

The Alleghany County Board of Commissioners met in regular session on Tuesday, January 10, 2006, at 6:30pm in the Conference Room of the County Office Building, 90 South Main Street, Sparta, North Carolina.

Present: Chair Eldon Edwards, Vice-Chair Warren Taylor, Commissioner Graylen Blevins, Commissioner Ken Richardson, County Attorney Donna Shumate, County Manager Don Adams, and Clerk to the Board Karen Evans. Commissioner Sandy Carter Herndon was absent.

Chair Eldon Edwards called the meeting to order.

Commissioner Warren Taylor opened the meeting with a prayer.

Commissioner Graylen Blevins asked that Roger Brady be added to the agenda before County Business.

County Manager Don Adams asked that a reimbursement resolution be added under County Business.

Commissioner Warren Taylor made a motion to approve the amended agenda for this January 10, 2006, meeting. Commissioner Graylen Blevins seconded the motion. Vote 4:0.

AGENDA  
Tuesday, January 10, 2006  
6:30 PM

- 6:30 Meeting Called To Order  
Motion on Agenda for January 10, 2006, 2005 meeting  
Motion on Minutes for December 13, 2005 variance meeting, December 19, 2005 special meeting, December 19, 2005 regular meeting, December 19, 2005 variance meeting, December 30, 2005 special meeting and January 2, 2006 special meeting
- 6:35 Board of Elections  
RE: Voting Machines
- 7:20 Law Enforcement Center Annual Report  
Roger Brady (added)  
RE: Recycling  
County Business
1. Inmate Liability
  2. Health Insurance Discussions
  3. Property / Corner of Jones and Cheek Street
  4. Reimbursement Resolution (added)
  5. Other Business
  6. Public Comments—30 minutes
  7. Closed Session—NCGS 143-318.11 (a) (3)—legal
  8. Adjourn

Commissioner Warren Taylor made a motion to approve the minutes for the December 13, 2005 variance meeting, December 19, 2005 special meeting, December 19, 2005 regular meeting, December 19, 2005 variance meeting, December 30, 2005 special meeting and January 2, 2006 special meeting. Commissioner Graylen Blevins seconded the motion. Vote 4:0.

Ed Adams, Chair Board of Elections, talked about the actions by the State requiring all counties to purchase new voting machines before the primary in May. He explained that the County's current voting machines have been decertified and cannot be used. He further explained that the Board of Elections has attended meeting in the State and are recommending a new voting machine in accordance to the guidelines.

Frank Galizia with Print Elect, distributor for ES&S, displayed the new DRE voting machine. He showed everyone how the voting machines work. He explained how these voting machines are ADA complaint.

Commissioner Warren Taylor, Commissioner Ken Richardson and Frank Galizia discussed the paper in the machines that produces the paper trail which stays in the machine.

Commissioner Ken Richardson and Frank Galizia talked about curbside voting would have to be a paper ballot.

Frank Galizia explained how the polls are closed, votes are tabulated and sent to the local Board of Elections' office. Ed Adams and Frank Galizia discussed the time frame for having the election results completed.

County Manager Don Adams reviewed the State's actions up to now starting with the decertifying of all voting machines in the State, certifying process of election equipment, ES&S having the only two certified machines, direct-read equipment (DRE) and optical scan. He explained that one system is a touch screen type machine and the other system uses paper ballots. He stated that the Board of Elections must recommend the type of voting equipment for the County. He further stated that they have recommended the DRE equipment. He explained that the Federal regulations require the County to purchase new machines. He reviewed the options for the Board of Commissioners and the number of machines needed for each option. He talked about a grant the County will receive to help with the purchase of equipment regardless of which option the Board decides to do.

Commissioner Warren Taylor and Ed Adams discussed the current machines.

Chair Eldon Edwards and Frank Galizia discussed the election counts stay on the machines' memory until it is downloaded.

