

The Alleghany County Board of Commissioners met in regular session on Thursday, January 18, 2007, at 3:30pm in the Commissioners Meeting Room of the County Administration Building, 348 South Main Street, Sparta, North Carolina.

Present: Chair Ken Richardson, Vice-Chair Warren Taylor, Commissioner Doug Murphy, Commissioner Milly Richardson, County Attorney Donna Shumate, County Manager Don Adams and Clerk to the Board Karen Evans. Commissioner Randy Miller was present but arrived late.

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 Stacy Evans needs to be removed from the agenda and closed session under legal and personnel need to be added to the agenda.

Commissioner Warren Taylor made a motion to approve the amended agenda for this January 18, 2007, meeting. Commissioner Milly Richardson seconded the motion. Vote 4:0.

AGENDA  
Thursday, January 18, 2007  
3:30 PM

- 3:30 Meeting Called To Order, Pledge of Allegiance and Prayer  
Motion on Agenda for January 18, 2007, meeting  
Motion on Minutes for January 3, 2007, meetings
- 3:35 Mary Walker  
RE: Tax Release and Refunds
- 3:45 Edwin Barquet  
RE: Speed Limit in Residential Area
- 3:55 Alleghany in Motion Annual Report
- 4:05 Alleghany Group Homes Annual Report
- 4:15 Amy Pardue  
RE: Planning Board Research
- 4:25 Stacy Evans (deleted)  
RE: Concrete Plant
- 4:35 Tom Burgiss  
RE: Asphalt Plant  
County Business
  1. Joint Meeting Reminder
  2. Phone Financing Bids
  3. Ladder Truck Inspection Request
  4. Transfer Facility Budget Amendment
  5. Del Reeves Proclamation
  6. Senior Tar Heel Legislature Appointments
  7. Other Business
  8. Public Comments—30 minutes
  9. Closed Session—NCGS 143-318.11 (a) (3)—legal (added)  
NCGS 143-318.11 (a) (6)—personnel
  10. Adjourn

Commissioner Doug Murphy made a motion to approve the minutes for the January 3, 2007, meetings. Commissioner Warren Taylor seconded the motion. Vote 4:0.

Commissioner Randy Miller arrived at 3:34pm.

Mary Walker, Tax Administrator, presented the December 2006 real property requests in the amount of \$8,259.58 for refunds and \$703.55 for releases.

Commissioner Milly Richardson made a motion to approve the December 2006 real property requests in the amount of \$8,259.58 for refunds and \$703.55 for releases. Commissioner Warren Taylor seconded the motion. Vote 5:0.

Mary Walker presented the December 2006 vehicle requests in the amount of \$1,059.44 for refunds and \$3,124.19 for releases.

Commissioner Doug Murphy made a motion to approve the December 2006 vehicle requests in the amount of \$1,059.44 for refunds and \$3,124.19 for releases. Commissioner Warren Taylor seconded the motion. Vote 5:0.

Mary Walker presented a motor-vehicle appeal form for a 1998 Toyota Tacoma with an assessed value of \$9,410 and an appraised value of \$6,300. She explained that she used the NADA book for her recommendation of \$6,460.

Commissioner Milly Richardson made a motion to approve the Tax Administrator's recommendation of \$6,460. Commissioner Warren Taylor seconded the motion. Vote 5:0.

Mary Walker presented a letter from Hale Loggins, Jr. in regards to a solid waste appeal. She explained that this structure is a covered-picnic area. She talked about the rules for solid waste appeals.

Commissioner Milly Richardson made a motion to release the solid waste fee. Commissioner Warren Taylor seconded the motion. Vote 5:0.

Edwin Barquet and Johnny Huffman came before the Board. Mr. Barquet explained that he is the owner of Blue Ridge Group, developer of River Country Estates and Prime Mountain Estates along with Johnny Huffman. He stated that he is asking for a recommendation letter reducing the speed limit for 1.2 miles in Prime Mountain Estates. They displayed a map showing the property in Prime Mountain Estates.

The Board of Commissioners, Edwin Barquet and Johnny Huffman discussed the location of current houses in the Estates, recommendation letter for the Department of Transportation, issues in the subdivision and development of the land.

Chair Ken Richardson stated that the County will ask the Department of Transportation to have a study completed before a letter of recommendation can be written.

Commissioner Milly Richardson, Edwin Barquet and, Johnny Huffman talked about community wells for the subdivision with five homes per well.

April Choate, Alleghany in Motion (AIM) Director, presented their annual report including the number of vehicles, number of employees, being governed by the Department of Transportation, Federal Transportation Administration, Board of Commissioners and the county transportation advisory board, grant monies received for administering the program and the operational portion of the program, number of miles driven and hours and number of trips, program cost reimbursements and the amount of training for each employee.

Chair Ken Richardson and April Choate talked about AIM moving in 3 weeks to the County Office Building.

