

The Alleghany County Board of Commissioners met in regular session on Monday, October 15, 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, led the Pledge of Allegiance and opened the meeting with a prayer.

Commissioner Doug Murphy made a motion to approve the agenda for this October 15, 2007, meeting. Commissioner Warren Taylor seconded the motion. Vote 5:0.

AGENDA
Monday, October 15, 2007
3:30 PM

- 3:30 Meeting Called To Order, Pledge of Allegiance and Prayer
Motion on Agenda for October 15, 2007, meeting
Motion on Minutes for October 1, 2007, meeting
Motion on September Tax Releases & Refunds
- 3:35 A. Public Comments—30 minutes
B. Mary Walker
RE: Tax Appeals and Late Applications
C. Michelle Ball
RE: 2007 Scattered Site Program
D. Randy Blankenship
RE: Personnel Request
E. EMS Annual Report
F. Chamber of Commerce/Occupancy Tax Annual Report
G. Library Annual Report
H. Dan Abernathy
RE: Planning Board Presentation
I. County Business
1. Child Protection Team Board Appointment
2. Budget Amendment—Social Services
3. Budget Amendment—Fire Commission
4. QZAB Resolution
5. Recreation—Davis Field
6. Other Business
7. Closed Session—NCGS 143-318.11 (a) (4)—economic development
8. Adjourn

Commissioner Milly Richardson made a motion to approve the vehicle releases and refunds for September. Commissioner Randy Miller seconded the motion. Vote 5:0.

Commissioner Randy Miller made a motion to approve the real property releases and refunds for September. Commissioner Doug Murphy seconded the motion. Vote 5:0.

Commissioner Warren Taylor made a motion to approve the minutes for the October 1, 2007, meeting. Commissioner Randy Miller seconded the motion. Vote 5:0.

Chair Ken Richardson opened the public comments' portion of the meeting. He asked for public comments.

Donald Conrad came before the Board to discuss the beauty of Alleghany County and the issue of billboards being installed along 221/93. He talked about the need for regulations concerning billboards.

Susan Reinhardt came before the Board to discuss a subdivision that was approved in April 2006 with 11 lots but it wasn't recorded. She explained the reason it wasn't recorded was because someone was interested in the entire piece of property. She explained the differences between the original subdivision and the revision. She further explained that the prior plat didn't require driveway approval from the Department of Transportation, and the revision does. She continued explaining the differences between the original plat and the revision. She asked that the revision be approved by the Planner instead of waiting another two weeks to come back to the Board of Commissioners since it is already an approved plat with minor changes.

Barbara Conrad talked about the billboards, public hearings and the need to notify landowners what is happening next door, save the farmland article in the Winston-Salem Journal today, issue of a disturbed graveyard and not notifying next of kin. She talked about cemetery issues involving one of her late relatives. She stated she would like to be notified if they are going to dig up a cemetery and build a house on it. She said the same thing applies to roads. She talked about the need to protect ourselves.

Chair Ken Richardson asked that the County Manager provide an update on the billboard situation. He further asked that Barbara Conrad provide her phone number to the County Manager for him to explain the process to move gravesites.

County Manager Don Adams explained that the Planning Board addressed the billboard issue and concern was expressed about it. He further explained that Planner Kathy Murphy and County Attorney Donna Shumate are researching a couple of issues about whether the existing ordinance covers this situation and finding out the steps to create some type of a sign ordinance.

Chair Ken Richardson asked for further public comments. None were received. He closed the public comments' portion.

Mary Walker, Tax Administrator, came before the Board to present late tax applications from Mr. Kennedy for an elderly exemption and Mr. Rutherford for farm-use.

Commissioner Milly Richardson made a motion to approve these requests as presented by the Tax Administrator. Commissioner Warren Taylor seconded the motion. Vote 5:0.

Mary Walker presented a solid-waste-fee appeal for a mobile home. She explained that the mobile home is gone from this county.

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

Mary Walker presented a motor-vehicle appeal for Mr. Brady. She stated that her recommendation is \$24,350.

Commissioner Warren Taylor made a motion to approve Mary Walker's recommendation. Commissioner Randy Miller seconded the motion. Vote 5:0.

Mary Walker presented a motor-vehicle appeal for Glenn Halsey. She explained that this vehicle has been wrecked twice. She stated her recommendation of \$800.

Commissioner Milly Richardson made a motion to approve the Tax Administrator's recommendation. Commissioner Randy Miller seconded the motion. Vote 5:0.

