

The Alleghany County Board of Commissioners met in regular session on Tuesday, September 6, 2011, 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 Tom Smith, Commissioner Larry Cox, Commissioner John Goudreau, Commissioner Steve Roten, County Attorney Donna Shumate, County Manager Don Adams, and Clerk to the Board Karen Evans.

Chair Richardson called the meeting to order, welcomed everyone, led the Pledge of Allegiance and a silent prayer.

Chair Richardson stated that closed session needs to be added to the agenda; NCGS 143-318.11 a) (3)—legal, (a) (5)—contracts, (a) (6)—personnel.

Commissioner Cox made a motion to approve the amended agenda for this September 6, 2011, meeting. Commissioner Goudreau seconded the motion. Vote 5:0.

AGENDA
Tuesday, September 6, 2011
6:30 PM

- 6:30 Meeting Called To Order, Pledge of Allegiance and Silent Prayer
Motion on Agenda for September 6, 2011, meeting
Motion on Minutes for August 15, 2011, meeting
- 6:35 A. Public Comments—30 minutes
B. Public Hearing
RE: Occupancy Tax
C. Public Hearing
RE: Rural Operating Assistance Program (ROAP)
D. April Hamm
RE: Rural Operating Assistance Program (ROAP)
Ashe County Social Services Contract
E. Kate Cosner
RE: One-Stop Election Dates/Location
F. John Blevins
RE: Income Maintenance Caseworker Open Position
G. County Manager's/General Business
1. Law Enforcement Personnel Requests
2. Animal Control Board
3. Safety Training Facility Use Policy
H. County Commissioners' Business
1. NCACC Annual Conference Update—Chair Richardson
2. Other Comments
I. Closed Session—NCGS 143-318.11 (a) (3)—legal (added)
NCGS 143-318.11 (a) (5)—contracts
NCGS 143-318.11 (a) (6)—personnel
J. Adjourn

Commissioner Smith made a motion to approve the minutes for the August 15, 2011, meeting. Commissioner Cox seconded the motion. Vote 5:0.

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

Dennis Smith came before the Board to talk about the September 11th, 2001, event. He talked about what occurred after September 11th and the investigation outcome. He said that it would be good to take a second look at the events of September 11th. He talked about the co-chairs of the commission regarding the investigation, their comments about the investigation as well as other people's comments regarding the event and their opinions about the event. He talked about these comments are just a few examples of how people think about the September 11th attack. He said that there are a group of people who believe there should be a new investigation into the attack. He asked the Board to send a petition to our legislators to request a new investigation. He read the proposed petition. He read a prayer that was offered in the United States Senate.

Brandon Hawks came before the Board to ask the Board to read a book Economics in One Lesson by Henry Hazlitt. He provided a background of the author. He said there is no other book that

he can offer to the Board to use in making their decisions. He talked about politics and how it affects people daily. He provided a quote from Ron Paul.

Donna Hutchens talked about two buildings that are eye sores in the community; the two-story gray building across from Scott's Nursery and the old motel coming into Sparta. She said that she read that Allegheny County and Sparta, in particular, are doing more to draw tourists into the area. She asked what kind of impression these properties make to the tourists. She talked about these buildings are on major thoroughfares. She asked are there any steps that can be taken to make the owners accountable for repairs or to tear down these buildings.

Susan Miles thanked the Board for allowing the public comments times. She said that she doesn't want the public comment time to end. She asked about rules for public comments. She said she doesn't want to lose this privilege. She further said if there are rules, the public needs to know them. She stated that everyone is pleased with the tourists visiting the county. She stated her appreciation for everyone involved in helping deal with the recent weather. She further stated her appreciation to the Commissioners for serving on the Board of Commissioners.

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

Chair Richardson opened the public hearing regarding the proposed occupancy tax change at 6:51pm and asked for public comments.