Commissioner Warren Taylor and April Choate talked about the increase in transportation services since the beginning of the program in April 2001 and the mountaineer express routes including Alleghany County.

Chair Ken Richardson thanked April Choate for her report.

Darlene Douglas and Becky Higgins came before the Board to present the annual report for Alleghany Group Homes including their activities, number of

participants, services provided, number of facilities associated with Alleghany Group Homes, funding sources, programs at capacity with waiting lists, number of employees and programs' budgets.

Chair Ken Richardson and Darlene Douglas talked about the waiting list.

Becky Higgins invited everyone to tour their facilities.

Commissioner Doug Murphy encouraged everyone to take a tour.

Chair Ken Richardson thanked the ladies for their time.

Amy Pardue, Planner, presented planning board research requested at the last meeting including township population and sample applications.

Commissioner Doug Murphy asked about using portions of different applications.

County Attorney Donna Shumate stated that the Board can take different portions of the applications.

Commissioner Warren Taylor asked who selects the members.

Planner Amy Pardue stated that, typically, it is the Board of Commissioners. She talked about the planning board duties, responsibilities and compensation, terms of office and conflict of interest. She stated that her recommendations are using townships to help select members, following an application process and members should have staggered terms of office.

Commissioner Doug Murphy and Amy Pardue talked about the length of time for advertising for applicants and where applications should be turned in.

Chair Ken Richardson and Amy Pardue talked about the size of a planning board.

The Board of Commissioners talked about how to start the process including the number of members on the planning board. Commissioner Milly Richardson stated that she thinks the planning board should be nine members; one from each township and two at-large appointments. They talked about how to determine the at-large positions, the number of members, situation if no one applies, if a Commissioner should serve on the planning board, non-voting members, and the appeal process.

County Manager Don Adams asked the Board to decide the number of members, members' responsibilities and information on the application. He stated that the North Carolina General Statutes wording states the legal duties. He further stated that the Commissioners may decide the amount of duties for the board.

Chair Ken Richardson and Amy Pardue talked about the term of office being three years staggered, applications go to the County Manager and reviewed by the Board of Commissioners.

The Board of Commissioners and County Manager Don Adams talked about the information on the application being public record. They further talked about the planning board would be volunteers. They agreed on Ashe County's application.

Commissioner Warren Taylor made a motion to instruct Amy Pardue to create the application and advertise for the nine-member board. Commissioner Milly Richardson seconded the motion. Vote 5:0.

County Manager Don Adams reminded the Board of the Joint Meeting with the Sparta Town Council on January 29 at 7:00pm at the Sparta Town Hall.

County Manager Don Adams presented a resolution from BB&T regarding financing the phone equipment for the Administration Building. He stated that three bids were received; BB&T—3.99%, First Charter—5.05% and Wachovia—6.2%. He explained the process of installing a phone system and lease rates through Skyline versus owning the equipment. He explained the prices to lease, lease-to-own and purchasing the phone equipment. He said he is recommending borrowing the money from BB&T. He explained this action will save the County money. He stated that this action does not impact the budget because these funds are already budgeted.

Commissioner Warren Taylor and County Manager Don Adams talked about a maintenance agreement would be needed either way.

Commissioner Milly Richardson and County Manager Don Adams talked about the telephone system for the Clerks of Court office and the County Office Building.

Commissioner Doug Murphy and County Manager Don Adams talked about the equipment will be coming from Skyline. County Manager Don Adams further talked about the Sheriff's Department and Social Services phone services are outdated, and he will bring in EMBARQ to bid along with Skyline during budget time for their phone services.

Commissioner Warren Taylor and County Manager Don Adams talked about the installation of the phone system and monthly phone costs.

Commissioner Warren Taylor made a motion to approve the resolution for the \$20,459 for financing the phone system.

County Manager Don Adams reviewed the amounts of money involved.

Commissioner Doug Murphy seconded the motion. Vote 5:0.

Tom Burgiss came before the Board to discuss recent actions by the courts regarding the lawsuit about the asphalt plant. He explained the recent actions, appealing the verdict and legal papers obtained regarding the defendant's response to the Summary Judgment. He stated that the question should be what is best for all of the citizens in the county. He offered his assistance in regards to this action. He talked about the Board of Commissioners can act as the planning board and the Institute of Government agreed but the issue has never been before the courts. He asked what the Board is going to do. He stated that he is not asking for the County to spend money but is interested in what is good for the entire county. He further stated that he is going to help the Commissioners, doing further research to find out whether an appeal will hold or not. He asked the Board to help the citizens for Alleghany County to not be a trash dump for the world. He asked if anyone has any questions to call him. He thanked everyone for their attention.

County Manager Don Adams presented budget amendment General Fund #19 in the amount of \$900 for the Sparta-Alleghany Volunteer Fire Department ladder truck to be inspected. He explained that he has asked Terry McGrady to add this request to the budget to be an annual request since the test must be performed periodically.

