

The Alleghany County Board of Commissioners met in regular session on Thursday, August 9, 2010, 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 recognized Eugene Pruitt and presented a plaque for his years of service and dedication to Alleghany County and to the citizens.

Each member of the Board thanked Eugene Pruitt for years of service and stated they enjoyed working with him.

Commissioner Milly Richardson made a motion to approve the agenda for this August 9, 2010, meeting. Commissioner Doug Murphy seconded the motion. Vote 5:0.

AGENDA  
Thursday, September 9, 2010  
6:30 PM

- 6:30 Meeting Called To Order, Pledge of Allegiance and Prayer  
Motion on Agenda for September 9, 2010, meeting  
Motion on Minutes for August 16, 2010, meeting
- 6:35 A. Public Comments—30 minutes  
B. Public Hearing  
RE: Property Rights Protection Ordinance Amendments  
C. Rick Wooten  
RE: County Noise Concerns  
D. Kathy Murphy  
RE: River Country Estates Tax Appeal  
E. Smoky Mountain Center Report  
F. County Business  
1. Legislative Goals  
2. Annual Reports  
3. Glade Creek Water/Sewer Project Ordinance  
4. AIM Contract with Ashe County DSS  
5. Fire Commission Request  
6. PARTF Grant and Veterans Memorial Park Project Ordinance  
7. Social Services Budget Amendment  
8. Comprehensive Transportation Steering Committee Appointments  
9. Other Business  
10. Adjourn

Commissioner Milly Richardson made a motion to approve the minutes for the August 16, 2010 meeting. Commissioner Doug Murphy seconded the motion. Vote 5:0.

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

Travis Dalton, Planner, came before the Board to review the Property Rights Protection Ordinance amendments; on-site signs, commercial lighting, agri-businesses.

Commissioner Doug Murphy and Travis Dalton talked about how these amendments will not affect seasonal signs.

Chair Ken Richardson and Travis Dalton talked about these changes have been before the Planning Board, and they approved these changes.

Chair Ken Richardson opened the public hearing regarding the proposed Property Rights Protection Ordinance amendments at 6:40pm. He asked for public comments.

Chris Huysman talked about the original intent of the ordinance is to protect the health, safety and welfare of the citizens in Alleghany County. He further talked about these amendments are not protecting the health, safety and welfare, and this is a type of zoning. He stated that if zoning is wanted then it needs to go before the public.

Kathy Murphy stated that she wanted to speak about all three of the amendments beginning with the on-premise signs. She explained that last year an off-site sign ordinance was passed and at that time the Planning Board and Commissioners did not want to address on-site signs. She talked about there should be a sign ordinance to address all signing instead of having to look at two different ordinances. She asked are current signs grandfathered in and is this only for people who apply for a conditional-use permit. She talked about the need for a total code of ordinances for all of the ordinances. She gave an example of how people have to look at several different ordinances currently. She asked if commercial lighting applies to existing lighting or just new businesses. She talked about the exemption for agri-business, and her concern is that this came about because of a corn maze and pumpkin patch, which is on land that was already classified as agriculture so they shouldn't have to come before the Planning Board to get a conditional-use permit. She read the definition of agri-business in the current language of the Property Rights Protection Ordinance. She asked does this mean that someone can set up a stand to sell tractors for six months. She talked about the intent is to allow farmers to sale their products, and the need to use common sense when interpreting the language of the current ordinance. She said she is proud of the Planning Board for what they are doing. She further said that this is not the approach needed by making amendments.

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

Chair Ken Richardson closed the public hearing at 6:50pm and reconvened the regular meeting.

Travis Dalton talked about the on-site signs and off-site signs being two separate ordinances and provided examples. He stated that on-premise signs and lighting that businesses already have will be grandfathered. He explained that the purpose of these amendments is so the Planning Board can have direction when discussing these items.

County Manager Don Adams talked about the Property Rights Protection Ordinance already regulates these items and their discussion was about not having any standards regarding signage and lighting. He explained that the Planning Board debates this every time this comes up, and this is a set of standards where people can move forward without having to go before the Planning Board. He reiterated that these changes do not impact existing businesses.

County Attorney Donna Shumate stated that the Planning Board's intent is not to impact existing businesses and they were only envisioning people who came in the future.

Chair Ken Richardson and County Attorney Donna Shumate talked about adding language to the amendments about existing businesses are grandfathered.

