

The Alleghany County Board of Commissioners met in regular session on Monday, November 5, 2007, 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.

Commissioner Milly Richardson led the Pledge of Allegiance and opened the meeting with a prayer.

Chair Ken Richardson stated that the Planning Board Request needs to be moved under county business and item #2 needs to be deleted.

Commissioner Randy Miller made a motion to approve the amended agenda for this November 5, 2007, meeting. Commissioner Warren Taylor seconded the motion. Vote 5:0.

AGENDA
Monday, November 5, 2007
6:30 PM

- 6:30 Meeting Called To Order, Pledge of Allegiance and Prayer
 - Motion on Agenda for November 5, 2007, meeting
 - Motion on Minutes for October 15, 2007, regular meeting and October 15, 2007, special meeting
- 6:35 A. Public Comments—30 minutes
- B. Public Hearing
 - RE: E-911 Road Names
- C. Public Hearing
 - RE: QZAB Funding
- D. Hunter Birkhead
 - RE: Firewise Program Award
- E. Michelle Ball
 - RE: Scattered Site Contract
- F. JCPC Annual Report
- G. WCC Annual Report
- H. Dan Abernathy (moved under county business)
 - RE: Planning Board Request
- I. Board of Education
 - RE: School Facilities
- J. County Business
 - 1. CJPP 2007-2008 Agreement
 - 2. Cave Rock Estates Subdivision (deleted)
 - 3. Other Business
 - 4. Adjourn

Commissioner Milly Richardson made a motion to approve the minutes for the October 15, 2007, meetings. 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 three road names; Taaz Ridge, Quilters Lane, Sassy Cats Ridge. She explained where each road is located.

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.

Chair Ken Richardson opened the public hearing regarding the QZAB public hearing at 6:35pm.

Chair Ken Richardson asked for public comments.

Bob Jessup, attorney with Sanford Holshouser, explained that he has been hired by the County to work on the QZAB documents. He further explained that he is asking the Board to not take final action tonight but continue tonight's public hearing until the next meeting.

Chair Ken Richardson asked for further public comments.

Dr. Jeff Cox thanked the Board of Commissioners for pursuing the QZAB opportunity. He talked about they have posted the list of projects that will be accomplished with the monies on their website.

Chair Ken Richardson asked for additional public comments. None were received. He stated that this public hearing will be continued at the next meeting.

County Manager Don Adams explained that he has been continuing to search for financing. He talked about a proposal obtained by North by Northwest Capital to find a 0% interest rate loan for a 1% flat fee. He further talked about the best proposal currently is 1% interest rate. He reviewed the offer by North by Northwest Capital. He said that he will review this proposal with Bob Jessup and the other bank. He read a portion of the proposal about "The interested parties have concerns. As Alleghany County is out of their respective market area it would require an exception to the bank's policies. This would necessitate board approval, a time consuming and uncertain process. An additional alarm raised" in regards to the utilization of the fund balance. He reminded the Board that the County is dealing with a bank outside of North Carolina who is not familiar with local governments' practices. He talked about they are looking for insurance in the amount of \$20,000 in case the County defaults on the loan. He reviewed the alternatives available to Board. He explained that the overall savings would be around \$70,000 to \$80,000 over the life of the loan if the Board goes with the 0% interest. He said he will have more accurate numbers at the next meeting. He stated that this is a locked-in proposal.

Barry Maines presented information about the Firewise Program.

Hunter Birkhead gave the background of the Firewise Program and explained the purpose. He explained that Rich Mountain Acres started the Firewise Program by going through a hazardous assessment planning process and implemented changes recommended by the plan. He presented Larry KaBat, Pat Hamerson, Dudley Carpenter and Melvin Crouse with a Firewise Award and sign for the neighborhood. He explained that this community is the sixth in the state to receive this award and the first in Northwest North Carolina.

Chair Ken Richardson commended the Forestry Service for offering this program and Rich Mountain Acres for obtaining the award.

Commissioner Doug Murphy asked about homeowners insurance adjustments.

Dudley Carpenter stated that some have and some haven't made adjustments.

