

The Alleghany County Board of Commissioners met in regular session on Monday, April 3, 2006, at 6:30pm in the Conference Room of the County Office Building, 90 South Main Street, Sparta, North Carolina.

Present: Chair Eldon Edwards, Vice-Chair Warren Taylor, Commissioner Graylen Blevins, Commissioner Sandy Carter Herndon, Commissioner Ken Richardson, County Manager Don Adams, and Clerk to the Board Karen Evans. County Attorney Donna Shumate was presented but arrived late.

Chair Eldon Edwards called the meeting to order and opened with a prayer.

Commissioner Warren Taylor made a motion to approve the agenda for this April 3, 2006, meeting. Commissioner Sandy Carter Herndon seconded the motion.

Commissioner Sandy Carter Herndon asked to add the Property Rights Protection Ordinance under County Business to the agenda.

Commissioner Warren Taylor amended the motion. Commissioner Sandy Carter Herndon seconded the amendment. Vote 5:0.

AGENDA  
Monday, April 3, 2006  
6:30 PM

- 6:30 Meeting Called To Order  
Motion on Agenda for April 3, 2006, meeting  
Motion on Minutes for March 20, 2006, meeting
- 6:35 Public Hearing  
RE: ROAP Grant
- 6:40 Mary Walker  
RE: Board of Equalization & Review Schedule
- 6:45 Public Hearing  
RE: 911 Road Names
- 7:00 Public Hearing  
RE: Cable Television Franchise Agreement
- 7:15 Public Hearing  
RE: Cable Television Regulatory Ordinance
- 7:25 Arts Council Annual Report
- 7:35 Wellness Center Annual Report
- 7:45 Sparta-Alleghany Volunteer Fire Department Annual Report
- 7:55 New River Behavioral Healthcare Annual Report  
County Business
1. Tax Certification Bill
  2. Regional Tourism
  3. Fire / EMS Grant
  4. Property Rights Protection Ordinance (added)
  5. Other Business
  6. Public Comments—30 minutes
  7. Closed Session—NCGS 143-318.11 (a) (3)—legal  
NCGS 143-318.11 (a) (4)—economic development

8. Adjourn

Commissioner Sandy Carter Herndon made a motion to approve the minutes for the March 13 and 20, 2006, meetings. Commissioner Graylen Blevins seconded the motion. Vote 5:0.

Chair Eldon Edwards recessed the regular meeting at 6:32pm and opened the public hearing regarding the ROAP grant.

April Choate, Transportation Director, presented the 2006/2007 Rural Operating Assistance Program (ROAP) grant in the amount of \$67,742; \$34,891 for EDTAP, \$2,214 for Work First and \$30,637 for RGP. She explained the grant and the programs affected by the grant monies.

Chair Eldon Edwards and April Choate talked about limiting the EDTAP funds for the remainder of this year.

Chair Eldon Edwards asked for public comments. None were received.

Chair Eldon Edwards closed the public hearing at 6:35pm and reconvened the regular meeting.

Commissioner Sandy Carter Herndon made a motion to approve the 2006/2007 ROAP grant application as presented by the Transportation Director. Commissioner Warren Taylor seconded the motion. Vote 5:0.

County Attorney Donna Shumate arrived at 6:36pm.

Mary Walker, Tax Administrator, asked the Commissioners about the Board of Equalization and Review schedule. She reviewed the guidelines in the General Statutes regarding the meetings. She stated that she is proposing April 26 or 27.

The Board decided to have the meeting on April 27.

Chair Eldon Edwards recessed the regular meeting at 6:42pm and opened the public hearing regarding 911 road names.

Wendy Williams, E-911 Coordinator/Mapper, presented seven road names for approval. She explained where each road is located in the County.

Chair Eldon Edwards asked for public comments. None were received.

Chair Eldon Edwards closed the public hearing at 6:46pm and reconvened the regular meeting.

Commissioner Warren Taylor made a motion to approve the new E-911 road names as presented by the E-911 Coordinator/Mapper. Commissioner Graylen Blevins seconded the motion. Vote 5:0.

Wendy Williams explained a road naming situation that may come to the Commissioners. She further explained that there are two addressed buildings on the road, and the owners are trying to decide on a road name.

County Manager Don Adams reminded everyone about the contract that was approved at the last meeting with Dave Harris regarding cable. He further reminded everyone the purpose of this contract is to be able to collect up to 5% of the sales tax charged on cable services at no additional charge to the user and to obtain a public access channel.

Dave Harris with Custom Communications gave a brief background of his history in the cable business. He reviewed the process and explained the two advertised public hearings. He stated that it is more appropriate for the County to have a franchise agreement which will adequately cover what Allegheny County needs to do. He explained the differences between a public access channel, government channel and education channel. He further explained that Channel 50 is more like a community access channel, which is governed by a non-profit board with the Board of Commissioners having no decision making abilities regarding the channel. He reiterated that the franchise agreement is the important document for the sales tax action.

