

The Alleghany County Board of Commissioners met in regular session on Monday, November 2, 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.

Commissioner Leys made a motion to approve the agenda for this November 2, 2015, meeting. Commissioner Evans seconded the motion. Vote 5:0.

AGENDA
Monday, November 2, 2015
6:30 PM

- 6:30 Meeting Called To Order, Pledge of Allegiance and Invocation
Motion on Agenda for November 2, 2015 Meeting
Motion on Minutes for October 5, 2015, Meeting
- 6:35 A. April Hamm—Transportation Director
1. Present information about the Section 5310 (ED) grant.
 2. Public Hearing -- Chairman opens public hearing to receive comments regarding the proposed Section 5310 (ED) grant. Chair close public hearing after receiving comments.
 3. Action Requested – Vote on the Section 5310 (ED) grant.
- 6:45 B. Brad Mabe, Chief with Piney Creek Volunteer Fire Department
RE: Annual Report. No action requested.
- 6:55 C. Melvin Crouse
RE: Subdivision Ordinance Variance Request. Action Requested – Vote on the variance request
- 7:10 D. General Business
1. Noise Ordinance
Enclosed is a proposed noise ordinance as developed by the Planning Board in 2011.
 2. Town of Sparta's Nuisances and Weeds Ordinance
Enclosed is the Town of Sparta's Ordinance regarding nuisances.
 3. Open Jail Position
Request to fill an open detention officer position, Grade 60, \$23,240.55. Action Requested – Vote on the request.
 4. Joint Meeting with the Board of Education
Discussion about having a joint meeting with the Board of Education. The BOE Chairman suggested that the facilities committee meet prior to the joint meeting. Action Requested – Establish possible meeting dates for both the facilities committee and joint meeting.
 5. Article 46 Sales Tax
Continue conversations about the ¼¢ sales tax referendum.
 6. Post-65 Retirees Health Insurance
Blue Cross/Blue Shield is offering Alleghany County a Blue Medicare PPO insurance plan for post-65 retirees. The Blue Medicare PPO plan is substantially similar to the County's current health insurance. Enclosed is the proposed contract with Blue Cross/Blue Shield for this plan. Action Requested – Vote on the contract.
- E. Public Comments—30 minutes
- F. Commissioners Comments
- G. Adjourn

Commissioner Davis made a motion to approve the minutes from the October 5, 2015, meeting. Commissioner Irwin seconded the motion. Vote 5:0.

April Hamm, Transportation Director, presented information regarding the Section 5310 (ED) grant including the State's priority is capital projects so operating projects will not be funded unless there are funds left and applicants should be prepared to provide a 20% capital match in the case State funds are not available. She reviewed the operating budget that will be presented in the grant application for \$42,135 with fares of \$2,700 for a total operating costs being \$39,435 with a match of \$19,718. She further reviewed the capital budget including the need to purchase a new van for a total cost of \$58,500 and the 10% match would be \$5,850 or the 20% match would be \$11,700. She reviewed the best-case scenario of \$25,568 or the worst-case scenario of \$51,135 for the program.

Chair Smith and April Hamm talked about tonight's action would be to apply for the grant and certify the match is available, which could be the best-case scenario.

April Hamm provided the statistics for the use of the van since its beginning in May 2010 including 13,658 trips for 320 people. She gave examples of what the services are used for.

Chair Smith and April Hamm talked about the amount spent last from the General Fund on the program being \$13,000. She explained it was lower than expected mainly because of the lower fuel costs, and they raised a portion of the monies.

Commissioner Irwin and April Hamm further talked about the services offered and how people use the program.

Chair Smith and April Hamm talked about her advisory board is aware of the grant application and if the program is discontinued then it has to be advertised for 30 days to make the public aware.

Commissioner Irwin and County Manager Don Adams talked about the amount of the health insurance in the budget.

Chair Smith and April Hamm talked about the age of the van.

