

The Alleghany County Board of Commissioners met in regular session on Monday, February 19, 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 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 Warren Taylor led the Pledge of Allegiance and opened the meeting with a prayer.

Commissioner Doug Murphy made a motion to approve the agenda for this February 19, 2007, meeting. Commissioner Warren Taylor seconded the motion. Vote 5:0.

AGENDA  
Monday, February 19, 2007  
3:30 PM

- 3:30 Meeting Called To Order, Pledge of Allegiance and Prayer  
Motion on Agenda for February 19, 2007, meeting  
Motion on Minutes for February 5, 2007, meeting
- 3:35 Mary Walker  
RE: Tax Release and Refunds
- 3:45 Stacy Evans  
RE: Polluting Industries / High Impact Ordinance
- 3:55 Michael Brown  
RE: Property Rights Protection Ordinance
- 4:05 Mark Sanders  
RE: Planning Board
- 4:15 Don Suggs  
RE: LME Resolution
- 4:25 Finance Annual Report and Audit Contract
- 4:35 Wilkes Center for the Deaf Annual Report
- 4:45 Glade Creek Volunteer Fire Department Annual Report
- 4:55 Dr. Jeff Cox / John Farrelly  
RE: School Facilities  
County Business
  1. Transportation Budget Amendment
  2. Phone System Budget Amendment
  3. CJPP Budget Amendment
  4. Fuel Oil Bids
  5. Joint Water Authority Agreement
  6. Planning Board Discussions
  7. Budget Planning Session
  8. Other Business
  9. Public Comments—30 minutes
  10. Adjourn

Commissioner Milly Richardson made a motion to approve the minutes for the February 5, 2007, meeting. Commissioner Doug Murphy seconded the motion. Vote 5:0.

Mary Walker, Tax Administrator, presented the January 2007 real property requests in the amount of \$1,450.86 for refunds and \$1,699.02 for releases.

Commissioner Milly Richardson made a motion to approve the January 2007 real property requests in the amount of \$1,450.86 for refunds and \$1,699.02 for releases. Commissioner Randy Miller seconded the motion. Vote 5:0.

Mary Walker presented the January 2007 vehicle requests in the amount of \$622.73 for refunds and \$2,017.92 for releases.

Commissioner Warren Taylor made a motion to approve the January 2007 vehicle requests in the amount of \$622.73 for refunds and \$2,017.92 for releases. Commissioner Doug Murphy seconded the motion. Vote 5:0.

Mary Walker presented a motor-vehicle appeal form for a 2002 Buick. She explained that her recommendation is \$6,100.

Commissioner Warren Taylor made a motion to approve the Tax Administrator's recommendation of \$6,100. Commissioner Milly Richardson seconded the motion. Vote 5:0.

Stacy Evans asked that Phil Wagoner speak on his behalf.

Phil Wagoner stated that he is here at Mr. Evans' request. He talked to the Board of Commissioners regarding the situation that Mr. Evans is in because of the Maymead Materials lawsuit. He further talked about the hearsay that has come to him. He stated that ordinances are required to protect the health, safety and welfare of citizens. He described his experience with local ordinances throughout the state. He talked about that the making, amending, appealing, enforcing are up to the Commissioners. He stated that he is pleased with the Commissioners creating a separate Planning board. He explained the Commissioners' power dealing with ordinances. He reviewed the process to amend an ordinance; motion to make an amendment and hold a public hearing and advertise in the local newspaper twice. He explained that even if the Planning board recommends something that doesn't mean the Board of Commissioners has to adopt it. He talked about how often ordinances are amended. He used Surry County as an example. He talked about fairness across the board. He further talked about it is his opinion not to remove cement plants from the ordinance. He stated that every ordinance is subject to amendments. He talked about granting a variance. He stated that the current ordinance is more of a moratorium than an ordinance. He advised the Commissioners to amend the ordinance to be an ordinance, not a moratorium, by looking at instructing the Planning board to look at the ordinances by reviewing comments submitted by people and taking one step at a time. He talked about the proper process in amending the ordinance is to suit everyone, not just Stacy Evans. He asked that the Commissioners start the process by looking at all of the ordinances and finding something that is reasonable to both sides.

