

The Alleghany County Board of Commissioners met in regular session on Monday, August 4, 2008, 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 Warren Taylor, Commissioner Doug Murphy, Commissioner Milly Richardson, County Attorney Donna Shumate, County Manager Don Adams, and Clerk to the Board Karen Evans. Commissioner Randy Miller was present but arrived late.

Chair Ken Richardson called the meeting to order.

Commissioner Warren Taylor led the Pledge of Allegiance and opened the meeting with a prayer.

Chair Ken Richardson stated that closed session for legal and economic development needs to be added to the agenda.

Commissioner Milly Richardson made a motion to approve the amended agenda for this August 4, 2008, meeting. Commissioner Doug Murphy seconded the motion. Vote 4:0.

AGENDA  
Monday, August 4, 2008  
6:30 PM

- 6:30 Meeting Called To Order  
Pledge of Allegiance and Prayer  
Motion on Agenda for August 4, 2008, meeting  
Motion on Minutes for July 21, 2008, meeting
- 6:35 A. Public Comments—30 minutes  
B. Public Hearing  
RE: 911 Road Names  
C. Public Hearing  
RE: ROAP Grant  
D. April Hamm  
RE: Title 6  
E. Public Hearing  
Re: Economic Development – Etomic Steel Structures, Inc.  
F. John Brady  
Re: Blue Ridge Mountain Fair Update  
G. Piney Creek Volunteer Fire Department Annual Report  
H. Kate Cosner  
Re: Board of Elections Travel Request  
I. Kathy Murphy  
RE: Planning Board Concerns  
J. County Business  
1. NCACC Voting Delegate  
2. Loader Bids/Reimbursement Resolution  
3. Transfer Facility Scales  
4. Transfer of School Properties To County  
5. Channel 50 Discussions  
6. Other Business  
7. Closed Session—NCGS 143-318.11 (a) (6)--personnel  
NCGS 143-318.11 (a) (3)—legal (added)  
NCGS 143-318.11 (a) (4)—economic development (added)  
8. Adjourn

Commissioner Doug Murphy made a motion to approve the minutes for the July 21, 2008, meeting. Commissioner Milly Richardson seconded the motion. Vote 4:0.

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

Wendy Williams, E-911 Coordinator/Mapper, came before the Board to present three road names; Dogwood Ridge, Dogwood Valley and Ralph Trail. She explained each road's location.

Chair Ken Richardson opened the public hearing regarding the 911 road names at 6:33pm.

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

Chair Ken Richardson closed the public hearing at 6:34pm and reconvened the regular meeting.

Commissioner Doug Murphy made a motion to approve the road names as presented by the E-911 Coordinator/Mapper. Commissioner Warren Taylor seconded the motion. Vote 4:0.

Commissioner Randy Miller arrived at 6:35pm.

April Hamm, Allegheny in Motion Director, came before the Board to present the Rural Operating Assistance Program (ROAP) 2008-2009 allocations in the amounts of EDTAP for \$37,165, Work First for \$2,553 and RGP for \$34,523. She further explained the supplemental ROAP funds in the amounts of EDTAP for \$21,822, Work First for \$2,043 and RGP for \$18,106. She stated that the total amount is \$116,212.

Chair Ken Richardson opened the public hearing regarding the ROAP grant at 6:37pm.

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

Chair Ken Richardson closed the public hearing at 6:38pm and reconvened the regular meeting.

Commissioner Doug Murphy made a motion to approve the ROAP grant application. Commissioner Warren Taylor seconded the motion. Vote 5:0.

April Hamm explained the Title VI Plan for AIM including it is the policy of Allegheny in Motion to ensure compliance with Title VI of the Civil Rights Act of 1964 that no person shall be discriminated against because of color, religious belief, race, gender, age, national origin, or disability from any services provided by the use of federal funds from the United States Department of Transportation. She further explained the LEP portion of the plan. She talked about having a translation list at every desk of commonly used terms, access to a Social Services bi-language person and two web sites that are available for translation.

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

April Hamm asked the Board for reconsideration for the part-time billing clerk to go to full time. She provided statistics regarding AIM's growing level of services.