Phil Trew talked about the 2007 administrative contract between Alleghany

County and High Country Council of Governments for the 2007 CDBG Scattered Site Housing Rehabilitation Project. He talked about this is the same price and same scope of work as the previous contract. He asked the Board if they have any questions.

County Attorney Donna Shumate stated that the date should be 2010 rather than 2008 on the scope of work.

Commissioner Warren Taylor made a motion to approve the contract for the Scattered Site project. Commissioner Randy Miller seconded the motion. Vote 5:0.

County Manager Don Adams explained the revision in the procurement policy.

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

Kay Luffman came before the Board to present the annual Juvenile Crime Prevention Council report. She explained that the program has had approximately 45 students this year. She explained the operations of the program including advertising for proposals and funding six programs this year. She talked about the County gets a good deal with the 20% match that is provided.

Commissioner Warren Taylor and Kay Luffman talked about the number of participants may increase a little this year and discretionary money is normally available, if needed.

Chair Ken Richardson talked about this program was scrutinized by the General Assembly this year.

Kay Luffman and Chair Ken Richardson encouraged everyone to contact the legislators about continuing this program.

Jayne Phipps Boger came before the Board to present the annual report for Wilkes Community College. She reviewed their activities with education, training and retraining.

Commissioner Warren Taylor asked about the trail between Wilkes Community College and Alleghany High School.

Jayne Boger stated that the students are using it on a daily basis.

Commissioner Doug Murphy and Jayne Boger talked about the dual enrollment between Alleghany High School and Wilkes Community College increasing.

County Manager Don Adams asked about the boot camp.

Jayne Boger explained the industrial/machinist boot camp program. She explained that they are incorporating this boot camp into the high-school level. She talked about three pieces of equipment that the College should have onsite soon and will begin working with the high school students on these machines.

Clarence Crouse explained that they have adopted a resolution about the proposed middle school.

Dr. Jeff Cox, Superintendent, read the resolution adopted by the Board of Education about a new middle school facility and addressing water and sewer needs at Glade Creek Elementary School, and if the Commissioners decide to go with a referendum to hold the referendum as soon as possible.

Commissioner Milly Richardson clarified that the State pays per pupil for teachers and administrative staff, and the County pays for building needs. She talked about this plan calls for a separate school building with 26 additional staff members.

Clarence Crouse stated that some will be moved from other schools.

Dr. Cox talked about the current 6th-8th grade teachers would move, and the additional staff would be to add the additional programs.

Commissioner Doug Murphy asked if those are for the elective courses.

Dr. Cox answered that some of them are, and some are expanded opportunities. He talked about when looking across the State at programming, and our students don't have the needed programs available.

Commissioner Milly Richardson and John Farrelly talked about the number of middle school teachers.

Dr. Cox talked about there are eight to ten new positions, and the others would come from the other schools.

Commissioner Milly Richardson talked about the recurring costs of \$675,000.

Clarence Crouse stated that number includes support staff.

Commissioner Milly Richardson and Dr. Cox talked about bus drivers, cafeteria workers and maintenance workers being included in the \$675,000 recurring cost estimates.

Chair Ken Richardson explained that the Board of Education has done what the Commissioners asked. He talked about holding a special election for \$7,531,767 for the middle school. He talked about the referendum is to provide information to the public about the process.

County Manager Don Adams stated that he and Dr. Cox have had discussions about the timing and how fast this can proceed. He talked about information from Bob Jessup and Kate Cosner. He further talked about the proposed timeline, the costs for the referendum. He talked about the costs for a separate election from primary is about \$15,000, and the referendum with the primary is approximately \$2,000 in legal fees with a nominal amount for election costs.

Commissioner Warren Taylor asked why schedule the referendum sooner.

Clarence Crouse talked about the costs of construction is increasing.

Dr. Cox talked about the timetable to open the middle school in August 2009. He explained the architect said a February or March referendum would be needed to get the school open in August 2009. He further explained that it would be easier to move everyone during the summer and any other time would be a challenge.

Commissioner Doug Murphy asked the County Manager if the first of April is feasible to get everything ready.

County Manager Don Adams reviewed the timeline for a March referendum. He talked about the County has a good shot to meet the March date but the Board would have to call special meetings. He further talked about an April referendum timeline is safer.