Chair Ken Richardson thanked Mr. Wagoner for his comments.

Phil Wagoner stated that he would like to talk to the Planning board once it is set up.

Michael Brown came before the Board to discuss his experience with the Property Rights Protection Ordinance. He explained that he wants to open a feed store in Glade Creek. He further explained his situation and has talked to all of his neighbors, and they think it will be beneficial to the people.

Amy Pardue, Planner, came before the Board to explain that this is a new business. Since it falls into the category of a new business, it must come before the Planning Board and hold a public hearing.

Chair Ken Richardson talked about scheduling a meeting for the Planning board and staying within the guidelines of the ordinance.

Commissioner Doug Murphy and Michael Brown talked about the length of the contract with Union Grove, and he has to buy feed every 30 days for six months. Existing building, signs made, trucks ready.

Chair Ken Richardson stated that he regrets the situation Mr. Brown is in but the Commissioners are bound by the ordinance.

Michael Brown stated that he has a 12x20 building on his property but can't use it.

The Commissioners talked about having a planning board meeting once the members are in place.

County Attorney Donna Shumate stated that there is a planning board in place until a new planning board ordinance is adopted. So the planning board could meet.

County Manager Don Adams reviewed the process for conditional-use permits.

Commissioner Doug Murphy stated that the Board needs to move on this planning board because we have people that need answers.

Chair Ken Richardson talked about scheduling a planning board meeting to help this situation.

County Attorney Donna Shumate stated that Mr. Brown needs to complete the application. Mr. Brown stated that he has it.

County Manager Don Adams continued reviewing the process for conditional-use permits.

Chair Ken Richardson talked about following procedures, scheduling a public hearing and moving forward. He thanked Mr. Brown for his time.

Mark Sanders talked to the Commissioners regarding the planning board. He stated the need for the planning board. He asked how the Commissioners will pick members for the planning board.

Commissioner Warren Taylor stated that the only thing that they have discussed is to distribute membership throughout the county.

Mark Sanders stated that he has put in an application and would appreciate an interview. He further stated that he thinks the assets in the county should be protected. He asked how the bylaws will be adopted.

County Manager Don Adams explained that the planning board ordinance will be discussed later in the meeting.

Commissioner Milly Richardson talked about equal membership across the county, several people have applied from Gap Civil and cycling through terms of office so everyone has the opportunity to serve.

Mark Sanders stated that he would serve as the representative for another voting district if that district agrees.

Chair Ken Richardson asked Mark Sanders to come back at the next meeting if he still has questions after the Board's discussion later in the meeting.

Mark Sanders expressed his interest in the county and stated appreciation for the Board's time.

Don Suggs requested from Commissioners for Mental Health to merge with Smoky Mountain Center. He updated the Board about the creation of the 160A board. He explained the purpose of the request is because of state legislations. He reviewed their reasons for merging Smoky Mountain, which is their best choice. Smoky and New River will merge into one entity with one Board and representative to serve on the Board.

Chair Ken Richardson stated that Warren Taylor serves on the New River Board and he serves on the 160A board.

Don Suggs explained that the area authority has approved the merger.

Commissioner Doug Murphy asked about the choice of the counties to merge with.

Don Suggs stated their guidelines were to find a partner to merge with. He stated that the State did mandate their merger with Smoky on one area. He talked about having a local presence.

Pam Andrews stated that she fully supports this recommendation.

Commissioner Doug Murphy asked will this help the clients.

Pam Andrews talked about there are multiple failures across the State and that is a concern. She stated that Smoky does have a good history of providing services in their area and is a major item to consider.

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

Don Suggs stated that Warren Taylor will still be the Commissioners' representative when the merger takes place.

Joy Hines, Finance Officer, talked about the audit contract with Martin Starnes Associates. She explained the contract is \$32,500 plus printing costs. She further explained that printing costs are normally around \$200. She stated that they try to save money on the printing by having the audit put on CD's rather than the paper booklet form.

Chair Ken Richardson and Joy Hines talked about the level of satisfaction with their performance and assistance during the year.

Commissioner Doug Murphy made a motion to approve the audit contract. Commissioner Milly Richardson seconded the motion.