Commissioner Warren Taylor and Dave Harris discussed the need for a cable regulatory ordinance if more vendors become involved in the cable business.

Dave Harris and County Manager Don Adams discussed the process of collecting the sales tax money.

County Manager Don Adams stated that revenue estimates from Charter Communications are around \$25,000 annually. He reviewed the timeline.

Commissioner Graylen Blevins asked about getting any feedback from the cable companies.

Dave Harris talked about discussions with Allegheny Cablevision and formalizing Channel 50 in the franchise agreement.

Commissioner Ken Richardson asked about getting something similar to Channel 50 from Charter Communications.

Dave Harris stated that discussions regarding the channel have been started. He stated that he will work on the draft agreement tomorrow. He explained that the agreement would need to be introduced at one meeting and approved at another meeting. He talked about a May 1 effective date.

The Board of Commissioners, County Manager Don Adams and Dave Harris discussed the procedures for the public hearings since the regulatory ordinance public hearing has been advertised and isn't needed.

Chair Eldon Edwards recessed the regular meeting at 7:09pm and opened the public hearing regarding the cable franchise agreement.

Chair Eldon Edwards asked for public comments. None were received.

Chair Eldon Edwards closed the public hearing at 7:10pm and reconvened the regular meeting.

Dave Harris reviewed the franchise agreement outline, term of the agreement, 5% fee,

opportunity to continue Channel 50, definitions and legal information, insurance, no penalties, area of jurisdiction and being cautious about the burden placed onto cable companies.

Chair Eldon Edwards recessed the regular meeting at 7:15pm and opened the public hearing regarding the cable regulatory ordinance.

Chair Eldon Edwards asked for public comments. None were received.

Chair Eldon Edwards closed the public hearing at 7:16pm and reconvened the regular meeting.

Dave Harris recommended tabling the regulatory ordinance until a later time.

Commissioner Ken Richardson made a motion to approve the recommendation. Commissioner Graylen Blevins seconded the motion. Vote 5:0.

Genia George with the Arts Council presented their annual report. She stated her appreciation for the County's efforts to promote the arts. She reviewed the activities held and events attended during the year.

Chair Eldon Edwards stated his appreciation to the Arts Council.

Commissioner Sandy Carter Herndon commented that the public doesn't know what all the Arts Council does.

Genia George invited everyone to attend one of the programs sponsored by the Arts Council.

Joe Potts presented the annual report for the Wellness Center. He reviewed membership numbers, daily attendance numbers, program information and general usage of the Wellness Center.

Chair Eldon Edwards thanked Joe Potts for the report.

Terry McGrady came before the Board to present the annual report for the Sparta-Alleghany Volunteer Fire Department. He reviewed how many members they have, types of vehicles, number and types of calls received during the past year, hours of training, coverage area, fire rating and annual fund raisers held.

Commissioner Warren Taylor asked how membership numbers are for the fire department.

Terry McGrady stated that they will have between 25 to 30 members with 26 currently.

Chair Eldon Edwards talked about a wonderful job the fire departments do for the citizens.

Terry McGrady stated his appreciation to the Board for their support.

Commissioner Ken Richardson announced that as of February 1, 2006, Pam Andrews has been named Deputy Director of New River Behavioral Healthcare.

Pam Andrews stated that Sandy Walker is the new Alleghany unit supervisor as of April 3,

2006. She gave everyone Ms. Walker's background in relation to the supervisor position.

Pam Andrews gave the Board information regarding New River Behavioral Healthcare (NRBH) staff, Alleghany County's annual caseload, current number of clients in Alleghany, Ashe and Avery counties, crisis system numbers and Alleghany client involvement numbers. She explained that NRBH will receive a \$100,000 grant and how the money will be spent. She talked about using NRBH as a model in the State.

Chair Eldon Edwards thanked Pam Andrews for her annual report.

County Manager Don Adams reviewed the current tax certification law and how it doesn't apply to the Town of Sparta. He stated that the Town is interested in pursuing this law, too. He further stated that they are asking for the County's support regarding this action. He reminded everyone about the joint tax collections that is scheduled to be implemented January 1, 2007. He stated that it is the Town's intent to adopt this after the tax collection consolidation.

The Board of Commissioners discussed this request. Chair Eldon Edwards stated that they have the County's support.

County Manager Don Adams reminded everyone of the eight-county North Carolina / Virginia joint regional tourism initiative. He reviewed a handout showing the amount of tourism dollars spent in 1991 and 2003, the initiative's accomplishments, action plans and goals. He reminded the Board that Surry County has been funding this initiative so far, and they are asking for \$2,000 for the remainder of 2005-2006 and \$7,500 for 2006-2007. He further explained what the monies will be spent for. He explained the actions from a meeting that was held on March 31 at Roaring Gap including creating a governing board with a Commissioner and County Manager from each county to serve on the board. He further explained that a Duke Endowment Grant of \$1,500 has been obtained to assist Alleghany County with the support request this budget year. He stated that he is asking for the County to provide \$500 to match the \$1,500 grant in order to provide the funding requested this budget year.

