

The Alleghany County Board of Commissioners met in regular session on Monday, April 6, 2015, at 6:30pm in the Board Meeting Room of the County Administration Building, 348 South Main Street, Sparta, North Carolina.

Present: Chair Tom Smith, Vice-Chair Karen Leys, Commissioner Larry Davis, Commissioner Mark Evans, Commissioner Bobby Irwin, County Attorney Donna Shumate, County Manager Don Adams, and Clerk to the Board Karen Evans.

Chair Smith called the meeting to order, led the Pledge of Allegiance and offered the Invocation.

Chair Smith explained a requested change to the agenda.

Commissioner Leys talked about amending the agenda to add Lisa Osborne about filling an open slot at Social Services.

Commissioner Leys made a motion to approve the amended agenda for this April 6, 2015, meeting. Commissioner Irwin seconded the motion. Vote 5:0.

AGENDA

Monday, April 6, 2015

6:30 PM

- 6:30 Meeting Called To Order, Pledge of Allegiance and Invocation
Motion on Agenda for April 6, 2015 Meeting
Motion on Minutes for March 16, 2015, Meeting
- 6:35 Lisa Osborne, DSS Director (added)
RE: Open Position at Social Services
- A. Travis Dalton – Planning Director
1. Present information regarding Wireless Communication Tower Ordinance wording changes.
 2. Public Hearing – Chairman open public hearing to receive comments regarding the proposed Ordinance wording changes. Chairman close public hearing after receiving comments.
 3. Actions Requested - Hold discussions regarding the proposed changes. Give direction on any acceptable changes.
- 7:00 B. Sheriff Bryan Maines
RE: Roaring Gap Deputies. Sheriff Maines was invited to the meeting to discuss potential impacts to law enforcement response times to the Roaring Gap area in the event that Roaring Gap Deputy positions were removed.
- 7:20 C. Rita Miller – Tax Administrator
RE: Resolution Authorizing Upset Bid Process to dispose of real property located in Piney Creek.
Action Requested – Vote on the resolution.
- 7:30 D. Kim Shaw – Partnership for Children
RE: Child Abuse Prevention Month
Action Requested – Vote on resolution recognizing April as Child Abuse Prevention Month.
- 7:35 E. Building Inspections Annual Report
- 7:50 F. Alleghany Group Homes Annual Report
- 8:05 G. Arts Council Annual Report
- 8:20 H. General Business
1. Alleghany Community Advisory Committee. Harold Jones and John Nieschwitz are nominated to serve an additional three-year term on this committee. Action Requested – Vote on the appointment of these two individuals to the Alleghany Community Advisory Committee.
 2. Segal : Revenue & Expense Specialists. Two letters of agreement are enclosed in packets. One is to allow Segal to review past utility expenses and the other is to allow Segal to review past sales & use tax refunds. Action Requested – Vote on the Letters of Agreement.

3. General Fund Budget Amendment # 15 in the amount of \$487. This is to budget funds for the tax office personnel pay change. Action Requested – Vote on General Fund Budget Amendment #15.
4. Veterans Park Fund Budget Amendment #1 in the amount of \$3,890. This is to budget additional donated funds to be available for expenditure. These are donated funds, not County funds. Action Requested – Vote on Veterans Park Fund Budget Amendment #1.
5. Roaring Gap Deputies. Continued discussions regarding the reimbursement negotiations between Roaring Gap Club, Inc. and Alleghany County for two full-time deputy positions. Additional information requested from previous meetings is enclosed in packets. Action Requested – Give specific direction on the negotiations.

- I. Public Comments—30 minutes
- J. Commissioners Comments
- K. Adjourn

Commissioner Davis made a motion to approve the minutes from the March 16, 2015, meeting. Commissioner Evans seconded the motion. Vote 5:0.

Lisa Osborne, Social Services Director, came before the Board to ask to fill the vacant Social Worker position. She explained that the position is 100% state funded and the starting salary is \$41,736.

Chair Smith, County Manager Don Adams and Lisa Osborne talked about this is an open position, not adding a position.

Commissioner Leys explained the reason for adding this tonight is to not wait for two more weeks to get the process started.