Commissioner Warren Taylor and Joy Hines talked about the price increase over last year.

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

Joy Hines presented the Finance Office's annual report. She explained the functions of the department, highlights of the year including the move to the Administration Building, 28 new employees during the year, started direct deposit, transactions decreased with new software, percentage of insurance in the general fund as compared to other counties, investing in CD's and amount of interest received for the year.

Chair Ken Richardson thanked Mrs. Hines for her time.

Donna Key presented the annual report for the Wilkes Center for the Deaf. She reviewed their services in the area.

David Higgins, Chief for Glade Creek Volunteer Fire Department, presented their annual report. He reviewed the list of members, equipment, purchasing new fire truck, emergency calls, training hours, fundraisers, financial statement for the Board's account. He explained that the firemen have an account and the Board has an account. He talked about their fire rating. He commended the Clerk Karen Evans for her assistance to the fire departments. He asked for additional monies to help put up

the signs, maybe from \$15 to \$25. He talked about the ladder truck isn't feasible in Glade Creek. He further talked about the defibrillators and the cost of keeping them up, around \$700. He stated that they are involved in school programs. He talked about the money used for the fire prevention parade and items for further education for the children.

Chair Ken Richardson stated his appreciation for the report and reminded David Higgins to work with the County Manager to put this in the budget.

Commissioner Doug Murphy and David Higgins talked about the number of signs put up last year; approximately 60.

Chair Ken Richardson welcomed the members of the Board of Education for attending this meeting.

Dr. Jeff Cox, Superintendent, thanked the Board for this opportunity to present this information. He stated that everyone wants what is best for the children. He talked about prior preliminary discussions about how to proceed and presenting an overview of why considering a middle school. He explained that today's purpose is to provide a quick overview.

John Farrelly gave the Board a copy of a PowerPoint presentation. He reviewed the presentation, including a history of middle schools, opportunity for students, program development, and the benefits of a middle school.

Commissioner Doug Murphy, John Farrelly and Dr. Cox talked about detriments if the middle school isn't constructed and more opportunities for the students prior to going to high school.

Commissioner Doug Murphy and John Farrelly talked about that research shows that children who are likely to drop out can be targeted in the sixth grade.

Commissioner Warren Taylor and Dr. Cox talked about research regarding the smaller schools and a middle school. Dr. Cox talked about barriers in larger counties that Allegheny County wouldn't have to face.

Commissioner Milly Richardson and Dr. Cox talked about the number of children impacted by the middle school, being somewhere around 330-340.

Commissioner Doug Murphy and John Farrelly talked about looking at 7<sup>th</sup> grade to 8<sup>th</sup> grade combination and a 6<sup>th</sup> grade to 8<sup>th</sup> grade combination.

Commissioner Randy Miller and Dr. Cox talked about test scores for middle school children versus K-8 students.

Dr. Cox talked about dates for joint meetings between the Commissioners and Board of Education. He further talked about field trips to see middle schools in the area, if anyone is interested.

County Manager Don Adams presented budget amendment Transportation Fund #1 in the amount of \$31,066. He explained that this is for additional funds for the elderly/disabled grant and rural general public grant.

Commissioner Warren Taylor made a motion to approve budget amendment Transportation Fund #1 in the amount of \$31,066. Commissioner Randy Miller seconded the motion. Vote 5:0.

County Manager Don Adams presented budget amendment General Fund #20 in the amount of \$20,459 for the telephone system purchase. He explained that this is putting the money in place for the phone system.

Commissioner Warren Taylor made a motion to approve budget amendment General Fund #20 in the amount of \$20,459 for the telephone system purchase. Commissioner Randy Miller seconded the motion.

Commissioner Milly Richardson and County Manager Don Adams talked about reasons to stay with Skyline for the telephone system. He stated that he will also look at EMBARQ when looking at pricing for other facilities during the coming budget.

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

County Manager Don Adams stated that the budget ordinance requires him to report to the Board when he transfers money interdepartmentally. He explained that these transfers are transferring monies to administration to pay for the maintenance and transferring monies for the loan payments. He stated that he needs permission from the Board for the transfer of monies from the 911 fund to the General Fund for the maintenance agreement and loan payments.