Mary Walker talked about a letter from Robert Price, who did the County's tax foreclosures, stating he will not be able to continue doing these because he has taken another position. She asked the Board for permission to talk to the County Attorney about performing these services before asking the Board for approval.

The Board of Commissioners agreed.

County Manager Don Adams stated that Michelle Ball will not be at this meeting. He explained that she will be in attendance at the November 5 meeting. He reviewed all of the requirements; 504 ADA Grievance Procedure, Local Economic Benefit for Low and Very Low Income Persons Plan, Procurement Policy, Code of Conduct, Residential Anti-Displacement and Relocation Assistance Plan, Optional Coverage Relocation Plan/Resolution, Citizen Participation Plan, Project Ordinance, Equal Employment and Procurement Plan, Complaint Procedure, Fair Housing Plan, Fair Housing Resolution, Fair Housing Complaint Procedure. He reminded everyone that this is for the \$400,000 Scattered Site Grant. He read the Project Ordinance. He explained the \$40,000 on the Project Ordinance for the Local Option/Urgent Repairs. He explained that Michelle Ball will be coming on November 5 to present the contract with High Country Council of Governments.

Commissioner Warren Taylor made a motion to approve all of the CDBG Compliance Requirements that have been presented by the County Manager. Commissioner Randy Miller seconded the motion.

Commissioner Doug Murphy and County Manager Don Adams talked about advertising for local contractors. The County Manager further talked about all of these projects are replacement projects instead of renovations, and they will contact local people.

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

Randy Blankenship, Chief Building Inspector, came before the Board to discuss reclassifying the administrative assistant position in his department to an office manager at a grade 61. He reviewed the job descriptions of the administrative assistant and office manager plus the pay differences.

County Manager Don Adams talked about the reclassification; and his recommendation hasn't changed since the budget discussions.

Chair Ken Richardson asked the County Manager about the last time changes had been made as a whole.

County Manager Don Adams talked about the salary study, and changes have been done.

Commissioner Doug Murphy and County Manager Don Adams talked about the last study was four to five years ago.

County Manager Don Adams explained that there have been several requests.

Commissioner Doug Murphy asked Randy Blankenship if her responsibilities have increased since she was hired.

Randy Blankenship stated that they have. He talked about his conversations with the Board during budget time.

Chair Ken Richardson stated that he admired Randy Blankenship for standing up for his employees. He further stated that he knows of three others that have asked for the same thing.

Commissioner Doug Murphy and County Manager Don Adams talked about a salary study isn't completed until the County Manager is directed by the Commissioners to have a study done.

County Manager Don Adams stated that if he understands correctly, Chairman Richardson is talking about a salary study and the process of the salary study including comparing the jobs/salaries regionally. He talked about if that is the way the Board is heading; there is the need to hire an outside consultant to complete this study.

Chair Ken Richardson thanked Randy Blankenship.

Linda Edwards came before the Board to present the Emergency Medical Services annual report. She presented information about the number of calls, number of transports, mileage transporting people, reporting online, quality management, training for employees, types of certifications, types of courses participated in during the year, treatment protocol changes and employees. She read a letter from Baptist Medical Center, Air Care unit, talking about the level of service provided by Allegheny County.

Bob Bamberg came before the Board to present the Chamber of Commerce annual report. He talked about the Chamber is the largest they have ever been. He gave the Board information that visitors receive when they are inquiring about Allegheny County. He reviewed the packet of information. He gave the Board a listing of the high points for the year including completing the renovations at their location, started Saturday operating hours, had 643 visitors that signed the guestbook, volunteers helping in the office, Mountain Heritage Festival, occupancy tax revenues increased, statistics from the Department of Commerce about tourist spending in Allegheny County and the need for a retail recruiter.

Sherry Clodfelter came before the Board to discuss the annual report for the Library. She gave the Board an information packet. She talked about the information including NCWise, hometown series continuing, activities held, work performed on the library bond referendum, additional activities held and fundraisers held. She thanked the Board for their support. She reviewed items that occurred because of the Commissioners' support.

The Board of Commissioners thanked her for the library report.