Commissioner Graylen Blevins asked if Ken Richardson will serve on this board.

Commissioner Ken Richardson agreed if the Board wishes to appoint him.

Commissioner Warren Taylor and County Manager Don Adams talked about the differences being involved with this group and High Country Host.

Commissioner Warren Taylor made a motion to fund the \$500 to establish the initiative and appoint Ken Richardson to serve on the Board. Commissioner Graylen Blevins seconded the motion. Vote 5:0.

County Manager Don Adams talked about applying for a fire fighter grant. He explained that this is a 95% grant and each fire department must apply individually. He stated that he has offered assistance through High Country Council of Governments and Gerald Leftwich for Laurel Springs Volunteer Fire Department and Glade Creek Volunteer Fire Department. He further stated that Piney Creek Volunteer Fire Department was already applying for this grant. He said that EMS can apply for an ambulance through this grant. He further said that he is requesting permission to apply for an ambulance and obligate 5% for the grant.

Commissioner Sandy Carter Herndon made a motion to approve the request as presented

by the County Manager. Commissioner Warren Taylor seconded the motion. Vote 5:0.

Commissioner Ken Richardson stated that he would like to offer to the Board of Commissioners, the Planning Board's recommendation to review the Property Rights Protection Ordinance.

Commissioner Warren Taylor made a motion to consider the Property Rights Protection Ordinance that has been submitted to the Board of Commissioners and schedule a public hearing on the matter. Commissioner Sandy Carter Herndon seconded the motion.

County Attorney Donna Shumate asked for clarification that the Board isn't ready to vote on the ordinance yet.

The Board of Commissioners agreed.

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

Commissioner Graylen Blevins talked about rude, harassing people unloading garbage at the Transfer Facility. He asked if there is any way to post signs about being patient with others.

County Manager Don Adams stated that he will talk to Roger Hampton and Larry Davis about the situation. He further stated that he will look into it and discuss it at the next meeting.

Commissioner Warren Taylor reminded everyone of the public comments meeting on April 18 with Department of Transportation (DOT) from 4:00pm to 7:00pm at the Cherry Lane Community Building. He explained that DOT will be presenting plans for the US 21 South proposal. He stated the need to support this action.

Chair Eldon Edwards talked about receiving information regarding the litter sweep program. He gave the information to the County Manager to see what can be worked out.

Commissioner Warren Taylor talked about the inmates doing a good job picking up trash on the roadways and the need to send a letter in that regards.

Chair Eldon Edwards asked for public comments. None were received.

Commissioner Warren Taylor made a motion to enter into closed session at 8:25pm under NCGS 143-318.11 (a) (3)—legal, (a) (4)—economic development and (a) (6)—personnel. Commissioner Sandy Carter Herndon seconded the motion. Vote 5:0.

The Board of Commissioners took a brief recess at 8:25pm.

Commissioner Warren Taylor made a motion to adjourn the closed session at 9:20pm and reconvene the regular meeting. Commissioner Graylen Blevins seconded the motion. Vote 5:0.

Chair Eldon Edwards stated no action was taken during closed session.

Chair Eldon Edwards recognized Ed Adams to speak.

Ed Adams explained the process that the Board of Elections went through regarding hiring an elections director. He further explained that they had a lot of responses and a number of

submissions. He said that they have picked the best candidate that they could find. He informed the Board that voting starts 10 days from today. He explained that their candidate has a law degree and is the Mayor in a town in Virginia. He stated that they would like to recommend this candidate for this position. He talked about the County Manager offered his assistance in the process. He apologized for Tom Smith being unable to attend this meeting.

Rudy McKnight thanked the Commissioners for their service to the community. He introduced Kate Costner and listed her characteristics. He stated that the Board of Elections is asking to meet her salary requirement of \$36,000.

Commissioner Ken Richardson asked about the starting salary amount.

Rudy McKnight stated that the range is from \$29,347 to \$44,000.

Commissioner Ken Richardson asked if the job description requires a law degree.

Rudy McKnight stated that it doesn't.

Chair Eldon Edwards and Kate Costner discussed she will be moving to Alleghany County.

Chair Eldon Edwards stated that he isn't sure the Commissioners are at a place to make a decision on this matter.

Commissioner Warren Taylor suggested scheduling another meeting with the Board of Elections.

Commissioner Ken Richardson asked if the two board chairs could get together and set up another meeting.

Commissioner Sandy Carter Herndon, County Manager Don Adams and Ed Adams discussed contracting services for the primary and one-stop voting.

Chair Eldon Edwards and Ed Adams agreed to set another meeting date.

Being no further business, Commissioner Warren Taylor made a motion to adjourn at 9:40pm. Commissioner Sandy Carter Herndon seconded the motion. Vote 5:0.

Respectfully submitted,

Karen Evans  
Clerk to the Board

Attest:

Eldon Edwards  
Chairman