Commissioner Warren Taylor made a motion to transfer from the 911 Fund to the General Fund on those two lines. Commissioner Randy Miller seconded the motion. Vote 5:0.

County Manager Don Adams presented budget amendment General Fund #21 in the amount of \$2,700 for CJPP. He explained that these are additional grant funds for the Criminal Justice Partnership Program.

Commissioner Milly Richardson made a motion to approve budget amendment General Fund #21 in the amount of \$2,700 for CJPP. Commissioner Doug Murphy seconded the motion. Vote 5:0.

County Manager Don Adams stated that Alleghany County went out to bid for fuel oil, kerosene and off-road diesel. He handed out a spreadsheet showing the bids from G&B Energy, Hometown Fuel Service and Independence Oil. He explained the bids. He talked about the energy crisis programs. He further talked about the market rate changes daily. He explained the amount of monies difference between the three different companies. He stated that Independence Oil has the lowest bid. He told the Board that he has received a letter from Social Services about the level of services provided by Independence Oil being numerous problems with the delivery of services. He read the letter to the Board. He talked about taking the letter into consideration and going with Hometown Fuel.

Commissioner Warren Taylor and County Manager Don Adams talked about the energy crisis monies vary from year to year.

Commissioner Milly Richardson stated that Independence Oil should be out of consideration and Hometown Fuel has the lowest mark-up on all of the bids.

Commissioner Milly Richardson made a motion to accept Hometown Fuel's bid. Commissioner Doug Murphy seconded the motion.

Commissioner Randy Miller asked if Hometown Fuel can service the County's needs.

County Manager Don Adams explained his conversations with Jackie Billings.

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

County Manager Don Adams presented the proposed joint water authority agreement between Alleghany County, Town of Sparta, Grayson County and Town of Independence. He reminded everyone that the primary participants of the agreement are the Town of Sparta and Town of Independence and the users will be the ones actually paying for the system. He explained that the agreement has a buy-in clause in the event that Alleghany County ever wants to get into the water business. He further

explained that the agreement limits Alleghany County's ability to create a water treatment facility five miles outside of the Town of Sparta. He stated that it does not limit private businesses or Alleghany County to develop water systems for their own use. He further stated that currently the Town of Sparta and Grayson County have adopted the agreement.

Commissioner Doug Murphy made a motion to table this until the next meeting. Commissioner Milly Richardson seconded the motion.

Commissioner Warren Taylor talked about the length of time that this agreement has been worked on. He urged the Board to consider this agreement and take the matter up at the next meeting.

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

County Manager Don Adams passed out copies of the proposed planning board ordinance.

Commissioner Doug Murphy and County Attorney Donna Shumate talked about this ordinance helps put in place the means to select the planning board.

County Manager Don Adams read a portion of the ordinance. He talked about the way the ordinance reads is to allow the planning board to set their rules. He talked about that a public hearing is scheduled for March 5. He stated that this is the first introduction of the ordinance.

County Attorney Donna Shumate talked about writing the ordinance.

County Manager Don Adams stated that it talks about that the planning board will set their rules.

Commissioner Doug Murphy recommended that a session be scheduled at the end of this week for consideration of the applications.

Commissioner Milly Richardson and County Manager Don Adams talked about that the members can start serving as the planning board after the ordinance is passed.

Chair Ken Richardson talked about having copies of all applications put in the Commissioners' mailboxes and schedule one meeting.

Amy Pardue, Planner, stated, currently, there are 24 applications. She reviewed the townships that they represent. She stated that all areas seem to be covered and occupations range from farmers to engineers to communication officers.

Commissioner Doug Murphy stated that the Board needs to discuss the role of the County Planner for the planning board.

The Board decided for Amy Pardue to consider functioning as she has been.

The Board discussed meeting dates. They decided on February 28<sup>th</sup> at 5:30pm at the County Administration Building.

County Manager Don Adams talked about scheduling a budget planning session. He asked the Board to discuss how they want to proceed.

The Board and the County Manager talked about the budget process and the types of meetings needed. The Board talked about having two meetings and what items to discuss at each meeting. They discussed dates for the meetings. They decided on March 12 at 6:30pm for the first meeting.

