

The Alleghany County Board of Commissioners met in regular session on Monday, April 4, 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 a budget amendment for a Rural Center grant needs to be added to the agenda under the County Manager's business and Item J needs to be deleted from the agenda.

Commissioner Cox made a motion to approve the amended agenda for this April 4, 2011, meeting. Commissioner Goudreau seconded the motion. Vote 5:0.

AGENDA
Monday, April 4, 2011
6:30 PM

- 6:30 Meeting Called To Order, Pledge of Allegiance and Silent Prayer
Motion on Agenda for April 4, 2011, meeting
Motion on Minutes for March 21, 2011, meeting
- 6:35 A. Public Comments—30 minutes
B. Public Hearing
RE: Proposed Noise Ordinance
C. Iboya Pasley
RE: Little River Park
D. Alleghany Group Homes Annual Report
E. Laurel Springs Volunteer Fire Department Annual Report
F. Wellness Center Annual Report
G. Dennis Smith
RE: Truth
H. County Manager's Business
1. Child Abuse Prevention Month Proclamation
2. Alleghany in Motion Public Hearing Discussions
3. Solid Waste Disposal Relief Request Due to Fire
4. North Carolina Association of County Commissioners District Meeting
Questionnaire/Spokesperson Selection
5. Sparta-Alleghany Volunteer Fire Department Local Firemen's Relief Fund Appointment
6. Budget Amendment—Insurance for EMS Medical Equipment
7. Budget Amendment—Jail Canteen Transfer to General Fund
8. Budget Amendment—Intern Grant Program
9. Energy Efficient Lighting Bids
10. Budget Amendment—Rural Center Grant (added)
I. County Commissioners' Business
1. Town Council Meeting—Commissioner Goudreau
Benchmark presentation to Sparta Town Council on Tuesday, April 5
2. Other Comments
J. Closed Session—NCGS 143-318.11 (a) (3)—legal and (a) (6)—personnel (deleted)
K. Adjourn

Commissioner Smith made a motion to approve the minutes for the March 21, 2011, meeting. Commissioner Cox seconded the motion. Vote 5:0.

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

Reverend Brad Wooten came before the Board to talk about actions since December regarding prayer and the Board knows how he feels about verbal prayers at the beginning of meetings to set the tone for the meetings. He explained that opinions of some have overtaken the rights of others. He said that they realize that the battle did not start here but it is here now. He asked that prayer be reinstated for him, his family and the 1,240 citizens that have signed the petition. He said may God bless America, Alleghany County and the Board of Commissioners. He provided the petitions to the Clerk.

Inez Reeves provided her background including her work history and family history. She stated that she wanted everyone to know that she is a born-again Christian and stands up for him. She thanked the

Board for allowing her to speak before taking away her freedom of speech as has happened with prayers. She quoted biblical scriptures. She said that the Board has no right to say she cannot pray out loud. She talked about the three elected were not elected to take away their rights. She talked about watching Channel 50 and the meeting where the prayer was taken out wasn't voted on and then the two that were in agreement with the Chairman got appointed to serve on several boards. She stated her disappointment in Commissioner Smith and how he acted regarding prayer. She asked everyone in the room to stand that supports prayer. Most people stood.

Chris Huysman talked about his comments are more for the general public. He reminded everyone that the budget is coming up and people should attend the meetings to be more involved.

Edsel Beck talked about his experience 17 years ago in a hay-bailer accident and how he relied on prayer to save his life that night. He explained that he travels the East Coast telling his story. He talked about he lost his dairy farm, his arms, his 12 year-old daughter and he wouldn't have made it without the Good Lord's help. He further talked about his spiritual experiences. He read one verse of scripture. He talked about our Nation is on a downward spiral. He said if someone is offended there is nothing wrong with them getting up and leaving the room or making that choice. He said that God will not be pushed aside.

Jim Parker came before the Board and explained his work history and how long he has lived here. He talked about his working relationship with Grandview Funeral Home. He further talked about the loss of people in their mid-20s. He explained that while he was overseas in the military he relied on God. He talked about the back of money the wording of In God We Trust and the picture of a White House. He further explained that he trusted politicians and the Lord and it gave him the strength to fight for his country during that time. He asked what was achieved by taking prayer out of the meeting. He said that the Lord is about love and everyone needs love. He asked the Commissioners to think about the last time they told someone that they loved them with the exception of their spouse and children. He asked the Board to allow the Lord to work.