Commissioner Milly Richardson made a motion to grant the request to approve budget amendment General Fund #19 in the amount of \$900. Commissioner Warren Taylor seconded the motion. Vote 5:0.

County Manager Don Adams explained budget amendment Transfer Facility #2 in the amount of \$15,000. He further explained that this budget amendment is to be added to the equipment maintenance line item. He stated that the budgeted monies have already been spent on the main loader repairs and fuel. He further stated that the budget amendment will be for additional fuel and needed repairs. He further explained that this fund relies on solid waste fees for revenues not taxes.

Commissioner Milly Richardson made a motion to approve budget amendment Transfer Facility #2 in the amount of \$15,000. Commissioner Warren Taylor seconded the motion.

Commissioner Warren Taylor and County Manager Don Adams talked about the amount of monies spent annually for maintenance and repairs.

Commissioner Doug Murphy and County Manager Don Adams talked about leasing heavy equipment because maintenance is included and the interest rates on leases. County Manager Don Adams explained that option was reviewed and it was cheaper financially to buy the loader the last time.

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

County Manager Don Adams presented a proclamation regarding Franklin Delano "Del" Reeves.

Commissioner Milly Richardson commended the author of the proclamation.

Clerk to the Board Karen Evans stated her appreciation for Commissioner Richardson's comment.

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

County Manager Don Adams presented a letter from Council on Aging asking that Cliff Phillips be appointed as the Senior Tar Heel Legislature delegate with Pat Polly being the alternate.

Commissioner Milly Richardson made a motion to approve the appointments of Cliff Phillips and Pat Polly. Commissioner Warren Taylor seconded the motion. Vote 5:0.

Commissioner Warren Taylor stated that he, Doug Murphy, Don Adams and Jeff Cox attended a meeting recently talking about the need for a state-wide school bond.

Chair Ken Richardson stated that he attended the legislative goals conference. He talked about the top three needs; Medicaid, School Construction and Revenue Options. He furthered talked about one goal was defeated regarding land of tomorrow.

Chair Ken Richardson asked for public comments.

Bruce Cook thanked the Commissioners for their time. He stated that he is with Tom Burgiss and is concerned with the current situation. He talked about the leaders followed the law, issue is not about one plant in one corner of the county, facts that was presented regarding that location, this is about our county and what will occur in the future. He stated he supports the Commissioners in whatever action they take. He thanked the Commissioners for their time and hope the right decision will be made.

Glenn Duckworth urged the Commissioners to go forward with an appeal because so far it appears the county has lost. He stated the need to get new legal representative if the Board decides to appeal. He talked about the presentation wasn't there but it is in the documents, using some of the data used by the ACES group, not knowing what will happen with the ordinances, other counties' ordinances will be null and void, conversations with County Commissioners and/or employees couldn't be recalled. He talked about the need to record conversations for further reference. He asked about the Commissioners' meeting times.

Michael Schweitzer talked about the High-Impact Land Use/Polluting Industries ordinance and being very proud on the adoption of the ordinance. He stated that the county has suffered a setback from the courts. He urged the County to appeal this decision because the ordinance was the right thing to do. He commended the

Commissioners that worked on the ordinance and urged the entire Board to take a stand for what is right for the future. He stated his appreciation to the Commissioners for their time.

Hoyt Sparks stated that he has heard a lot of comments about an asphalt plant. He further stated that the ordinances set in place were faulty, and it is easy for anyone to spend other people's money. He said everyone is in for another big loss if the case is appealed. He urged the County to look at another route. He said he is talking about his pocketbook not his heart. He reiterated the County should look at it seriously and not appeal, then lose again and tie up other industries from starting up in Alleghany County.

Chair Ken Richardson closed the public comments section of the meeting.

Chair Ken Richardson explained that this is the mid-month meeting. He explained the meeting schedule.

Chair Ken Richardson talked about a public meeting at 6:30pm for revaluation in this room is still planned.

Commissioner Warren Taylor made a motion to enter into closed session at 5:30pm under NCGS 143-318.11 (a) (3)—legal and (a) (6)—personnel. Commissioner Doug Murphy seconded the motion. Vote 5:0.

Commissioner Warren Taylor made a motion to adjourn the closed session at 6:18pm and reconvene the regular meeting. Commissioner Milly Richardson seconded the motion. Vote 5:0.

Chair Ken Richardson stated no actions were taken during closed session.

Chair Ken Richardson mentioned the jail inspection report has been mailed to him and is available to the Commissioners if they would like to see it.

Being no further business, Commissioner Milly Richardson made a motion to adjourn the meeting at 6:20pm. Commissioner Randy Miller seconded the motion. Vote 5:0.

Respectfully Submitted,

Karen Evans  
Clerk to the Board

Attest:

Ken Richardson  
Chairman