

The Alleghany County Board of Commissioners met in regular session on Monday, December 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 Randy Miller, Commissioner Doug Murphy, Commissioner Milly Richardson, Commissioner Steve Roten, County Manager Don Adams and Clerk to the Board Karen Evans. County Attorney Donna Shumate was absent.

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 stated that item I needs to be deleted from the agenda.

Commissioner Milly Richardson made a motion to approve the amended agenda for this December 15, 2008, meeting. Commissioner Doug Murphy seconded the motion. Vote 5:0.

AGENDA  
Monday, December 15, 2008  
3:30 PM

- 3:30 Meeting Called To Order, Pledge of Allegiance and Prayer  
Motion on Agenda for December 15, 2008, meeting  
Motion on Minutes for December 1, 2008, meeting  
Motion on November Tax Releases & Refunds
- 3:35 A. Public Comments—30 minutes
  - B. David Evans  
RE: Baseball / Softball Update  
PARTF Grant—Fields
  - C. DW Miles  
RE: Rural Center Predevelopment Grant
  - D. Hugh Shepherd  
RE: Mobile Homes
  - E. Kathy Murphy  
RE: Proposed Amended Wording—Property Rights Protection Ordinance  
Stokes Gatewood Appeal  
Planning Enforcement Procedures
  - F. Dr. Jeff Cox  
RE: QZAB Update
  - G. Alleghany Group Homes Annual Report
  - H. Alleghany Memorial Hospital Annual Report
  - I. Senior Services Annual Report (deleted)
  - J. County Business
    - 1. ESC Budget Amendment
    - 2. Grant Proposal for Glade Creek Elementary School—Water/Sewer
    - 3. Transportation Improvement Plan
    - 4. Legislative Goals Meeting / Voting Delegate
    - 5. Transfer Facility Holiday Hours
    - 6. Personnel Policy—Recruitment & Employment
    - 7. Other Business
    - 8. Adjourn

Commissioner Milly Richardson made a motion to approve the minutes for the December 1, 2008, meeting. Commissioner Doug Murphy seconded the motion. Vote 5:0.

Commissioner Doug Murphy made a motion to approve the auto refunds and releases for November. Commissioner Milly Richardson seconded the motion. Vote 5:0.

Commissioner Milly Richardson made a motion to approve the real refunds and

releases for November. Commissioner Randy Miller seconded the motion. Vote 5:0.

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

David Evans, Recreation Director, came before the Board to discuss a change of leagues from Little League to Dixie League. He explained that they have held a public hearing on this matter, and everyone in attendance was in favor of this change. He further explained that the youth would be changing from Little League to Dixie League because the older kids are already in the Dixie League. He talked about the differences between the leagues. He further talked about what this change means to Allegheny County including the usage of the fields, how he will be sending information to the parents through the students and the differences in the rules.

Chair Ken Richardson and David Evans talked about their equipment works with both Little League and Dixie League and the fees associated for each league with the Dixie League being cheaper.

Commissioner Milly Richardson stated that this sounds like a great move and good for the kids.

County Manager Don Adams talked about timing issues with the Dixie League lasting longer and giving notices to the parents. He further talked about having staff on hand when the season starts.

Commissioner Doug Murphy and David Evans talked about the Dixie League will allow for more practice time.

Commissioner Milly Richardson made a motion to approve this change. Commissioner Doug Murphy seconded the motion. Vote 5:0.

David Evans talked to the Board about the County property across from Andrews Trucking on the bypass. He explained that they are looking for open areas with grading completed. He used examples for use of this property. He explained that this would release the fields for the adults. He gave an example of the use of Jarrett Field during the fall. He presented numbers to the Board regarding the level of participation for the different sports.

