

The Alleghany County Board of Commissioners met in regular session on Thursday, September 4, 2008, 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 Warren Taylor, Commissioner Randy Miller, Commissioner Doug Murphy, Commissioner Milly Richardson, County Attorney Donna Shumate, County Manager Don Adams, and Clerk to the Board Karen Evans.

Chair Ken Richardson called the meeting to order, led the Pledge of Allegiance and opened the meeting with a prayer.

Chair Ken Richardson stated that Sheriff Edwards needs to be added as item E and salary discussions needs to be added to the agenda under county business.

Commissioner Milly Richardson made a motion to approve the amended agenda for this September 4, 2008, meeting. Commissioner Doug Murphy seconded the motion. Vote 5:0.

#### AGENDA

Thursday, September 4, 2008  
6:30 PM

- 6:30 Meeting Called To Order  
Pledge of Allegiance and Prayer  
Motion on Agenda for September 4, 2008, meeting  
Motion on Minutes for August 18, 2008, meeting
- 6:35 A. Public Comments—30 minutes  
B. Public Hearing  
RE: 911 Road Names  
C. Mary Walker  
RE: Tax Appeals  
D. J. D. Hough  
RE: Variance / Vested Rights Request  
E. Sheriff David Edwards (added)  
RE: Smoking Policy (moved)  
F. County Business  
1. Annual Reports  
2. Library Board Appointment  
3. High County COG Interlocal Agreement  
4. Secondary Road Public Hearing Dates  
5. CJPP Budget Amendment  
6. DSS Budget Amendments  
7. Defib Units  
8. Channel 50/21 Managerial Contract  
9. Planning Board Attorney and Appointment  
10. Salary Discussions (added)  
11. Other Business  
12. Closed Session—NCGS 143-318.11 (a) (6)—Personnel  
13. Adjourn

Commissioner Doug Murphy made a motion to approve the minutes for the August 18, 2008, meeting. Commissioner Randy Miller seconded the motion. Vote 5:0.

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

Wendy Williams, E-911 Coordinator/Mapper, came before the Board to present one new road name, Almost Home Drive, and one road name change, Henrys Lane to Gaby Lane. She explained each road's location.

Chair Ken Richardson opened the public hearing regarding the 911 road names at 6:33pm.

Chair Ken Richardson asked for public comments. None were received.

Chair Ken Richardson closed the public hearing at 6:34pm and reconvened the regular meeting.

Commissioner Milly Richardson made a motion to approve the road names as presented by the E-911 Coordinator/Mapper. Commissioner Randy Miller seconded the motion. Vote 5:0.

Mary Walker, Tax Administrator, presented a solid waste fee appeal for Mr. Beckworth requesting that the fee be released on his property. She talked about the property doesn't have any water or electricity.

Commissioner Milly Richardson made a motion to approve the request. Commissioner Randy Miller seconded the motion. Vote 5:0.

Mary Walker presented a solid waste fee appeal for Mabel Hudson. She explained that no one lives there, Ms. Hudson has no intention to renting it, and her recommendation is to waive the fee.

Commissioner Randy Miller made a motion to approve the appeal. Commissioner Doug Murphy seconded the motion. Vote 5:0.

Mary Walker presented a solid waste appeal regarding Mrs. King who lives in Taylorsville. She talked about the condition of the house. She explained that the letter is from Bettie Upchurch.

Commissioner Randy Miller made a motion to approve the appeal. Commissioner Milly Richardson seconded the motion. Vote 5:0.

Mary Walker presented a solid waste appeal from Nancy Kish. She explained that they are in the process of tearing the house down.

Commissioner Milly Richardson made a motion to approve the appeal. Commissioner Doug Murphy seconded the motion. Vote 5:0.

Mary Walker presented a solid waste appeal for J.H. Miller heirs. She explained that the property hasn't had any power or water and hasn't been occupied.

Commissioner Milly Richardson made a motion to approve the appeal. Commissioner Randy Miller seconded the motion. Vote 5:0.

Mary Walker presented a late application for exemption. She read a portion of NCGS 105-282 (a) (1) about the Board's authority. She explained that Mr. Phipps didn't realize he would qualify.

Commissioner Doug Murphy made a motion to approve the late application. Commissioner Warren Taylor seconded the motion. Vote 5:0.

J.D. Hough came before the Board to discuss his letter regarding a variance request and appeal order on vested rights.

County Manager Don Adams explained that three mobile homes were purchased, septic approved and building permits obtained. He further explained that four of the six required porches had been completed for an occupancy permit.

J.D. Hough talked about his wife became disabled, acquired several medical bills due to that situation and is now ahead of the bills. He explained that this would have been completed at the time of construction.

Commissioner Warren Taylor and Mr. Hough talked about the only thing lacking is the two porches because the electric has been ran, septic and well has been installed.

