

The Alleghany County Board of Commissioners met in regular session on Monday, October 18, 2010, at 3:30pm in the Board Meeting Room of the County Administration Building, 348 South Main Street, Sparta, North Carolina.

Present: Chair Ken Richardson, Vice-Chair Randy Miller, Commissioner Doug Murphy, Commissioner Milly Richardson, Commissioner Steve Roten, 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 with a prayer.

Chair Ken Richardson stated that Dennis Smith has requested to be added to the agenda.

Commissioner Milly Richardson made a motion to grant the request. Commissioner Steve Roten seconded the motion. Vote 5:0.

Chair Ken Richardson stated that Mary Walker needs to be deleted from the agenda.

Commissioner Doug Murphy made a motion to approve the amended agenda for this October 18, 2010, meeting. Commissioner Milly Richardson seconded the motion. Vote 5:0.

AGENDA
Monday, October 18, 2010
3:30 PM

- 3:30 Meeting Called To Order, Pledge of Allegiance and Prayer
Motion on Agenda for October 18, 2010, meeting
Motion on Minutes for October 4, 2010, meeting
Motion on September Tax Releases and Refunds
- 3:35 A. Public Comments—30 minutes
B. Mary Walker (deleted)
RE: Tax Appeals
C. Jerry Brooks
RE: Citizen Concern
Dennis Smith (added)
D. Health Department Annual Report
E. Alleghany Connections Annual Report
F. County Business
1. Code of Ethics Policy Update
2. Social Services Budget Amendments
3. E-911 and General Fund Budget Amendments
4. NCDOT Secondary Road Public Hearing
5. Administration Computer
6. Wildlife Information
7. School Facilities Committee—Request for Glade Creek School Project
8. Other Business
9. Adjourn

Commissioner Milly Richardson made a motion to approve the minutes for the October 4, 2010, meeting. Commissioner Doug Murphy seconded the motion. Vote 5:0.

Commissioner Doug Murphy made a motion to approve the real and auto releases for September. Commissioner Milly Richardson seconded the motion. Vote 5:0.

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

Chair Ken Richardson asked for public comments.

Lujean Keeper stated that she is in attendance to voice strong opposition to fluoridation of the water. She talked about the actions of the Virginia/Carolina Water

Authority, article in the newspaper about the fluoride, how citizens have voiced their concerns to the Water Authority, items in their minutes including individuals can get a filter system if they don't want fluoride, some Water Authority monies will have to be returned if the water isn't fluoridated, and they cannot get anywhere with the Town Council on this issue. She said she implores the County Commissioners to intervene in this situation.

Eula Ray Cook came before the Board to express her opinion and stated that she is greatly against fluoride in the water system. She provided examples/reasons for her opposition.

Jerrie Howell talked about how everyone has already heard that fluoride is good for everyone's teeth, and quoted Adolf Hitler about the use of fluoride. She said that we are ranked 45th, Japan does not have fluoride in their water and they have the smartest children in the world. She read from an article dated October 7, 2010, where a doctor says a lot of infants are fed formula made with fluoridated water and how fluoride affects children in their critical development stages. She showed examples of articles/information that she has regarding fluoride issues. She talked about other countries have banned fluoride. She further talked about the Vermont Department of Health warning people to not give fluoridated water to infants less than 12 months of age. She showed another article opposing fluoridation and a book about a little boy who went to the dentist then died after swallowing the fluoride gel after he had been left alone for a long time. She asked about who came up with this idea of putting this in the water system. She said there are no scientific studies showing this is safe. She told the Board that they have the power to stop this.

Chair Ken Richardson asked for additional public comments. None were received. He closed the public comments portion of the meeting.

Jerry Brooks came before the Board to discuss the issue of fluoridation of the water system. He stated his appreciation for the County Commissioners' work, to the people that came to this meeting and for an opportunity to speak. He talked about the Virginia/Carolina Water Authority regional board has eight members with only five or six that attends. He said that they elected to add the fluoride without any public knowledge or opportunity to speak. He further said that he is against the fluoride. He stated that he thinks people come here to experience the fresh air and fresh water. He further stated that he hopes the people are well meaning regarding the fluoride. He said that once a person receives fluoride it stays with them. He introduced Dennis Smith, David Mickey with the Blue Ridge Environmental Defense League and George Santucci with the National Committee for the New River. He handed out papers to the Commissioners from Dennis Smith.