County Manager Don Adams talked about information for the PARTF grant. He explained that Martin Marietta currently allows the County to use their field as soccer fields. He further explained that the grant is dollar-for-dollar. He reiterated the location of the property along the Sparta bypass. He reminded everyone that the Board allowed him to delineate wetlands on this property. He talked about if anyone destroys wetlands; you have to mitigate it by replacing it or paying into a state fund. He gave examples of how to mitigate this property. He let the Board know that the grant is due February 2. He talked about the costs estimates for the fields. He explained that the grant isn't awarded until summer, work could start in the spring, having three years to finish the project, current timing of the grant and the Town talking about applying for a PARTF grant if the County doesn't want to apply this year. He stated that the County must hold a public hearing on the matter for the grant.

Commissioner Doug Murphy and County Manager Don Adams discussed local people doing the work.

Commissioner Milly Richardson and County Manager Don Adams discussed whether the land can be used as a donation to count on the match.

Commissioner Doug Murphy, Commissioner Milly Richardson and County Manager Don Adams discussed applying for the grant including being prepared to support the grant, if awarded. They discussed the amount for the grant, majority of land on that side of the road is in a floodplain, must build according to floodplain standards and being limited to what anyone can do with this property because of being in a

floodplain.

David Evans talked about the advantage of having the entire soccer program at one location.

Commissioner Doug Murphy and County Manager Don Adams talked about the maintenance being the County's responsibility.

DW Miles came before the Board to discuss a Rural Center Predevelopment Grant. He stated that he has purchased the Charleston Forge building to be put to use for retail to office or manufacturing, whatever will put people to work. He said that it could save the County money for future projects. He further said he went to a Rural Center meeting regarding rural development through the building reuse and restoration grant. He stated that this grant is at no cost to the County.

Chair Ken Richardson and DW Miles talked about this being the old shoe plant on Memorial Park Drive.

County Manager Don Adams explained that this is a planning grant and the purpose of the grant. He provided examples for the use of the grant monies; architect, site evaluation, master plan. He talked about the grant requires a match with the local government supplying \$1,000, which will be in-kind administrative services, and DW Miles putting up the additional \$4,000.

DW Miles explained different ideas that they have for the building.

Commissioner Doug Murphy made a motion to allow DW Miles to pursue the grant. Commissioner Milly Richardson seconded the motion. Vote 5:0.

Commissioner Milly Richardson commented on the beautiful decorations at the Shopping Center.

DW Miles talked about the jobs that the JOB Fund created this past fall. He further talked about what the fund has been doing including the number of new jobs.

Hugh Shepherd came before the Board to discuss property near his home where a man owns 3.1 acres with a house on the property that was to be fixed up to be rented. He presented a timeline of activities on the property. He said he checked with the Planning Board and no permits or anything had been issued. He explained that there are three mobile homes on the property. He talked about the previous definition of a mobile home park and the current version. He continued discussing the timeline for the property including one mobile home being located within 25 feet of his backyard. He showed the Board pictures of his property and property next to him.

Kathy Murphy, Planner, explained her correspondences with the gentleman including he received permits from the Health Department for his water and sewer. She talked about the property was subdivided into a minor subdivision through the subdivision ordinance which allowed the additional mobile homes.

Chair Ken Richardson stated that one of the reasons he supported the Property Rights Protection Ordinance was some rights for property owners to have protection regarding situations like this one.

Commissioner Milly Richardson talked about subdivisions popping up everywhere. She further talked about the need to codify the ordinances. She stated that it is common sense for the subdivision ordinance to fall under the Property Rights Protection Ordinance.

Chair Ken Richardson and Kathy Murphy discussed the Planning Board has not heard Mr. Shepherd's case.

Commissioner Doug Murphy and Kathy Murphy discussed single family units and farms. She explained that she thinks the wording needs to be clarified that this is a change of use.

Chair Ken Richardson reiterated that there are three lots and a mobile home is on each lot.

Kathy Murphy agreed. She explained that the property was subdivided to get around the Property Rights Protection Ordinance and her concern is he could put four more mobile homes on those areas.

