

The Alleghany County Board of Commissioners met in regular session on Monday, September 15, 2008, at 3:30pm 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 Randy Miller, Commissioner Doug Murphy, Commissioner Milly Richardson, County Attorney Donna Shumate, County Manager Don Adams, and Clerk to the Board Karen Evans.

Chair Ken Richardson called the meeting to order.

Commissioner Randy Miller led the Pledge of Allegiance and opened the meeting with a prayer.

Chair Ken Richardson stated that Rick Herndon needs to be added to the agenda after Randy Blankenship and closed session needs to be removed.

Commissioner Randy Miller made a motion to approve the amended agenda for this September 15, 2008, meeting. Commissioner Doug Murphy seconded the motion. Vote 5:0.

AGENDA
Monday, September 15, 2008
3:30 PM

- 3:30 Meeting Called To Order, Pledge of Allegiance and Prayer
Motion on Agenda for September 15, 2008, meeting
Motion on Minutes for September 4, 2008, meeting
Motion on August Tax Releases & Refunds
- 3:35 A. Public Comments—30 minutes
B. Kathy Murphy
RE: Major Subdivision
C. Steve Wood
RE: Subdivision Variance
D. Emergency Management Annual Report
E. Inspections Annual Report
F. Rick Herndon
G. RE: High Country COG Interlocal Agreement (moved)
H. County Business
1. Reminder Joint Meeting with Town of Sparta
 2. Feasibility Study on Roaring Gap Mountain
 3. Secondary Road Public Hearing
 4. DOT Petition
 5. Smoking Policy
 6. Budget Amendment—Maintenance
 7. Budget Amendments—Recreation
 8. Blevins Appeal / Appeal Request Procedures
 9. Cost Plan—Federal Inmate Reimbursement
 10. Board of Education—House on Charles Street
 11. Capital Discussions
 12. Courthouse Lawn
 13. Other Business
 14. Closed Session—NCGS 143-318.11 (a) (3)—legal (removed)
NCGS 143-318.11 (a) (6)—personnel (removed)
 15. Adjourn

Commissioner Milly Richardson made a motion to approve the minutes for the September 4, 2008, meeting. Commissioner Doug Murphy seconded the motion. Vote 5:0.

Commissioner Milly Richardson made a motion to approve the real releases and refunds for August. Commissioner Randy Miller seconded the motion.

Commissioner Warren Taylor asked about an exemption for Olde River Club

Homeowners.

Mary Walker, Tax Administrator, explained that the exemption is for the common area, and that it is in accordance to the State law.

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

Commissioner Randy Miller made a motion to approve the auto releases and refunds for August. Commissioner Doug Murphy seconded the motion. Vote 5:0.

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

Paul Reeves came before the Board to discuss junk yards and read a portion of the ordinance regarding junk yards. He talked about the County adopting an ordinance to cover junk yards. He further talked about the need to take the ordinance and start over because it is not protecting what it needs to. He explained that the county needs something that fits Alleghany County.

Chair Ken Richardson asked for further public comments. None were received. He asked the County Manager to relay this information to the Planning Board. He closed the public comments portion of the meeting.

Kathy Murphy, Planner, presented a major subdivision for Shadow Ridge, Phase 1. She explained the contents of the packet including the need for a letter of credit because the roads are not done and cost estimates for the letter of credit. She stated that she has completed a review of the guarantee and plat and recommends final plat approval.

County Manager Don Adams explained that approval would be contingent upon the issuing of a letter of credit in the amount of \$46,413.75. He further explained the purpose of the letter of credit.

Kathy Murphy explained that the guarantee is good for one year, and could be extended for a hardship for an additional six months.

Commissioner Warren Taylor and Kathy Murphy talked about Phase 1 is three lots and the process of selling the lots.

Commissioner Doug Murphy and Kathy Murphy talked about the roads being fixed as the phases are completed.

County Attorney Donna Shumate talked about her review of the letter of credit, and the bank faxed paperwork last Thursday.

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

County Attorney Donna Shumate explained that Jane Doughton came to see her about the next issue, and they are waiting on an answer before they proceed.

Gerald Leftwich, Emergency Management Coordinator, presented his annual report. He talked about the type of classes held and attended, speeches presented, type of preparation activities that have been held plus upcoming activities and the types of incidents he responded to, number of permits and inspections performed.