Commissioner Milly Richardson talked about April is 30 days before the primary, and everyone is already out at the primary.

County Manager Don Adams reminded everyone that once the referendum passes, the Commissioners have to decide how to fund this; installment purchases financed for 15 years will take a couple of months to follow through with the paperwork, COPS financed for 20 years will take three-plus months, and bonds take longer than that. He said he couldn't tell the Board of Education that if the County gets the financing in place that the County can move fast enough to open in August 2009.

Commissioner Milly Richardson talked about concerns in the public including having more people coming out anyway for the primary and having another month to

educate the public. She explained that a lot of the public don't understand what the middle school is about.

Clarence Crouse stated that they recognize the need for promotion, and holding area meetings. He further stated that there is a lot of leg work to be done.

Commissioner Warren Taylor stated that they have had previous discussions about the need for the programming. He further stated that the Commissioners haven't even discussed the financing or the land-transfer tax as another option for funding.

Commissioner Doug Murphy stated that people are asking about the middle school, and they are hearing transfer tax and Medicaid relief. He explained the need for it to be tied together. He asked how is that going to be done.

Chair Ken Richardson said that discussion will be after the referendum. He stated that discussions on any methods requiring County funds will happen after the referendum because it is up to the Commissioners to come up with how to finance it.

County Manager Don Adams stated that those discussions will follow regarding any County dollars. He reminded everyone that this project does max out the County's borrowing capacity. He said it is up to this Board whether or not this Board wishes to proceed.

Commissioner Milly Richardson talked about the transfer tax hasn't been decided on, Medicaid relief monies have already been spent and lottery money has already been spent. She stated that leaves a tax increase, at this time.

County Manager Don Adams stated that if all of this is funded with county tax dollars it will be 8¢ to 10¢.

Dr. Cox talked about other options that are available now that wasn't earlier including the land transfer tax. He talked about the need to explain to the public the good and the bad.

Commissioner Warren Taylor made a motion to place the middle school issue on a referendum. Commissioner Randy Miller seconded the motion. Vote 5:0.

Chair Ken Richardson talked about he can't see much difference in April or May for the referendum. He talked about the amount of additional work after the referendum is passed. He asked how important it is to determine a date today. He talked about it looks like the choices are March or May.

County Manager Don Adams stated that if the Board is going with March, he has to know that tonight.

Commissioner Doug Murphy asked if the Board aims for March, and that is not obtainable, is there costs associated.

Bob Jessup stated that if the Board tells them today they want March; a date in the middle of March is possible, and an April date is easy.

County Manager Don Adams talked about bids have to be in the Local Government Commission's application.

Bob Jessup talked about the bid schedule drives the financing.

Commissioner Warren Taylor talked about the weather in March is uncertain and \$15,000 is at stake.

County Manager Don Adams talked about assuming the referendum passes, the process that would have to be followed from that point.

Commissioner Milly Richardson asked about having this issue scheduled for a referendum earlier, and the Board of Education took it off.

Dr. Cox stated that is correct.

Commissioner Milly Richardson said it seems like to her, the Board of Education would want it when people are coming out to vote.

Clarence Crouse talked about their request is to consider it at the earliest date possible. He further talked about a month earlier may not be worth it.

Dr. Cox reiterated that they want the school to be open in August 2009. He explained that there are a lot of variables to get the school open in 2009. He further explained that he thinks this is a big enough issue that people will come out to vote, but he understands Milly Richardson's point.

Commissioner Milly Richardson made a motion to schedule the referendum in May with the regular primary.

Commissioner Doug Murphy asked if the Board decides to have the election in March, and it isn't held will there be additional costs.

Bob Jessup explained that depends on the time when it is changed.

County Manager Don Adams talked about reviewing Kate Cosner's election dates and where costs would be incurred.

Chair Ken Richardson asked for a second on the motion on the floor. Motion died due to lack of a second.

Commissioner Warren Taylor made a motion to hold the referendum in the middle of March. Commissioner Doug Murphy seconded the motion. Vote 4:1 (Milly Richardson).