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

Chair Richardson opened the public hearing regarding the proposed noise ordinance at 6:50pm. He asked for public comments.

Chris Huysman explained that the proposed ordinance will be very hard to enforce. He stated problems with the exemptions. He further stated that he appreciates all of the work done on the ordinance but it needs to be better defined so we are prepared if we are subject to a legal challenge.

Bill Maxwell talked about people know what a battle it is to keep children safe. He asked if the Board would expose their children to 125 decibels for 5 hours. He cited OSHA's exposure levels and the damage that occurs in certain periods of time and decibels levels. He read information from the National Institute of Health about exposure to noise and avoiding noise to prevent hearing loss. He talked about the decibel level that causes hearing loss and protecting the ears of children because they cannot protect themselves. He further talked about the exemptions and if people are doing something properly then why exempt them. He talked about the equal protection clause. He read portions of Ashe County's noise ordinance. He asked why Ashe County is protecting their people, talked about the no-smoking clause applies to everyone and the DUI level applies to everyone. He asked when a kid stands before the Board who will apologize to that child for damaging their hearing. He said that the Board of Commissioners is being asked to step up to the plate for the children.

Rick Wooten came before the Board stating that he feels directly responsible for the noise ordinance due to situations in his neighborhood. He talked about how much he worked with the Planning Board and Travis Dalton concerning the ordinance. He said it isn't perfect but nothing is. He explained that the wellbeing of his family in his neighborhood is important. He said that his situation has been taken care of but still thinks there is a need for a noise ordinance. He asked the Board to put something in place sooner rather than later to protect the people in the County.

Chair Richardson asked for additional public comments. None were received. He closed the public hearing at 7:03pm.

Chair Richardson said that the Board was required to have a public hearing. He asked how the Board needs to proceed.

County Manager Don Adams explained the options available to the Board of Commissioners; make recommendations, take no action or approve the ordinance. He stated one change that has occurred since the previous version was adding the section covering the extra-territorial jurisdiction.

Commissioner Smith said he is reluctant to pass it tonight because he has some questions. He talked about Chris Huysman had some good points. He said he would like to talk to the Sheriff and find out how much this is a problem and how it will be enforced.

Chair Richardson and Planner Travis Dalton talked about the Planning Board didn't hold a public hearing but had conversations with the Sheriff, and the Sheriff told him that it would be useful since now they have nothing to enforce to control noise.

County Manager Don Adams asked has the Sheriff seen and read the ordinance. Travis Dalton answered yes he provided the Sheriff a copy.

Commissioner Cox asked Travis Dalton is there something in place about barking dogs. Travis Dalton said the Planning Board wanted to leave dogs out of the ordinance because of coon hunting. Commissioner Cox explained that he is just talking about neighbors' dogs barking.

County Manager Don Adams explained that the County has an animal control ordinance but it doesn't cover barking dogs.

County Attorney Donna Shumate explained the conversations by the Planning Board in developing the ordinance. She further explained that they did discuss barking dogs, and this ordinance is geared more towards human activity.

Travis Dalton talked about the Planning Board's conversations regarding coon hunters.

Commissioner Cox said he thinks animals should be covered under something but maybe not this.

County Attorney Donna Shumate reiterated that this ordinance covers human activity. She stated that she doesn't think the Planning Board intended it to cover barking dogs.

Commissioner Goudreau said that when he went through the ordinance he found a lot of vagueness which might help the Sheriff enforce it but in the courts it might not stand up. He further said that he thinks the County needs to really take a strong look at it. He explained that he thinks the county needs a noise ordinance, and it is the Board's responsibility to get it as perfect as possible, but this one is too vague and needs some more work.

Commissioner Roten concurred with what Commissioner Goudreau said about defending it in court. He said that he thinks it needs a decibel level defined as a noise.