Chair Ken Richardson and Mr. Hough talked about the occupancy for the three mobile homes; him and his children.

Commissioner Milly Richardson talked about this appears to have vested rights to her.

Mr. Hough said he is not planning on bringing in any more mobile homes.

County Attorney Donna Shumate asked when the permits expired.

Mr. Hough stated two years, he believes.

County Attorney Donna Shumate so it would have expired in 2005. She asked how many acres are on this parcel.

Mr. Hough stated that the deed states 40 acres and where the trailers are is 10 acres.

County Attorney Donna Shumate asked did the Planner describe the setbacks.

Mr. Hough answered yes, and they meet them.

Kathy Murphy explained the options that Mr. Hough has; subdivide the land or go through the Property Rights Protection Ordinance. She further explained the process for each.

County Attorney Donna Shumate stated that the letter asked for a variance and vested rights.

County Attorney Donna Shumate and Kathy Murphy discussed his options; subdivide or the Property Rights Protection Ordinance.

County Attorney Donna Shumate read the variance portion of the ordinance. She explained how the Board would have to grant a variance, and she doesn't think this applies.

County Attorney Donna Shumate and Mr. Hough discussed his letter.

County Attorney Donna Shumate read the vested rights portion of the ordinance. She explained how it would apply to this situation and reviewed the exceptions in the ordinance. She stated she doesn't think this applies. She reviewed case law regarding vested rights, and this could qualify under common law. She read a portion of the common law and each reason under common law. She explained that Mr. Hough doesn't have vested rights because the building permit expired before the ordinance adoption.

Chair Ken Richardson talked about having two ways to get this accomplished.

Mr. Hough stated that he has enough property to subdivide. He said he doesn't know when the permits expired.

County Attorney Donna Shumate explained the differences in this case versus the Marlow case.

Mr. Hough explained the work he had completed and had started before the ordinance. He asked if the other one was approved.

County Attorney Donna Shumate stated yes it was but for different reasons.

Chair Ken Richardson asked could Mr. Hough work with the Planner to resolve this.

Mr. Hough stated his concern is a timing issue because it is September now and his weather concerns. He asked about the timeline on the two options.

Kathy Murphy explained the quickest option is the minor subdivision. She explained the process and approval is provided in her office. She further explained the other option and the process.

Mr. Hough stated that the County Attorney's opinion is no vested rights because the permit had expired. He compared this to the other case.

County Attorney Donna Shumate stated that she gave her opinion to the Commissioners, and it is up to them to act on it.

Commissioner Milly Richardson asked in order to get vested rights does he have to meet all of the requirements.

County Attorney Donna Shumate stated that under common law he must meet all four, and he only met two. She explained that case law says he has to meet all four.

Chair Ken Richardson encouraged Mr. Hough to meet with Kathy Murphy and Don Adams first thing in the morning.

Chair Ken Richardson stated that the Sheriff isn't here yet and for the County Manager to start with county business.

County Manager Don Adams presented a letter recommending that Bob Black be appointed to the library board.

Commissioner Milly Richardson made a motion to approve the request. Commissioner Warren Taylor seconded the motion. Vote 5:0.

County Manager Don Adams explained that all of the annual reports have been completed. He further explained that the Sheriff's department is the only one that hasn't presented their information.

Chair Ken Richardson asked does the Board want to continue these reports.

The Board agreed to continue the annual reports.

County Manager Don Adams presented an interlocal agreement between High Country Council of Government (HCCOG) and all seven counties in the HCCOG. He explained that they are looking to purchase property and renovate the building for their offices. He reviewed the highlights of the agreement including they have to go through the Local Government Commission. He explained that each county has to agree that they are going to continue to remain members of HCCOG. He read a portion of the agreement; "The County Members agree, with each other and with HCCOG, to join in and provide additional security for the HCCOG Loan, by continuing to remain members of HCCOG and continuing to pay annual dues for the duration of the loan and in amounts adequate to enable HCCOG to service the above debt to be incurred by HCCOG, the Counties' relative dues payment amounts to be based upon their relative respective annual population, as estimated by the state demographer." He stated that the annual dues are \$5,600 for this year. He stated that he has asked Donna Shumate to review this.

Commissioner Doug Murphy, Commissioner Milly Richardson and County Manager Don Adams discussed criteria could change on how to figure the dues.

County Manager Don Adams explained that Alleghany County has been a member for 30 plus years. He further explained that the County gets a lot of good services from them. He stated that this is the Local Government Commission's request. He stated that he needs to have time for Donna Shumate to review it.

Commissioner Warren Taylor stated that he doesn't believe this Board can obligate future boards to be members of the COG.

County Attorney Donna Shumate stated that is the question.