Commissioner Doug Murphy and Gerald Leftwich discussed the law regarding burning Christmas trees after they have been cut from the field including obtaining the proper permit to burn the trees.

Chair Ken Richardson and Gerald Leftwich talked about the Piney Creek Elementary School gym having the hook ups to be able to use the gym as an emergency shelter.

Randy Blankenship, Chief Building Inspector, came before the Board to present the Inspection Department's annual report. He presented statistics for the department including the number of permits, number of daily customers, number of calls, meetings held with Contractors, being active members of the Alleghany County Home Builders, number of complaints, clerical changes, continuing education and working on getting the inspectors certified. He talked about the community building code administration grant act of 2007. He asked the Board for support of this act.

Chair Ken Richardson and Randy Blankenship talked about the number of permits being down.

Chair Ken Richardson talked about putting the community building code administration grant act of 2007 on the next agenda.

Rick Herndon with High Country Council of Governments (HCCOG) updated the Board about why the HCCOG is asking for the County's support in getting permanent office space for the HCCOG. He talked about the requirements include going through the Local Government Commission for their approval. He further talked about the interlocal agreement and discussions with the Local Government Commission. He explained that they are asking for a commitment of membership during the duration of their loan. He further explained that four counties have already approved the agreement. He talked about the Local Government Commission's involvement in this project. He further talked about the bank proposals. He explained the current lease is higher than the proposed loan. He asked the Board to consider the resolution.

County Manager Don Adams explained that there are two issues; legality of being able to sign a 20-year contract and guarantee of fees for 20 years. He read a portion of the agreement "The County Members agree, with each other and with HCCOG, to join in and provide additional security for the HCCOG Loan, by continuing to remain members of HCCOG and continuing to pay annual dues for the duration of the loan and in amounts adequate to enable HCCOG to service the above debt to be incurred by HCCOG, the Counties' relative dues payment amounts to be based upon their relative respective annual population, as estimated by the state demographer." He talked about the County has no direct control over the dues.

County Attorney Donna Shumate explained that she had a very brief conversation with Ashe County, and they are considering this today.

Rick Herndon talked about the HCCOG dues are the lowest in the State. He explained Alleghany County's dues and the amount of dues increasing by approximately \$2,000 over 20 years. He talked about the RPO's match. He further talked about the \$0.40 per capita is sufficient and the loan payment being less than the lease payment.

County Manager Don Adams and Rick Herndon discussed how the dues are set and who the members are on the board.

Chair Ken Richardson talked about Sandy Carter, John Miller and himself having nothing but praise for the COG. He urged the Commissioners to consider this request.

County Manager Don Adams and Rick Herndon talked about this year's dues are \$114,000 in a \$5,500,000 budget.

Commissioner Warren Taylor stated that unless the County Attorney had an objection he made a motion to approve the interlocal agreement. Commissioner Doug Murphy seconded the motion.

Commissioner Doug Murphy stated that he seconded the motion under these conditions and if something comes up legally, the Board can address it.

County Attorney Donna Shumate stated that the other one she would consult with is Tony Triplett in Wilkes County, and Wilkes County has already adopted it.

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

County Manager Don Adams reminded the Board of the joint meeting on September 29 at 7:00pm at Sparta Town Hall.

County Manager Don Adams presented the completed feasibility study of Roaring Gap Mountain. He presented the highlights of the study including the two alternates, cost associated with each alternate and DOT recommending alternate #2. He talked about one of the recommendations from the County could be to extend the passing lanes. He explained that the next step is to make this a priority on our TIP.

Commissioner Warren Taylor talked about most of the accidents have occurred in certain spots. He asked if the Board can submit that information to see if they can do anything with those critical curves.

County Manager Don Adams agreed and stated the recommended comments.

Chair Ken Richardson talked about getting alternate #2 sooner because of their money situation.

Commissioner Warren Taylor said he isn't sure it will be safer if it is wider.

County Manager Don Adams explained a standard road and staying in existing right of way. He talked about the cheaper route would occur more quickly. He reiterated putting this on the County's TIP.

Chair Ken Richardson asked since a portion of this is in Wilkes County will it be presented to them.

County Manager Don Adams stated that he doesn't know.

Chair Ken Richardson stated that he will be glad to talk to Wilkes County and see if they will make it a high priority on their TIP.