John Kilmartin, Past President of the Chamber of Commerce, thanked the Board for starting the process of increasing the occupancy tax. He introduced people in the audience from the Chamber. He explained that the majority of the Chamber Board is for this. He talked about in the current political climate there will be opposition even though it doesn't cost residents anything. He explained the occupancy tax revenues in the surrounding counties versus Allegheny County's tax revenues. He talked about the reason for the increase. He explained 2/3 of the monies must be spent on promoting travel and tourism in Allegheny County and the remainder spent on tourism-related expenses. He talked about the General Assembly stating that the County must establish a Tourism Development Authority (TDA) is just another challenge to meet. He further talked about the requirements of the TDA membership. He encouraged the Board to complete what has been started. He explained that this is a good model for Allegheny County to pursue and asked the Board to include at least one active member on the Chamber Board to be on the TDA Board. He provided surrounding areas occupancy tax rates. He said he isn't one to come before the Board to ask for anything but wishes for the Board to continue the process tonight.

Chair Richardson asked for additional public comments. None were received. He closed the public hearing at 6:57pm and reconvened the regular meeting.

Chair Richardson asked the County Manager where the Board needs to go next.

County Manager Don Adams reminded the Board of the previous conversations about the Board wanted to hear from the public before proceeding any further. He said if the Board wants to proceed, then the next step would be to direct him to create the ordinance/resolution, after that it would be the creation of the TDA and taking into consideration the request of having an active Chamber member on the TDA.

Chair Richardson asked if there is a consensus of the Board to direct the County Manager to write the ordinance.

Commissioner Goudreau agreed to move forward but would like to see one Commissioner work with the County Manager about the members on the TDA.

Commissioner Roten stated he doesn't have any problems with it.

Commissioner Cox stated he doesn't have any problems with it.

Commissioner Smith talked about the relationship of the Chamber and the TDA. He said that it was our understanding that the Chamber will be more self-sufficient with the additional occupancy tax revenues.

John Kilmartin stated that is correct. He explained the reasoning for having a Chamber Board member on the TDA.

Bob Bamberg talked about how this occurs in other small counties. He said that it makes sense for us to have a partnership. He talked about it will sharpen the focus of the Chamber, and there is a broad area of overlap.

Commissioner Smith stated that he doesn't have a problem moving forward.

Chair Richardson talked about if the ordinance passes; he would like to have a workshop with all of the Commissioners on how to form the TDA.

County Manager Don Adams clarified how to proceed and the timeline including the development of the TDA and a workshop.

Chair Richardson talked about starting it at the next meeting.

County Manager Don Adams talked about the timing of the ordinance. He said his preference is to bring the ordinance back and immediately start the conversations about the creation of the TDA.

Commissioner Cox said he doesn't think the Commissioners need to rush to pass the ordinance. He further said he would like to see other examples.

Chair Richardson talked about he thinks this is an important aspect of economic development and tourism.

Commissioner Roten and County Manager Don Adams talked about the language of the occupancy tax law regarding the required membership on the TDA.

Commissioner Goudreau talked about the number of people to serve on the TDA, and the more people put on the TDA the harder it will be to find members. He said his recommendation is to start with three members.

Chair Richardson said that he thinks this is the kind of discussion needed to create the TDA along with copies from other TDAs.

County Manager Don Adams provided examples of how he will facilitate the conversations with the Commissioners regarding the development of the TDA.

April Hamm, Director of Alleghany in Motion, presented the Rural Operating Assistance Program (ROAP) grant; EDTAP \$49,372 for elderly and disabled transportation, \$6,363 for employment transportation, \$41,291 for rural general public transportation for a total of \$97,026. She explained that this is \$27,000 less than last year.

Chair Richardson opened the public hearing regarding the Rural Operating Assistance Program (ROAP) at 7:15pm and asked for public comments.

April Hamm stated that there is a public involvement form on the Clerk's table that anyone can complete.

Chair Richardson asked for additional public comments. None were received. He closed the public hearing at 7:16pm and reconvened the regular meeting.

Commissioner Roten made a motion to approve the ROAP grant application. Commissioner Smith seconded the motion.

Chair Richardson and April Hamm talked about the Advisory Board has talked about how to handle the \$27,000 shortfall in the funding. She provided examples.

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

April Hamm presented a contract between Ashe County Department of Social Services and Alleghany in Motion. She stated that the County Attorney has reviewed the contract. She explained the need for the contract.

