

The Alleghany County Board of Commissioners met in regular session on Monday, April 17, 2006, at 10:00am in the Conference Room of the County Office Building, 90 South Main Street, Sparta, North Carolina.

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

Vice-Chair Warren Taylor called the meeting to order and welcomed everyone.

Commissioner Ken Richardson opened the meeting with a prayer.

Vice-Chair Warren Taylor stated that the cable franchise discussions need to be moved to the beginning of the agenda.

Commissioner Sandy Carter Herndon made a motion to approve the amended agenda for this April 17, 2006, meeting. Commissioner Ken Richardson seconded the motion. Vote 4:0.

AGENDA  
Monday, April 17, 2006  
10:00 AM

- 10:00 Meeting Called To Order
  - Motion on Agenda for April 17, 2006, meeting
  - Motion on Minutes for April 3, 2006, meeting
- 10:05 Mary Walker
  - RE: Tax Refunds and Releases
- 10:10 Wendy Williams
  - RE: E-911 Road Name Discussion
- 10:20 Amy Pardue
  - RE: Subdivision Plat Approvals
- 10:30 Michelle Bedsaul
  - RE: Citizens Concerns off of Wagoner Ridge Road
- 10:50 Cherry Lane Volunteer Fire Department Annual Report
- 11:00 Wilkes School for the Deaf Annual Report
- 11:10 Social Services Annual Report
  - County Business
  - 1. DSS Budget Amendment
  - 2. Cable Franchise Agreements (moved to beginning of agenda)
  - 3. Property Rights Protection Ordinance
  - 4. 2006/2007 Budget Requests
  - 5. Other Business
  - 6. Public Comments—30 minutes
  - 7. Adjourn

Commissioner Sandy Carter Herndon made a motion to approve the minutes for the April 3, 2006, meeting. Commissioner Ken Richardson seconded the motion. Vote 4:0.

Dave Harris stated that the purpose of the today's meeting about the franchise agreement is for the first reading and consideration of the agreements with Charter Communications and Alleghany Cablevision. He briefly described each of the agreements.

Commissioner Warren Taylor and Dave Harris discussed federal legislation about cable franchises.

Dave Harris stated that Charter Communications and Allegheny Cablevision have agreed to the documents and will sign them.

County Manager Don Adams stated that both companies have indicated that these fees will not increase the consumers' bills. He reviewed the January 2006 law change that allows the State to collect 7% tax on cable services and how the County can collect 5% of those taxes.

Dave Harris stated that the State law requires these types of documents to be approved at two meetings.

County Manager Don Adams reminded the Board about the recessed meeting starting at 8:55am on April 20 for the second reading and consideration.

Edwin Barquet asked about the number of customers and this being an exclusive franchise.

Dave Harris stated that the number of customers is 646, and these agreements are not exclusive franchises.

County Manager Don Adams talked about already holding public hearings on this matter. He reviewed the two goals for these franchise agreements; collecting a portion of the state tax and providing a community access channel.

Commissioner Sandy Carter Herndon made a motion to accept the franchise ordinance agreement between Allegheny County and Allegheny Cablevision. Commissioner Graylen Blevins seconded the motion. Vote 4:0.

Commissioner Graylen Blevins made a motion to accept the franchise ordinance agreement between Allegheny County and Charter Communications. Commissioner Sandy Carter Herndon seconded the motion. Vote 4:0.

Mary Walker, Tax Administrator, presented the March 2006 real property requests in the amount of \$383.64 for refunds and \$371.74 for releases.

Commissioner Sandy Carter Herndon made a motion to approve the March 2006 real property requests in the amount of \$383.64 for refunds and \$371.74 for releases. Commissioner Graylen Blevins seconded the motion. Vote 4:0.

Mary Walker presented the March 2006 automobile requests in the amount of \$1,004.10 for refunds and \$1,832.04 for releases.

Commissioner Ken Richardson made a motion to approve the March 2006 automobile requests in the amount of \$1,004.10 for refunds and \$1,832.04 for releases. Commissioner Graylen Blevins seconded the motion. Vote 4:0.

Mary Walker presented a vehicle appeal for a 2004 Toyota 4 Runner. She reviewed her recommendation of \$19,365. She explained that they had problems with the vehicle's VIN number.

Commissioner Ken Richardson made a motion to approve the Tax Administrator's recommendation of \$19,365. Commissioner Graylen Blevins seconded the motion. Vote 4:0.

