

The Alleghany County Board of Commissioners met in regular session on Monday, August 7, 2006, at 6:30pm in the Conference Room of the County Office Building, 90 South Main, Sparta, North Carolina.

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

Vice-Chair Warren Taylor called the meeting to order and opened with a prayer.

Commissioner Sandy Carter Herndon made a motion to approve the agenda for this August 7, 2006, meeting. Commissioner Graylen Blevins seconded the motion. Vote 4:0.

AGENDA
Monday, August 7, 2006
6:30 PM

- 6:30 Meeting Called To Order
 - Motion on Agenda for August 7, 2006, meeting
 - Motion on Minutes for July 17, 2006, minutes
- 6:35 Public Hearing
 - RE: Library Bond
- 6:45 Amy Pardue
 - RE: Subdivisions Plats
- 7:00 Public Hearing
 - RE: Schedule of Values
- 7:15 Emergency Management Annual Report
- 7:30 Planning Committee Annual Report
- 7:40 Alleghany Connections Annual Report
- County Business
 - 1. Reschedule Labor Day Meeting
 - 2. Wood Waste Grinding Bids
 - 3. Financing Bids—Capital Loan
 - 4. Farmland Preservation Board Appointments
 - 5. AIM Fee Recommendation
 - 6. Wellness Program
 - 7. Other Business
 - 8. Public Comments—30 minutes
 - 9. Closed Session—NCGS 143-318.11 (a) (3)—legal
NCGS 143-3188.11 (a) (6)—personnel
 - 10. Adjourn

Commissioner Sandy Carter Herndon made a motion to approve the minutes for the July 17, 2006, meeting. Commissioner Graylen Blevins seconded the motion. Vote 4:0.

Vice-Chair Warren Taylor recessed the regular meeting at 6:32pm and opened the public hearing regarding the proposed library bond.

County Manager Don Adams explained that there are two action items before the Board tonight; Bond Order authorizing the issuance of general obligation library bonds in the maximum

amount of \$2,000,000 and the resolution regarding publication of Bond Order and details for bond referendum.

Debbie Brewer gave everyone information regarding the library construction project. She introduced Andrew Lapino with Thomas H. Hughes Architect.

Andrew Lapino explained and displayed the floor plan of the building and a color sketch of the proposed library.

Commissioner Warren Taylor and Andrew Lapino discussed other library projects that Mr. Lapino has been involved with including the King library.

Commissioner Sandy Carter Herndon and Andrew Lapino discussed the planned community space in the proposed building.

Vice-Chair Warren Taylor asked for public comments.

Debbie Brewer introduced different groups involved with the library.

Victoria Hall stated that she likes the amount of space. She stated that she volunteered at the library for about a year. She further stated that she liked the big desk area and the area for the youth.

Nancy Hall talked about the historical area. She stated that she is delighted and is all for it.

Pauline Meals stated that she is a retired school teacher and hopes that the roof won't leak like the Clyde Fields school building did when it first opened, and she hopes the heat isn't in the ceiling like the school building.

Pauline Jolly stated that she is very pleased with the plans.

Reba Evans said she is a retired school librarian. She talked about the location being user friendly and the need for a larger area.

Jonathan Halsey stated on behalf of the library board, he wanted to thank the Commissioners for considering this request. He stated that they are confident they can raise the remainder of the money with the \$2,000,000 bond commitment. He thanked the Board for what they have done.

Joan Sherrill thanked the Board for their support and thanked the Junior Friends for their activities.

Alice Keighton stated she is with the Friends of the Library. She talked about how the Friends of the Library started the bookstore. She talked about how much a new facility is needed. She gave an example. She stated that the Friends of the Library support the project. She reminded everyone that the money the Friends of the Library raises goes towards the library. She thanked everyone.

Vice-Chair Warren Taylor closed the public hearing at 6:53pm and reconvened the regular meeting.

Commissioner Ken Richardson made a motion to approve the library bond referendum. Commissioner Sandy Carter Herndon seconded the motion.

County Manager Don Adams asked the Board to vote on the two separate items; Bond Order authorizing the issuance of general obligation library bonds in the maximum amount of \$2,000,000 and the resolution regarding publication of Bond Order and details for bond referendum with the first action being on the bond order.

Commissioner Ken Richardson amended his motion. Commissioner Sandy Carter Herndon seconded the amendment. Vote 4:0.