County Manager Don Adams reiterated the recommendations to take to the State. He reminded everyone that this is the first step in a long process. He explained that they are starting to purchase right of way on Highway 21, and hopefully is looking at construction within the next couple of years.

County Manager Don Adams presented a petition for Deer Park Lane in the Deer Track Subdivision to be added to the state maintenance system. He said that the property owners have been verified. He further said the request is to pass the resolution to be submitted to the State.

Commissioner Doug Murphy talked about the road.

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

County Manager Don Adams talked about the secondary road public hearing needs to be rescheduled during November. He talked about changing the meeting to November 3 at 5:30pm, if the Board wants to keep the same schedule.

The Board agreed.

Commissioner Warren Taylor talked about having the meeting later in the day to allow for more people to attend.

The Board and County Manager Don Adams discussed dates and times for the meeting. They agreed to have the meeting on November 3 at 7pm.

County Manager Don Adams talked about the County's smoking policy in regards to no smoking in the Courthouse. He explained that there is some confusion about the jail area in the back of the court area. He further explained that some people thought it should be no smoking in the courthouse regardless of the area.

Chair Ken Richardson stated that he personally voted for no smoking in the entire courthouse. He talked about spending that amount of money to remodel it. He reiterated that he voted for no smoking in the courthouse anywhere.

Commissioner Milly Richardson agreed.

County Manager Don Adams stated that he talked to the Sheriff about potential staffing problems if no smoking is allowed in the courthouse. He asked the Board to either adopt a policy or not. He talked about the enforceability of a policy.

Commissioner Warren Taylor asked why someone can't tell the Sheriff that is the decision of the Board, and he needs to work with it.

Chair Ken Richardson stated that he is hearing from the Board that the no smoking applies to the entire courthouse.

County Manager Don Adams presented budget amendment General Fund #9 in the amount of \$825 for insurance proceeds to repair a maintenance vehicle. He explained that someone backed into Larry Davis' truck.

Commissioner Warren Taylor made a motion to approve budget amendment General Fund #9 in the amount of \$825. Commissioner Doug Murphy seconded the motion. Vote 5:0.

County Manager Don Adams presented budget amendment General Fund #10 in the amount of \$300 for cheerleading for flag football.

Commissioner Warren Taylor made a motion to approve budget amendment General Fund #10 in the amount of \$300. Commissioner Doug Murphy seconded the motion. Vote 5:0.

County Manager Don Adams presented budget amendment General Fund #11 in the amount of \$350 for golf supplies.

Commissioner Doug Murphy made a motion to approve budget amendment General Fund #11 in the amount of \$350. Commissioner Randy Miller seconded the motion. Vote 5:0.

County Manager Don Adams updated the Board about the Blevins appeal concerning the Planning Board. He explained the process of allowing the Planning Board 60 days to take up the issue, once they take up the issue, they must make a recommendation to the Commissioners, and then the Commissioners can proceed. He explained the timing, presented on August 16, counting 60 days, the Commissioners can take it up on October 20. He further explained that the Planning Board has tabled the issue twice, and attempted to take it up last week but they did not have a quorum. He said that they have a meeting tonight. He explained the options that may come before the Board and actions of the Commissioners if the Planning Board acts tonight.

Chair Ken Richardson stated that he would like to see the Board help this family, follow the County Manager's recommendations and move as fast as the Board can.

County Manager Don Adams asked if it is a consensus of the Board if the Planning Board makes recommended changes, to schedule a public hearing.

The Board of Commissioners agreed.

County Manager Don Adams asked about if the Planning Board makes no changes, does the Commissioners want to wait until the next meeting to discuss it or call a special meeting.

The Board agreed to hold a called meeting.

County Manager Don Adams talked about meeting the October 6 deadline.

Commissioner Warren Taylor explained that it will be simpler to recess until Thursday.

County Manager Don Adams talked about meeting this week if the Board wants to handle this as fast as possible.

Chair Ken Richardson and Commissioner Randy Miller discussed dates to schedule the called meeting.

Chair Ken Richardson talked about recessing this meeting until Wednesday at 3:30pm. The Board agreed.