Commissioner Warren Taylor stated that he doesn't know what the Local Government Commission is looking for.

County Manager Don Adams stated that he brought this up to Rick Herndon and will ask Donna Shumate to research it and waiting to see what comes out of the other counties' meetings.

Chair Ken Richardson asked will the County be owners of this building.

County Manager Don Adams stated that he has reviewed the agreement and if the COG ceases to exist, the counties are entitled to be title owners of the property.

Chair Ken Richardson and County Manager Don Adams discuss that the Board approves the dues annually during the budget process.

Commissioner Doug Murphy asked about the agreement changing by written consent of the parties.

County Manager Don Adams explained the Local Government Commission's request regarding this agreement.

County Manager Don Adams stated that the Department of Transportation is requesting a secondary road public hearing on the 2008-2009 program during October.

The Board discussed dates. They decided on October 6 at 5:30pm.

County Manager Don Adams presented budget amendment General Fund #6 in the amount of \$1,359 for additional CJPP monies.

Commissioner Warren Taylor made a motion to approve budget amendment General Fund #6 in the amount of \$1,359. Commissioner Milly Richardson seconded the motion. Vote 5:0.

County Manager Don Adams presented budget amendment General Fund #7 in the amount of \$480 with \$167 coming out of contingency and the remainder being reimbursed by the State for capital for DSS.

Commissioner Doug Murphy made a motion to approve budget amendment General Fund #7 in the amount of \$480. Commissioner Milly Richardson seconded the motion. Vote 5:0.

County Manager Don Adams presented budget amendment General Fund #8 in the amount of \$96,670 for daycare expenses. He explained the \$30,000 that was allocated last year and none of it was spent last fiscal year because the cut off date is in May rather than the end of June.

Commissioner Warren Taylor made a motion to approve budget amendment General Fund #8 in the amount of \$96,670. Commissioner Milly Richardson seconded the motion. Vote 5:0.

County Manager Don Adams talked about a loan analysis on the EMS capital, loader and scales. He talked about the bids coming in on the scales, rebidding them, and he explained why. He reviewed the EMS equipment in the amount of \$59,680, reviewed how much interest would be paid over the term of the loan compared to money earned in investments. He explained the rates used in his analysis versus what the rates are currently. He further explained that he did the same thing on the loader and the scales. He stated that the difference is about \$16,686 for interest over a five-year period. He further stated that it goes back to the fund balance and fund balance

percentages. He talked about the audited fund balance numbers will probably be around 20%.

Chair Ken Richardson talked about addressing these three major capital needs for \$3,000 per year.

County Manager Don Adams explained that an additional need will be coming from EMS because of an experienced case regarding the stretchers, which are rated at 700 pounds. He talked about a patient that is chronic that has stressed the stretcher and probably will need more medical transportation. He further talked about a different kind of stretcher that will be \$17,000. He explained how the stretcher works with a pulley and securing it down for the trip to the hospital. He further explained the contract on the existing stretcher, getting the stretcher fixed, and the warranty does not cover this.

Commissioner Milly Richardson talked about workers comp risks.

County Manager Don Adams talked about using one ambulance with this stretcher and when the need arises using that ambulance.

Commissioner Warren Taylor and County Manager Don Adams talked about the use of one ambulance and refitting it for this need.

Chair Ken Richardson asked if the County Manager can bring this back.

Commissioner Milly Richardson and County Manager Don Adams talked about the County knew of the scale issues with the most recent inspection.

County Manager Don Adams reminded the Board that they haven't approved the EMS units or the scales, and he is still working on the scales.

Commissioner Doug Murphy talked about looking at the fund balance and pay for the defib units out of the fund balance and the other issues coming from a loan.

County Manager Don Adams stated that he can come back with fund balance percentages.

Commissioner Milly Richardson and County Manager Don Adams talked about fund balance projections during budget time versus now. County Manager Don Adams said he can call the auditors to get the numbers.

The Board of Commissioners discussed paying for the equipment versus taking out a loan.

County Manager Don Adams stated that he will bring back specific fund balance numbers and percentages.

County Manager Don Adams presented the Channel 50 and 21 managerial contract. He explained the purpose of the contract and what this is. He said that the goal is to be self supportive within a year.

Commissioner Milly Richardson stated that she doesn't have a problem with it.

Commissioner Warren Taylor asked will the extra equipment get installed.

Commissioner Milly Richardson talked about Charlie has been doing this for free.

County Manager Don Adams reviewed the job description and sample contract. He stated that the \$20,000 will be split evenly between the Board of Education and Alleghany County.

Commissioner Milly Richardson made a motion to approve the agreement. Commissioner Randy Miller seconded the motion. Vote 5:0.