Commissioner Irwin and Lisa Osborne talked about having to advertise for the position.

Commissioner Leys made a motion to approve the request to fill the open position. Commissioner Davis seconded the motion. Vote 5:0.

Travis Dalton, Planner, came before the Board to present information about proposed changes to the Wireless Tower Ordinance. He reviewed the wording changes; local government access, increase in application fee, facility height to 195 feet, temporary wireless communication facility, co-location change to two mile, existing communication towers exception.

County Manager Don Adams and Travis Dalton talked about the language changes.

Commissioner Evans and Travis Dalton talked about towers that were built before the Ordinance was in place.

Chair Smith and Travis Dalton talked about towers having grandfather status and the impact on those towers.

Travis Dalton showed the Board a coverage map with a 120 feet tower and a 195 feet tower.

Chair Smith opened the public hearing at 6:41pm regarding wording changes to the Wireless Tower Ordinance and asked for public comments.

Melvin Collins asked the Board to include language in the Ordinance to address towers for ham radio operators. He reviewed language in other ordinances regarding exceptions. He talked about documents he supplied earlier and reviewed the attachments in the packets. He explained that the population of ham radio operators is small in the County. He further explained that amateur radio towers should be exempt in the Ordinance, up to 85 feet and be permitted between 85 and 120 feet.

Chair Smith and Melvin Collins discussed his request for the County to look at the exemption language. Melvin Collins said he would be glad to work with the Planning Board. The Board agreed.

Melvin Collins recognized the members of the audience who are ham radio operators.

Chair Smith asked for additional public comments.

Dave Caudill said he is a ham operator and has been asked to put up a repeater here to help in emergencies. He provided an example of Hurricane Katrina and how they provide a service, and Federal law allows them to go to 200 feet.

Chair Smith asked for additional public comments.

Paul Reeves talked about he sees AT&T monopolizing the county. He said he hates to see one company come in and take over. He provided examples of his towers. He talked about having higher towers then there won't be as many. He said if one company won't rent to another company that is a problem. He stated that he thinks the Commissioners should give more consideration to the tower business because there's more to it than what we've been lead to believe.

Chair Smith asked for additional public comments. None were received. He closed the public hearing at 6:54pm and reconvened the regular meeting.

Commissioner Evans asked about the co-location change from one mile to two miles and do we need to put a distance at all. Travis Dalton explained the language from another county about the companies must submit data. They talked about proposed language of saying co-location must be proved. Chair Smith and Commissioner Evans talked about companies would have to prove the need. Travis Dalton explained they would rather co-locate because it is cheaper. Commissioner Leys said she would like to see coverage maps at different tower heights. Chair Smith and Travis Dalton talked about the higher the tower the more co-locations sites available.

Commissioner Irwin and County Manager Don Adams talked about the County's current operations require a minimum of 40 feet separation. Commissioner Irwin talked about one portion of the Ordinance talked about local government access. Travis Dalton explained the language change regarding the local government access.

Commissioner Irwin and Travis Dalton talked about these are the first major changes to the Ordinance since it was adopted.

Chair Smith and Travis Dalton talked about the facility heights. Chair Smith asked for additional comments.

Commissioner Leys said she would like to see language that the height is needed. Travis Dalton explained the reason why the companies want the maximum height. They talked about the exception to the existing towers.

Commissioner Leys made a motion to approve the new language to not exceed 195 feet in height.

County Manager Don Adams clarified this is where to add to language about requiring them to show the need for 195 feet, coverage maps, if that is the pleasure of the Board.

Commissioner Leys restated her motion to add up to 195 feet and refer the coverage map issue back to the Planning Board.

County Manager Don Adams explained if the motion passes it will not have the language in it about the coverage maps. He further explained he thinks staff needs to come back with recommendations for the language changes.

Commissioner Leys amended her motion to require a coverage map.

Commissioner Evans talked about the purpose of 195 feet is to allow others to come under that. He said he doesn't see the need for the coverage maps because we are requesting co-locating. Commissioner Leys gave an example of having coverage maps at the different heights. He talked about allowing companies to co-location.

Commissioner Irwin and Commissioner Leys talked about the purpose of providing coverage maps.