County Manager Don Adams said the Planning Board is recommending adding the following wording to the Manufactured Home Park in the definitions of the Property Rights Protection Ordinance; Subdivisions of land to allow for placement of multiple manufactured homes constitute a manufactured home park and require issuance of a Conditional Use Permit.

The Board talked about modular homes and subdivisions.

Commissioner Milly Richardson reiterated the need for the subdivision ordinance to be under the Property Rights Protection Ordinance. She talked about the need to move forward to prevent this from happening to someone else.

Commissioner Steve Roten and Kathy Murphy talked about the setback requirements and building code standards concerning structures near property lines.

Kathy Murphy explained that the Council of Government is working on the ordinances. She further explained that they are looking at the format of the document including having one set of definitions and one application process.

Commissioner Doug Murphy and Commissioner Milly Richardson discussed zoning and land-use planning.

County Manager Don Adams reiterated that the Council of Government and the Planning Board are working on the ordinances. He stated that the recommendation before the Commissioners is to add the additional wording to the manufactured home park definition.

Hugh Shepherd talked more about his situation including there is a storage tank on the property.

Chair Ken Richardson asked what the Board can do to help Mr. Shepherd.

Kathy Murphy stated that she isn't aware of anything because he has already received all of the permits and the well/septic issues fall under the Health Department.

Commissioner Doug Murphy talked about having planning sessions the first of the year to look at h ordinance and fix them if there are problems.

Commissioner Milly Richardson talked about holding a public hearing and vote on the change.

Kathy Murphy stated that the Planning Board wants to review all of the ordinances. She further stated that some counties require feasibility studies to be completed.

County Manager Don Adams explained that the priority has shifted from reviewing the subdivision ordinance to the codification of the ordinances.

Hugh Shepherd stated his appreciation for the Board's time, Kathy Murphy's time and what the Board can do to stop this from happening to some other person.

Kathy Murphy talked about after this came up; she looked at the mobile home park definition in the Property Rights Protection Ordinance. She talked about trying to help when a family wanted to allow family on the same property and people using that as a loophole to create a manufactured home park. She used an example. She read the proposed definition change.

County Manager Don Adams explained that the Board would have to schedule a public hearing on January 5, and if approved, it would be effective on January 6.

County Manager Don Adams presented a letter of appeal from Stokes Gatewood regarding the County Planner and County Manager's decision establishing vested rights concerning the rock quarry. He reminded the Board about the process of hiring an outside attorney for an opinion on this issue, and the letter received from him; Ed Woltz, stating that the rock quarry has vested rights. He stated that the Board needs to act on the appeal. He reviewed the options before the Board.

Commissioner Doug Murphy stated that Mr. Woltz's opinion did not change.

Commissioner Milly Richardson stated that the Board should stick by Mr. Woltz's opinion.

Commissioner Milly Richardson made a motion to deny the appeal. Commissioner Steve Roten seconded the motion. Vote 5:0.

County Manager Don Adams talked about previously presented information regarding the appeal procedures including civil/criminal summons. He reminded everyone that the Board discussed setting up a meeting to discuss how to enforce the ordinances. He talked about there are pending cases.

Commissioner Milly Richardson talked about not scheduling the meeting before Christmas and look at some time in January.

Kathy Murphy talked about she would need time to update some of the cases, and some have been corrected through the ordinance changes.

The Board talked about dates to hold the meeting. They decided on January 6 at 6:30pm.

Kathy Murphy stated that she wanted to let the Board know that the skate park received a \$10,000 grant to enlarge the park. She further stated that the Wellness Center applied for a grant to purchase helmets for an education session that will be held later.

Dr. Jeff Cox, Superintendent, presented a QZAB update. He reviewed an excel spreadsheet showing the status of each project funded through the QZAB monies. He stated that Faron Atwood and Betsy Dillon will be serving with Randy Miller and Doug Murphy on the school needs subcommittee that both boards had previously discussed.

Chair Ken Richardson talked about the relationship between the two boards, and if QZAB still has money left the two Commissioners would come back to the full Board to recommend using that additional money on new projects.