County Manager Don Adams explained that Kenneth Brinegar resigned from the Planning Board. He explained that according to the Planning Board ordinance, the Board shall consist of nine members, one from each township and two at-large members. He further explained that Whitehead still needs to be filled because Jeff Wyatt doesn't live in Whitehead. He talked about needing the Board's consensus to accept applications.

The Board of Commissioners agreed.

County Manager Don Adams explained at the last Planning Board meeting, they talked about having an attorney that has direct experience with land-use issues. He further explained that no one in this county has that experience, and there is only a handful in the state. He said that the Planning Board wants someone who can answer questions right then. He further said that he understands the need, and there are times when the County/Donna Shumate seeks additional advice. He stated that he recommends, if Donna Shumate agrees, she will be their attorney and if additional advice is needed, get it. He explained that the Planning Board has changed their priorities, and now their priority is consolidating all of the ordinances.

Commissioner Milly Richardson asked can we get opinions from the School of Government and other county attorneys.

County Attorney Donna Shumate stated that she talked today to another county attorney, and that is very common.

County Manager Don Adams said that he and Donna Shumate have been talking about fees and settled on \$125 an hour for a month or two to see how much is needed annually.

Commissioner Warren Taylor made a motion to approve Donna Shumate as the Planning Board's attorney, if she is agreeable. Commissioner Randy Miller seconded the motion. Vote 5:0.

Chair Ken Richardson talked about he and Commissioner Miller were not able to meet together with the County Manager about the salary issues but he understands from the County Manager that the meetings were very similar and they are in agreement.

County Manager Don Adams talked about salary meetings that he had with Ken Richardson and Randy Miller. He reviewed the summary of what is trying to be accomplished here. He gave examples of situations that he has had to address. He reviewed Article 3, Section 6 of the personnel policy concerning employees pay rates in promotion, demotion, transfer and reclassifications. He talked about following this policy does not allow existing employees to receive the raise if they move to full-time status. He explained all of the positions affected that he is aware of at this time. He read the temporary modification to the personnel policy "All employees (except full-time jailers) who were employed by Alleghany County, both part-time or full-time, on or before July 1, 2008 will be paid a minimum of 2% above the starting pay in the corresponding grade. Jailers who were employed by Alleghany County on or before July 1, 2008 (both part-time and full-time) who obtain full-time status during FY 08/09 will be paid 7% above the corresponding grade (non-certified and certified). This policy will remain in effect for Fiscal Year 2008/2009 (July 1, 2008 through June 30, 2009)." He stated that both Commissioners thought the longevity issue still needs to be addressed. He explained that if the Board thinks this is something that the Board wants to work on then make it a priority at the beginning of the year.

Commissioner Randy Miller talked about this needs to come up in January.

Commissioner Warren Taylor asked if the Board changes the policy as Don Adams reviewed it, how it affects the budget.

County Manager Don Adams explained that all full time positions are fine, but he can't guarantee on part time because he doesn't know how much they will have to work.

Commissioner Warren Taylor and County Manager Don Adams talked about this will take care of it during the year for all of the positions that the County Manager is aware of.

Commissioner Randy Miller made a motion to approve the policy change. Commissioner Warren Taylor seconded the motion.

Chair Ken Richardson stated that the one paragraph needs to be done tonight but he hopes discussions will continue on this matter.

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

The Board and County Manager Don Adams discussed having more discussions the first of the year.

County Manager Don Adams talked about forming a committee to look at workforce issues. He explained that the committee has been created. He reviewed the members. He talked about the plan of action is to hold a work force summit on October 14 at 6:30pm at Blue Ridge Electric. He explained that this is not the final discussion on this. He gave examples of people who will be attending in the audience and who will be at the round table for discussions. He stated that they hoped to get goals and objectives out of the meeting and educating multiple people about our workforce issues.

Commissioner Milly Richardson and Commissioner Doug Murphy stated that it sounds like an excellent meeting.

Commissioner Randy Miller congratulated Karen Evans' son for joining the Armed Forces. He stated that their hearts, prayers and thoughts will be with him.

Kathy Murphy talked about the new FEMA maps have arrived, and there is a meeting on September 19 from 2:00pm to 4:00pm in this room for questions about the maps.

Commissioner Milly Richardson motion to enter into closed session under NCGS (a) (6)—personnel at 8:05pm. Commissioner Randy Miller seconded the motion. Vote 5:0.

Commissioner Randy Miller made a motion to adjourn the closed session and reconvene the regular meeting at 8:09pm. Commissioner Milly Richardson seconded the motion. Vote 5:0.

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

Being no further business, Commissioner Randy Miller made a motion to adjourn at 8:10pm. Commissioner Doug Murphy seconded the motion. Vote 5:0.

Respectfully submitted,

Karen Evans  
Clerk to the Board

Attest:

Ken Richardson  
Chairman