Commissioner Evans and April Hamm talked about the Board does have to commit to the best-case scenario in order to apply.

Chair Smith and April Hamm discussed the grant is due Friday.

Commissioner Leys and April Hamm talked about it will be effective July 1, 2016.

Chair Smith opened the public hearing at 6:45pm and asked for public comments regarding the proposed Section 5310 (ED) grant application. None were received. He closed the public hearing at 6:46pm and reconvened the regular meeting.

Chair Smith and April Hamm talked about what is required in the vote including the County Manager has to sign a letter stating that the matching funds will be available.

Commissioner Leys and April Hamm talked about \$23,991 is currently budgeted for the program.

Commissioner Leys made a motion to approve the grant application for the best-case scenario for the ED program. Commissioner Evans seconded the motion. Vote 5:0.

Brad Mabe, Chief Piney Creek Volunteer Fire Department, presented the annual report for the fire department including the number of firefighters, number of certified hours offered, number of fires, and types of calls. He thanked everyone for the establishment of the first responder program. He continued to present their annual report including they are trying to get an auxiliary started. He stated they recently purchased property and hopes to start construction by March 2016. He talked about their fundraisers. He further talked about their new building conversations.

Chair Smith stated his appreciation to all of the firefighters for their efforts.

Commissioner Irwin and Brad Mabe talked about the training becomes more and more each year.

Brad Mabe talked about the volunteer base is not there anymore, and it is a concern.

Commissioner Irwin said that fire departments are not just for fire calls. He stated that the fire departments really help the outlying areas.

Commissioner Evans asked about the permit-fee change for the fire departments that was discussed during budget time. The County Manager stated that it was a permanent change. Commissioner Evans said that should help.

Brad Mabe stated his appreciation for everything the Board does.

Melvin Crouse explained that he is requesting a variance on property that was given to him. He said it has a 30-foot right of way, and he has asked for a 50-foot right of way but didn't get it. He explained that it is 10.35 acres, and he wants to divide it for his son and his brother into two tracts.

Chair Smith and Melvin Crouse talked about the property is accessed off Araniska Road.

Melvin Crouse reiterated he wants to divide it into two tracts. He explained that his son only wants two acres, and his brother will get eight acres. He said that both tracts would be restricted to where they cannot be divided but could be combined.

County Manager Don Adams and Melvin Crouse talked about it could be sold but not subdivided.

Melvin Crouse said he is asking for a variance.

County Attorney Donna Shumate added that it is more than that.

County Manager Don Adams explained how the current Subdivision Ordinance reads if a road serves more than five lots it must meet the standards. He further explained that in order to comply with the Ordinance he must get a 50-foot right of way and bring it up to the standards. He said that the request is to vary the Ordinance to not require the 50-foot right of way

Commissioner Irwin asked is this is a minor subdivision. The County Manager said no. Planner Travis Dalton explained that it is a major subdivision because it already serves more than five lots.

The County Manager reviewed Article 9, Variances and asked the County Attorney to discuss how to grant variances or not grant variances.

County Attorney Donna Shumate reviewed the language in the Ordinance about granting a variance and the requirements that must be met to grant the variance.

Commissioner Leys asked what is the case that this is unusual. Melvin Crouse said that everyone has 50-foot right of way except him, and one owner above him has access that can use the parkway.

Chair Smith and Melvin Crouse talked about Mr. Crouse has asked for the right of way.

Commissioner Evans asked how many tracts are in this subdivision. Travis Dalton said he is not sure how many but it is several, described the older subdivision, and said he cannot determine which lots use which road.

The County Manager and Melvin Crouse said the road wouldn't be changed. The County Manager explained the request is asking to vary the 50 feet and bring the road up to county standards. Travis Dalton explained the county standard road, part of it is, and part of it is not. Melvin Crouse said there is no problem getting up in there with fire trucks except in the wintertime.