Dan Abernathy, Chair of the Planning Board, came before the Board to update the Commissioners of their activities. He explained the number of meetings they have had and a list of priorities; subdivisions, mobile home regulations, looking at creating a highway corridor, conditional-use by categories, high impact polluting industry, ridge protection, agriculture activities, wind energy, having the ordinances codified. He explained what it means to have the ordinances codified. He stated that they felt like subdivisions are the greatest impact. He further stated that the billboards are like a change of use from agriculture to outdoor advertising. He said that he thinks that the Property Rights Protection Ordinance allows for subdivisions to be a change of use. He talked about the three categories in the Property Rights Protection Ordinance are things that are prohibited, exempt and uses by right. He further talked about if a project doesn't fall within those three categories then it is a conditional use. He explained that the subdivision ordinance and the Property Rights Protection Ordinance go hand in hand. He further explained that the Property Rights Protection Ordinance is set up to have subdivisions as a change of use. He talked about developers are not supposed to sell lots until the final plat has been approved. He reiterated that this is the Planning Board's report to the Commissioners.

Chair Ken Richardson talked about this Board selected the Planning Board members and the Planning Board is doing an outstanding job. He stated that he wanted to make sure that the record reflects that Michelle Bedsaul and Bill Caudill, members of the Planning Board, are in attendance at this meeting. He stated his appreciation for this report.

Commissioner Warren Taylor asked about the handling of violations.

Dan Abernathy talked about his prior experiences were to put them on notice and give them a certain amount of time to remedy the situation and go from that point. He further talked about the current process under the Property Rights Protection Ordinance, the staff will put them on notice then any appeals will go to the courts.

County Manager Don Adams talked about the enforcement of the ordinance falls on the planning department, and Dan brought up the appellate procedures. He explained that if it is appealed then it goes to the courts because they are acting as a quasi-judicial board, but the current ordinance allows the appeal to go to the Commissioners. He stated that this is a legal question because the way he views the ordinance is the Board of Commissioners can change the ordinance and it would be

good policy that they should hear appeals. He talked about the governing body relies on the Planning Board for recommendations but then the governing board actually passes the ordinances.

Commissioner Doug Murphy asked if the ordinances are available to the public.

Planner Kathy Murphy stated that they are available online, in the office and are mailed to them, if requested. She talked about violations are handled by her. She further talked about recent situations that she has reviewed with two out of three being courtesy calls but one was a violation.

County Manager Don Adams explained that Kathy Murphy talked to the Planning Board about recent issues, the Commissioners rely on the Planning Board for recommendations and the Planning Board relies on staff to do the research. He talked about the County Attorney and County Planner are researching the sign issue and if there are any other laws about signage. He stated that those questions have to be answered before deciding if it is a change of use.

Dan Abernathy talked about the North American Industry Classification System (NAICS) that shows an off-site sign is a change of use. He stated that the mechanism is in place to bring the subdivision ordinance under the Property Rights Protection Ordinance. He further stated that there will be no additional hoops to jump through just a timeline to follow.

Commissioner Milly Richardson and Dan Abernathy talked about taking action to make it official whether the subdivision ordinance falls under the Property Rights Protection Ordinance. Dan Abernathy further talked about subdivisions are a change of use.

Commissioner Milly Richardson made a motion to put the subdivision ordinance under the Property Rights Protection Ordinance.

County Attorney Donna Shumate asked Dan Abernathy if this is the Planning Board's recommendation or his personnel recommendation.

Dan Abernathy stated that the Planning Board has discussed it but this is his recommendation.

County Attorney Donna Shumate advised the Commissioners to wait until a formal request comes from the Planning Board.

Commissioner Milly Richardson withdrew her motion.

Dan Abernathy asked that the subject be placed on the next agenda.

Chair Ken Richardson asked about approving a plat and then making changes to it.

Dan Abernathy reviewed the laws about final plats. He stated that at the present time the preliminary plat is suppose to set the footprint of what goes on the land then the final plat is what is being built. He further stated that a final plat should not be before the Board until it has been completed.

County Manager Don Adams stated that is the current way.

Commissioner Milly Richardson thanked Mr. Abernathy.

Chair Ken Richardson stated that the Commissioners don't have the list but the Commissioners want to work with the Planning Board on these issues.

Dan Abernathy asked about needing formal approval or just a general consensus from the Commissioners.

Chair Ken Richardson and Dan Abernathy talked about having a joint meeting

with the Planning Board.

County Manager Don Adams reminded everyone that when three or more Commissioners are attending a meeting together then it is an official meeting.

Commissioner Milly Richardson talked about Dan Abernathy bringing the Planning Board's recommendations to the Commissioners on November 5.

County Attorney Donna Shumate stated that they don't meet again until November 12.