County Manager Don Adams presented information from Tim McKinnie and Associates, proposal to the County to negotiate to get additional monies regarding the federal inmates. He explained what Alleghany County receives and the national average. He talked about Mr. McKinnie's experience regarding helping other counties, and his fee of \$3,000. He explained that he will help us fill out proper paperwork and get in touch with the proper people.

Commissioner Doug Murphy and County Manager Don Adams talked about the set fee versus a percentage of money received.

Chair Ken Richardson asked does this jeopardize what the County has.

County Manager Don Adams said that he asked that, and it was explained that the County just needs to get proper paperwork and in touch with the proper people.

Chair Ken Richardson said that it sounds like the Board wants to proceed.

County Manager Don Adams talked about coming back at the next meeting with written procedures regarding the planning ordinances. He explained issues need to provide legal time for research.

The Board of Commissioners and County Attorney Donna Shumate talked about timing of requests and time needed for research.

Chair Ken Richardson and County Manager Don Adams talked about how this would work.

County Manager Don Adams stated that the County Attorney will bring back procedures.

County Manager Don Adams talked about the house on Charles Street that the Board of Education owns. He explained that according to law the Board of Education has to see if the County wants the property. He asked the Board does the County want the house on Charles Street. He talked about they are going to tear the motel down.

Commissioner Randy Miller made a motion stating that the County does not want the house. Commissioner Milly Richardson seconded the motion. Vote 5:0.

County Manager Don Adams talked about the 150th anniversary and a request to move the old jail cell at the Transfer Facility to the courthouse lawn for a year to be used as a fundraiser.

Sandy Carter talked about activities for the celebration and explained that she is the chair of the fundraising committee. She talked about doing things that was done in '59. She explained '59's activities including growing a beard/mustache or purchasing a permit, if a man disobeys then he goes to the jail cell for 20 minutes or pays a fine of \$20, and having something for ladies too, such as, wear a hat or same the penalties as the men. She further explained why this is viewed as an opportunity to bring people to Alleghany County. She talked about she is on the joint agenda to present information to both boards. She stated that they are requesting that the jail cell be placed on the courthouse lawn.

Commissioner Warren Taylor asked does anyone have a key to the cell.

Sandy Carter talked about putting a padlock on it. She said she is guessing they will only be doing this for special occasions, like the Christmas parade. She explained that the reason is to promote the county as well as the event.

Commissioner Doug Murphy asked if people could pay a certain amount of money to have someone locked up.

Sandy Carter stated this is something that can be looked into.

Chair Ken Richardson asked does anyone have problems relocating the jail to the courthouse lawn.

The Board stated no problem.

County Manager Don Adams talked to the Board about the jail cell and the renovation of the courthouse when it was determined that the County did not need the cell and was going to dispose of it. He explained that when Mike Caudill saw it was going to be demolished, he asked could he have it, and it ended up at the landfill. He further explained that he had conversations with Mike Caudill about the cell and at this point, the County is going to use it for this event.

Chair Ken Richardson stated the County will use it, and then the Board can decide if it is surplus.

County Manager Don Adams presented updated information regarding the General Fund balance about the EMS capital, loader and scales. He reviewed his handout regarding the fund balance including the preliminary audit figures, total fund balance projected and reserved fund balance required by the audit for potential liabilities. He reviewed the same information if the fund balance is used to purchase the needed equipment. He reminded the Board that if Allegheny County's fund balance drops below 12.575%, the County will start getting letters from the Local Government Commission about the County must begin building the fund balance back up to acceptable standards.

Chair Ken Richardson stated that he would like to see the County borrow the money for the loader and scales because it is an enterprise fund. He further stated to use the fund balance for the EMS capital.

The Board of Commissioners agreed.

County Manager Don Adams asked at what point does the Board want to approve this and is the Board ready to approve the EMS capital at \$59,690. He explained that the other things will have to come back before the Board when he has all of the information.

Commissioner Milly Richardson made a motion authorizing \$59,690 to be taken from the fund balance to be used on the EMS capital. Commissioner Randy Miller seconded the motion. Vote 5:0.

Being no further business, Chair Ken Richardson asked for a motion to recess the meeting until Wednesday at 3:30pm. Commissioner Milly Richardson made the motion. Commissioner Randy Miller seconded the motion. Vote 5:0.

Respectfully Submitted,

Karen Evans
Clerk to the Board

Attest:

Ken Richardson
Chairman