County Manager Don Adams recommended allowing the County Attorney and Planner to develop the language. He provided an example of having coverage maps. He said every time 195 feet will give you better coverage than 120 feet. He stated that the question is whether the additional coverage is worth the additional 70 feet.

County Attorney Donna Shumate talked about one way may be increasing coverage by a certain percentage.

County Manager Don Adams asked the Board to allow the County Attorney to work on the proper language for the wording.

Commissioner Leys withdrew her motion and allow the County Attorney to work on the wording and decision what is the value for adding co-location.

Paul Reeves gave an example of a tower and not taking up more space.

Commissioner Irwin asked are there currently any applications. Travis Dalton answered yes, three. They talked about since we are accepting applications, they fall under the current ordinance.

Commissioner Evans talked about adjusting the height based on the coverage, and asked how are we going to develop the height requirement.

Commissioner Evans made a motion to approve it as written; Article 8. Facility Height. Commissioner Irwin seconded the motion. . Vote 4:1 (Karen Leys).

Chair Smith asked about Article 8, Local Government Access, proposed wording.

Commissioner Leys and Travis Dalton talked about the importance of 130 feet in this language.

Commissioner Leys made a motion to accept this language as written. Commissioner Evans seconded the motion. Vote 5:0.

Chair Smith asked about the application fee increase.

Commissioner Leys made a motion to change the application fee to \$2,000. Commissioner Irwin seconded the motion. Vote 5:0.

Travis Dalton explained the temporary wireless communication facility language. County Manager Don Adams and Travis Dalton talked about where this would be placed in the Ordinance.

Commissioner Evans made a motion to approve the temporary wireless communication facility language. Commissioner Irwin seconded the motion. Vote 5:0.

Chair Smith reviewed the co-location wording in the Ordinance.

County Attorney Donna Shumate reviewed language for co-location.

Commissioner Leys and Travis Dalton talked about his research about other counties' requirements regarding co-location.

Commissioner Evans made a motion to approve. Commissioner Davis seconded the motion. Vote 5:0.

Chair Smith reviewed Article 11 about existing communication towers and the exception to #3.

Commissioner Leys and Travis Dalton talked about this should eliminate another tower at the same location.

County Manager Don Adams and Travis Dalton talked about how Travis Dalton plans to write the language in the Ordinance. The County Manager and County Attorney talked about proper language for the Ordinance.

Commissioner Leys made a motion to accept the changes that the County Attorney recommended. Commissioner Evans seconded the motion. Vote 5:0.

County Attorney Donna Shumate asked about addressing Mr. Collins concerns.

Commissioner Leys made a motion to take the issue of exempting ham radio operators tower heights to the Planning Board. Commissioner Evans seconded the motion. Vote 5:0.

Sheriff Bryan Maines provided a brief call report on Law Enforcement's activities since December 1. He said he is here to answer questions about Roaring Gap Deputies.

Commissioner Evans and Sheriff Maines talked about the total number of staff and Roaring Gap deputies do not report directly to the Sheriff. Sheriff Maines explained that he is getting more information to knowing what is going on out there. Commissioner Evans talked about previous conversations about activities there.

Chair Smith and Sheriff Maines talked about the deputies respond to calls outside of Roaring Gap. Commissioner Irwin and County Manager Don Adams talked about previous conversations about outside calls are based on one call per month for the last 10-11 years, which is a straight report from Dispatch.

Commissioner Irwin and Sheriff Maines talked about the Sheriff will have to swear the deputy in, and by Statute he is an employee of the Sheriff.

Commissioner Evans and Sheriff Maines talked about the current call load. The Sheriff talked about since taking office, he has made many changes including going to all of the schools, and deputies have many more responsibilities today than a year ago in protecting the people. They talked about the possibility of adding more staff in the future. Sheriff Maines provided an example of the "Are You Ok" program that will be starting soon. They talked about an increase in the call volume and the impact to staff. They further talked about using part-time people instead of overtime for full-time staff.

Commissioner Leys summarized what she has heard, and asked what would happen if the Roaring Gap deputies were removed. Sheriff Maines answered it would have a call volume increase and response time would suffer. He provided examples of response time to the Roaring Gap area from other areas in the county.