Travis Dalton explained the Planning Board didn't put decibel levels in the ordinance because of having to place meters in each vehicle. He provided an example of noise at different levels and locations on a person's property.

Commissioner Cox asked does the Town have a noise ordinance. Travis Dalton answered yes. They discussed this ordinance is patterned after Ashe County rather than the Town. Commissioner Cox said he hasn't heard from people except for the people that he sought out but no one has approached him, and he doesn't think the Town uses their ordinance very much.

Chair Richardson reiterated the options before the Commissioners. He talked about taking the ordinance back to the Planning Board to take into consideration the comments that the Planner has heard tonight. He asked for a motion to move forward. No one spoke. He stated that the ordinance was tabled until further conversations.

Iboya Pasley along with Debbie Sherrill, Debbie Brady and Lynn Worth came before the Board to talk about the proposed Little River Park. Mrs. Pasley talked about the benefits of the Park and things that people can do at the Park. She explained that they know the Board is working on the greenway but they think now is an opportunity for the Park. She explained that the property has become available, and they are here to do the work. She said that they are asking for permission to prepare the grants and submit them to the Board for their approval. She talked about matching grants will be obtained by other grants, and they are not asking for any County dollars.

Commissioner Smith talked about the grants she is talking about for the greenway is in the works but there are some plans and fundraising efforts going on for the Veterans Park. He asked if these grants come from the same place.

Iboya Pasley talked about the largest one is the PARTF grant but she doesn't see a problem with it. She said that the Smith Reynolds grant is for parks.

Chair Richardson suggested that he, the County Manager and any other Commissioner that would like to would be happy to meet to go over this. He talked about the County has received a PARTF grant

and the County has to come up with the money for the match. He explained that he would be happy to explore the park idea with this group but he thinks it might be difficult since the County has the current grant.

Commissioner Cox and Iboya Pasley talked about if she had talked to other river groups.

County Manager Don Adams explained the delayed harvest program. He further explained the County has a Master Recreational Plan which PARTF does refer to when awarding grants, currently in a fundraising attempt for Veterans Memorial Park in order to not use taxpayers dollars for that Park, also. He talked about the need to get organized so groups aren't competing with each other.

Commissioner Goudreau and Iboya Pasley talked about she is meeting with the owners in the next few weeks and getting together after that meeting to see where things are.

Chair Richardson asked her to let the County Manager know when they can meet.

Darlene Douglas and Becky Miller from Alleghany Group Homes came before the Board to present their annual report. They explained their activities during the past year, services provided daily, consumer payroll provided to clients, developmental therapy group, community alternative program (CAP), developmentally disabled home/Sam Evans home, New River Cottage, the need for County money is due to insurance, number of staff, primary mode of transportation is Alleghany in Motion (AIM) and the amount provided to AIM.

Commissioner Cox and Darlene Douglas discussed the products that they are currently working on. He talked about visiting the facility. She invited all of the Commissioners to visit at any time.

Chair Richardson talked about the consumers would have very little chance of earning money. Darlene Douglas agreed and said there are no other services like ours, and they would have a very small chance of employment.

The Board thanked Alleghany Group Homes for their services.

Jimmy Church came before the Board to present the annual report for the Laurel Springs Volunteer Fire Department. He explained the number of firemen/paramedics/EMTs/Medical Responders/first Responders/auxiliary/Board of Directors members. He presented information about the number of training hours. He further presented information about the equipment that they have. He explained insurance issues they have dealt with. He reviewed the number and types of calls dispatched. He thanked the Board for their time. He talked about their appreciation for the Safety Training Facility, and it will save money.

Chair Richardson asked Jimmy Church to explain how the joint fire department works between Alleghany and Ashe.

Jimmy Church talked about it is almost equal amounts of land with there being more calls in Alleghany.

Commissioner Roten and Jimmy Church talked about the number of calls presented earlier are just calls in Alleghany.

The Board stated their appreciation to Jimmy Church and the fire department.

Jim Smith, Chairman of Wellness Center, presented the annual report for the Wellness Center. He reviewed the number of participates, number of classes, partnerships they have with organizations in the county and due to budget cuts had to trim items but has done so in a manner to least affect citizens. He explained that they are in the midst of a huge project to replace the cover over the pool, and they are making progress. He thanked the Board for their time. He provided handouts to the Board regarding the Wellness Center.