Commissioner Doug Murphy and County Manager Don Adams talked about these amendments are for clarification for the Planning Board, planning department and applicants to have standards about what is allowable or not allowable and sets up a method to not treat people different.

Chair Ken Richardson and Travis Dalton talked about the corn maze and selling products off of the farm is not a business but when someone is doing something other than normal farming related activities then it is a business. They talked about the concern of selling tractors for six months as an example of an agri-business.

Commissioner Doug Murphy talked about his concerns are if people have a sign to go on their land; they can put it up. He further talked about having to be cautious about not becoming too restrictive.

County Manager Don Adams explained that someone can look at these standards as putting fewer restrictions on the applicant because currently the Planning Board has the ability to enforce now without any standards. He further explained that this is just setting standards to make it consistent.

Commissioner Randy Miller stated he isn't ready to vote until more wording is changed because the grandfathering language needs to be added.

Commissioner Doug Murphy agreed.

Chair Ken Richardson asked each Commissioner to get with the County Manager or County Attorney about wording changes.

Chair Ken Richardson and County Attorney Donna Shumate talked about keeping the Planning Board aware of what the Commissioners are discussing.

County Manager Don Adams used examples of items that would need to go back before the Planning Board like changing the size of signs.

Commissioner Randy Miller talked about consistency and making sure that the grandfather language is in the amendments.

Commissioner Doug Murphy agreed and stated that it needs to be really clear about the existing businesses are grandfathered.

Commissioner Steve Roten asked about existing businesses changing their sign size.

County Manager Don Adams explained that the ordinance has a uses by right clause that allows people to change their existing structures without going before the Planning Board.

Commissioner Steve Roten and Travis Dalton talked about wording which advertises a business is considered signage.

County Attorney Donna Shumate stated that she thinks the Board needs to wait until the new language comes back before the Board before voting on the amendments.

County Manager Don Adams stated for clarification that the only language to be added is to include a grandfather clause.

Chair Ken Richardson talked about maybe getting the Planning Board to look at all of the ordinances as a whole.

Rick Wooten stated that he is coming before the Commissioners as a concerned husband, father and member of his neighborhood due to events that recently occurred in his neighborhood. He gave examples of what has happened in the community involving loud noise at all times of the day/night. He explained that the Sheriff's Department has responded but they can't do much without a noise ordinance. He further explained that he realizes the potential issues that a noise ordinance could bring but he has reviewed the noise ordinances for the surrounding counties. He said it is possible to protect the citizens of Allegheny County and not make it difficult for the people who have to make noise with the business. He explained that they have tried everything that they can, and the Sheriff's Department has done everything they can but it isn't enough. He said he is coming to the Commissioners for help to have a noise ordinance. He asked what, as a citizen, can he do to help expedite a noise ordinance similar to those around us.

County Attorney Donna Shumate stated that she thinks this can be referred to

the Planning Board for their consideration.

Commissioner Milly Richardson stated to urge them to make this a priority. She said she understands the problem.

County Manager Don Adams said that he thinks the Sheriff's Department will have to be part of this because they will be in charge of enforcing the ordinance.

Sheriff David Edwards stated that they have arrested one guy in that particular neighborhood and are waiting for the case to go to court.

Commissioner Doug Murphy talked about an ordinance would put teeth into the charges.

Commissioner Milly Richardson, Rick Wooten, County Manager Don Adams, County Attorney Donna Shumate and Sheriff Edwards talked about this area is right outside of the Town's ETJ, and the ETJ cannot be changed without moving the town limits.

County Manager Don Adams and Sheriff Edwards talked about the Sheriff's Department working on this with the Planning Board.

Chair Ken Richardson asked Rick Wooten if he and his neighbors will go to the Planning Board about this issue.

Rick Wooten stated yes, he will do whatever he needs to do but he can't speak on behalf of his neighbors.

Chair Ken Richardson asked the Sheriff if they are willing to participate, also.

Sheriff Edwards stated yes, they are.

Chair Ken Richardson recommended this to go before the Planning Board.

County Attorney Donna Shumate agreed that this is the appropriate action.

County Manager Don Adams and Chair Ken Richardson talked about ways to proceed sending this request to the Planning Board.

County Attorney Donna Shumate and County Manager Don Adams talked about different ways to proceed sending the request for a noise ordinance to the Planning Board and timeframes for their response.

Commissioner Doug Murphy made a motion to move forward to submit this to the Planning Board. Commissioner Randy Miller seconded the motion.

Commissioner Steve Roten talked about a similar situation that he personally experienced in another county. He and Rick Wooten talked about the Sheriff's Department has done all they can and not sure that a noise ordinance will help the neighbor.

