe including he didn't get a soils permit until August 2010 and at that point is when Kevin Heath could go to the State for final design. He continued reviewing the timeframe from August until the bids went out in January.

Chair Richardson and Kevin Heath talked about a completion time for this project and the steps that will be completed next, 30-45 days to start construction and having 150 calendar days from when they start until substantial construction.

Commissioner Cox and Kevin Heath talked about having to add a nitrogen treatment tank.

Chair Richardson talked about the Board needs to award the bid to the low bidder and then approve the money.

County Manager Don Adams answered yes if that is the way the Board wants to proceed and it is contingent upon approval from USDA. Kevin Heath agreed.

County Manager Don Adams informed the Board that he will not be coming back before the Board with a budget amendment because the original budget was to reimburse the General Fund the entire amount of the land purchase so the transfer amount will be reduced by \$37,350.

Commissioner Cox made a motion to award the bid to the lowest bidder contingent upon USDA approval. Commissioner Smith seconded the motion. Vote 4:1 (John Goudreau).

Chair Richardson made a motion approving the additional expenditures for the project; \$37,350. Commissioner Smith seconded the motion. Vote 4:1 (John Goudreau).

Travis Dalton, Planner, presented a noise ordinance to the Board. He reviewed each section of the proposed ordinance. He read Article 5, prohibition of unreasonable noise, and Article 6, exemptions. He reviewed the penalties and enforcement portions.

Chair Richardson and Travis Dalton talked about this ordinance is from the Planning Board.

Commissioner Smith asked has Mr. Dalton talked with Law Enforcement to see how many incidents have occurred.

Travis Dalton said he didn't get actual numbers but the Sheriff came to Planning Board meetings and previously was before the Commissioners about a prior noise complaint. He explained that he gave it to him and he said he will enforce it.

Commissioner Roten asked if the County Attorney has reviewed this. County Attorney Donna Shumate stated she was with the Planning Board when they were writing the ordinance. She provided examples of conversations that arose during those meetings.

Chair Richardson and County Attorney Donna Shumate talked about the process for going forward, and it is the Commissioners' choice whether to proceed.

Commissioner Roten and Commissioner Cox said that they want to hear what the public has to say.

The Board agreed to schedule a public hearing the first meeting in April for hearing public comments about the proposed notice ordinance.

Dennis Smith came to talk to the Board about the last meeting where Commissioner Cox explained why he voted the way he did on prayer, getting the Attorney General to explain what the Board did, he believes if it was a problem in December then the Board should have done that then, three Commissioners remain silent on why it was done which seems kind of strange to him. He said that it is interesting that only in his lifetime that certain lawyers find problems with the constitutional wording, they insult the founding fathers, no where in the constitution will you find separation of church and state and if they wanted it that way they would have written that way. He read examples of how it could be worded to accomplish that action by reading a section of the former Soviet Union's constitution. He explained why elected bodies have a verbal prayer before meetings, gave examples of what they prayed about, government can

interfere with the people's rights but they can't change that the rights exist. He explained that the role of government is to defend these rights but today there are certain people in this country want change and make the constitution say whatever. He talked about the prayer issue on one level is about freedom and whether we will be allowed to continue with it. He said that the Board has said they want to move on and seems to have no interest in defending their rights. He talked about the need to be clear about the case that Attorney Walker referred to. He explained the case. He said he doesn't agree and it doesn't seem to matter. He further said he has done what he thinks is best and has only said what the Lord has led him to say. He showed a book of prayers printed by the government and used by the Senate of the US Government, and said these words can be used here. He read a prayer from Wednesday, January 26.

Kathy Murphy thanked the Board for allowing her to come before them about an on-going concern. She explained that she is the Sparta Revitalization Committee and the merchant association. She explained the purpose of those two committees, and said she is not here as representatives from those committees. She explained her issues of concern and talked about the Blue Ridge Parkway detour will be coming through Sparta during the upcoming year and this is an opportunity to have people come to Sparta. She used an example of her and her husband driving around and saw that every direction you pass by a pile of junk or a dilapidated building coming into Sparta. She read a letter to the editor from Doug Williamson regarding what people see as they drive into Sparta. She talked about the accumulation of the items along Twin Oaks Mountain and described a produce stand operating along the side of Highway 21. She talked about the recent amendment to the Property Rights Protection Ordinance for agribusinesses and she doesn't think that is what the Board wanted with that change. She talked about her time as the County Planner and Paul Reeves coming to numerous meetings requesting assistance in dealing with the junk. She talked about the last time the Board discussed junk. She read portions of an ordinance adopted in 1974 about the management of solid waste in Allegheny County. She explained the problem with this ordinance is it isn't enforced except when the Health Department has to come in. She talked about some effort has been made to address junk yards in the Property Rights Protection Ordinance and read the portion she is referring too. She talked about dilapidated buildings in the county, having no minimum housing standards, unsightly debris which poses health hazards. She explained that she talked to Travis Dalton to see if this was being addressed, and it isn't. She talked about Bryan Edwards came to their last meeting to let them know what the Town is doing with Benchmark. She proposed that the County and Town work together on this issue. She explained that she is asking the County Manager and the Commissioners to talk to Bryan Edwards and the Town about helping them and working together on this issue.