Commissioner Roten made a motion to approve the contract. Commissioner Cox seconded the motion.

Commissioner Smith and April Hamm talked about the purpose of the contract with Ashe County.

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

County Manager Don Adams talked about Medicaid transportation, and the State is looking at making dramatic changes to Medicaid transportation. He further talked about how this can affect rural areas and the impact to Allegheny in Motion. He said he is on the statewide committee about this issue, and explained the first meeting's outcome. He reiterated that it will dramatically impact Medicaid clients. He asked the Social Services Director how it would affect their clients.

John Blevins, Social Services Director, stated that the vast majority of their clients will be without transportation.

County Manager Don Adams explained he can understand in larger areas but the rural aspect it dismantles human services transportation as we know it. He further explained that if we lose the ability to combine trips it will be like we will lose half of the EDTAP monies. He said he will keep the Board informed, and he is meeting with April Hamm and John Blevins tomorrow concerning this topic.

Chair Richardson asked do the Commissioners need to be involved in this discussion.

County Manager Don Adams and April Hamm answered yes.

Commissioner Goudreau said he made a note to talk with the County Manager about this. He further said that he is meeting with Dan Soucek and Shirley Randleman on Thursday.

Commissioner Smith asked if the Chairman has heard anything about this. Chair Richardson answered no.

County Manager Don Adams explained how this came about of looking at ways to reduce the Medicaid budget.

Kate Cosner, Director of Elections, came before the Board on behalf of the Board of Elections to request to use of the County Commissioners' Board Meeting Room for the primary and the general election for the one-stop voting in 2012. She explained the reasons for their request.

County Manager Don Adams explained items in the Commissioners' packets; email from Kate Cosner and a sheet about one-stop election dates, reason of possible conflicts and possible solutions. He reviewed the possible conflicts for the Board Meeting Room and solutions.

Kate Cosner talked about this request does not include the second primary dates because of the use of the Room during budget time.

County Manager Don Adams said that for the most part he hasn't seen anything that would create a problem for the use of the Room.

Commissioner Smith made a motion to allow the Board of Elections to use the Board Meeting Room for those dates. Commissioner Goudreau seconded the motion. Vote 5:0.

John Blevins, Social Services Director, requested permission to fill the position of a Medicaid caseworker because he filled the open Child Support Agent position from within the department. He reviewed the activities of the Medicaid caseworkers and their current/future caseload. He explained that he is asking the Board to allow him to advertise and fill the open position.

Commissioner Cox made a motion to allow Social Services to advertise and fill the position. Commissioner Roten seconded the motion.

Commissioner Smith and John Blevins talked about this position is currently open. They talked about the required training.

County Manager Don Adams stated that the Child Support Agent I was approved to be filled then it got filled within the department which opened another position.

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

County Manager Don Adams talked about an email from Belva Miller for the Sheriff's Office. He talked about they are looking to move a detention officer to fill an open deputy position, then move a deputy to fill that detention officer position and hire someone for the additional open deputy position.

Commissioner Smith made a motion to grant the requests. Commissioner Cox seconded the motion. Vote 5:0.

County Manager Don Adams talked about enclosed in the Board's packets are copies of North Carolina General Statutes (NCGS) 67-4.1. He explained that this is a State statute that talks about dangerous dogs. He read the definition of a dangerous dog and a potentially dangerous dog and talked about what they are. He explained that a meeting was held about handling dangerous dogs and who was in attendance. He further explained the purpose of bringing this up, what the current County ordinance says and it doesn't state how a dog should be restrained on someone's property. He explained that there have been a handful of cases where the dog needs to be restrained in other means. He read NCGS 67-4.2 about precautions against attacks by dangerous dogs. He explained that this is a result of the meeting, and they are looking to have a process about dealing with dangerous dogs. He talked about having an appeal process. He said that the County has had circumstances where dogs have acted in a vicious manner and the dogs weren't properly restrained. He reiterated that the County ordinance doesn't have that type of language in it. He said that he thinks it would give the County one more avenue for dealing with dangerous dogs.