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

Kathy Murphy presented information for River Country Estates Homeowners Association (HOA) where she is currently the manager and treasurer. She provided history about the subdivision including property was foreclosed by a bank last June, a new HOA board of directors was elected in September which consisted of homeowners in the area and common areas were deeded over to the HOA with the understanding that the common areas would not be taxed according to NCGS 105-277.8. She talked about Elaine Honeycutt went to the Tax Office with a copy of the NCGS, and she understood that these properties would be taxed among the members of the HOA rather than the HOA. She explained that this year the HOA received the tax bills, called the Tax Office and was told that the HOA has to complete an application attaching the bylaws and the common areas must be for the use of the HOA. She further explained

that they completed the paperwork then it was sent to Raleigh for determination since this is a fairly new law, and she received a letter on August 30 that stated that they were not exempt according to the tax office in Raleigh and part of the lots will qualify for 2011 but were denied for 2010. She said she relayed this information to the HOA who wanted her to come before the Commissioners to appeal. She explained had they known about the application they would have followed what is required in the correct timeframe. She said they are requesting that the taxes be waived for 2010 because it is common areas for the HOA. She explained that they started out \$15,000 in debt because of debt not paid by the developer, and it is in the best interest for the HOA that these taxes be waived.

Commissioner Doug Murphy and Kathy Murphy talked about some of the lots do qualify, and the common areas were taxed.

County Manager Don Adams clarified that the request is to have the taxes released from the HOA and re-billed to the lots.

Kathy Murphy agreed.

Commissioner Doug Murphy talked about this would change how the tax billing is done.

Mary Walker, Tax Administrator, talked to the Board about the HOA's appeal. She provided a copy of the NCGS that Mrs. Murphy referred to. She explained that when Ms. Honeycutt came into the Tax Office, she didn't see her and doesn't know who she talked to. She further explained that they did send information to the Department of Revenue because they don't handle a lot of HOA requests plus this is an older HOA. She stated that this is a late application, and upon showing good cause the Board can approve a late application. She talked about the letter denying the request because she cannot approve late applications and the tax bills had already went out. She explained that the Tax Office didn't receive the correct PIN numbers from the HOA, would have to re-bill approximately \$194,100 to the property owners for \$834.63 in taxes, and there are 94 lots that qualify out of 150. She talked about doing a bill for the ones that qualify, and her recommendation is to keep the bills as is this year but next year's can be billed differently. She explained that normally the Tax Office bills the HOA, they pay the taxes then the HOA charges the homeowners in their annual HOA dues. She reiterated that this is a late application and the Department of Revenue also considers it a late application.

Chair Ken Richardson and Mary Walker talked about if Board wanted to approve the late application then move forward with this request.

Chair Ken Richardson asked Mrs. Murphy about the other lots that haven't been identified, and can she supply that information to the Tax Office.

Kathy Murphy explained changes that have occurred in the subdivision including having a new HOA for the entire subdivision of River Country Estates. She stated that they would have to go through and get the actual PIN numbers for each lot.

Chair Ken Richardson and County Attorney Donna Shumate talked about she hasn't discussed any of this with the Department of Revenue.

Mary Walker talked about the tremendous amount of work for the Tax Office to release/re-bill these common areas and it must be completed by December 2010.

Commissioner Milly Richardson, County Attorney Donna Shumate and Mary Walker talked about the County cannot bill them zero for this year and double for next year to make it even.

Chair Ken Richardson asked if there is a compromise with the HOA.

Kathy Murphy stated that she just works for the HOA board, and they wanted it appealed is why she is here. She further stated that she doesn't think their intent was to burden the County but they didn't think the HOA would have to pay the taxes.

Chair Ken Richardson stated that he doesn't think anyone on this Board would approve releasing the taxes.

County Manager Don Adams asked Mrs. Murphy if each one can pay \$6 for this year and get it fixed for next year.

Rita Miller asked if these property owners know that they are going to get another bill.

Kathy Murphy answered no because they thought it would be exempt from paying any taxes. She stated that they will do a mailing to the homeowners advising them of this.

Rita Miller explained that during revaluation the common areas could be accessed on each lot but not in between revaluations so it has to be separate.

Chair Ken Richardson asked Mrs. Murphy if she can come back to the next meeting with discussion from the HOA board.

Kathy Murphy said yes, she will update them tomorrow, and they have a meeting next week.

