



YANCEY COUNTY

110 Town Square, Room 11 • Burnsville, North Carolina 28714
PHONE: (828) 682-3971 • FAX: (828) 682-4301

Nathan Bennett, County Manager

Walter Savage, Chairman

Jerri Storie, Commissioner

Johnny Riddle, Commissioner

AGENDA
YANCEY COUNTY BOARD OF COMMISSIONERS
REGULAR BUSINESS MEETING
JULY 7, 2009

- I. Call to Order---Chairman Savage
 - II. Invocation
 - III. Approval of Agenda
 - IV. Public Comment
 - V. Approval of Minutes: June 2 meeting and public hearing, Budget workshops, June 23 meeting and public hearings, June 30 meeting
 - VI. Yancey County Transportation Authority R.O.A.P. Grant Application
 - VII. Cellular Communication Tower---Neil McCurry
 - VIII. Tax Office
 - (a) Update from Assessment Solutions-Tim Caine
 - (b) Releases and Refunds
 - IX. Mayland Community College Board of Trustee Appointment
 - X. Economic Development Commission Appointment
 - XI. Jury Commission Appointment
 - XII. North Main Street Sidewalk Project
 - XIII. Adjourn
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Minutes of the 7 July 2009
Regular Business Meeting of the Yancey County Board of Commissioners
Held at 7:00 o'clock p.m. in the Commissioner's Meeting Room
Yancey County Courthouse, Burnsville, North Carolina

Present at the 7 July 2009 regular business meeting of the Yancey County Board of County Commissioners were Walter Savage, Chairman, Members Johnny Riddle and Jerri Storie, County Manager Nathan Bennett, Clerk to the Board Jason Robinson, Finance Director Lynn Hensley, Tim Cain of Assessment Solutions, Building Inspector Neil McCurry, Jody Higgins, and members of the general public.

Chairman Savage called the meeting to order and delivered the invocation. He then asked for a motion to approve the agenda. Commissioner Storie made the motion to approve the agenda as presented and it was seconded by Chairman Savage. The vote to approve the agenda was unanimous. (See Attachment A)

The Board then turned to the public comment portion of the meeting. Chairman Savage noted that six people were signed up to talk and that the rule to only allow five people to speak would be waved unless any of the commissioners had an objection to allowing six people to speak. Upon having no objections Chairman Savage asked the first person to speak. First to speak before the Board was Bill Grover. Mr. Grover stated that the last few county commission meetings and the DSS Board meeting has sent him back to the North Carolina Constitution. Mr. Grover read a section from the North Carolina Constitution. He further stated that the attorney hired by the DSS Board spoke to "We the People" as if we were idiots. He contended that the American Bar Association was holding people as slaves and that there are crimes being committed against "We the People". The next person to address the Board was Anthony Robinson who continued the theme of Mr. Grover stating that the legal system portrays anybody that acted as a self accountable person is an idiot. He further stated that he believed that the Board agreed with Larry Leake because he was hired by the Board and that it was just another example of the aristocracy of the American Bar Association at work. Chairman Savage stated that there was more than one board in the county who was able to obtain legal representation. The next person to speak before the Board was Tamera Frank who continued her assertion of a seat on the DSS Board of Directors. She still believes that the County Commissioners have broken the law and are operating outside the bounds of the Constitution (another person who was signed up to speak yielded their time to Ms. Frank). The next person to speak before the Board was Peter Franklin who also continued to assert that he had a right to a seat on the DSS Board of Directors. Mr. Franklin stated that he did not want to play politics but was dragged into this situation unwillingly. He further stated that the appointments to the DSS Board of Directors were to be filed with the Clerk to the Board not the Clerk of Court. The final person to speak before the Board was Tim Peterson. Mr. Peterson stated that his mother was one of the people that received a letter about a right of way being condemned through her property for the East Yancey Water and Sewer. Mr. Peterson stated that he believed that the real reason for the water sewer project was big money from greedy realtors to greedy land owners. He further stated that the letter that his mother received hit him the wrong way.