Mary Walker presented a vehicle appeal for a 1999 Ford F-350. She reviewed her recommendation of \$7,810. She explained that the vehicle was listed as being a 4-wheel drive instead of 2-wheel drive.

Commissioner Sandy Carter Herndon made a motion to approve the Tax Administrator's recommendation of \$7,810. Commissioner Graylen Blevins seconded the motion. Vote 4:0.

Mary Walker informed the Board that the Alley property has been sold to collect the delinquent taxes. She explained that the property was sold for \$17,366 and the closing will be soon.

Wendy Williams, E-911 Coordinator/Mapper, explained a road naming situation. She further explained that two structures are on a road and the ordinance requires 50% of the residents plus one. She stated that the owners of the structures cannot agree on a road name. She asked the Commissioners how they want to handle this situation.

Commissioner Warren Taylor and Wendy Williams discussed the location of the two structures.

Wendy Williams explained that the two structures are currently addressed off of NC Highway 93, another structure is planned to be built and both structure owners have submitted requested names for the road.

Commissioner Ken Richardson suggested defining resident as being someone who lives here and is a permanent resident here, votes here and files taxes here.

County Manager Don Adams stated the need to consider permanent businesses along with permanent residents.

Commissioner Sandy Carter Herndon summarized information that she received from the trustees of the cemetery asking that a generic name be given to the road or a road that has historical meaning to the area.

Commissioner Ken Richardson stated the need to resolve the resident/non-resident issue.

Commissioner Warren Taylor directed Wendy Williams to work on a definition of a resident and bring it back to the Board.

The Board of Commissioners and County Attorney Donna Shumate discussed ideas for the definition.

Commissioner Warren Taylor talked about Wendy Williams working with the County Attorney to create a definition of a resident and bring it back to the Board.

County Manager Don Adams asked if a public hearing can be scheduled for the next meeting regarding the road name.

The Board of Commissioners agreed.

Amy Pardue, Planner, presented a final plat for Stoney Creek. She explained that this is a 30.51-acre tract being divided into 11 lots using one existing state maintained road and two private driveways. She explained which roads will access each lot.

Commissioner Ken Richardson made a motion to approve the final plat as presented by the Planner. Commissioner Graylen Blevins seconded the motion. Vote 4:0.

Amy Pardue presented a final plat for Southview Estates. She explained that this is a 77.38-acre tract being divided into 9 lots using one existing state maintained road, a Private Road, one county standard road and one private driveway.

Commissioner Sandy Carter Herndon made a motion to approve the final plat as presented by the Planner. Commissioner Ken Richardson seconded the motion. Vote 4:0.

Amy Pardue presented a final plat for Prime Mountain Estates. She explained that this is a 127-acre tract being divided into 99 lots using one existing state maintained road and four county standard roads.

Edwin Barquet stated that the roads will be paved as soon as weather permits.

Commissioner Sandy Carter Herndon made a motion to approve the final plat as presented by the Planner. Commissioner Ken Richardson seconded the motion. Vote 4:0.

Michelle Bedsaul came before the Board on behalf of citizens on Wagoner Ridge Road to discuss a mobile home park that is being developed. She explained that their concern is regarding the number of trailers, wells and general environment of a trailer park.

Commissioner Warren Taylor asked the County Manager to give a history of the Property Rights Protection Ordinance.

County Manager Don Adams stated that staff has researched this situation. He explained that the County has a subdivision ordinance, and it doesn't apply to this situation. He further explained the Polluting Industries/High Impact Ordinance and the background of the Property Rights Protection Ordinance.

Amy Pardue told the Board that her research showed that Barry Irwin has issued three septic permits for the project. She stated that the committee working on the Property Rights Protection Ordinance has discussed mobile homes.

Commissioner Sandy Carter Herndon stated that the County is facing the same issue now as when the race track issue came before the Board after the permit had already been issued.

County Attorney Donna Shumate stated that the mobile home park has vested rights for the three permits already issued.

Commissioner Sandy Carter Herndon and County Manager Don Adams discussed the change of use in the Property Rights Protection Ordinance and how it may or may not apply to this situation.

Commissioner Warren Taylor summarized that the County doesn't have any authority

regarding this situation. He stated that there is concern about development in the County but the necessary documents aren't in place.

Commissioner Ken Richardson and Amy Pardue discussed how the subdivision ordinance doesn't apply in this situation because land isn't being divided.

Commissioner Warren Taylor stated his appreciation for Michelle Bedsaul coming to the Board about the concerns.