Dennis Smith thanked the Board for allowing him to speak about the Water Authority fluoridation. He talked about EPA data/information about the toxicity rating of fluoride and used an example of lead toxicity. He read a few quotes about fluoride along with their sources. He displayed a graph about tooth decay trends for fluoridated and un-fluoridated countries. He showed a health alert for fluoride warning for infants. He reviewed information about the actions of the CDC. He discussed and quoted part of hearing testimony by Dr. William Hirzy before the Subcommittee on Fisheries, Wildlife, and Water of the Committee on Environment and Public Works, United States Senate, 106th Congress, Second Session dated June 29, 2000. He continued reviewing the testimony hearing. He talked about an article involving Dr. Hardy Lineback and fluoride in drinking water including policy makers who are considering fluoridation should research all of the data and do so at the risk of future litigation. He stated that since the Virginia/Carolina Water Authority has shown a disregard for the waters and individuals in Alleghany County in voting to forcibly coerce the citizens to consume fluoridated water, they ask the Board of Commissioners to remove support from the Water Authority and to draft a resolution in opposition to the fluoridation. He asked the Commissioners to get answers to the questions in the packets regarding the Water Authority. He further stated that they ask that Dr. Hirzy's testimony, fluoride quotes and the questions/answers be made part of the minutes.

Jerry Brooks stated that this is a lot of information to be taken in. He talked about why the EPA opposes fluoridation. He explained information that he has from EPA, and he has references if anyone would like copies. He said people may want to look at the air quality here. He explained that USDA performed tests on all kinds of foods/beverages and learned

that during normal eating patterns people will ingest fluoride in their food. He talked about the fluoride warning on toothpaste. He said he has a list of people who are against fluoridation. He displayed a chart showing the alleged benefits of the fluoride and the alleged hazardous effects of fluoride toxicity. He said people haven't needed it this long; why now. He talked about the need to protect the river and the people in this county. He stated that this would be a forced medication to the people in this county. He asked the Board of Commissioners to make a stand by way of a resolution showing opposition to the fluoridation of the water.

Danny Staley with the Appalachian District Health Department came before the Board to present their annual report. He said he isn't here to refute anything that has been said but the professional community of the hospital, hospital medical staff, dentists and public health has supported fluoridation. He stated that he knows there are arguments on both sides and encourages the Commissioners to look at both sides. He presented the Health Department's annual report including information about the seasonal flu, majority of the flu was H1N1, received good response from flu vaccinations and had less flu-related deaths through the State. He talked about one area of concern is the high rate of suicide, and they are having discussions about what can we do as a community to help people and recognize the need early on is one of the focuses. He further talked about the economic crisis has changed their level of service, and the State has removed all funding for immunizations. He explained that they have seen an increase in rabies and ways for prevention. He talked about several exciting things that are happening including working on the obesity issue, enhanced food/nutrition program, providing access to health care for the low-income and uninsured, worked with the schools to promote weight loss and the passage of House Bill 2 regarding indoor air quality.

Pasty Jarrett came before the Board to present the annual report for Alleghany Connections including they lost State funding in 2008/09 and are in the 2nd year surviving on the fundraisers/donations. She talked about they are serving 12 high-risk youth. She further talked about the County's funding is essential and hopes that it can continue. She explained that volunteers work with the youth.

Commissioner Doug Murphy stated that he knows at least two youth and two adults involved in this program, and it greatly benefits all parties involved.

County Manager Don Adams presented the proposed Code of Ethics and items to consider.

Chair Ken Richardson stated that he and Commissioner Murphy have been working on the Code. He asked the Board to read it and work on it. He reminded everyone that this has to be approved by the end of December. He talked about they will meet one more time before the next meeting to discuss it again.

County Manager Don Adams explained that five sections are required; to obey all applicable laws, uphold the integrity and independence, avoid impropriety, faithfully perform duties, and conduct the affairs of the governing board in an open and public manner.

County Manager Don Adams presented budget amendment General Fund #4 in the amount of \$22,551 for additional child development funds for Social Services which doesn't require any County monies.

Commissioner Randy Miller made a motion to approve budget amendment General Fund #4 in the amount of \$22,551. Commissioner Milly Richardson seconded the motion. Vote 5:0.

County Manager Don Adams presented budget amendment General Fund #5 in the amount of \$20,286 for additional public assistance funds for Social Services which doesn't require any County monies.

Commissioner Randy Miller made a motion to approve budget amendment General Fund #5 in the amount of \$20,286. Commissioner Milly Richardson seconded the motion. Vote 5:0.

County Manager Don Adams explained that the next three budget amendments go together realigning eligible E-911 expenses; budget amendment E-911 Fund #3 in the amount of \$2,500 for training for dispatchers, budget amendment General Fund #6 in the amount of (\$120,916) to reverse a transfer from the E-911 Fund and budget amendment General Fund #7 in the amount of (\$2,500) to reduce training in dispatch. He reviewed a handout showing the revised 911 budget revenues and expenditures.

Commissioner Randy Miller made a motion to approve budget amendment E-911 Fund #3 in the amount of \$2,500. Commissioner Milly Richardson seconded the motion. Vote 5:0.