County Manager Don Adams stated that it is his understanding that the Planning Board is looking for general approval of the list of priorities. He talked about the timing of scheduling a joint meeting because each issue could take a lot of time.

Commissioner Milly Richardson asked if the Board can go ahead and give approval on this list of goals so the Planning Board can move forward on those and bring the subdivision issue back to the Commissioners at a later date..

Commissioner Milly Richardson made a motion giving the Planning Board direction on this list of priorities. Commissioner Doug Murphy seconded the motion.

County Attorney Donna Shumate asked if the list read earlier came from the Planning Board.

Dan Abernathy stated yes it did.

County Manager Don Adams read the goals; subdivisions, mobile home regulations, looking at creating a highway corridor, conditional-use by categories, high impact polluting industry, ridge protection, agriculture activities, wind energy, ordinances codified.

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

Dan Abernathy stated that they will be back at the second meeting in November about the subdivisions.

County Manager Don Adams presented a letter from John Blevins requesting that Pam Sizemore be appointed as an at-large member of the Community Child Protection Term/Child Fatality Prevention Team.

Commissioner Warren Taylor made a motion to appoint Pam Sizemore to serve on the Community Child Protection Term/Child Fatality Prevention Team. Commissioner Milly Richardson seconded the motion. Vote 5:0.

County Manager Don Adams presented General Fund budget amendment #8 in the amount of \$1,800 for the purchase of 6 GPS units for the fire departments and rescue squad.

Commissioner Milly Richardson made a motion to approve General Fund budget amendment #8 in the amount of \$1,800. Commissioner Doug Murphy seconded the motion. Vote 5:0.

County Manager Don Adams presented General Fund budget amendment #9 in the amount of \$2,100 and (\$42,295). He explained that the \$2,100 is for an increase in State funds for Public Assistance and the (\$42,295) is a decrease in the State Child Development funds. He explained that he talked to John Blevins about the decrease and how it impacts the Child Care funds.

Commissioner Milly Richardson made a motion to approve General Fund budget amendment #9 in the amount of \$2,100 and (\$42,295). Commissioner Doug Murphy seconded the motion. Vote 5:0.

County Manager Don Adams talked about BB&T has decided to get into the

QZAB business at a 1% interest rate. He reminded everyone that the other banks were at a 1.5% interest rate. He presented a resolution supporting an application to the Local Government Commission for its approval of a QZAB school financing agreement for Alleghany County. He talked about one other company that might be willing to work with local banks to offer 0% interest for a 1% flat fee. He explained the differences between the 1% flat fee and 1% interest rate.

Commissioner Milly Richardson made a motion to approve the resolution as presented by the County Manager. Commissioner Randy Miller seconded the motion. Vote 5:0.

County Manager Don Adams presented a letter from David Evans about closing Davis Field until April 1. He explained the maintenance activities that Mr. Evans wants to perform at the field before next season.

Susan Reinhardt displayed a plat that was approved in April 2006 but wasn't recorded. She talked about they had received a contract for the entire parcel and the deal fell through. She further displayed the current plat with revisions. She talked about the approved plat did not need the Department of Transportation's approval but the revision does.

Planner Kathy Murphy stated that she talked to Scott Gallman, and he indicated that an entrance permit would probably be granted if a tree is cut down. She reviewed the current procedures to have a plat submitted to the Board of Commissioners. She talked about she hasn't reviewed the revised plat. She further talked about she first became aware of this last Thursday, and she hasn't received the revised plat for her to start the review process.

Chair Ken Richardson asked if the Commissioners give conditional approval if the Planner approves.

County Manager Don Adams talked about the final plat requires the signature of the Chairman.

Chair Ken Richardson asked about preliminary approval.

County Manager Don Adams explained the preliminary doesn't allow for normal business to be conducted selling the lots. He explained that in order to sell the land, the final plat must be approved and recorded. He reviewed the issues with the plat mainly being the differences between the prior plat and this one.

Susan Reinhardt explained that a person has ordered a home for the largest lot and can't get the building permit for the footers until the property is in his name.

County Manager Don Adams talked about this action would require the Commissioners to deviate from the normal procedure including having the letter from the North Carolina Department of Transportation (NCDOT).

Kathy Murphy stated that when Scott Gallman came before the Planning Board, he urged the County to help them enforce the driveway permit issue.

County Manager Don Adams, Susan Reinhardt and Kathy Murphy talked about minor changes that Kathy Murphy can approve on plats.