Dr. Jeff Cox agreed and said that the money would be used for additional renovation projects. He stated that he will contact the County Manager about setting up an initial meeting between the subcommittee members.

Commissioner Doug Murphy stated that he would rather have an early meeting to lay out what the subcommittee will do.

Clerk to the Board Karen Evans said that Alleghany Group Homes needs to reschedule their annual report.

Ralph Castillo presented the annual report for Alleghany Memorial Hospital. He reviewed their community benefits report, hospital volume, local vendor expenses, core measures, patient satisfaction report, income and expenses, economic impact of the hospital, challenges, medical staff, board of trustees and a report on the industry. He thanked the Board for their support.

Commissioner Doug Murphy talked about there is opportunities for people who

want to work in the medical field.

Ralph Castillo talked about conversations that he has had with the County Manager about the Hospital supplying the jail meals. He explained that the Hospital had an outside auditor review the concept. He quickly reviewed the highlights of their review including the cost per meal and lost revenue.

County Manager Don Adams explained how Medicare and Medicaid take the costs of service to determine reimbursement rates. He talked about the potential losses in Medicare/Medicaid revenues is a greater impact than the costs of the meals.

County Manager Don Adams presented budget amendment General Fund #21 in the amount of \$25,716. He explained that this is for unemployment insurance and the total was \$53,537 with the vast majority of that being the Law Enforcement Center. He further explained that the County doesn't pay a premium because being in the direct pay system. He said that there are some claims that he is questioning. He explained that he can't talk about the individuals publicly. He explained that the workers comp audit came back \$18,000 less and inmate medical insurance was not as high so he transferred the money to unemployment to decrease the difference.

Commissioner Milly Richardson made a motion to approve budget amendment General Fund #21 in the amount of \$25,716. Commissioner Doug Murphy seconded the motion. Vote 5:0.

County Manager Don Adams talked about Mitch Franklin came before the Board to discuss a \$40,000 grant for Glade Creek School for their water/sewer. He said that he investigated the grant opportunity and learned that it is for every dollar spent then the project would receive two dollars. He stated that a septic system will be needed plus their water needs. He explained that the grant is required before construction grants and the need for a preliminary engineering report for Glade Creek Elementary School, \$5,000 match would be required for \$10,000 to make a total of \$15,000 from the Rural Center. He further explained that they normally fund municipal systems but they would consider a septic system.

Commissioner Doug Murphy asked if QZAB funding could be used to upgrade the existing system. County Manager Don Adams answered yes.

County Manager Don Adams talked about the timing of this grant, another application period in June/July, ask for the award as soon as possible to have the study completed by June/July then immediately apply for the construction money. He stated that he needs permission to apply for grant using \$5,000 of County money to get \$10,000 for a total \$15,000. He further stated that the deadline is January 15 for the grant. He explained that the County has to spend our money first. He reiterated that applying for this planning grant will obligate \$5,000 for this grant.

Commissioner Doug Murphy stated that will be in reference to sewer/water needs.

County Manager Don Adams agreed saying that the grant will focus on Glade Creek Elementary School needs.

Commissioner Doug Murphy and County Manager Don Adams discussed the use of QZAB monies.

Commissioner Milly Richardson and County Manager Don Adams talked about what qualifies Alleghany County for this grant is a public-health need. He used the Transfer Facility as an example. They talked about the septic system has failed. She talked about expanding the existing septic system.

Commissioner Randy Miller made a motion to apply for the grant and look at other funds than the General Fund for the money. Commissioner Milly Richardson seconded the motion. Vote 5:0.

County Manager Don Adams presented the timeline for the Transportation

Improvement Plan (TIP) along with a copy of the last comments. He talked about the feasibility study completed on Roaring Gap Mountain, the County's response and the need to get it on the construction schedule. He said he will need comments at the next meeting.

County Manager Don Adams talked about the NCACC Legislative Goals conference in January, and the Board needs to appoint a voting delegate.