Commissioner Randy Miller made a motion to approve budget amendment General Fund #6 in the amount of (\$120,916) and budget amendment General Fund #7 in the amount of (\$2,500). Commissioner Doug Murphy seconded the motion. Vote 5:0.

County Manager Don Adams informed the Board that the North Carolina Department of Transportation Secondary Road Public Hearing that was scheduled on December 13 at 6:30pm needs to be changed to December 14 at 6:30pm. The Board agreed.

County Manager Don Adams talked to the Board about the computer that Karen Evans uses. He explained that her main computer has a major virus and the computer in the Board Meeting Room isn't compatible to run the accounting package, which is utilized during budget meetings. He further explained the options; purchase a new computer as the main computer, reformat the hard drive on the existing main computer for use in the conference room. He said that this scenario will fix both computers' issues. He stated that he is asking whether to spend a couple hundred dollars to fix the main computer's problem or \$795 to fix both computers' issues.

Commissioner Randy Miller and County Manager Don Adams talked about the ages of the computers.

Commissioner Milly Richardson and County Manager Don Adams talked about the costs of the quotes. Commissioner Milly Richardson said to possibly check with Tim Sizemore for a price.

Commissioner Doug Murphy made a motion to proceed. Commissioner Milly Richardson seconded the motion. Vote 5:0.

County Manager Don Adams discussed information about the wildlife officer concerns. He presented the chain of command for the Wildlife Commission starting locally and going to Raleigh. He said his recommendation for anyone having wildlife problems is to follow this chain of command.

County Manager Don Adams presented information regarding the summary of the funding for Glade Creek Elementary School, bid tabulation sheet and six alternates. He reviewed the eight bids for the project with Hickory Construction having the lowest bid. He talked about they bid out the alternates and explained the alternates. He explained that the total project is \$3,908,865 including the architect fees. He further explained that the total QSCB funding is \$3,339,585.53 and QZAB funding available is \$157,000 leaving an approximate shortage of \$412,279.47. He said that the facility committee has met and decided that they needed to look at the entire project including all of the alternates; four additional classrooms, kitchen equipment, mechanical unit, telephone/intercom system, existing lavatories and paved driveway, which they deemed all very important. He talked about there are additional 0% interest funds which the Board of Education is currently qualified for over \$800,000 and the qualification lasts until December 31, and he doesn't think that everything can get done in time. He reviewed three different potential loans for the \$412,279 shortfall of 0% interest, 2% interest, 4% interest with the payments ranging from \$28,000 to \$43,000 depending upon the interest rate. He talked about questions that came up about how to fund this request with one question about debt reduction from 2010/11 to 2011/12. He reviewed the actual cash benefit that the County will see through the debt reduction, \$175,019, because of already committed USDA loans and the \$125,000

reimbursement from the Board of Education disappears because the Sparta School loan has been paid off. He reiterated that the recommendation from the facilities committee is that the complete project is needed and just need to find a way to fund the complete project.

Commissioner Doug Murphy talked about they have been working on this project for two years, and he doesn't see any bells and whistles in this. He mentioned that when the middle school wasn't passed, it was stated that the outlying schools would have to be worked on.

Commissioner Doug Murphy and Janice Linker talked about the age of Glade Creek School and the additions to the School over the years.

Commissioner Randy Miller stated that he feels the same way as Commissioner Murphy, and he doesn't believe in putting band-aids on stuff, which is why the Board is in this place now.

Commissioner Steve Roten and County Manager Don Adams talked about the current new debt of \$288,000 has already been factored into these debt numbers.

Commissioner Steve Roten said that he can't see how the architects missed the bid by that much, and why pay someone for this work if it is missed that much.

Commissioner Milly Richardson asked about the possibility of getting the bids redone because of not having the money plus the economy is terrible.

County Manager Don Adams explained that he can't speak for the Board of Education but there would be rebidding costs.

Commissioner Milly Richardson asked about negotiating the bid.

County Manager Don Adams explained that the school staff has been negotiating the bid. He provided an example of trying to reduce the contract.

Faron Atwood, Board of Education member, explained that the architects have gone back, and to receive eight contractors bidding on this size of the job is excellent and shows that it's competitive. He further explained that they did go back, the architects went back to Hickory Construction to get the price lower but after they went back through the drawings they couldn't save enough money without cutting into the alternates.

Commissioner Milly Richardson talked about architect fees are based on the size of the job so the Board of Education could go back to see if they will lower their prices.

Faron Atwood explained that they do have Dan Pardue that assists them with construction-related projects. He explained Mr. Pardue's experience. He stated that if Mr. Pardue thought there was a way for this project to be cheaper he would have talked to Dr. Cox.

County Manager Don Adams stated that the architect fees are set costs and isn't based on percentages.

Faron Atwood stated that this is the same architect as the other projects.