Chair Smith asked isn't the width requirement because of the emergency trucks. Travis Dalton explained the reason for the 50 feet is buses and emergency trucks passing.

Commissioner Irwin and Melvin Crouse discussed the grade of the road.

Commissioner Davis and Melvin Crouse explained this is the only access.

Chair Smith read the statement on the plat. County Attorney Donna Shumate clarified the plat does not comply with the Ordinance and the statement says it cannot be subdivided again, comes back before the Commissioners not the Planning Board.

Chair Smith and Melvin Crouse explained that Mr. Crouse has had numerous conversations with the County Planner. Melvin Crouse said he asked and was told to do this.

County Attorney Donna Shumate said no one has asked about the unnecessary hardship.

Chair Smith asked is there an unnecessary hardship. He said there is also the need to know that it follows the intent of the Ordinance. County Attorney Donna Shumate referred to Article 3 and Article 4 of the Ordinance.

Commissioner Leys and County Attorney Donna Shumate talked about the County Attorney is only aware of one other variance and that road was constructed to higher standards. County Attorney Donna Shumate explained that variance was because the subdivision was in the process when the Ordinance was adopted.

Chair Smith said he understands this is your land and want to give it to your people but the ordinances are here for a reason. He said he would like to study the issue before the variance may be granted.

County Manager Don Adams and County Attorney Donna Shumate talked about this variance only applies to the 10.35 acres in conversation.

Commissioner Irwin and County Attorney Donna Shumate talked about the Ordinance has been in place since 2008 and a variance was granted once. The County Manager explained that variance was because the developer was already working on the subdivision when the Ordinance was adopted, and the road was constructed to a higher standard.

Commissioner Leys said she thought she heard opposition.

Chair Smith asked when you acquired this land you knew what you were getting. Melvin Crouse said yes.

Commissioner Evans asked how long he has owned it. Melvin Crouse answered close to a year.

Chair Smith said he personally wants some more time on this.

Commissioner Evans asked what the hardship is. Melvin Crouse said there is no use.

A man in the audience stated that they are in objection.

Chair Smith said that is noted.

County Manager Don Adams explained this is not a quasi-judicial hearing and the Commissioners are not limited to do research.

County Attorney Donna Shumate explained according to the Ordinance this is not a quasi-judicial hearing, not required to provide notification because this is a landowner to the Commissioners requesting a variance.

Commissioner Irwin asked is this a pressing matter. Melvin Crouse said no but his brother is trying to get a loan and cannot. Commissioner Irwin said everyone needs an opportunity to speak, and he has been out of town and did not have time to research this.

The Board agreed.

Commissioner Leys made a motion to continue this discussion. Commissioner Davis seconded the motion. Vote 5:0.

The County Manager talked about if no one called to get on the agenda then it would fall under County Business. He reviewed the rules to get on the agenda. He said if the request is from the group to be a consolidated effort because this is not a public hearing. He further said he is reluctant to put 20 people on the agenda because then that is a public hearing.

County Attorney Donna Shumate added that or they can stay for public comments.

Chair Smith declared a brief recess at 7:28pm.

County Manager Don Adams presented the proposed noise ordinance from 2011. He provided information previously requested about the number of noise complaint calls out of 585 other calls there were eight complaints during the three months. He reviewed the locations and types of the complaints. He talked about this is a simplistic noise ordinance.

Commissioner Leys explained her purpose was to monitor noise, and it is not her intention to use the draft ordinance. She further explained that she just wants music regulated. She read examples from surrounding areas regarding music. She talked about the proposed ordinance and other areas' fines and penalties. She said that she prefers that rather than the draft proposal. She reiterated that she is only interested in music. She talked about, as the research has proven, music is the problem. She said that she doesn't care to use the exemptions because she is only concerned about loud music.

Commissioner Evans asked about the timeframe of 11:00pm to 6:00am. Commissioner Leys explained that is standard timing, one county exempted businesses, and could exempt all current businesses.