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

County Manager Don Adams asked about the Transfer Facility closing at 4:00pm on Christmas Eve. He explained that this has been requested again for this year.

Commissioner Milly Richardson stated that she has been asked about this.

County Manager Don Adams asked about adjusting holiday pay if the Board approves this.

Commissioner Milly Richardson stated she doesn't think holiday pay should be adjusted.

Commissioner Milly Richardson made a motion to allow them to close at 3:00pm on Christmas Eve. Commissioner Randy Miller seconded the motion. Vote 5:0.

Commissioner Milly Richardson stated that she has had a couple of questions about how employees are hired, and she thinks the Board should be more involved in the process. She reviewed the current process. She talked about the Commissioners should be involved in the process even in the interviews. She stated that the Board should have final say in who is hired.

Commissioner Doug Murphy stated that a Commissioner would need to be involved from the beginning in order to see each person's qualifications.

Chair Ken Richardson said in talking with other counties regarding their experiences, all five Commissioners need to be involved, everything brought to a public meeting, vote and if all five aren't involved in everything then the Board will be playing favoritism.

Commissioner Doug Murphy stated that is his point.

Commissioner Steve Roten asked Commissioner Milly Richardson if she is just talking about reviewing the final decision.

Commissioner Milly Richardson stated that is a good point. She said that she thinks the Commissioners need to be more actively involved. She stated that she has no problem being involved from the beginning but the Board needs to be more involved.

Commissioner Randy Miller stated that this is under the County Manager's authority.

Commissioner Milly Richardson stated that a previous board gave him that authority.

Commissioner Doug Murphy and Chair Ken Richardson stated that they need to think about this before taking action.

County Manager Don Adams stated that it is up to the Board about the procedures. He reviewed the current hiring procedure including department heads.

Commissioner Milly Richardson talked about looking at a situation where the County needs to replace someone at the Transfer Facility, and Building Inspections doesn't have as much work now as when the County went to three inspectors.

Commissioner Steve Roten stated that they had talked about this and saving money where you can.

County Manager Don Adams talked about the hiring process.

Commissioner Milly Richardson asked where is the County on the Transfer Facility job.

County Manager Don Adams stated that applications had been accepted and no interviews have been held yet.

Commissioner Milly Richardson asked does the Board need to stop this right now and look at Building Inspections.

Commissioner Doug Murphy stated that it is something to look at if it is feasible.

Chair Ken Richardson stated that this is talking about reorganization and changing procedures. He further stated that these are two different things. He reminded everyone that the Board hires the County Manager and Tax Administrator. He said if the Board is talking about reorganizing; that is a different conversation.

County Manager Don Adams said he would have Larry Davis proceed but not have him hire anyone.

Commissioner Milly Richardson asked how can this position be filled until the Board has these discussions.

County Manager Don Adams explained the faster the County moves the better because there are only three maintenance guys who fill in at the Transfer Facility plus do the maintenance work.

Commissioner Milly Richardson stated the Board needs to discuss this at the next meeting.

Commissioner Randy Miller wished everyone and their families a Merry Christmas.

Commissioner Doug Murphy talked about the Board needs to have a planning session to look at the ordinances to stop reacting to situations.

Chair Ken Richardson stated that is something that can be discussed at the January 6 meeting.

Commissioner Steve Roten asked about the progress at the Transfer Facility.

County Manager Don Adams stated that the walls have been poured, and heat was kept on them. He further stated that the scale company is supposed to be here tomorrow depending on the weather then the decking poured, and it should be open by the end of January if it is poured before Christmas.

Chair Ken Richardson wished everyone a Merry Christmas.

Being no further business, Commissioner Milly Richardson made a motion to adjourn the meeting at 5:55pm. Commissioner Randy Miller seconded the motion. Vote 5:0.

Respectfully Submitted,

Karen Evans  
Clerk to the Board

Attest:

Ken Richardson  
Chairman