The Board then moved to the approval of the minutes for several meetings. The first minutes were for the public hearing and the meeting on June 2, 2009 and Commissioner Storie made a motion to approve these minutes. The motion was seconded by Commissioner Riddle and the vote to approve was unanimous. The next minutes were for the Budget Workshops that were held from May 1 through June 23rd. Chairman Savage made a motion to approve the minutes of the Budget Workshops and the motion was seconded by Commissioner Storie. The vote to approve these minutes was unanimous. The next minutes for consideration were from a special meeting on June 23. Chairman Savage made a motion to approve the minutes from June 23 and the motion was seconded by Commissioner Riddle. The vote to approve was unanimous. The final minutes for consideration came from a special meeting on June 30. Chairman Savage made a motion to approve the minutes of the June 30th meeting and the motion was seconded by Commissioner Storie. The vote to approve was unanimous.

The Board then moved to the Rural Operating Assistance Program (ROAP) grant that was being applied for by the Yancey County Transportation Authority (YCTA). Chairman Savage informed the audience that there had been a public hearing prior to the meeting at 6:50 pm. The commissioners had heard from Ms. Lynn Austin about the grant during that public

hearing. Chairman Savage then made a motion that the transportation ROAP grant be applied for. The motion was seconded by Commissioner Riddle and the vote to apply for the grant was unanimous. (Attachments B and C)

The Board next heard from Mr. Neil McCurry, Yancey County Building Inspector, came before the Board to speak about a cellular communication tower. Mr. McCurry told the Board that Yancey County has an ordinance about cellular communication towers that are built in the county. This was all brought about by an application from US Cellular and in order for a permit to be issued to US Cellular the Commissioners will have to approve a few variances to the ordinance. The first variance that needed to be issued was for a plan of construction. Mr. McCurry stated that at this time US Cellular had not submitted a plan of construction that he was aware of. The next variance that needed to be issued was for the vegetation coverage of the canopy. The ordinance states that the tower cannot be more than 20 feet greater than the canopy of the vegetation coverage of a protected mountain ridge greater than 2,500 feet. Mr. McCurry informed the Board that the tower in question would be about 35 feet above the canopy cover. The third variance that would be needed is for the time of construction after the permit is issued. The County's ordinance states that "construction must be complete no more than 12 months after issuance of a permit." Mr. McCurry stated that a recent change by the state said that construction must be complete within 6 months after a permit is issued. County Manager Bennett informed the Board that any state law always supersedes a county ordinance and therefore a variance must be issued to comply with that state law. Chairman Savage then recognized the owner of the land on which the tower is going to be built, Mr. Randy Buckner. Mr. Buckner yielded the floor to the representatives from US Cellular. They stated that right now there is a temporary tower in place to service the customers and asked if the Board had any questions. Chairman Savage asked where the tower was going to be located and that if extending it to 195 feet meant that the County could use it in the future for a repeater site for law enforcement and emergency operations. The representatives from US Cellular stated that the tower was going to be at the intersection of 19E and Windy Gap Road and that yes any government could use the tower free of charge and US Cellular is looking forward to working with the County in the future. Commissioner Riddle asked the representatives if this tower was the standard height of towers. The representatives from US Cellular stated that the 195 feet puts it below the 200 feet that is required by the FAA to put a strobe light on the top of it and it will be as good looking of a tower as possible. After answering the questions by the Board Commissioner Storie made a motion to grant the variances and direct the County Manager to issue a permit. The motion was seconded by Commissioner Riddle and the vote was unanimous.

The Board then heard from Tim Cain of Assessment Solutions. Mr. Cain told the Board that his company has identified \$20,381,040 worth of assessed value from building permits issued after January 2008 that had not been entered onto the tax rolls by the Tax Assessor's Office. He further stated that the company has finished entering these properties into the system and they are now going through to identify discrepancies between GIS and the tax office. Commissioner Storie stated that there had been a lot of people complaining that they couldn't find property. Mr. Cain responded that there is a numbering system that is being used in the tax office that is not consistent with GIS. Commissioner Storie further asked if there was a reason for two numbering systems to be used. Mr. Cain stated that it was good to only have one system. Mr. Cain continued by saying that the tax office had gotten away from the numbering system that was in place after reevaluation was completed. Chairman Savage asked if there was a policy and procedure manual for permitting that is being done now. Mr. Cain stated that he would like to see a more standardized way to canvas the county and make sure everyone is being treated fairly. Commissioner Storie asked if there are procedures to canvas now. County Manager Bennett stated that it was the duty of the Tax Assessor. Commissioner Storie then asked how many changes or adjustments have been made after 2007. Mr. Cain responded that that is what they are just starting to do right now he said there was over 1,000 changes that were done but that there might be more changes. Commissioner Storie then asked if it would be possible to get job descriptions and procedures to have a more effective tax office. With that the Board directed the County Manager to collect job description and procedures from tax office.