Commissioner Doug Murphy and April Hamm talked about the prior approval provided by the Board. She explained the difference because of the cap on the allocated costs; \$5,326. She talked about her conversations with the State regarding the position. She further explained this person's responsibilities and the prior approval by the Board during the grant process.

Commissioner Doug Murphy made a motion to reconsider this position. Commissioner Warren Taylor seconded the motion.

Chair Ken Richardson reiterated that the reconsideration is with the idea that the Board is approving the position.

Commissioner Doug Murphy agreed. Commissioner Warren Taylor seconded the motion. Vote 5:0.

County Manager Don Adams talked about making it effective the first day of a pay period.

Chair Ken Richardson explained that the public hearing on item E needs to be rescheduled to August 18, 2008, because the owner is unable to attend this meeting.

John Brady came before the Board on behalf of the Blue Ridge Mountain Fair. He talked about the efforts of the Sheriff's Department, rescue squad and AIM. He thanked everyone for a job well done.

Larry Adams with Piney Creek Volunteer Fire Department came before the Board to present their annual report. He presented information regarding their statistics including the number of calls responded to during 2007 and so far in 2008. He talked about how the county is changing, the impact on the Piney Creek fire department and their coverage area. He explained that they have had nine people to complete the medical responders' class and the benefits of having these people. He continued talking about the types of calls in 2008, equipment and fundraisers held. He stated that he would like to thank the Commissioners and County Manager for the safety study that was performed earlier in the year. He talked about their upcoming dilemma will be the need for a new fire station, not seeing the fire department being able to raise enough money to construct the building and hopes to get something started in the next few years. He reiterated their need for the fire station.

Commissioner Doug Murphy and Larry Adams discussed the age of their current facility.

Chair Ken Richardson talked about other departments have talked about difficulties of getting new members.

Larry Adams stated that they have some difficulties but normally stays around 20 members. He talked about the State's requirements for the number of members.

County Manager Don Adams and Larry Adams talked about the nine first responders and Piney Creek should be congratulated for this. Larry Adams talked about they purchased a new vehicle for the first responders and the equipment for it.

The Board thanked Larry Adams.

Kate Cosner talked about travel needs for the Board of Elections including the minimum amount needed for one trip in Durham and what is needed all year. She explained that the August conference is mandatory for all board member/staff and the amount of money needed. She talked about the December training is for staff, April meeting is for the Elections Director and Board members. She explained that she went on past information and did not include board members for April because they normally don't go. She reiterated that the total amount needed is \$4,915.20 for the Board of Elections to complete the required training.

Commissioner Warren Taylor and Kate Cosner talked about the amount requested in the original budget versus the amount budgeted. They talked about a trip in July to New Bern that has already been spent for certification training. Kate Cosner explained the timing of the certifications for the board members and staff.

County Manager Don Adams passed out the original request.

Chair Ken Richardson and Kate Cosner discussed the meal reimbursements for the board members.

County Manager Don Adams explained what was requested during the budget discussions, approved amount and how much has already been spent.

Commissioner Warren Taylor and Kate Cosner talked about not attending the training in April. Kate Cosner talked about certifications requirements.

Commissioner Milly Richardson and Kate Cosner talked about no classes are offered online.

Commissioner Doug Murphy and Kate Cosner discussed the amount of mandatory trainings because it is an election year.

Commissioner Warren Taylor and Kate Cosner discussed the amount of the increase. Kate Cosner talked about the amount of training during last year.

Chair Ken Richardson and County Manager Don Adams discussed the meals and mileage reimbursements are in accordance with the county policy.

Commissioner Warren Taylor, Commissioner Milly Richardson and Kate Cosner talked about the location of the trainings and hotels block off rooms for a cheaper rate and how the trainings are held in the hotel if feasible.

Chair Ken Richardson recommended to the Board to consider August and December and wait on April.

Commissioner Warren Taylor made a motion to approve the training in August and December and wait on the April training. Commissioner Doug Murphy seconded the motion. Vote 5:0.

Kathy Murphy, Planner, discussed charging fees for permits issued by her office. She talked about the Planning Board is recommending \$25 for sign permits. She stated that she hasn't charged anything yet but has issued three permits.