Kenneth Miles with the Cherry Lane Volunteer Fire Department came before the Board to present their annual report. He reviewed the number of vehicles, the need for a training facility, number of fund raisers and a call summary for this year.

Commissioner Sandy Carter Herndon and Kenneth Miles discussed the need for hands-on training. He gave examples of the needed training and the process people must go through to burn a house for a training exercise.

Commissioner Ken Richardson and Kenneth Miles discussed the mobile fire houses that are used as training exercises for children. Commissioner Richardson stated that the training facility concept should originate from the Fire Commission.

Commissioner Warren Taylor stated his appreciation for the fire departments.

Donna Key with the Wilkes Center for the Deaf presented their annual report by explaining their services. She stated that currently they are not serving anyone from Alleghany County.

Commissioner Ken Richardson and Donna Key discussed how they get their referrals.

The Board of Commissioners thanked Donna Key for attending this meeting.

Sandy Ashley, Social Services Director, presented the annual Social Services report. She reviewed the accomplishments for 2005 and goals for 2006.

The Board thanked her for report and hard work.

County Manager Don Adams presented General Fund budget amendment #26 in the amount of \$5,860 for day care monies. He explained that this doesn't require any County money.

Commissioner Graylen Blevins made a motion to approve General Fund budget amendment #26 in the amount of \$5,860. Commissioner Sandy Carter Herndon seconded the motion. Vote 4:0.

County Manager Don Adams asked Amy Pardue to discuss the status of the planning committee.

Amy Pardue explained that the committee has completed their work and is ready to go back to the Planning Board with the remaining documents.

County Manager Don Adams updated the Board about a conference call between the County Attorney, Institute of Government and himself regarding making sure everything is in order with the current law changes. He explained that the Planning Board no longer has to certify a

document to go to the Board of Commissioners but now the Planning Board has to provide a written statement to the Board of Commissioners.

County Attorney Donna Shumate explained that this creates a paper record by providing a written statement.

The Board of Commissioners discussed dates to hold the public hearing and Planning Board meeting and the locations of those meetings. They decided to have the public hearing on May 1 at Blue Ridge Electric or the Sparta Elementary School auditorium.

County Attorney Donna Shumate and County Manager Don Adams talked to the Commissioners about the Planning Board, Board of Adjustments and the Board of Commissioners.

Commissioner Warren Taylor stated that the Commissioners need to have this discussion at a later date.

The Board of Commissioners, County Attorney Donna Shumate and County Manager Don Adams discussed the need to decide these matters before the ordinance is adopted.

The Board of Commissioners decided to have the Planning Board meeting on April 20, 2006, at 1:00pm.

County Manager Don Adams presented the FY 2006-2007 budget requests to Board in the amount of \$14,675,608 for the General Fund. He explained the requested capital and additional personnel.

County Manager Don Adams talked to the Board about the Board of Elections' operations. He stated that he is asking the Board to allow them to hire enough part-time workers to have someone in the office 40 hours a week and allow Jenny Billings to work 40 hours a week until May 5.

Commissioner Sandy Carter Herndon reiterated that they are asking for two full-time workers for three weeks.

County Manager Don Adams stated that is correct.

Commissioner Ken Richardson made a motion to approve the request. Commissioner Sandy Carter Herndon seconded the motion. Vote 4:0.

Commissioner Warren Taylor, Commissioner Sandy Carter Herndon and Commissioner Ken Richardson talked about the legislative meeting in Iredell County they attended.

Commissioner Ken Richardson reminded the Board about the DOT meeting at the Cherry Lane Community Building on April 18 from 2:00pm to 4:00pm for the elected officials and from 4:00pm to 7:00pm for the general public.

Commissioner Ken Richardson thanked the Board for the actions with the Board of Elections especially since both boards benefited from the actions.

Commissioner Ken Richardson stated that he will be in Raleigh on Friday regarding Mental Health, and he will be glad to talk with anyone about the mental health activities.

County Manager Don Adams updated the Board about Commissioner Blevins' comments at the last meeting regarding an individual that is causing problems at the Transfer Facility.

Vice-Chair Warren Taylor asked for public comments. None were received.

Being no further business, Commissioner Sandy Carter Herndon made a motion to adjourn the meeting at 12:18pm. Commissioner Graylen Blevins seconded the motion. Vote 4:0.

Respectfully Submitted,

Karen Evans  
Clerk to the Board

Attest:

Eldon Edwards  
Chairman