County Manager Don Adams read the ballot question set out in the resolution; shall the order authorizing up to \$2,000,000 of Alleghany County general obligation bonds to pay capital costs of providing library facilities and paying related costs, as adopted by the County's Board of Commissioners on August 7, 2006, be approved?

Commissioner Ken Richardson made a motion to approve the resolution as presented by the County Manager. Commissioner Sandy Carter Herndon seconded the motion. Vote 4:0.

Planner Amy Pardue presented a preliminary plat for Randall Eller for approval. She stated it is a 108-acre tract being divided into 75 lots. She explained the roads in the subdivision. She further explained that the lot sizes are from 1 to 1 ½ acres and the power and telephone lines will be placed underground.

Commissioner Ken Richardson made a motion to approve the preliminary plat. Commissioner Graylen Blevins seconded the motion. Vote 4:0.

Planner Amy Pardue presented a final plat for Bear Creek for approval. She explained this is a 109-acre tract being divided into 93 lots. She stated that the proposed subdivision has 14 roads and all roads have been named and by approved the 911/Mapping Office.

Commissioner Ken Richardson made a motion to approve the Bear Creek subdivision plat. Commissioner Graylen Blevins seconded the motion. Vote 4:0.

Planner Amy Pardue presented the Helen Fussell Estate final plat for approval. She explained that it is 28 acres being divided into 15 lots. She further explained that the subdivision will use existing state maintained roads.

Commissioner Sandy Carter Herndon made a motion to approve the subdivision plat. Commissioner Ken Richardson seconded the motion. Vote 4:0.

Vice-Chair Warren Taylor recessed the regular meeting at 7:07pm and opened the public hearing regarding the schedule of values.

Mary Walker, Tax Administrator, explained that these are the schedule of values for January 1, 2007. She read NCGS 105-317. She introduced Pearsons Appraisal's staff; Richard Burr and Donnie Smith. She stated that she has read the manual. She explained what the schedule of values are, once they are adopted will go in effect on January 1, 2007, how the values are arrived at and adoption of the values remain until the next revaluation. She stated that the schedule of values price properties at 100% of current market price as of January 1, 2007, and the schedules price out according to what is in the house.

Vice-Chair Warren Taylor asked for public comments.

Bill Wingler stated that he has been looking at the GIS website, and a few tracts have \$0 valuation.

Mary Walker explained that the Mapping Office gets the data from the Tax Office, and she doesn't know why it shows a \$0 value but maybe it is because the data didn't download properly.

County Manager Don Adams suggested that Mr. Wingler check with Wendy Williams in the Mapping Department to answer that question. He stated that the GIS information isn't used for taxes. He further stated that the tax cards are used for taxation.

Bill Wingler asked if people can check for discrepancies on the tax records.

County Manager Don Adams explained that there are public access terminals for viewing information. He talked about being in the process of getting the tax card information on the GIS web site. He explained the difference between deeded acreage and tax card mapping acreage.

Mary Walker talked about the \$0 value may be a track that has been spilt.

Commissioner Sandy Carter Herndon asked Mary Walker when the cut-off date that the schedule of values can't be changed is.

Mary Walker explained that they can't be changed after the Commissioners adopt them. She further explained that they can create neighborhoods to adjust prices.

County Manager Don Adams stated that he recommends that citizens call Pearsons if they have questions.

Commissioner Sandy Carter Herndon and Mary Walker talked about mailing the revalue notices in October.

Commissioner Warren Taylor closed the public hearing at 7:25pm.

Gerald Leftwich, Emergency Management Coordinator, came before the Board to present the Emergency Management annual report. He reviewed the Emergency Management portion of his duties and gave the Board updates on the activities of his department during the past year. He explained the fire inspections' portion of his duties. He further explained the activities of the safety committee.

Agnes Joines with the Planning Committee came before the Board to present a report regarding their history and activities including projects they are involved in, such as, donating money for scholarships, emergency food and fuel, lending library and Alleghany Connections. She gave the Board certificates of appreciation for their efforts.

Commissioner Sandy Carter Herndon and Agnes Joines talked about being a non-profit organization.

Commissioner Ken Richardson talked about the lending library project.

Agnes Joines invited everyone to come to Head Start.

Vice-Chair Warren Taylor thanked Agnes Joines for her efforts.