Commissioner Leys and Commissioner Evans talked about a lot of calls do not go through dispatch. Commissioner Evans explained alarm systems that don't go through Dispatch, as an example.

Commissioner Leys said a point of discussion is how to split the costs with Roaring Gap Club about the current retiree and employees. County Manager Don Adams explained the current status.

Commissioner Irwin said one deputy has retired. County Manager Don Adams explained this is about the current retiree and current/future deputies.

Commissioner Irwin and Sheriff Maines talked about calls at home that don't go through Dispatch, either.

Rita Miller, Tax Administrator, explained that a tax foreclosure sale in 2013 resulted in no bids so Allegheny County owns a lot at Mountain Escapade. She further explained that there is an offer of \$100 to purchase the property. She talked about if the Commissioners accept this bid then it will go through the upset bid process.

Commissioner Irwin and Rita Miller talked about she took pictures of the site and has not been told that it isn't a buildable lot.

County Manager Don Adams and Rita Miller talked about the County has paid over \$1,900 in homeowner association fees on this list.

Commissioner Leys and Rita Miller talked about the breakdown of the fees.

Commissioner Irwin and Rita Miller discussed the current tax value is \$12,000.

County Manager Don Adams explained what would happen in the upset bid process. He said hopefully this will generate interest, get it back on the tax rolls, and the County quit paying homeowners fees.

Commissioner Irwin and Rita Miller talked about this person does not own any property in the county.

Commissioner Leys made a motion to approve the recommendation to accept this offer and going with the upset bid process.

County Manager Don Adams explained what the resolution covers.

Commissioner Leys and Rita Miller discussed the amount of the advertising required.

Commissioner Irwin said he thinks there is a difference between an offer and a reasonable offer.

Commissioner Evans clarified that this started at the tax foreclosure auction. Rita Miller agreed and said there wasn't any bids.

Commissioner Irwin and County Attorney Donna Shumate talked about the advertising price cannot be added back into the costs.

Commissioner Irwin and Rita Miller talked about the County always notifies the surrounding property owners about the foreclosure sale.

Commissioner Evans made a motion to accept the resolution as written. Commissioner Davis seconded the motion. Vote 4:1 (Bobby Irwin).

Kim Shaw, Partnership for Children, came before the Board about the month of April is Child Abuse Prevention Month. She asked that the Allegheny County Board of Commissioners proclaim April as Child Abuse Prevention Month. She read the proclamation. She talked about the Partnership for Children's work in this area. She provided 2013 statistics regarding child abuse. She updated everyone on their activities that will be occurring during April.

Commissioner Leys mentioned that there are currently 16 foster children. Commissioner Leys and Kim Shaw talked about the new billboard for the Triple P program. Kim Shaw explained the Triple P program of positive parenting.

Commissioner Leys made a motion to approve the proclamation. Commissioner Evans seconded the motion. Vote 5:0.

Commissioner Evans mentioned that volunteers are needed to serve on the Partnership for Children board, if anyone is interested.

Chair Smith declared a brief recess at 8:25pm.

Randy Blankenship, Chief Building Inspector, presented the Inspections annual report. He reviewed their statistics. He explained other activities they are involved in.

Commissioner Leys and Randy Blankenship talked about the amount of time it takes to get a permit.

Randy Blankenship said this will probably be his last annual report because he is planning to retire later this year. He stated his appreciation to the Commissioners.

Becky Miller with Alleghany Group Homes presented their annual report. She provided an overall review of their programs.

Chair Smith, Commissioner Irwin and Becky Miller talked about their funding sources.

Becky Miller continued with her report; employees breakdown, payroll, client transportation, revenues.

Commissioner Irwin, County Manager Don Adams and Becky Miller talked about Medicaid, transportation monies and monies through Smoky Mountain.

Becky Miller reviewed their contracts for their employees.

Commissioner Leys talked about the excellent work by Becky Miller and the dedication of the staff.

Genia George came before the Commissioners to present the Arts Council annual report. She talked about their February newsletter. She reviewed programs already held in 2014/15 and the programs remaining for this year.