Ted Orten provided information to the Board about the mission statement of the Wellness Center, offers a wide variety of classes and programs for all ages, pool utilizations, permanent structure for the pool, utilities costs for last year with a potential saving of 60% when the permanent structure is put in place, equipment, services that staff can provide including blood pressure readings, oxygen readings, et cetera, number of employees and the amount of financial assistance provided to members.

The Board thanked them for their report.

Dennis Smith came before the Board stating that the following isn't directed to any person in particular. He quoted biblical scriptures including the commandants, abominations, false witness, lying, faithful witness, second death, person seeking gain or revenge and slander. He stated that as a

community we should encourage others to say only whatever things are true. He said as a Board the work you do is good and necessary. He stated that everyone should live our lives as it will go on for years but should also live like tomorrow is the last day. He talked about in the end what matters when the last breath is held. He further talked about he thinks about when his time should end. He said that there is only one reason that people can enter into the kingdom of heaven because of the blood shed by Jesus Christ. He explained that is his vision; yours may be different but one thing is certain that we will all appear before Jesus Christ. He talked about being faced with mortality. He asked if our county would be a better place if more people believed in Jesus Christ or not. He asked does the Board of Commissioners set an example for the community and do they see themselves as role models. He read a prayer that was offered before the legislators.

Chair Richardson declared a 5-minute recess at 7:58pm.

County Manager Don Adams presented a proclamation for the Child Abuse Prevention Month proclaiming April as Child Abuse Prevention Month.

The Board approved supporting the proclamation.

Clerk to the Board Karen Evans returned to the meeting.

County Manager Don Adams presented a letter from Chuck and Patricia McCarn about where their house burned and they are trying to put mobile homes on the property for their family to live in. He explained that they are asking for assistance in releasing the disposal fees for disposing of the rubble from the house fire.

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

Commissioner Cox and County Manager Don Adams talked about the location of the property.

County Manager Don Adams presented the North Carolina Association of County Commissioners (NCACC) district meetings questionnaire. He reviewed the first question about stating the number one issue of concern regarding the State budget and the third question about stating the number one issue of non-budget related concern and conversations from the Board regarding this questionnaire.

Chair Richardson talked about including a general statement asking that the budget not be balanced on the back of counties. He talked about since Friday they are looking at the fund balances of the counties. Commissioner Cox asked about the 8% he has heard about.

County Manager Don Adams stated that recommendation is from the Governor's office. He explained the only place 8% is in the North Carolina General Statutes is debt limitation. He said that the Local Government Commission (LGC) has their own recommendations based on size, recommends keeping more than one month's cash flow. He provided examples of 8% of Orange and 8% of Alleghany is totally different. He said that the recommendation coming from the LGC and the Treasury Department is no where near 8%. He said that he spoke to Rebecca Troutman, and they are working on revised statements.

The Board of Commissioners and the County Manager discussed the wording for the questionnaire to include the schools' workers compensations costs, purchases of school buses, lottery formula reduction, DPI's recommendation to reduce the small schools funding, counties to house inmates convicted of misdemeanors and the ADM funds.

County Manager Don Adams presented a letter from Gary Finney requesting that Terry McGrady be appointed to serve on the Local Firefighter's Relief Fund for Sparta-Alleghany Volunteer Fire Department to replace Paul Edwards as the appointment and as treasurer. He reviewed the makeup of the Relief Fund Board; two appointments by the fire department, two appointments by the County Commissioners and one appointment by the State and that Mr. Edwards' seat was appointed by the County Commissioners. He summarized the letter in regards to thanking Mr. Edwards for his 30 plus years of service on the committee and to the fire department.

Commissioner Roten made a motion to appoint Terry McGrady to serve on the Local Firefighter's Relief Fund for Sparta-Alleghany Volunteer Fire Department. Commissioner Goudreau seconded the motion. Vote 5:0.

Chair Richardson stated that he would like for a letter to be written to Paul Edwards and a certificate of appreciation.