Chair Richardson asked about amending the current ordinance or adding this to it.

County Manager Don Adams said he doesn't think we have to do anything to our ordinance.

Commissioner Goudreau talked about this is State law.

County Manager Don Adams agreed that this is State law but there are certain things that the County has to do before it can go forward, like the appeal process. He explained how to proceed.

Chair Richardson asked if there is a consensus for the County Manager to move forward.

Commissioner Goudreau asked if this is a request of the Sheriff.

County Manager Don Adams answered yes in combination with the others involved in the meeting. He explained issues that were discussed at the meeting.

Commissioner Roten stated that the County can keep this simple.

Commissioner Cox and County Attorney Donna Shumate talked about this would take into consideration harm done to farm animals.

Chair Richardson said that he is gathering that the Board wants the County Manager to proceed with this.

County Manager Don Adams explained he has also had conversations with Bryan Edwards, and believes that he will have this same conversation with the Town Council.

County Manager Don Adams talked about this next topic was brought up at the last fire commission meeting. He talked about previous discussions about letting other outside departments use the Training Facility. He explained that we do have mutual aid agreements with surrounding areas. He asked is it acceptable for our departments to train with the outside agencies since there is a chance that they will work with those agencies in our county. He talked about possible language for the Safety Training Facility Use Policy.

Commissioner Roten stated that we aren't talking about many departments. He further stated that Chief Higgins pointed out that it was only one/two members of the other department and if the entire department wants to come then it is a different conversation.

County Manager Don Adams explained why this topic is being brought up.

Chair Richardson asked does someone need to approve outsider departments using the facility.

County Manager Don Adams said if this Board is in agreement with what has been said then he will take it back to the Fire Commission for the exact language of the Policy. He reviewed the current process of providing keys.

Commissioner Roten stated that he would recommend leaving the County Manager in charge of the keys.

Commissioner Roten stated that Laurel Springs Volunteer Fire Department invites all of the Commissioners to their annual meeting on September 19 at 6 pm.

Commissioner Smith, Commissioner Roten and the County Manager talked about which departments have used the Training Facility.

County Manager Don Adams talked about providing a copy of the proposed advisement to go in the newspaper for the next two weeks for the Alleghany County Community Transportation Plan. He explained the public workshop is to allow the public time to come in and look at the proposed maps. He said that the workshop will be at the Senior Citizens building from 4:00pm until 6:00pm on September 26 and will be conducted by NCDOT staff and Craig Hughes. He explained that this is more for the public. He further explained that after the workshop, the public has 30 days to provide comments then NCDOT/Craig Hughes will consolidate comments, subcommittee will get back together, then the Board of Commissioners will have a public hearing.

Chair Richardson provided a brief report on the North Carolina Association of County Commissioners (NCACC) annual conference. He thanked Commissioner Cox and Commissioner Smith for attending. He talked about the education sessions, and they all went to different sections. He provided copies of the NCACC Annual Report to the Commissioners and encouraged each Commissioner to look at the Report. He talked about Alleghany County's benefits for being part of NCACC. He reiterated for the Commissioners to look at the Annual Report. He encouraged each one of the Commissioners to be on one of NCACC's steering committees.

Commissioner Goudreau talked about Ms. Hudson's comments earlier addressed to the Board about two buildings, which are both in the Town of Sparta. He said he wanted to point out that the Town is in the process of working with Benchmark.

Commissioner Cox said he believes the Town's budget may reflect their intentions.

Commissioner Goudreau made a motion to enter into closed session at 8:10pm under NCGS 143-318.11 (a) (3)—legal, (a) (5)—contracts, (a) (6)—personnel. Commissioner Cox seconded the motion. Vote 5:0.

Commissioner Cox made a motion to adjourn closed session at 8:45pm and reconvene the regular meeting. Commissioner Smith seconded the motion. Vote 5:0.

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

Being no further business, Commissioner Goudreau made a motion to adjourn at 8:46pm. Commissioner Cox seconded the motion. Vote 5:0.

Respectfully submitted,

Karen Evans
Clerk to the Board

Attest:

Ken Richardson
Chairman