Commissioner Leys and Genia George talked about the County provided \$5,625 to the Arts Council this year.

Chair Smith and Genia George talked about the State grant amount. He read a letter from the Arts Council. She explained that for 17 years they applied for and received a grassroots grant. She reviewed how the grant works. She explained the Alleghany Arts Council applied and was approved, and they were not required at the time of application to give a detailed list of activities, she was notified in mid-September 2014 that said in order to receive the funding they must give a list with contracts by mid-October so she wrote a letter explaining that they haven't had to do that previously for any of the grants, and she is waiting on a response from the State. She provided a history of the actions from the NC Arts Council.

Commissioner Irwin and Genia George talked about which fiscal years this covers.

Commissioner Leys and Genia George talked about the current board members on the Arts Council and the officers of the committee.

County Manager Don Adams explained two letters from High Country Council of Governments about two people are nominated to serve additional three-year terms on the Alleghany County Joint Community Advisory Committee; Harold Jones and John Nieschwitz. He reminded everyone that this is the advisory committee who inspects the nursing homes.

Clerk Karen Evans mentioned that two other people have resigned so there are currently two vacancies on this committee.

Commissioner Leys made a motion to approve the reappointment of Harold Jones and John Nieschwitz to serve on the Alleghany County Joint Community Advisory Committee. Commissioner Davis seconded the motion. Vote 5:0.

County Manager Don Adams explained contracts with Segal Revenue & Expense Specialists for allowing them to review past utility accounts and construction contracts for lost sales tax reimbursements. He further explained that he keeps 50% of what he finds.

Commissioner Irwin said it doesn't cost the County anything. County Manager Don Adams agreed. They talked about this is for all of the departments of Allegheny County that goes through our finance office.

Commissioner Leys and County Manager Don Adams talked about it is for school construction costs paid by the County.

Commissioner Leys and County Attorney Donna Shumate talked about the County Attorney has reviewed these contracts.

Commissioner Leys made a motion to approve the two agreements. Commissioner Evans seconded the motion. Vote 5:0.

County Manager Don Adams presented budget amendment General Fund #15 in the amount of \$487 for a grade change for an employee in the Tax Office that was previously approved.

Commissioner Leys made a motion to approve budget amendment General Fund #15 in the amount of \$487. Commissioner Davis seconded the motion. Vote 5:0.

County Manager Don Adams presented budget amendment Veterans Park Fund #1 in the amount of \$3,890 for additional donations received for the Park. He explained that these donations are above the required amount need for the PARTF grant.

Commissioner Evans made a motion to approve budget amendment Veterans Park Fund #1 in the amount of \$3,890. Commissioner Davis seconded the motion. Vote 5:0.

County Manager Don Adams explained the items in the packets regarding the Roaring Gap deputies; costs of a deputy, original spreadsheet proposed agreement, costs for retiree.

Chair Smith said the Commissioners have had this for several months. He talked about the terms on the first page and the costs. He asked if the Commissioners agree or disagree with these terms.

Commissioner Irwin clarified that Roaring Gap is asking the County to pay approximately \$47,000. County Manager Don Adams said technically he is our employee. Commissioner Irwin asked who hired him. The County Manager said he doesn't know. Commissioner Leys said that the State statute says the County did.

County Manager Don Adams said we are paying these costs currently, and these are costs that are legally Allegheny County's. Commissioner Leys compared the costs for one deputy versus the long-term costs. Commissioner Irwin talked about they are paying for part of the deputy.

Chair Smith clarified that they are paying \$251,000 and we are paying \$46,942 and it won't start until 2020/21. County Manager Don Adams said that's right.

County Manager Don Adams talked about the terms for discussions are the proposed funding split, and the County Attorney recommends having two contracts; one for the current retiree and one for current/further employees.