The next order of business for the Board was the appointment of an individual to the Mayland Community College Board of Trustees. Commissioner Storie made a motion to reappoint Ms. Julia Norris to this position for a term of 4 years beginning on July 1, 2009. The motion was seconded by Commissioner Riddle and the vote to appoint Ms. Norris was unanimous.

The Board then recognized Economic Development Commission (EDC) Executive Director Jake Blood about the appointment to the EDC Board of Directors. Mr. Blood stated that Ms. Marie Nicholson's term has expired. He further stated that the appointment had to be someone who is a member of the Chamber of Commerce. Upon hearing from Mr. Blood, Chairman Savage made a motion to reappoint Ms. Marie Nicholson for a term of three years to the EDC Board and Commissioner Riddle seconded the motion. The vote to approve the appointment was unanimous.

The Board then heard from the County Manager Nathan Bennett about the appointment to the Jury Commission. County Manager Bennett informed the Board that the Commissioners have an appointment to the Jury Commission which is the entity that selects jurors. County Manager Bennett further stated that Ms. Shirley Bryant is the current appointee. Upon hearing from Mr. Bennett Commissioner Storie made a motion to reappoint Ms. Shirley Bryant to the Jury Commission for a term of two years. The motion was seconded by Commissioner Riddle and the vote to appoint was unanimous.

The Board then heard from County Manager Bennett about the project to extend the sidewalk on North Main Street. Mr. Bennett stated that this was going to be a joint project with the Town of Burnsville. Mr. Bennett further stated that there might be stimulus money available from the North Carolina DOT for the construction of this sidewalk. Mr. Bennett also stated that in order to go forward with this project that engineering work had to be done and that it would require about \$18,000 which would be split between the Town and the County. Mr. Bennett further explained that without stimulus money that the project would not be done. Upon hearing from the county manager Chairman Savage made a motion to authorize the county manager to enter into an agreement with the Town of Burnsville for the North Main sidewalk project. The motion was seconded by Commissioner Storie and the vote was unanimous.

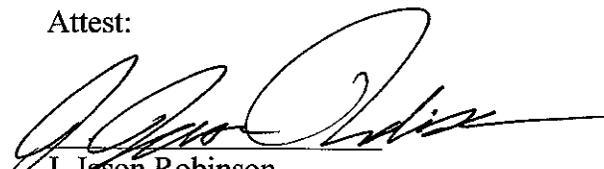
Chairman Savage then offered each commissioner a chance to tell about what they had done over the last month. Commissioner Riddle talked about how good it was to see over 100 people out to help clean up at Ray Cort Park. He also talked about what a good job was being done at Patience Park and that things were going great. Commissioner Storie also commented on how good things look at Patience Park and that she really enjoyed the festivities there on July 4th. Chairman Savage stated that a lot of good things were going on at Patience Park and that he was really pleased with the County fireworks display.

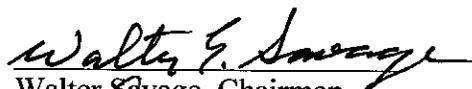
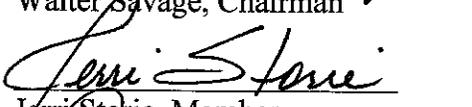
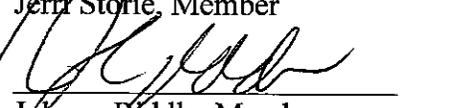
Chairman Savage then recognized Ms. Veronica Harris Creech who stated she was a volunteer and she stated that she was here to make a plea for the broken homes and the children in the court system.

Having no further business Commissioner Storie made a motion to adjourn the meeting. The motion was seconded by Commissioner Riddle and the vote to adjourn was unanimous.

Approved and authenticated on this the 4th day of August 2009.

Attest:


J. Jason Robinson
Clerk to the Board


Walter Savage, Chairman

Jerri Storie, Member

Johnny Riddle, Member



Attachment B

ROAP Grant

EDTAP- \$41,164.00

Supplemental EDTAP- \$23,565.00

Total for EDTAP- \$64,729.00

EMPL- \$2,988.00

Supplemental EMPL- \$3,709.00

Total for EMPL: \$6,697.00

RGP- \$34,016.00

Supplemental RGP - \$29,914.00

Total for RGP: \$63,930.00

The RGP funds requires a local match of 10%. The total local match would be \$6,393.00. YCTA usually covers this with our fare charges each year.