The Board of Commissioners and Frank Galizia discussed the warranty and service on the new machines, paper supplier for the thermal paper and battery backups.

Frank Galizia stated that ES&S has been working on the machines for the certification process for two years. He further stated that these machines were made for North Carolina. He said that it was his opinion that it is highly unlikely that the State will add new vendors any time soon.

Ed Adams handed out information to the Board regarding the DRE machines.

Karen Fender explained the handouts including a summary of their recommendations. She further explained the costs of training, unpacking and testing each machine upon delivery.

County Manager Don Adams and Karen Fender talked about the company will program the machines for the primary, and they charge an additional fee for election-day support.

County Manager Don Adams and Frank Galizia discussed the price of hardware maintenance being \$140 per unit per year.

County Manager Don Adams reminded everyone that the Federal law passed in 2002 makes the County buy all new machines. He stated that the concerns over running the primary smoothly are across the State. He asked about the deadline to guarantee delivery for the primary.

Frank Galizia talked about the contract with the State says half of the machines within 30 days of order and everything else within 60 days.

County Manager Don Adams talked about the January 20 date recommended by the State Board of Elections to make a decision on the equipment.

County Manager Don Adams and Frank Galizia talked about training time needed for the equipment prior to the primary and onsite election-day support being \$800 per person.

County Manager Don Adams and Karen Fender discussed the estimated price for the DRE machines is \$198,000.

County Manager Don Adams reminded everyone that a final decision can't be made without a contract.

The Board of Commissioners, County Manager Don Adams and Ed Adams discussed decertifying machines, new vendors, hand counting ballots and the costs for hand counting, pros and cons of both systems, timeline for having equipment in place for the primary, contract for equipment, having the County Attorney review the proposed contract and getting any additional updates from Raleigh regarding this matter.

Commissioner Warren Taylor thanked the Board of Elections for their planning and information that they provided concerning the new equipment.

Chair Eldon Edwards and Commissioner Ken Richardson talked about the reasons for the changes primarily the Federal law that requires new machines.

Chair Eldon Edwards called for a brief recess at 7:45pm.

Sheriff Mike Caudill presented the annual report for the Law Enforcement Center. He stated that the Sheriff's Department had responded to 2,107 calls last year, served 2,346 civil papers, 189 transports, 9 fugitives arrested, number of inmates held in the facility, holding inmates for other counties, juveniles housed in other facilities and 6,635 calls received in dispatch. He talked about the types of training deputies must receive now. He informed the Board that Mr. Brooks, an inmate, had heart surgery and is now being held in Central State prison in Raleigh.

Commissioner Warren Taylor asked about the County being responsible for his medical bills at that prison.

Steve Cothren stated that the County must pay a portion of his medical bills plus his medication.

Chair Eldon Edwards and Mike Caudill discussed why we aren't housing federal inmates

any more.

Commissioner Ken Richardson asked the Sheriff if there is anything that the County can do to make his job easier.

Mike Caudill stated that he wasn't sure but he did appreciate what the Commissioners have already done.

Chair Eldon Edwards asked about the progress of the dispatch area being renovated.

Mike Caudill stated that they are waiting on a third person to bid on the consoles. He talked about a more reasonable way to soundproof the area. He said that the handicap bathroom has been the hold up. He stated that the console people should be here by the 10<sup>th</sup> of next month.

Chair Eldon Edwards thanked the Sheriff for his report.

Commissioner Graylen Blevins thanked the Sheriff for bringing people to justice.

Mike Caudill talked about churches that have been broken into here and surrounding counties. He stated that the people have been found in West Virginia in connection with the break-ins.

Roger Brady came before the Board to discuss taking recycling from Independence. He talked about how much recycling is coming through the recycling center currently. He further talked about Independence will bring a load twice a week on a ton truck and throw it into the bins.

Chair Eldon Edwards and Roger Brady discussed County-owned property being used at the recycling center and how often the recyclables are cleaned up.