Chair Ken Richardson tabled this request until the next meeting.

Shelly Foreman with Smoky Mountain Center introduced Christy Pruess who is the Northern Region Director and Dr. Murray Hawkinson, who is the Clinical Director. Shelly Foreman thanked Doug Murphy for his service and commitment to Smoky Mountain's board. She talked about the previous cuts to mental health and the cuts gave been restored across the State. She further talked about they have been working with the community to see what services are needed and ways to help with restoring the \$333,333.

Christy Pruess, Northern Region Director, explained that they have had two different stakeholders meetings where they asked people to come talk about services needed and ways to improve existing services. She further explained service funding restoration meetings held last week. She stated that they didn't want to take the money to build programs that may not have funding next year. She provided examples of things that they looking at doing.

Shelley Foreman talked about continuing to improve the role of accountability to the State and the community with one example of working on a fixed-fee basis to providers and providers are documenting the services that are provided. She stated that the contract with New River has been finalized and moving forward to offer services.

Dr. Murray Hawkinson, Clinical Director, recognized the service of Ken Richardson on the New River Behavioral Healthcare (NRBH) board. He talked about the State's changes have confused everyone, and they are moving forward trying to function with the new rules. He talked about the importance of their designation of a Critical Access Behavioral Health Agency and things they are trying to do. He explained that NRBH stands alone in the State for the type of services that are provided, and they are working on a number of things with Smoky for mental health services in the five-county areas. He talked about the active working relationship with the LMEs and are currently working together to make things better. He provided an example of making the computer systems work together, and anticipating to move into case management by tagging needs and making sure people are hooking up to the services that are needed because this helps screen people in to what they actually need. He gave examples of why and how this helps. He stated his appreciation of this long-standing relationship.

Commissioner Doug Murphy talked about the new monies put back in from the State. He asked have they looked at drop-ins centers. Dr. Hawkinson stated that they are always talking about it and have to look at the money to add staff.

Shelley Foreman and Christy Pruess talked about recruitment is a problem and the new requirements make it harder for people to do this work.

Dr. Hawkinson talked about having more group settings because it reaches more people. He further talked about the number of unfilled positions and problems finding people who are qualified and meet the other requirements.

Commissioner Milly Richardson stated that they do a good job, and these changes are challenging.

County Manager Don Adams presented legislative goals from the North Carolina Association of County Commissioners (NCACC) and reminded the Board that the County's goals must be back to NCACC by September 15.

Chair Ken Richardson stated that he has three goals from the health department. He explained the process of the submitted goals go to steering committees for consideration. He encouraged each Commissioner to go to Raleigh to talk to the departments where there are concerns because if there are issues that the Commissioners are really concerned about, it does no good to talk about it among us and the issues need to go to NCACC to start the process. He reviewed the 2009/10 goals. He stated that if any Commissioner sees goals that are not met and want it included, the goals need to be resubmitted.

Commissioner Doug Murphy mentioned the public school capital building fund.

Commissioner Milly Richardson and Commissioner Randy Miller agreed.

Commissioner Doug Murphy talked about the State inmate in county jails reimbursement.

Commissioner Milly Richardson and Commissioner Randy Miller agreed.

Commissioner Doug Murphy talked about clarification on deeded or calculated acreage.

Chair Ken Richardson asked about willing to include definition of charity.

Commissioner Milly Richardson stated that the Board of Commissioners can change deeded to calculated ourselves.

Chair Ken Richardson explained that in January there will be an opportunity to talk about why the Commissioners think these goals are important.

County Manager Don Adams talked about the new ethics law recently passed, and part of the law got into open records law/personnel law. He explained that he has been involved with a lot of conference calls and the new law is extremely vague on personnel records. He said that he has already asked the County Attorney to provide an opinion. He further said that one goal could be to clarify the open records law since it is extremely vague on what we are supposed to share or not share.

Chair Ken Richardson explained that this law passed in the final hours of the General Assembly without any discussions. He said if no one has any objections then it will be included.

The Board agreed.

Commissioner Milly Richardson commended Ken Richardson for his work in the State with NCACC.

Chair Ken Richardson talked about he finished his second term on the NCACC Board of Directors. He explained that he was asked to participate as the Chairman in a statewide board with NCACC which will make Northwest North Carolina have two representatives. He further explained that the new endeavor will involve mental health

and public health.

County Manager Don Adams explained that this has completed the cycle of annual reports and every year the Board has a discussion about whether to continue with the annual reports.