Grand Total YCTA is applying for-\$135,356.00

Attachment C
CERTIFIED STATEMENT
FY 2010

County of ██████████

RURAL OPERATING ASSISTANCE PROGRAM

Whereas Article 2B of Chapter 136 of the North Carolina General Statutes and the Governor of North Carolina have designated the North Carolina Department of Transportation (NCDOT) as the agency responsible for administering all federal and/or state programs related to public transportation, and grants NCDOT authority to do all things required in applicable federal and/or state legislation to properly administer the public transportation programs within the State of North Carolina;

WHEREAS, G.S. 136-44.27 established the Elderly and Disabled Transportation Assistance Program;

WHEREAS, funds will be used for transportation related expenditures as specified in the FY2010 Rural Operating Assistance Program (ROAP) application;

WHEREAS, information regarding use of the funds will be provided at such time and in such a manner as NCDOT may require;

WHEREAS, it is the policy of the North Carolina Department of Transportation that Disadvantaged Business Enterprises, Minority Owned Business Enterprises and Women Owned Business Enterprises shall have the opportunity to participate in the performance of contracts financed in whole or part by Federal and State funds in order to create a level playing field, and the county shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract.

WHEREAS, ROAP funds will be used to provide eligible services during the period July 1, 2009 through June 30, 2010;

WHEREAS, any interest earned on ROAP funds will be expended for eligible program uses as specified in the ROAP application; and

WHEREAS, the County will include ROAP funds received and expended in its annual independent audit on the schedule of federal and state financial assistance. Funds passed through to other agencies will be identified as such.

This is to certify that the undersigned is duly elected, qualified and acting chairperson of the Board of County Commissioners of the County of Yancey North Carolina, and that the following statements are true and accurate:

Check the box if the county's application includes a request for funding.

Elderly and Disabled Transportation Assistance Program

1. The funds received from G.S. 136-44.27 will be used to provide transportation services for the elderly and disabled allowing individuals to reside for a longer period in their homes, thereby enhancing their quality of life.
2. The funds will not be used to supplant or replace existing federal, state or local funds designated to provide elderly and disabled transportation services in the county.

Employment Transportation Assistance Program

1. The funds will be used to assist transitional Work First participants after eligibility for cash assistance has concluded, participants in local Workforce Development Programs, and/or the general public with employment-related transportation needs
2. The funds will be suballocated to the local Department of Social Services, Work Force Development Program or the community transportation system for employment transportation.
3. The funds will be transferred to the Elderly and Disabled Transportation Assistance Program or the Rural General Public Program after an assessment of employment transportation needs in the service area indicates that employment transportation needs are substantially being met. This assessment will occur prior to any transfer of funds and following submission of a statement to that effect from the County Manager to the Public Transportation Division.

Rural General Public Program

1. The funds will be limited to use by the community transportation system
2. The funds will not be used to provide human service agency trips.
3. The funds will be used to provide transportation to residents in the non-urbanized area of the county.

Supplemental Elderly and Disabled Transportation Assistance Program

1. The funds will be used according to the eligibility criteria and restrictions provided in the EDTAP Guidelines.
2. The funds will be used to initiate new or expanded services or continue a service that began operating after July 1, 2006 with Supplemental EDTAP funds as the funding source.

Supplemental Employment Transportation Assistance Program

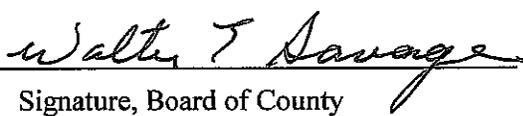
1. The funds will be used according to the eligibility criteria and restrictions provided in the EMPL Guidelines.
2. The funds will be used to initiate new or expanded services or continue a service that began operating after July 1, 2006 with Supplemental EMPL funds as the funding source.

Supplemental Rural General Public Program

1. The funds will be used according to the eligibility criteria and restrictions provided in the RGP Guidelines.
2. The funds will be used to initiate new or expanded services or continue a service that began operating after July 1, 2006 with Supplemental RGP funds as the funding source.

WITNESS my hand and official seal, this 7 day of July, 2009.

Attest:



Signature, Board of County
Commissioners Chairperson

Print Name: WALTER E. SAVAGE



Signature, County Manager/Administrator

Print Name: Nathan R. Bennett