Commissioner Warren Taylor and Kathy Murphy discussed how other counties charge for the signs.

Chair Ken Richardson and Kathy Murphy discussed she visits the locations for the signs. Kathy Murphy talked about the requirements for signs regarding the North Carolina Building Code.

Commissioner Warren Taylor talked about \$25 is a reasonable charge.

Commissioner Milly Richardson made a motion to approve the \$25 sign fee. Commissioner Randy Miller seconded the motion. Vote 5:0.

Kathy Murphy talked about other ordinances that require permits; Mountain Ridge Protection, Watershed, High Quality Waters, and Floodplain. She talked about the process of checking permits and having to issue permits, if required. She stated that they haven't been charging any fees for any permits. She explained the discussions with the Planning Board, and they thought we should charge for the permits.

County Manager Don Adams asked Kathy Murphy to put together a chart showing the fees regionally.

Commissioner Milly Richardson and Kathy Murphy continued talking about the ordinances that require a permit.

Chair Ken Richardson and Kathy Murphy discussed what is covered by Kathy Murphy's duties that don't require issuing a permit.

Commissioner Warren Taylor and Kathy Murphy discussed how often these permits are required.

County Manager Don Adams and Kathy Murphy discussed that the floodplain ordinance is the toughest to enforce.

Chair Ken Richardson talked about people may feel like they have to pay twice for Kathy Murphy's work.

Commissioner Milly Richardson used an example of hiring help and everyone paying for it or charging a permit fee that the users pay for.

Kathy Murphy explained that they are not looking to get pay for her time; just the materials that are used. She reiterated that the Planning Board discussed this and is recommending it. She stated that the Planning Board is looking at a set fee of \$25 for each permit issued.

Chair Ken Richardson stated that the labor issue may have to be addressed later but right now the request is for compensation on the materials.

Commissioner Warren Taylor and Kathy Murphy talked about getting Watauga county's fees to have a comparison. Kathy Murphy continued talking about recouping the costs associated with issuing the permit, not personnel time, just overhead of printing and extra record keeping.

Chair Ken Richardson asked does the Board need to hold a public hearing or can the Board do this.

County Attorney Donna Shumate stated that she did not know what the Planning Board discussions were and hasn't researched it.

Chair Ken Richardson talked about coming back to the August 18 meeting to allow time for the County Attorney and County Manager to research this.

Kathy Murphy talked about having two members that are talking about resigning because of enforcement issues and how things are being enforced. They talked about the process of complaints. She stated their concern is that ordinances are in effect and are not being enforced.

Chair Ken Richardson and County Attorney Donna Shumate discussed ways to enforce ordinances by going to the magistrate to take action.

County Manager Don Adams discussed the concerns that he has including making sure all of the investigations have occurred before action is taken. He talked about some situations go above Kathy Murphy's or his abilities and the need legal assistance.

Commissioner Milly Richardson talked about being familiar with a couple of cases that has been discussed and asked does the County need some type of mediation between the letter and sending the Sheriff.

Kathy Murphy used an example of how things are handled at this time.

Commissioner Milly Richardson stated that her recommendation is to get the two parties together and offer some type of mediation before it gets to the Sheriff.

Kathy Murphy stated that it is the Planning Board's opinion that you have an ordinance that is the law and the need to enforce the ordinances.

Commissioner Doug Murphy and Kathy Murphy discussed the steps involved in complaints and violations.

Chair Ken Richardson stated that he is hearing two things; because there are existing gray areas nothing is being done and the Planning Board can work to fix the gray areas.

The Board, County Manager Don Adams and Kathy Murphy discussed the gray areas can't be decided by the Planning Board because they are legal issues and need legal opinion.

County Attorney Donna Shumate explained that almost all ordinances have civil or criminal penalties. She talked about pursuing the civil penalties. She talked about ways to pursue these matters. She talked about her conversations with the County

Attorney in Wilkes County regarding enforcement issues.

Commissioner Warren Taylor stated that the Board needs to either enforce the ordinances or go back and look at the ordinances.

County Attorney Donna Shumate talked about setting up written steps that are to be followed.

Commissioner Warren Taylor recommended that the County Attorney and County Manager work on that.