Lisa Edwards with Alleghany Connections came before the Board to present a report regarding how Alleghany Connections operates. She talked about volunteering one-on-one with at-risk children. She talked about their fundraising activities and things they do to help the children. She reviewed the criteria for volunteers, and volunteers mainly help the children by being a positive adult role model.

Vice-Chair Warren Taylor thanked Lisa Edwards for her work.

County Manager Don Adams asked the Board about rescheduling the first meeting in September since it falls on a County holiday.

The Board of Commissioners discussed dates and times for the meeting. They decided on Tuesday, September 5, 2006, at 6:30pm.

County Manager Don Adams presented the bids for wood waste grinding. He stated that two bids had been received; Rector's Grading from Galax and Bank Services from Marion. He reviewed the bids. He stated that the lowest bid is \$14,868 from Rector's Grading. He informed the Board that \$12,000 was the amount budgeted, and he will move \$2,868 from the maintenance line to cover the remaining amount. He talked about grinding the wood waste into mulch and providing it free to citizens. He further talked about the fire hazard of the mulch pile if it is stored.

Commissioner Ken Richardson made a motion to approve the bid from Rector's Grading. Commissioner Graylen Blevins seconded the motion. Vote 4:0.

County Manager Don Adams presented bank interest rate bids for the \$185,273 capital loan. He reviewed the bids with the lowest bid being from RBC Centura of 3.97%. He also reviewed the resolution authorizing County staff to execute the loan documents.

Commissioner Sandy Carter Herndon made a motion to approve the resolution as presented. Commissioner Graylen Blevins seconded the motion. Vote 4:0.

County Manager Don Adams stated that Paul Edwards, David Gambill and Lewis Upchurch need to be reappointed to serve on the Alleghany County Farmland Preservation Program.

Commissioner Ken Richardson made a motion to approve the reappointment of Paul Edwards, David Gambill and Lewis Upchurch to serve on the Alleghany County Farmland Preservation Program Board. Commissioner Graylen Blevins seconded the motion. Vote 4:0.

County Manager Don Adams talked about Alleghany in Motion's expenses at the end of the year were greater than originally discussed during budget time making the program approximately \$10,000 to \$12,000 in the negative. He reminded the Commissioners that the AIM Board was going to wait until next year to raise rates. He stated that they are concerned about the deficit. He further stated that they have approved increasing the rates to \$0.30 per mile and \$0.17 a minute. He reviewed their action regarding charging EDTAP clients \$1 for in-county round trips and \$2 for out-of-county round trips. He stated that these changes will create approximately an additional \$15,000 in revenues. He further stated that these changes may not take this fund completely out of the negative, and they may have to look at a small increase next year.

Commissioner Sandy Carter Herndon made a motion to approve the recommended changes in fees. Commissioner Graylen Blevins seconded the motion. Vote 4:0.

County Manager Don Adams explained that department heads and elected officials are proposing to create a wellness program for all county employees. He further explained that the North Carolina Association of County Commissioners offers a grant program to help fund these types of initiatives. He stated that the County wishes to apply for a \$2,600 grant to help start this program. He explained how the \$2,600 will be used for items like a health fair, on-going training, and an employee newsletter. He stated that they are looking for general support from the Commissioners and approval to submit the grant application. He talked about giving incentives to employees who improve their health. He further talked about the entities involved with these activities. He stated that he looking for approval to allow County employees to attend the health fair and authorization to submit the grant application.

Commissioner Graylen Blevins made a motion to approve the County Manager's request of allowing employees to attend the health fair and submit the grant application. Commissioner Ken Richardson seconded the motion. Vote 4:0.

County Manager Don Adams talked about the regional transportation board (RTAC) needs a Commissioner appointed to the board. He stated that Commissioner Taylor's term has expired and the Council of Government is asking for an appointment to be made.

Commissioner Ken Richardson made a motion to reappoint Commissioner Taylor to serve on the RTAC board. Commissioner Sandy Carter Herndon seconded the motion. Vote 4:0.

Commissioner Ken Richardson talked about on Friday, he and the County Manager attended the regional tourism meeting in Elkin. He stated that they had voted to ask other surrounding counties to join this effort. He talked about he isn't willing to put money into this project unless it is successful. He stated he wanted to compliment the County Manager for spearheading this group along with Macon Sammons.