County Manager Don Adams explained the current contract reads that the recycling center is for Alleghany recyclables. He stated that a change to the contract would be needed if the Board decided to grant Mr. Brady's request. He reminded the Board that Greentree Recycling requested the same thing and the Board neither granted nor denied their request. He reviewed the pros and cons regarding this request.

Commissioner Ken Richardson asked what is in it for the Alleghany County citizens and is this request just for cardboard or all recyclables.

County Manager Don Adams talked about keeping the recycling clean and how often the bins are full.

Roger Brady stated that he is comfortable that he can do the additional work. He described his workweek and pickup schedules.

Chair Eldon Edwards and Roger Brady talked about how they will take the cardboard to Hillsville if it isn't brought here.

County Attorney Donna Shumate stated that the current contract says that the recycling is for Alleghany County citizens only. She further stated that the contract can be amended.

County Manager Don Adams reminded everyone that the contract is coming up soon more discussion on it will occur in the near future. He talked about if the County was operating the recycling center, he would approach this as another revenue source.

Commissioner Warren Taylor talked about how the County works closely with Grayson County on regional projects. He stated the need to recycle everywhere. He talked about the costs for Alleghany County and the need to analyze the overhead.

Chair Eldon Edwards talked about postponing a decision until the new contract is discussed.

Commissioner Ken Richardson talked about trying Mr. Brady's request for 30 days but he also agrees with Commissioner Edwards.

Commissioner Warren Taylor stated that he doesn't see a problem if it can be done legally.

County Attorney Donna Shumate stated that it will be easy to amend the contract if the Board wishes to do so.

County Manager Don Adams read a section of the contract and talked about how easy it would be to change it.

Commissioner Warren Taylor talked about the citizens' complaints if the center is not kept clean.

Chair Eldon Edwards said that the contract would be reviewed to see what we can do with it.

County Manager Don Adams explained that Dewey Brooks has been incarcerated in our jail on murder charges. He further explained that he was admitted to the hospital on December 18, 2005, had heart surgery, released on December 28, 2005, and sent to a State facility where he can receive proper medical care. He stated that he was informing the Commissioners of this because the County has inmate liability insurance. He explained that the insurance covers up to \$250,000 with a \$10,000 deductible. He stated that once we start receiving the bills, he can determine the liability to the County. He told the Board that Mr. Brooks' court date is March 20 unless he is unfit to stand trial. He talked about the facility where he is now is the most cost effective place for him to be.

County Manager Don Adams stated that the North Carolina Association of County Commissioners (NCACC) Board of Directors decided to switch our health insurance carrier from Blue Cross/Blue Shield (BCBS) to Cigna effective July 1, 2006. He further stated that NCACC is researching the affect this change will have on our network and that a very similar plan should be offered. He talked about the County could get a bid from BCBS, Cigna and possibly other insurance companies.

Commissioner Ken Richardson talked about a pilot program though the State where four counties joined the State's health insurance plan and saved a lot of money. He stated that this pilot program was offered by the General Assembly.

County Manager Don Adams stated that currently Cigna contracts with Alleghany Memorial Hospital on the PPO plan. He talked about the drawbacks if Alleghany Memorial Hospital doesn't

contract with Cigna.

County Manager Don Adams presented a letter from Richard Doughton, Jane Doughton, John Murphy and Susan Murphy. He stated that the letter is talking about a retaining wall on their property behind the County Office Building. He explained that the gravel section below the County Office Building will be used as a parking area for the transportation vehicles once AIM moves to this building. He stated that the letter is asking for permission to place steel tie footers in the retaining wall and then run them underground below the parking lot. He said they are requesting this to stabilize the wall and decrease chances for problems. He told the Board that if the County needs the steel removed then the steel would be cut. He said that a detailed survey would be provided to show the location of the steel.

Commissioner Ken Richardson made a motion to approve the request. Commissioner Warren Taylor seconded the motion. Vote 4:0.