Commissioner Doug Murphy and Commissioner Milly Richardson talked about other ways to look at the bids.

Commissioner Milly Richardson asked again about going back and have it rebid.

Faron Atwood explained that's what Dr. Cox did with the architects.

Commissioner Doug Murphy and Faron Atwood talked about the possibility of the Board of Education paying the debt payment of \$28,000 out of the reduction of the \$125,000 payment that the Board of Education doesn't have to make anymore. Commissioner Doug

Murphy talked about making a motion to move forward if the Board of Education is willing to take the \$28,000 debt payment out of the \$125,000 which still leaves \$98,000 in additional capital monies.

County Manager Don Adams and Commissioner Doug Murphy talked about if that is way this Board is leaning to borrow the money and use the \$28,000 to offset the monies the Board of Education needs to be involved with the discussions because this is all new to them including the amount of the payment on \$412,279.47

Commissioner Randy Miller and Faron Atwood talked about the Board of Education will have to have more discussions because Mr. Atwood cannot state how much they would be willing to pay.

Commissioner Steve Roten talked about the County has huge issues coming up, and everyone has to step up.

Commissioner Doug Murphy stated that if the interest rate isn't 0% then come back to this Board for further discussions.

County Manager Don Adams talked about the Board of Education needs to provide the notice to proceed, and if this is the way the Board is proceeding then wording could be the Board of Commissioners is willing to borrow the money with the Board of Education paying the payment out of their debt reduction and if not 0% interest then it comes back for further conversations with the Commissioners.

Commissioner Steve Roten talked about the bid tabulation sheet. He asked if anyone can approach the other bidders to see if they can cut their bid.

County Manager Don Adams answered no.

Commissioner Steve Roten talked about ways to talk to the other contractors to see if they will build it for this.

County Attorney Donna Shumate talked about this wouldn't be allowable because of the bidding requirements, and this is what has been followed.

Commissioner Milly Richardson talked about the bid has not been officially accepted.

County Manager Don Adams said he thinks they have the letter of intent and waiting on reply.

The County Manager and County Attorney talked about the bidding requirements. County Attorney Donna Shumate stated that she is even stronger now against going back to the bidders. The County Manager said there are chances for going back to the bidders when there is a legitimate reason as listed in the North Carolina General Statutes.

Commissioner Doug Murphy talked about using \$28,000 out of the \$125,000 to be used on this project then he will make a motion for this Board to proceed forward with the 0% interest loan.

County Manager Don Adams asked if he is requesting that the Board of Commissioners borrow \$412,279 with the understanding that the Board of Education will fund the debt payment. He provided examples of what this motion does including this Board is speaking for future boards if the payment is \$43,000. He talked about if this is what the Board wants to do, and the Board wants to borrow the \$412,279 contingent upon the Board of Education agreeing to make the loan payment from their debt reduction.

Commissioner Doug Murphy made a motion to proceed to get the \$412,279 loan contingent upon this goes back before the Board of Education for their approval to use their monies for the payment. Commissioner Steve Roten seconded the motion. Vote 5:0.

Commissioner Milly Richardson said she would like to revisit the issue of fluoridation. Commissioner Milly Richardson made a motion to pass a resolution opposing fluoridation to be submitted to the Virginia/Carolina Water Authority.

Commissioner Doug Murphy, Commissioner Steve Roten and Chair Ken Richardson talked about the need for more discussions and to hear both sides.

Chair Ken Richardson talked about placing this on the next agenda.

Commissioner Doug Murphy stated that he wants to do research for himself, and he has some questions for the Town.

Commissioner Doug Murphy and County Manager Don Adams talked about the Water Authority has eight members. Commissioner Murphy asked has the Town responded to the request. The County Manager answered that the issue has been before them but they haven't taken action.

Chair Ken Richardson asked Commissioner Milly Richardson if she will hold her motion until the next meeting.

Commissioner Milly Richardson answered yes.

Commissioner Steve Roten stated that he has never heard this, and he just thought it was something people were supposed to do. He said that his issue is that the Water Authority should have held a public hearing.

Commissioner Doug Murphy and County Manager Don Adams talked about not being sure that it can be put on a referendum because North Carolina has a list of reasons that referendums can be held.

Commissioner Milly Richardson talked about the Water Authority being an autonomous body because they don't have to answer to others.

Commissioner Steve Roten and County Manager Don Adams talked about the makeup of the Water Authority's board.

Commissioner Doug Murphy and Commissioner Randy Miller reiterated the need to hear both sides.

Being no further business, Commissioner Doug Murphy made a motion to adjourn at 5:46pm. Commissioner Steve Roten seconded the motion. Vote 5:0.

Respectfully submitted,

Karen Evans
Clerk to the Board

Attest:

Ken Richardson
Chairman