Commissioner Graylen Blevins informed the Commissioners that on August 14, at 6:30pm, he and the County Manager will meet with the Edmonds community to discuss their water system concerns.

Vice-Chair Warren Taylor asked for public comments. None were received.

Commissioner Sandy Carter Herndon made a motion to enter into closed session at 8:20pm under NCGS 143-318.11 (a) (3)—legal and (a) (6)—personnel. Commissioner Graylen Blevins seconded the motion. Vote 4:0.

Vice-Chair Warren Taylor called for a brief recess at 8:20pm.

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

Commissioner Ken Richardson made a motion to hire Tom Terrell to review the current lawsuit and advise the County on it. Commissioner Sandy Carter Herndon seconded the motion. Vote 4:0.

Being no further business, Commissioner Sandy Carter Herndon made a motion to adjourn at 9:10pm. Commissioner Graylen Blevins seconded the motion. Vote 4:0.

Respectfully submitted,

Karen Evans
Clerk to the Board

Attest:

Eldon Edwards
Chairman

Bond Order for Adoption

BOND ORDER AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION LIBRARY BONDS IN THE MAXIMUM AMOUNT OF \$2,000,000

WHEREAS --

The Board of Commissioners of Alleghany County, North Carolina, by resolution adopted on June 5, 2006, has stated its proposal to issue general obligation bonds to pay capital costs of providing library facilities.

The County has applied to the North Carolina Local Government Commission for its approval of such bonds, and the Commission has accepted the County's application.

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

1. There are hereby ordered to be issued general obligation library bonds of the County to pay capital costs of providing library facilities, together with related financing and other necessary or incidental costs.

2. The maximum aggregate principal amount of the bonds issued for such purpose will be \$2,000,000.

3. Taxes will be levied in an amount sufficient to pay the principal of and interest on the bonds so issued.

4. A sworn statement of debt prepared by the County's Finance Officer has been filed with the Clerk to this Board and is open to public inspection.

5. This Bond Order will take effect when approved by the County's voters in the manner provided by law.

Adopted this the 7th day of August, 2006.

**Resolution regarding publication of Bond Order
and details for bond referendum**

WHEREAS, there has been adopted at this meeting a bond order entitled as follows:

BOND ORDER AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION LIBRARY BONDS IN THE MAXIMUM AMOUNT OF \$2,000,000

AND WHEREAS, such bond order is to take effect when approved by the voters;

AND WHEREAS, the General Statutes require certain additional actions to complete the process of authorizing the bonds and the bond referendum;

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

1. The Clerk to this Board is authorized and directed to publish a notice of the adoption of such Bond Order, in the form provided for in Section 159-58 of the General Statutes, one time in a newspaper having general circulation in the County.

2. The Bond Order will be subject to a bond referendum to be held within the County on November 7, 2006.

3. The Board requests that the Alleghany County Board of Elections conduct the referendum in the manner provided for by law.

4. The ballot question shall be in the following form:

ALLEGHANY COUNTY LIBRARY BONDS

Shall the order authorizing up to \$2,000,000 of Alleghany County general obligation bonds to pay capital costs of providing library facilities and paying related costs, as adopted by the County's Board of Commissioners on August 7, 2006, be approved?

5. The Clerk to this Board is authorized and directed to transmit a certified copy of this resolution to the Alleghany County Board of Elections within three days after today.

6. The Clerk to this Board is authorized and directed to publish notice of such bond referendum as required by Section 159-61 of the General Statutes.

Adopted this the 7th day of August, 2006.

RESOLUTION

The governing body for the County of Alleghany, North Carolina, held a regular meeting at the County Office Building, the regular place of meeting, on August 7, 2006, at 6:30p.m.

Present: Vice-Chair Warren Taylor, Graylen Blevins, Sandy Herndon, Ken Richardson _____

Absent: Chair Eldon Edwards and County Attorney Donna Shumate _____

Also Present: County Manager Don Adams and Clerk to the Board Karen Evans _____

* * * * *

County Manager Don Adams introduced the following resolution which was read:

RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF AN INSTALLMENT FINANCING CONTRACT IN THE AMOUNT OF \$185,273.00 WITH RBC CENTURA BANK TO FINANCE THE ACQUISITION OF CERTAIN EQUIPMENT FOR USE BY THE COUNTY OF ALLEGHANY, NORTH CAROLINA, AUTHORIZING THE EXECUTION AND DELIVERY OF RELATED INSTRUMENTS, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH

BE IT RESOLVED by the governing body for the County of Alleghany, North Carolina (the "Unit"):

The governing body of the Unit does hereby find and determine:

The County of Alleghany proposes the acquisition of certain equipment, which may include fixtures as more fully described in the hereinafter mentioned Contract (collectively, the "Equipment");

After consideration, the governing body of the Unit has determined that the most advantageous manner of financing thereof is by an installment contract pursuant to Section 160A-20 of the General Statutes of North Carolina, as amended;

Pursuant to Section 160A-20, the Unit is authorized to finance the acquisition of personal property, including fixtures, by installment contracts that create a security interest in the property financed to secure repayment of the financing; and

RBC Centura Bank (“RBC Centura”) has proposed that RBC Centura enter into an Installment Financing Contract with the Unit to finance the Equipment pursuant to which RBC Centura will lend the Unit then amount of \$185,273.00 (the “Contract”) and a related Escrow Agreement between the Unit and RBC Centura (the “Escrow Agreement”).

The governing body of the Unit hereby authorizes and directs the Authorized Officer, Don Adams, to execute, acknowledge and deliver the Contract and Escrow Agreement on behalf of the Unit in such form and substance as the person executing and delivering such instruments on behalf of the Unit shall find acceptable. The Clerk is hereby authorized to affix the official seal of the County of Alleghany to the Contract and the Escrow Agreement and attest the same.

The proper officers of the Unit are authorized and directed to execute and deliver any and all papers, instruments, opinions, certificates, affidavits and other documents and to do or cause to be done any and all other acts and things necessary or proper for carrying out this Resolution and the Contract and the Escrow Agreement.

Notwithstanding any provision of the Contract or the Escrow Agreement, no deficiency judgment may be rendered against the Unit in any action for breach of a contractual obligation under the Contract or the Escrow Agreement and the taxing power of the Unit is not and may not be pledged directly or indirectly to secure any moneys due under the Contract, the security provided under the Contract being the sole security for RBC Centura in such instance.

The Unit covenants that, to the extent permitted by the Constitution and laws of the State of North Carolina, it will comply with the requirements of the Internal Revenue Code of 1986, as amended (the “Code”) as required so that interest on the Unit’s obligations under the Contract will not be included in the gross income of RBC Centura.

The Unit hereby represents that it reasonably expects that it, all subordinate entities thereof and all entities issuing obligations on behalf of the Unit will issue in the aggregate less than \$10,000,000 of tax-exempt obligations,

including the Contract (not counting private-activity bonds except for qualified 501(c)(3) bonds as defined in the Code) during calendar year 2006. In addition, the Unit hereby designates the Contract and its obligations under the Contract as a “qualified tax-exempt obligation” for the purposes of the Code.

This Resolution shall take effect immediately upon its passage.

Upon motion of Ken Richardson, seconded by Sandy Carter Herndon, members of the governing body, the foregoing resolution entitled **“RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF AN INSTALLMENT FINANCING CONTRACT IN THE AMOUNT OF \$185,273.00 WITH RBC CENTURA BANK TO FINANCE THE ACQUISITION OF CERTAIN EQUIPMENT, AUTHORIZING THE EXECUTION AND DELIVERY OF RELATED INSTRUMENTS, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH”** was passed by the following vote:

Ayes: All _____

Nays: None _____

PASSED AND ADOPTED this 7th day of August, 2006.

* * * * *

I, Karen Evans, Clerk for the County of Alleghany, North Carolina DO HEREBY CERTIFY that the foregoing has been carefully copied from the actually recorded minutes of the governing body of said County of Alleghany at a regular meeting held on August 7, 2006, the record having been made in the minutes of said governing body, and is a true copy of so much of said minutes as relates in any way to the passage of a resolution providing for the authorization of the Installment Financing Contract referred to therein.

I DO HEREBY FURTHER CERTIFY that a schedule, stating that the regular meetings of the Council are held on the first and third Mondays of each month at 6:30p.m and 10:00a.m., respectively, at the County Office Building, Conference Room, 90 South Main Street, Sparta, North Carolina, was on file with me for at least seven calendar days prior to said meeting, all in accordance with G.S. 143-318.12.

WITNESS my hand and corporate seal of said County of Alleghany, this 7th day of August, 2006.

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