Janis Fender and Karon Edwards came before the Board to present Council on Aging's annual report. Janis Fender presented information to the Board about the number of seniors they helped, number of meals served, hours of Level I and Level II services provided, number of trips through Allegheny in Motion, number counseled/enrolled in Medicare, senior companion program and the number of hours, fundraisers and donations. Karon Edwards reviewed some of the trips that they made and activities that they added to their calendar. They talked about a recent newsletter and calendar showing their activities. They highlighted some special things in March for seniors. Janis Fender talked about the budget year is off to a great start, and they are offering computer classes for seniors. She explained that they now have another In-Home Aide and more seniors are attending more meals and activities at the Center.

Commissioner Goudreau thanked them especially for the prescription drug program.

Chair Richardson declared a 5-minute recess at 8:16pm.

County Manager Don Adams reminded the Board about the Blue Star Dedication on March 17 at the VFW Building.

County Manager Don Adams talked about the audit contract that Finance Officer Joy Hines presented at the last meeting. He said that the County Attorney has reviewed the contract.

Commissioner Cox made a motion to approve the audit contract. Commissioner Goudreau seconded the motion. Vote 5:0.

County Manager Don Adams discussed the items that the Commissioners have about the Transportation Improvement Plan (TIP) regarding the meeting in Wilkesboro on March 21 at 4:00pm for public comments. He asked does the Board want to include additional roads. He talked about adding the low-water bridge which was discussed; Ridgeglen Road. He explained how he will add the bridge to the comments. He asked does the Board have any priorities that they want on this plan. He reviewed the roads that are listed on the TIP. He asked what the priorities of the Board are.

Commissioner Cox said he knew the Board talked about moving #36 Oklahoma Road up on the list.

County Manager Don Adams reviewed the regional list of Allegheny County's roads. He explained that this is the regional ranking and it does impact the State's rankings. He used an example of under the

current point system of NC 18 South ranking high and asked if there is an importance of Oklahoma Road versus NC 18 South. He talked about Jane Taylor Mountain. He explained that we are talking about 15-20 years out concerning roadways.

The Board talked about Jane Taylor Mountain and Roaring Gap Mountain. Commissioner Cox said that he would like to put that at a higher priority.

The Board talked about pushing for a third lane down Roaring Gap Mountain and that being a safety issue.

Chair Richardson and County Manager Don Adams talked about getting the support of Wilkes County since part of the mountain is in their county, too. The County Manager explained how he would proceed if this is a priority of the Board.

The Board agreed that this is a priority.

County Manager Don Adams talked about Highway 21 is the first priority and completion of the western loop. He asked is the Board in agreement to emphasis the completion of the western loop.

Commissioner Goudreau said yes that should be a priority, too.

Commissioner Roten and County Manager Don Adams talked about how the County Manager would proceed at the NCDOT meeting then how he would proceed at the regional transportation meeting.

The Board agreed on the priorities.

County Manager Don Adams presented budget amendment General Fund #17 in the amount of \$10,000 for an increase in Public Assistance through Social Services. He explained that this does not require any County monies.

Commissioner Roten made a motion to approve budget amendment General Fund #17 in the amount of \$10,000. Commissioner Cox seconded the motion. Vote 5:0.

County Manager Don Adams presented budget amendment General Fund #18 in the amount of \$414. He explained that this is insurance proceeds where a vehicle in the Sheriff's Department hit a deer.

Commissioner Roten made a motion to approve budget amendment General Fund #18 in the amount of \$414. Commissioner Cox seconded the motion. Vote 5:0.

County Manager Don Adams presented budget amendment Transfer Facility #2 in the amount of \$811. He explained that this is for the electronic recycling program that will start July 1. He further explained that prior to the start of the program it will require putting in some additional gravel, advertising and signage. He said that these monies are from the State.

Commissioner Roten made a motion to approve budget amendment Transfer Facility #2 in the amount of \$811. Commissioner Cox seconded the motion. Vote 5:0.

Chair Richardson talked about the Commissioners have one Board that the Commissioners did not appoint a Commissioners on during the board/committee appointments; Council on Aging.

Commissioner Cox explained that he has some interest but has a full schedule if no one else is interested in serving on this board.

Commissioner Goudreau stated that he would be glad to serve on this board if the Commissioners want him to.

Commissioner Roten made a motion to appoint Commissioner Goudreau to the Council on Aging Board. Commissioner Smith seconded the motion. Vote 5:0.

Commissioner Goudreau stated that he attended the recent Town Council meeting. He explained that they are talking about working with Benchmark to assist them with cleaning up properties in the Town but they are only going to the Town lines. He said that he would like to talk to Benchmark about how the County could proceed with the same actions as the Town.

Chair Richardson asked Commissioner Goudreau if he would be willing to work on that with the County Manager, Town Manager and Benchmark.

Commissioner Goudreau agreed.

County Manager Don Adams talked about they can see what services Benchmark can provide but asked at what point does the Planning Board become involved.

Commissioner Cox made a motion to enter closed session at 8:46pm under NCGS 143-318.11 (a) (6)—personnel. Commissioner Smith seconded the motion. Vote 5:0.

Commissioner Smith made a motion to adjourn closed session at 9:10pm and reconvene the regular meeting. Commissioner Cox seconded the motion. Vote 5:0.

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

Commissioner Goudreau made a motion to appoint Rita Miller as the Tax Administrator. Commissioner Roten seconded the motion. Vote 5:0.

Being no further business, Commissioner Roten made a motion to adjourn at 9:12pm. Commissioner Smith seconded the motion. Vote 5:0.

Respectfully submitted,

Karen Evans
Clerk to the Board

Attest:

Ken Richardson
Chairman