Chair Smith clarified that currently we don't have an ordinance. County Attorney Donna Shumate said that is correct. He asked about in order for law enforcement to enforce complaints there is currently no way for enforcement. She said they are very limited with what they can do. She explained what was occurring when the ordinance was drafted wasn't noise. She clarified the fines are a maximum.

Commissioner Irwin and County Manager talked about the draft ordinance was in 2011. Commissioner Irwin asked why it wasn't approved. County Attorney Donna Shumate said there was no motion made.

Chair Smith and Commissioner Leys talked her complaints were about noise.

Commissioner Irwin talked about a noise ordinance and having to have this for law enforcement. County Attorney Donna Shumate said it would be a helpful tool for the Sheriff. Commissioner Irwin asked if law enforcement responded to the noise complaints. The County Manager said he doesn't know.

Commissioner Leys asked if the Commissioners are altering the ordinance does it need to go to the Planning Board. The County Attorney said the Board could send it back to them.

Commissioner Leys made a motion to ask the Planning Board to work on a draft noise ordinance dealing with loud noise only. Commissioner Evans seconded the motion.

Chair Smith clarified that this motion is to send it back to the Planning Board to consider loud noise only.

Commissioner Irwin said he doesn't mind doing this if the Commissioners are going to follow through with this. He stated that he doesn't want to waste the Planning Board's time. He said that he doesn't know if he wants to limit it to loud music. He asked if there is anything else the Planning Board needs to look at.

Chair Smith said there is a motion and a second. The Board voted on the motion. Vote 4:1 (Bobby Irwin).

The County Manager asked the Board to think about exemptions with the noise. He provided an example of homecoming and the noise that generates. Commissioner Evans mentioned the homecoming game does not go past 11:00pm.

Commissioner Irwin said the Commissioners aren't looking deep enough.

County Manager Don Adams presented the Town's Nuisances and Weeds Ordinance at the request of the Board.

Chair Smith said that conversations have occurred with this Board about two of these issues; accumulation of trash which is the result of the absence of trash containers or overflowing closed trash containers and the open storage of discarded furniture, refrigerators, stoves, glass, building materials, building rubbish or similar items.

Commissioner Irwin read through the Ordinance particularly the sections about trash/garbage, appliances and burned structures are some concerns he has. He said that the Town has worked on their areas. He read a portion of the Ordinance. He used an example at the top of Twin Oaks Mountain. He continued reading portions of the Ordinance. He said these are a few of the things he was referring to. He commended the Town for moving forward. He said he would like the Planning Board to study something like this if there is support for it. He stated his appreciation to the County Manager for getting this information.

Commissioner Leys asked Commissioner Irwin if he has any recommendations. Commissioner Irwin answered if the Board is interested then have the Planning Board look at something like the Town has but he doesn't want to waste their time for only one Commissioner.

Chair Smith said he has looked at the trash/garbage section and open storage of furniture, appliances, building materials/rubbish. Commissioner Irwin said he likes the section about the burned structures. Chair Smith said he would not be opposed for the Planning Board to look at this Ordinance regarding the items mentioned tonight. Commissioner Irwin added to particularly look at those areas and any other thing they would consider.

Commissioner Evans asked about the section regarding creating an environment for unhealthy circumstances.

Commissioner Irwin agreed that would be an excellent one to add.

Commissioner Leys explained that some of these sections have costs the Town and the County money.

Commissioner Davis talked about if the owner couldn't afford to clean it up then is it up to the County. The County Manager explained if they couldn't clean it up, then the County would and pass the costs along to the property owner. The County Manager explained with the Town's two examples, one recouped the money and one was not. The County Manager talked about the need to look at resources to accomplish this and put the resources with it.

Commissioner Irwin made a motion to have the Planning Board look at the Town's Ordinance particularly about accumulated trash/garbage, accumulated garbage creating a public health issue, discarded appliances, burned structures and anything else the Planning Board deems appropriate to make a recommendation to the Commissioners.