Commissioner Milly Richardson stated that they are important.

Chair Ken Richardson explained that this is what they need to hear; Don Adams, Karen Evans and the department heads. He talked about it sounds like the Board wants to move forward with annual reports.

County Manager Don Adams presented a project ordinance for the Glade Creek Water & Sewer Fund in the amount of \$800,000. He reviewed the expenditures/revenues lines. He talked about the transfer to General Fund/transfer to Economic Development Fund and types of expenditures which is reimbursing these funds for expenses already paid out for this project. He explained that the transfer into those funds will come back before the Board at a later date showing the actual transfer into those funds. He provided an update on the project including the application is in Raleigh waiting on approval.

Commissioner Randy Miller made a motion to approve the Glade Creek School Water & Sewer Fund. Commissioner Milly Richardson seconded the motion. Vote 5:0.

County Manager Don Adams presented a proposed contract with Ashe County DSS to reimburse Alleghany in Motion for a person to get their assistance in Alleghany County.

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

Commissioner Milly Richardson stated that the fire commission heard a special request from Larry Adams regarding the Piney Creek Volunteer Fire Department roof in the amount of \$2,600 for the materials and the firemen are going to replace the roof. She further stated that the fire commission is in agreement for this action. She reiterated that this is for the materials only because the firemen will do the work.

Commissioner Doug Murphy made a motion to take the money from the fund balance for the fire commission for the Piney Creek Volunteer Fire Department's roof. Commissioner Milly Richardson seconded the motion. Vote 5:0.

Commissioner Milly Richardson stated that the fire commission thanks the Board for this request.

County Manager Don Adams presented the agreement for the PARTF grant in the amount of \$172,479 with the County match being \$172,480. He reviewed the highlights of the agreement including having three years to spent the money, grant is on a dollar-for-dollar basis, property shall be maintained for public recreation use for a minimum of 25 years after the project completion and the grantee may unilaterally rescind this agreement at anytime prior to the expenditure of funds. He presented the Veteran's Memorial Park Fund project ordinance in the amount of \$344,959. He explained the expenditures/revenues for the ordinance including the revenues are from the PARTF grant and donations.

Chair Ken Richardson and County Manager Don Adams talked about the grant requires a dollar-for-dollar match instead of in-kind donations. The County Manager stated that everyone is telling him it has to be cash.

Commissioner Doug Murphy and County Manager Don Adams talked having three years to finish the project, and the County Manager stated he isn't starting the project until the fundraising is completed.

Chair Ken Richardson made a motion to approve the PARTF project agreement. Commissioner Randy Miller seconded the motion. Vote 5:0.



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

County Manager Don Adams presented budget amendment General Fund #2 in the amount of \$1,396 for the Work First program through Social Services. He explained that no County funds are required.

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

County Manager Don Adams discussed a memorandum from him to the Board regarding the comprehensive transportation steering committee where he is recommending the following people to serve on the committee; Steve Roten, Don Adams, April Hamm, Dr. Jeff Cox or his designee and Mike Pettyjohn or his designee.

Commissioner Milly Richardson made a motion to appoint Steve Roten, Don Adams, April Hamm, Dr. Jeff Cox or his designee and Mike Pettyjohn or his designee to the comprehensive transportation steering committee. Commissioner Doug Murphy seconded the motion. Vote 5:0.

County Manager Don Adams stated that he has spoken to Sam Halsey about the Blue Star dedication and at this time he is waiting on a call back with dates.

County Manager Don Adams reminded the Board that the employee appreciation picnic is this weekend and encouraged the Commissioners to come.

Chair Ken Richardson talked about he and Commissioner Murphy have the memorial for Joe Roberts tentatively set to be on October 2 at 5pm at the Law Enforcement Center, and they are asking for approval from Board to move forward.

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

Chair Ken Richardson stated that he has been asked to talk at the welcoming ceremony at the Blue Ridge Parkway 75<sup>th</sup> Anniversary Ceremony this weekend.

Commissioner Steve Roten talked about the RPO Board meeting where they received a NCDOT project update, and as of the August update, Highway 21 to Roaring Gap is slated for right of way June 2011/construction in 2013 and the Grandview loop is slated for right of way in 2013 and construction in 2015.

Being no further business, Commissioner Milly Richardson made a motion to adjourn at 8:42pm. Commissioner Doug Murphy seconded the motion. Vote 5:0.

Respectfully submitted,

Karen Evans  
Clerk to the Board

Attest:

Ken Richardson  
Chairman