Commissioner Irwin asked if over the years Roaring Gap has paid for everything. County Manager Don Adams answered no because we've had others to work out there that have retired. The County Manager said they have paid the vast majority of the costs with the exception of insurance vehicle costs. Commissioner Irwin asked why is this coming up now. County Manager Don Adams explained because one deputy retired from serving at Roaring Gap. Commissioner Irwin and County Manager Don Adams talked about how we got to where

we are, and not having conversations about going back 10 years to recoup the costs. Commissioner Irwin stated his concerns and doesn't understand why they don't pay for everything. Commissioner Evans mentioned this person worked for Allegheny County for a number of years previously. The County Manager clarified that this person worked for Allegheny County for a few months before going to Roaring Gap and the other Roaring Gap employee worked for Allegheny County for a number of years before going to Roaring Gap. Commissioner Irwin summarized his opinion on the matter.

Chair Smith asked for other questions or comments. No one spoke.

Commissioner Leys made a motion to approve the contract to reflect the County's costs of \$46,942. Commissioner Davis seconded the motion.

County Manager Don Adams asked what the County Attorney needs.

County Attorney Donna Shumate answered the vote really needs to be on the percentage of the breakdown, not the money because it is subject to change.

Commissioner Leys clarified her motion to have the percentage breakout included.

County Manager Don Adams talked about the County Attorney will draw up the contract and bring it back.

Commissioner Davis seconded the motion on the floor.

Commissioner Irwin asked can we go into a contract to get the monies back. County Manager Don Adams answered he is looking for direction from the Board on how to proceed with that.

Commissioner Evans talked about getting value way more than that.

The Board voted on the motion on the floor. Vote 4:1 (Bobby Irwin).

County Manager Don Adams summarized the last paragraph regarding the agreement for the current/future deputies being paid 100% by Roaring Gap based upon the pro-rata share of time worked at Roaring Gap. He talked about having a motion instructing Donna Shumate to write the second contract.

Commissioner Irwin asked at what point can he make a motion to get Donna Shumate and Don Adams to get the money back from Roaring Gap. Chair Smith answered after this.

Commissioner Davis made a motion to instruct the County Attorney to write the second contract. Commissioner Leys seconded the motion. Vote 5:0.

Commissioner Irwin talked about having a discussion with Roaring Gap about the repayment of additional expenses incurred but not reimbursed, like vehicle insurance and liability.

County Manager Don Adams said he can ask them. He stated that this agreement is based on future expenses.

Commissioner Leys said having deputies at Roaring Gap goes back farther than 30 years. Teddy Smith said it started in the 1950s.

County Manager Don Adams said we are talking about \$1,600 a year on vehicle insurance. He stated that he doesn't know how to associate liability with it.

Chair Smith asked is this Board ok with this.

County Manager Don Adams and Commissioner Irwin talked about this agreement is 17 years forward.

Commissioner Irwin made a motion to go back 10 years for what they haven't paid for. Commissioner Evans seconded the motion. Vote 2:3 (Karen Leys, Tom Smith, and Larry Davis).

Chair Smith opened the floor for public comments.

Teddy Smith explained that Roaring Gap Club does not hire a deputy without approval from the Sheriff. He said that he understands that there has been conversation about things that haven't been paid by Roaring Gap Club but the Commissioners need to remember that those areas have taxpayers too. He talked about 33% of the calls are only what was on the call log. He explained that the whole county benefits. He further explained if calls come in while on call for the county, Roaring Gap gets put on the back burner.

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

Commissioner Irwin explained he went to Smoky Mountain's meeting, which was the first one this year. He said it's a learning experience, funding is a big issue and we meet quarterly. Commissioner Irwin said he would like to look at Allegheny in Motion and the veterans' transportation sometime.

Commissioner Leys talked about she recently attended a meeting with the Allegheny County Planning Committee, and they work hard to support a lot of charities. She thanked the County Manager and Town Manager about getting the economic development plan going. She explained she recently attended regional meetings held by the North Carolina Association of County Commissioners. She stated that she has been invited to be on the board about mental health. She thanked Commissioner Irwin for an opportunity to meet with Daymark.

Chair Smith and Commissioner Leys talked about the Planning Committee is the one that Agnes Joines is involved with.

Being no further business, Commissioner Davis made a motion to adjourn at 9:55pm. Commissioner Evans seconded the motion. Vote 5:0.

Respectfully submitted,

Attest:

Karen Evans
Clerk to the Board

Tom Smith
Chair