Commissioner Evans asked if they are going to create an ordinance. Commissioner Irwin said to make recommendations.

Commissioner Leys seconded the motion on the floor. Vote 5:0.

County Manager Don Adams presented a letter from Sheriff regarding filling a vacant detention officer's position at a Grade 60, \$23,240.55.

Commissioner Irwin and the County Manager talked about this is not a new position.

Commissioner Irwin made a motion to approve the request to fill the vacant position. Commissioner Evans seconded the motion. Vote 5:0.

County Manager Don Adams said he has been going back and forth with the Board of Education. He reviewed the previous conversation about sales tax, and the expansion sales tax would be discussed sometime in January. He stated that he approached the schools and asked if they wanted to have a joint meeting. He reviewed his conversations with the Superintendent, and provided a couple of dates in November for the facility committee to meet then December/January for both boards.

Commissioner Irwin and Commissioner Evans discussed dates for the facility committee meetings and decided on November 12, 13 and 19 at 3:00pm.

The County Manager asked about the joint meeting with the Board of Education and the Commissioners. He stated that they are meeting next week on the 10th.

The Board discussed dates and times for the meetings and decided on December 1 and 10.

The County Manager reviewed topics of conversations for the meetings. He reiterated the dates to present to the Board of Education.

County Manager Don Adams said next is the continuation of the conversations about the Article 46 sales tax. He reminded everyone that Article 46 would have to be put on a referendum, timeline, generate between \$168,000-\$175,000. He explained it does not apply to un-prepared food or gas. He said he has had individual discussions regarding the emergency communication proposal. He stated the County is required to have a backup plan by June 30, 2016. He explained how to get an extension. He said he has heard questions about whether this is real or not, and explained he placed the actual law in the Board's packets. He referred the Board to page 3 and read the compliance portion. He summarized the language.

Commissioner Evans and the County Manager talked about the County is due to receive \$137,000 this year. The County Manager explained how this money is generated from phone bills.

The County Manager reviewed the \$137,076 budget including professional fees of \$45,904 that reimburse salaries and insurance with the majority of the money is with vendors to maintain the equipment. He reiterated that in order to maintain the revenue the County has to have a backup plan. He talked about House Bill 512 passed this year and read the language of the Session Law regarding the extension. He stated that, with or without the plan, Alleghany County is going to have to deal with this, and there will be expenses not covered by 911 monies.

Commissioner Irwin said that several people have already talked to him, and they are saying the State will not take the money. He further said that either the ¼¢ sales tax pays for it or it has to come from somewhere.

The County Manager said that he would be coming with or without the sales tax with the request. He explained that staff needs assistance with the backup plan. He said that it is appropriate to say part of the sales tax money is for the plan. He explained he doesn't recommend us to separate these issues and losing a grant opportunity to get assistance on additional towers. He said he is talking about a \$2,000,000 project with \$1,000,000 going towards the dispatch center, which would be eligible for grants and the remaining would go towards the tower system. He explained the current tower situation. He talked about expanding from two towers to four towers but won't know until the study is done. He said that the costs significantly increase when going to that many towers.

Chair Smith and the County Manager talked about the County Manager's conversations with the fire commission and law enforcement have been positive. Commissioner Davis agreed. The County Manager said this is a need that needs to be dealt with countywide. The County Manager stated he thinks the Sheriff would agree this is a need.

Commissioner Evans and the County Manager talked about there isn't any money in the budget for the study. Commissioner Leys and Commissioner Evans said the Board discussed it but didn't budget it. The County Manager clarified that he put it in but, at the time, he could not find the monies to recommend it. The County Manager noted that the money in this year's budget is for the tower move to Catherine's Knob.

Chair Smith talked about the decision being made this calendar year. The County Manager reviewed the steps including where this tax would go, what would the Board tell the citizens where the money would go then the next step is the resolution for referendum.