County Manager Don Adams presented a reimbursement resolution for the Sparta Elementary School construction project. He explained that the resolution allows reimbursement from the loans proceeds to repay expenses already paid on the project.

Commissioner Warren Taylor made a motion to approve the reimbursement resolution. Commissioner Graylen Blevins seconded the motion. Vote 4:0.

Chair Eldon Edwards presented a letter from Susie Gambill talking about creating a court security committee for the courtroom and courthouse. He reviewed the letter including the first meeting that has been held, attendance for that meeting, meeting semi-annually and people recommended to serve on the committee including one Commissioner.

Commissioner Ken Richardson made a motion to approve their request that a Commissioner serve on court security committee.

County Manager Don Adams stated that the next meeting is in May.

Commissioner Warren Taylor seconded the motion on the floor. Vote 4:0.

Commissioner Warren Taylor mentioned a letter he received regarding NCDOT is doing a feasibility study to upgrade US 21 down the mountain. He stated that they invite comments and concerns regarding this roadway. He explained that the study will be the entire length of the mountain.

Commissioner Ken Richardson stated that the Board should encourage this and support this action.

Commissioner Warren Taylor talked about a response letter to express our appreciation for DOT starting the feasibility study and show them that we are very supportive of this project.

Commissioner Ken Richardson stated that he thinks it should be copied to our representatives.

Chair Eldon Edwards asked for public comments. None were received.

Commissioner Warren Taylor made a motion to enter into closed session at 8:43pm under

NCGS 143-318.11 (a) (3)—legal. Commissioner Graylen Blevins seconded the motion. Vote 4:0.

Commissioner Graylen Blevins made a motion to adjourn the closed session at 9:08pm and reconvene the regular meeting. Commissioner Warren Taylor seconded the motion. Vote 4:0.

Chair Eldon Edwards stated no action was taken during closed session.

Commissioner Warren Taylor made a motion to contract with Smith Moore, LLP for legal services. Commissioner Graylen Blevins seconded the motion. Vote 4:0.

Being no further business, Commissioner Ken Richardson made a motion to adjourn at 9:09pm. Chair Eldon Edwards seconded the motion. Vote 4:0.

Respectfully submitted,

Karen Evans  
Clerk to the Board

Attest:

Eldon Edwards  
Chairman

NORTH CAROLINA

ALLEGHANY COUNTY

RESOLUTION  
DECLARATION OF OFFICAL INTENT TO REIMBURSE

BE IT HEREBY RESOLVED that Alleghany County, North Carolina does hereby adopt the following declaration (the “Declaration”) of official intent to reimburse.

This declaration (the “Declaration”) is made pursuant to the requirements of the United States Treasury Regulations Section 1.150-2 and is intended to constitute a Declaration of Official Intent to Reimburse under such Treasury Regulations Section.

The undersigned is authorized to declare the official intent of Alleghany County, North Carolina (the “issuer”) with respect to the matters contained herein.

1. **Expenditures to be Incurred.** The Issuer anticipates incurring expenditures (the “Expenditures”) to construction an eight classrooms / multipurpose room addition at Sparta Elementary School, 450 North Main Street in Sparta, North Carolina.
2. **Plan of Finance.** The Issuer intends to finance a portion of the costs of the Project with proceeds of debt to be issued by the Issuer (the “Borrowing”), the interest on which is to be excluded from gross income for Federal income tax purposes.

3. **Maximum Principal Amount of Debt to be Issued.** The maximum principal amount of the Borrowing to be incurred by the Issuer to finance the Project is \$1,950,000.
4. **Declaration of Official Intent to Reimburse.** The Issuer hereby declares its official intent to reimburse itself and the Alleghany County Board of Education with the proceeds of the Borrowing for any of the Expenditures incurred by it or the Alleghany County Board of Education prior to the issuance of the Borrowing.

Adopted this the 10<sup>th</sup> day of January, 2006.