Chair Ken Richardson asked the County Manager and County Planner to report back to the Planning Board about this.

Kathy Murphy talked about the lack of support for creating a comprehensive plan. She further talked about until they find out what the county wants; they don't know what will work the best.

County Manager Don Adams explained that they went through a planning session about setting their number one priority which was the subdivision ordinance. He asked have their priorities changed as a board.

Kathy Murphy stated that yes it has. She explained that they came to a consensus to table the subdivision ordinance, because it wasn't their number one priority now.

County Manager Don Adams recommended the Planning Board to reprioritize and develop a plan of action to create the comprehensive plan. He said he hasn't seen the Commissioners not support the comprehensive plan because it hasn't been presented to them.

Commissioner Milly Richardson and Kathy Murphy talked about the community visioning process that is going on currently.

Commissioner Doug Murphy said that they need to put down in some form where they see themselves going and the Board will try to help.

Commissioner Milly Richardson said she understands the need to update the plan, if that is their priority.

Kathy Murphy talked about lack of zoning because they are zoning by conditional use not planning for zoned development, like traditional zoning. She used an example of a country store on US 21 and if the project is consistent with the area, then not having to go through the CUP process.

Commissioner Milly Richardson talked about that is what the ordinance says to do. She further talked about if a comprehensive plan is what is needed, and then we need to do it because it could address some of these concerns.

County Manager Don Adams explained his role with the Planning Board.

Commissioner Doug Murphy talked about workshops through the Institute of Government. Kathy Murphy stated that she provides that information to them.

Kathy Murphy stated that the Planning Board wanted her to report to the Board to let you know how they feel.

Commissioner Milly Richardson talked about providing a level of support.

Kathy Murphy talked about the lack of information flowing between departments to the planning department. She talked about having a flow chart between departments. She further talked about there is more communication than before but it still needs some work. She used an example of an illegal subdivision. She talked about the need to communicate with the health department about the County's ordinances

requirements.

Commissioner Warren Taylor asked how the health department is going to know that it isn't ¾ acre. Kathy Murphy said that people have to provide the PIN number. Commissioner Warren Taylor stated that it is not the fault of the health department because the property owner has to follow the ordinances.

County Manager Don Adams stated that a solution to the problem is a centralized permitting process. He explained how it would work.

Commissioner Warren Taylor asked Kathy Murphy if she can publish a flow chart that you can hand out. She state yes and explained that Randy Blankenship and herself developed a list of requirements/checklist. She explained that they determined people didn't want more paperwork to have to complete.

Commissioner Milly Richardson talked about providing the information to the realtors association to pass to their clients.

Chair Ken Richardson asked what would be involved with something coming from the planning office before a septic permit is issued. Kathy Murphy explained that would be the same as a building permit.

Commissioner Milly Richardson and County Manager Don Adams discussed how the centralized permitting would work. He explained this involves process changes and this is going to slow the process down. He further explained that if the Board is talking about taking all building and septic permits through the planning office the need to expand the planning department. Kathy Murphy explained how things work currently.

Commissioner Milly Richardson talked about the better communications efforts and getting information to the realtors.

Kathy Murphy talked about having discussions with the people involved. She said the last issue is regarding the subdivision ordinance and what is the role of the Commissioners and the Planning Board. She suggested the Planning Board review major subdivisions with the Commissioners acting as the Board of Appeals. She said that would be consistently through the ordinances.

County Manager Don Adams talked about the Planning Board should see subdivisions before changes are made to the ordinance.

Chair Ken Richardson asked does anyone have a problem with the Commissioners reviewing these issues.

The Board stated no.

Kathy Murphy invited the Board to a Planning Board meeting.

County Manager Don Adams explained that the North Carolina Association of County Commissioners is holding their annual conference and needs for someone to be appointed as Alleghany County's voting delegate during the conference.

Commissioner Doug Murphy made a motion to appoint Ken Richardson as the voting delegate. Commissioner Warren Taylor seconded the motion. Vote 5:0.