County Manager Don Adams presented budget amendment General Fund #19 in the amount of \$1,353 for insurance proceeds for EMS to replace a medical bag. He explained that the bag went down a ravine during an emergency call.

Commissioner Cox made a motion to approve budget amendment General Fund #19 in the amount of \$1,353. Commissioner Goudreau seconded the motion. Vote 5:0.

County Manager Don Adams presented budget amendment General Fund #20 in the amount of \$5,000 for jail canteen revenues and expenses. He explained that the Jail operates a mini-store for inmates to purchase items.

Commissioner Roten made a motion to approve budget amendment General Fund #20 in the amount of \$5,000. Commissioner Goudreau seconded the motion.

Commissioner Cox and County Manager Don Adams talked about the reason it wasn't included in the budget process is because the separate account goes back to the early 1990's, and the County Manager wasn't aware of it and had conversations with the auditors about how to proceed.

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

County Manager Don Adams presented budget amendment General Fund #21 in the amount of \$2,108 for interns. He explained that last year the County had interns through the Vocational Rehab Program. He further explained that they identify eligible students and this year there are three males and one female that can work for the County during the summer months. He stated that the money is reimbursed through the Vocational Rehab Program.

Commissioner Smith made a motion to approve budget amendment General Fund #21 in the amount of \$2,108. Commissioner Cox seconded the motion. Vote 5:0.

County Manager Don Adams presented budget amendment Economic Development Fund #1 in the amount of \$72,000 for a grant through the Rural Center. He explained that this was a grant for the Sparta Entertainment Center. He further explained that the grant was for the creation of jobs. He explained the process for the grant including obtaining approval from the Rural Center. He further explained that the check from the Rural Center was received today.

Commissioner Cox made a motion to approve budget amendment Economic Development Fund #1 in the amount of \$72,000. Commissioner Goudreau seconded the motion. Vote 5:0.

County Manager Don Adams explained that the County applied for and received a grant for replacement of bulbs and ballasts in the following buildings; Council on Aging, Library, County Office Building, Law Enforcement Center, Chamber of Commerce and Town Hall. He further explained that the County issued a request for bids for the energy efficient lighting project. He stated that this is a \$32,000 grant using ARRA funds. He showed the Board an example of the bid specs. He explained that he had taken the specs of the ARRA rules and broke them into eight different folders to assist the electrical contractors. He further explained that there was good turnout at the pre-bid conference, and we spent a lot of time making it accessible to everyone. He stated the following are the bids received; Blue Ridge Mountain Electric (Jon Brewer) \$23,643.34, Tom Jacques Electric \$24,195, Roupe Brothers \$32,500, Leonine Protection Systems \$32,566, Tony Shepherd \$36,750. He explained that at this point, his request is to approve the contract with Blue Ridge (Jon Brewer) contingent upon meeting the requirements of ARRA.

Commissioner Smith and County Manager Don Adams talked about the timeline for the project.

Commissioner Roten made a motion to award the bid to Jon Brewer contingent upon meeting the requirements of ARRA. Commissioner Cox seconded the motion. Vote 5:0.

Commissioner Goudreau talked about he and the County Manager are attending the Sparta Town Council meeting tomorrow night about the Benchmark presentation on junk and dilapidated housing. He said that he thought it was a good opportunity to see what the Town is going through and maybe tomorrow ask if they can work on the noise issues, also. He further said he is basically just going to see the presentation, which is tomorrow at 7pm.

Chair Richardson talked about bringing the information back to the Board or the Planning Board.

Commissioner Goudreau talked about he knew the Board had referred the prayer topic to the Attorney General. He asked where we stand.

County Attorney Donna Shumate stated that the request was made but hasn't received a response.

Commissioner Cox talked about the Board attended the presentation at the Upper Mountain Research Station and there were a lot of people there including all five Alleghany County Commissioners in support of retaining the test farm. He stated his appreciation to the other Commissioners for their attendance.

Being no further business, Commissioner Cox made a motion to adjourn at 8:42pm. Commissioner Smith seconded the motion. Vote 5:0.

Respectfully submitted,

Karen Evans
Clerk to the Board

Attest:

Ken Richardson
Chairman