Commissioner Evans said unlike the new service sales tax there are no restrictions. The County Manager agreed.

Chair Smith and the County Manager talked about putting this on the next agenda.

County Manager reviewed the proposed Blue Cross/Blue Shield Medicare advantage employer agreement. He explained the current retirees/insurance policy including have 39 retirees with 13 on Medicare. He reminded everyone that this was discussed during budget time. He said that the County's insurance consultant priced out Medicare supplement plans. He explained that it is proposed to switch all Medicare eligible retirees to Blue Medicare PPO, which takes the cost from \$717.37 to \$145.04 per month or a savings of \$572.33 per month. He stated that is a savings of \$44,641.74 this year and \$89,283.48 annually. He further stated that it is not the exact plan but believes it is substantially similar.

County Attorney Donna Shumate said the plan is as close as we can get and some areas are better.

The County Manager reviewed the plan differences versus the current plan. He reiterated that our stance is it is substantially similar. He reviewed the timing on it including if the County proceeds we are running out of time, and he had to sign off on the agreement last week. He explained the timing of we cannot sign up retirees until 30 days from the signing of the paperwork.

Commissioner Irwin made a motion to proceed with the Medicare supplement plan. Commissioner Davis seconded the motion. Vote 5:0.

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

Bob Qualheim passed out information to the Board regarding his comments. He explained his relationship with the Crouse family goes back 60 years. He talked about Melvin Crouse wants a 50-foot right of way that goes through their land even though they do not want it. He said the Subdivision Ordinance is there for a reason. He discussed a portion of the Ordinance. He said that if this variance is granted then this could affect the entire county and land subdividing because the County will be unable to enforce the Ordinance. He explained that Melvin Crouse has been using the road without having a legal right to it. He said that he had an attorney to research all of the deeds dealing with this property. He talked about the research the attorney did and the results of the research. He said that his position is that Melvin Crouse obtained the land that doesn't have a right of way to it. He stated that they are willing to consider giving them a 30-foot right of way but no reason to give a 50-foot right of way. He asked the Board to stick to the principles of the Ordinance. He said that Melvin Crouse gave no reason for the variance and is trying to use the variance to get the additional lots. He talked about there is no reason for us to give the land. He said that the right-of-way issue is beyond the scope of this Board, and it will end up in the courts. He stated that he doesn't want the Commissioners to give him a variance.

Sam Burgiss explained that he and his wife live adjacent to the property, which is a gated community. He said that all of the land is private roads, and people want it gated. He explained the reason they want it gated including trespassers and people drowning. He stated they are not trying to give anyone a hard time.

Steve Erlandson said he is an adjacent landowner. He said he was speaking of Melvin Crouse's character including he doesn't respect him, neighbors, or state law. He reviewed problems experienced with Melvin Crouse. He stated that Melvin Crouse was not truthful to the Board. He urged the Board to think long and hard before the decision is made.

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

Commissioner Irwin said he would like to say that the High School volleyball girls are going to the fifth round tomorrow. He acknowledged the hard work that these girls have done. He said that the ladies' softball team won a state championship and hopes the volleyball team can do the same.

Commissioner Leys read a statement from Warren Taylor about Allegheny Memorial Hospital has recently selected a new president, Craig James. She stated her appreciation to the people who came in to pay their taxes before the properties were sold. She mentioned they are working on the veterans' forum including Jeremiah Hampton and Brett Liverman are getting together to discuss it. She explained that Lisa Osborne has worked out language with the State regarding the new Social Worker Supervisor II position and will be coming to the Board at the next meeting with the change.

Being no further business, Commissioner Davis made a motion to adjourn at 9:12pm. Commissioner Evans seconded the motion. Vote 5:0.

Respectfully submitted,

Attest:

Karen Evans
Clerk to the Board

Tom Smith
Chair