Chair Ken Richardson stated that he hoped that Mrs. Reinhardt appreciates that the Commissioners are trying to work with her.

Susan Reinhardt stated that she does.

Kathy Murphy talked about the process for NCDOT driveway approval. She talked about the timeline.

County Manager Don Adams stated that the next Commissioners' meeting is October 29.

Chair Ken Richardson stated that looks like the best the County can do.

Susan Reinhardt asked that the plat be put on that agenda.

Chair Ken Richardson talked about a letter from Richard Doughton stating his appreciation for the Commissioners in passing the Tom Doughton proclamation.

Commissioner Randy Miller made a motion to enter into closed session at 5:18pm under NCGS 143-318.11 (a) (4)—economic development. Commissioner Doug Murphy seconded the motion. Vote 5:0.

Tommy Andrews joined the Commissioners for closed session.

Tommy Andrews left the meeting at 5:35pm.

Commissioner Randy Miller made a motion to adjourn closed session at 5:37pm. Commissioner Doug Murphy seconded the motion. Vote 5:0.

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

Being no further business, Commissioner Milly Richardson made a motion to adjourn the meeting at 5:40pm. Commissioner Doug Murphy seconded the motion. Vote 5:0.

Respectfully Submitted,

Karen Evans
Clerk to the Board

Attest:

Ken Richardson
Chairman

ALLEGHANY COUNTY

NORTH CAROLINA

Resolution supporting an application to the Local Government Commission for its approval of a QZAB school financing agreement for Alleghany County

WHEREAS,

Alleghany County has previously made a preliminary determination to undertake the acquisition and construction of various improvements to Alleghany High School, Glade Creek School, Piney Creek School and Sparta Elementary School (the “Project”).

The County desires to finance Project costs by the use of an installment contract, as authorized under Section 160A-20 of the North Carolina General Statutes, that qualifies as a “qualified zone academy bond” (a “QZAB”) within the meaning of a federal tax credit program that provides for very low cost financing for qualified school projects.

Under the guidelines of the North Carolina Local Government Commission, this governing body must make certain findings of fact to support the County’s application for the LGC’s required approval of the County’s proposed financing arrangements.

THEREFORE, BE IT RESOLVED by the Board of Commissioners of Alleghany County, North Carolina, as follows:

(a) The County makes a preliminary determination to finance project costs through an installment financing qualifying as a QZAB, as described above. The total amount financed will not exceed \$2,000,000.

(b) The County Manager is authorized and directed to take all appropriate steps toward the completion of the financing, including (i) completing an application to the LGC for its approval of the proposed financing, and (ii) soliciting one or more proposals from financial institutions to provide the financing.

BE IT FURTHER RESOLVED that the Board of Commissioners makes the following findings of fact:

(a) The proposed project is necessary and appropriate for the County under all the circumstances. These various renovation and improvement projects will enhance the physical and educational environment for children and staff at the affected schools.

(b) The proposed installment financing is preferable to a bond issue for the same purposes. These projects are for discrete facilities and are for relatively small amounts. These projects therefore lend themselves to installment financing, especially in light of the availability of low-cost QZAB financing, and are not particularly suitable for voter-approval bond financing. The County has no meaningful ability to issue non-voted general obligation bonds for this project, and this project will produce no revenues that could be used to support a self-liquidating financing.

(c) The estimated sums to fall due under the proposed financing contract are adequate and not excessive for the proposed purpose. The QZAB program provides financing at very low interest rates, thereby reducing to a minimum the out-of-pocket interest cost to the County.

(d) As confirmed to the Board at this meeting by the County's Finance Officer, (i) the County's debt management procedures and policies are sound and in compliance with law, and (ii) the County is not in default under any of its debt service obligations.

(e) The County expects that there will be no increases in taxes necessary to meet debt obligations under the proposed financing arrangements. The County expects that interest rates to be payable by the County on the proposed financing, and the expected term of the financing, will allow the County to repay the financing within current resources.

(f) The County Attorney is of the opinion that the proposed projects are authorized by law and are purposes for which public funds of the County may be expended pursuant to the Constitution and laws of North Carolina.

BE IT FURTHER RESOLVED as follows:

(a) The Board will hold a public hearing on this matter. The County Manager is authorized and directed to set the date and time of the hearing, and the Clerk to this Board is authorized and directed to publish a notice of such public hearing in the manner provided for by law.

(b) This resolution takes effect immediately.

Adopted this the 15th day of October, 2007.