County Manager Don Adams presented loader bids from James River Equipment, Interstate Equipment and Carolina Cat. He reviewed the summary of loader bids, type of equipment, delivery dates and trade in/private bid values: James River Equipment, John Deere 444J \$120,300; Interstate Equipment Company, Kawasaki Model 30ZV-2 \$128,353.66 and JCB 416 \$110,279.88 delivery date end of November 2008; Carolina CAT, Cat 924H \$120,145.83 delivery date of 14 days after contract signed, trade in of \$25,000. He stated that a private bid for the existing loader had been received for \$17,001 dollars. He reiterated that all of the quotes are for machines that are equivalent to the existing Cat 924G, all quotes include a 5-year/7,500-hour power train/hydraulics warranty and includes replacing the standard

tires/rims with SETCO solid rubber tires and wheels.

Commissioner Warren Taylor and County Manager Don Adams talked about the \$25,000 trade in does not include the spare tires.

Commissioner Warren Taylor made a motion to approve the Carolina CAT bid with the trade in for \$95,145.83. Commissioner Milly Richardson seconded the motion. Vote 5:0.

County Manager Don Adams presented a resolution of official intent to reimburse regarding the loader. He explained the need for new scales at the Transfer Facility at an estimated cost of \$70,000-\$79,000 that he has been quoted. He further explained the difference in the quotes and the need for the resolution. He stated that he recommends borrowing \$95,000 for the loader and \$75,000 to \$80,000 for the scales; go ahead purchase and pay for the loader then borrow the money and pay back the loader amount. He reviewed the timeline for the loan.

Commissioner Milly Richardson made a motion to approve the resolution with the number being changed to \$96,000. Commissioner Warren Taylor seconded the motion. Vote 5:0.

County Manager Don Adams talked about transferring school property to the County. He reiterated that the County held a public hearing regarding transferring the property. He explained that this is because of the sales tax where the Board of Education has to pay sales tax and the County receives a refund of our sales tax paid. He talked about the amount of potential savings this could mean for the Board of Education on their capital projects. He further talked about this transfer would only effect Piney Creek Elementary School and Glade Creek Elementary School and the remainder of the high school, and the County would lease the property back to the schools for their use. He reiterated the purpose regarding sales tax.

Chair Ken Richardson asked where does the County stand on this issue.

County Manager Don Adams stated that the County has held the required public hearing, and the Board of Education had a formal vote about moving forward. He further stated that if the Board agrees, then the attorneys can start the process to transfer the properties.

Commissioner Doug Murphy made a motion to approve transferring school properties to the County. Commissioner Randy Miller seconded the motion. Vote 5:0.

County Manager Don Adams talked about conversations that he has had with Dr. Cox regarding Channel 50. He further talked about Channel 50 and Skyline's Channel 21. He stated that the Board has noticed that Charlie Scott hasn't been here taping the meeting because he is trying to make a living. He further stated that Charlie is volunteering at Channel 50 and Travis is more of a teacher in the Cyber Campus. He said that Dr. Cox approached him about contracting for a year for the operation of Channel 50 and 21. He explained that this would not just be the Commissioners but would be other things including sporting events and other promotional things. He talked about this would be one person's primary responsibility to operate Channel 50 and Channel 21. He requested the Board to contract with Charlie Scott for one year at \$15,000 to \$20,000.

Charlie Scott talked about this being a great opportunity for Alleghany County. He explained how it would work.

Commissioner Milly Richardson stated that this sounds like a wonderful idea.

Chair Ken Richardson asked does anyone have a problem with this.

The Board agreed to move forward.

Commissioner Doug Murphy asked to have the defib units put on the agenda.



Commissioner Doug Murphy made a motion to enter into closed session under NCGS 143-318.11 (a) (3)—legal, (a) (4)—economic development and (a) (6)—personnel at 8:38pm. Commissioner Randy Miller seconded the motion. Vote 5:0.

Commissioner Randy Miller made a motion to adjourn the closed session and reconvene the regular meeting at 9:34pm. Commissioner Warren Taylor seconded the motion. Vote 5:0.

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

Being no further business, Commissioner Milly Richardson made a motion to adjourn at 9:35pm. Commissioner Warren Taylor seconded the motion. Vote 5:0.

Respectfully submitted,

Karen Evans  
Clerk to the Board

Attest:

Ken Richardson  
Chairman