County Manager Don Adams presented the Criminal Justice Partnership Program (CJPP) agreement and General Fund budget amendment #10 in the amount of \$4,112. He explained the budget amendment is due to receiving an additional amount for the CJPP program.

Commissioner Warren Taylor made a motion to approve the agreement and General Fund budget amendment #10 in the amount of \$4,112. Commissioner Doug Murphy seconded the motion. Vote 5:0.

County Manager Don Adams presented a letter from the Planning Department and the County Attorney. He read a portion of a letter from Kathy Murphy about the Planning Board's motion from their October 29, 2007, meeting concerning subdivisions and signing. He talked about a letter from the County Attorney.

County Attorney Donna Shumate stated that the sign issue needs to be addressed separately from the subdivision issue. She further stated that on the sign issue; she has researched the issue and the Board has two routes that can be taken, amend the Property Rights Protection Ordinance to cover signs or enact a sign ordinance. She talked about the Planning Board requested a moratorium, and the Board can do that.

Commissioner Doug Murphy asked about what size signs.

Dan Abernathy asked the Board to look at the wording of the motion asking that off-site signage fall under the Property Rights Protection Ordinance. He said he doesn't believe the Planning Board is interested in looking at other signs beside off-site advertising or free standing billboards. He talked about the need to look other signage at a later date.

County Attorney Donna Shumate explained that the Planning Board wanted to address off-site signage, but the ordinance is very broad in the definition of signs. She talked about the need for an amendment to the ordinance.

Dan Abernathy stated that this why they are requesting a moratorium to allow time to decide about the definition of a sign.

County Manager Don Adams stated that the Board needs to understand what the Planning Board is requesting, and then turn to legal for advisement about how to accomplish that action.

Commissioner Warren Taylor requested that the County Attorney bring moratorium wording to the next meeting.

County Manager Don Adams talked about getting information from the Planning Board about what the moratorium needs to be for with exact examples.

County Attorney Donna Shumate stated that's correct. She talked about the need for setting the time frame and the reason for that specific time frame.

Dan Abernathy stated that it should be 60 to 90 days.

Chair Ken Richardson stated that the moratorium does not go backwards in time and it does not apply in town or the extraterritorial jurisdiction.

County Attorney Donna Shumate stated that is correct.

County Manager Don Adams asked the Board how fast they want to move on this topic. He talked about two separate ways to pass moratoriums; zoning power or police powers.

Chair Ken Richardson said that it should be under basic zoning powers.

Dan Abernathy stated that the Planning Board would like for this to be under the Property Rights Protection Ordinance.

Commissioner Doug Murphy asked if the County Attorney is recommending a separate ordinance.

County Attorney Donna Shumate stated that the Board can do this either way.

Dan Abernathy stated that he doesn't see the Planning Board getting into signs that are attached to businesses, and they don't want to see all of the other signs fall under the Property Rights Protection Ordinance.

County Manager Don Adams talked about passing the moratorium under both laws, moving as fast as possible, timeframe for the moratoriums, and the Planning Board creating the wording for the changes.

County Attorney Donna Shumate stated that they are also asking that all subdivisions fall under the Property Rights Protection Ordinance.

Dan Abernathy explained that they view it as a change of use.

County Attorney Donna Shumate explained that she is working on getting another legal opinion on this matter. She talked about the need for coordination on the subdivision ordinance and Property Rights Protection Ordinance.

Chair Ken Richardson asked her to continue to work on that issue.

County Attorney Donna Shumate stated that she will continue her research.

Chair Ken Richardson stated that he asked the County Manager to provide a handout to each Commissioner about what does it mean to belong to the North Carolina Association of County Commissioners for Alleghany County. He asked each Commissioner to look over the handout.

Commissioner Milly Richardson asked for an update on the cemetery issue.

County Manager Don Adams provided an update on the Whitehead cemetery issue including turning it over to law enforcement who turned it over to the SBI. He explained that the SBI has been in the county interviewing people. He said that he hopes to hear something soon on the issue.

Being no further business, Commissioner Warren Taylor made a motion to adjourn at 8:19pm. Commissioner Randy Miller seconded the motion. Vote 5:0.

Respectfully submitted,

Karen Evans
Clerk to the Board

Attest:

Ken Richardson
Chairman