Commissioner Milly Richardson talked about the Grayson County prison and that they are looking at another alternate site. She further talked about the negative impact to Alleghany County's economy.

Commissioner Milly Richardson made a motion to oppose the Cox's Chapel site because of the adverse negative impact to Alleghany County's economy but not opposing the prison, just the location.

Chair Ken Richardson stated that a lot of information will be forthcoming. He suggested waiting for formal action until the Board has more information.

Commissioner Milly Richardson reiterated her reasons for opposing the site.

Chair Ken Richardson and Commissioner Milly Richardson talked about that Grayson County hasn't made a decision on what the impact to them will be.

Chair Ken Richardson requested that the motion be tabled until there is more information.

Commissioner Doug Murphy seconded the motion and reiterated that this is not coming out against business, just the location site.

Chair Ken Richardson stated that he respectfully disagrees until the County has more information.

Commissioner Warren Taylor stated we should remain neutral unless we see evidence that it will be detrimental to Alleghany County.

Commissioner Milly Richardson talked about the negative adverse impact to our economy. She stated that this would be giving them one more piece of information.

Chair Ken Richardson stated that he sees no problem with each Commissioner expressing their opinion but not as a Board.

Chair Ken Richardson and Commissioner Milly Richardson talked about the potential impact.

The Board voted on the motion on the floor. Vote 2:2 (Warren Taylor, Ken Richardson with 1 abstain; Randy Miller)

Commissioner Milly Richardson asked if abstaining is counted as affirmative.

Clerk to the Board Karen Evans read Rule 21 in the Rules of Procedure stating that a member who fails to vote, not having been excused, shall be recorded as voting in the affirmative.

Commissioner Randy Miller explained he doesn't have enough information to vote.

County Attorney Donna Shumate explained he has the duty to vote and his vote counts as affirmative since he didn't vote.

The Board talked about taking a revote on the issue.

County Attorney Donna Shumate read the Rules of Procedures.

Commissioner Warren Taylor made a motion to repeal the motion on the floor. Commissioner Doug Murphy seconded the motion. Vote 5:0.

Commissioner Doug Murphy reiterated that the motion is again not condemning Grayson County or Independence because they control their business but is opposing the prison's location.

Commissioner Milly Richardson reiterated that the Cox's Chapel site has an economic impact on Alleghany County.

Chair Ken Richardson stated that he agrees with Commissioner Miller about not hearing anything substantial to persuade him otherwise.

The Board voted on the motion on the floor. Vote 2:3 (Ken Richardson, Randy Miller, and Warren Taylor).

Chair Ken Richardson asked for public comments.

Susan Reinhardt read a letter from her father, DW Miles, regarding adoption of ordinances and reviewing the ordinances with the citizens and people it affects. She asked that the letter be made part of the record.

Susan Reinhardt talked about an earlier vote where no one abstained from voting and everyone didn't vote. She stated she is pleased to see the Board of Commissioners and Board of Education working together. She talked about the need for fuel in a crisis situation and pleased the County is going with a local company to supply the fuel oil. She talked about the public comment section allowing people an opportunity to speak on each subject at the time that it is being discussed, as it was talked about at the first meeting in December.

Chair Ken Richardson explained that the change was to open the public comment to any subject, not just what was discussed at the meeting.

Hoyt Sparks talked about awarding multiple contracts for the fuel oil contract in case one company can't make the delivery time frame. He stated that the Board has been discussing the \$20,000 telephone system for a couple of meetings then not seemed fazed when spending larger amount of money. He talked the ordinances failed in court and next time will lose and lose big time. He further talked about it could cost us thousands to get it out of the court system and the need to negotiate it. He stated that the pollution ordinance needs some work. He used the concrete plant and feed store as example. He talked about laws that everyone must abide by and Alleghany County won't become a dumping ground. He talked about a variance versus an amendment and the need to get rid of them altogether.

Being no further business, Commissioner Warren Taylor made a motion to adjourn the meeting at 6:25pm. Commissioner Doug Murphy seconded the motion. Vote 5:0.

Respectfully Submitted,

Karen Evans  
Clerk to the Board

Attest:

Ken Richardson  
Chairman