

The Alleghany County Board of Commissioners met in regular session on Monday, March 5, 2007, at 6:30pm 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.

Chair Ken Richardson stated that closed session needs to be added to the agenda for NCGS 143-318.11 (a) (3)—legal.

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

AGENDA  
Monday, March 5, 2007  
6:30 PM

- 6:30 Meeting Called To Order, Pledge of Allegiance and Prayer  
Motion on Agenda for March 5, 2007, meeting  
Motion on Minutes for February 19, 2007
- 6:35 Public Hearing  
RE: E-911 Road Names
- 6:40 Bill Caudill  
RE: School Bus Driver's Association
- 6:45 Public Hearing  
RE: Planning Board Ordinance
- 7:00 Arts Council Annual Report
- 7:10 Piney Creek Volunteer Fire Department Annual Report
- 7:20 Stacy & Charles Evans  
RE: Concrete Plant  
County Business
  - 1. NACO Prescription Drug Discount Card Program
  - 2. Joint Water Authority Agreement
  - 3. Juvenile Crime Prevention Council Appointment
  - 4. Budget Amendment—Legal
  - 5. Certificate of Appreciation
  - 6. Board of Education Meeting
  - 7. Meeting Procedures
  - 8. Proposed Grayson County Prison Location
  - 9. Other Business
  - 10. Public Comments—30 minutes
  - 11. Closed Session—NCGS 143-318.11 (a) (3)—legal (added)
  - 12. Adjourn

Commissioner Doug Murphy made a motion to approve the minutes for the February 19, 2007, meeting. Commissioner Randy Miller seconded the motion. Vote 5:0.

Wendy Williams, E-911 Coordinator/Mapper, presented one road name for approval; Deons Way. She explained the location of the road.

Chair Ken Richardson opened the public hearing regarding the 911 road name at 6:32pm.

Chair Ken Richardson asked for public comments. None were received.

Chair Ken Richardson closed the public hearing at 6:33pm and reconvened the regular meeting.

Commissioner Milly Richardson made a motion to approve the road name as presented by the E-911 Coordinator/Mapper. Commissioner Warren Taylor seconded the motion. Vote 5:0.

Bill Caudill came before the Board as the President of School Bus Driver's Association. He reviewed the duties of a school bus driver and stated that they don't receive any recognition. He talked about the wages for drivers in Allegheny County versus other counties and the counties make up the difference in other places. He stated that there are 26 full-time bus drivers, and they need to get the recognition and pay they deserve. He talked about they are not CPR or first-aid certified and it should be mandatory that bus drivers are CPR and first-aid certified. He stated his appreciation for the Commissioners' time and efforts for what they can do for the drivers.

Chair Ken Richardson asked if these issues have been presented to the school board.

Bill Caudill talked about the Commissioners are paying the difference in other counties.

Chair Ken Richardson and Bill Caudill talked about buses having cell phones.

Commissioner Doug Murphy asked about the CPR issue being addressed with the Board of Education

Bill Caudill stated that he has been talking with Jeff Johnson since last year, and the Board of Education doesn't want to spend the money for the certifications. He further stated that Wilkes Community College will provide the training for \$25 per person and can certify everyone on April 14.

Chair Ken Richardson talked about the Commissioners will probably schedule a joint meeting with the school board later during this meeting. He asked Mr. Caudill to check with the County Manager later about that date. He stated his appreciation for Bill Caudill.

Chair Ken Richardson opened the public hearing regarding the planning board ordinance at 6:43pm.

Chair Ken Richardson asked for public comments. None were received.

Chair Ken Richardson closed the public hearing at 6:45pm and reconvened the regular meeting.

County Manager Don Adams explained the proposed planning board ordinance.

Commissioner Doug Murphy asked about the membership portion under section one including one member from each township and two at-large members. He talked about if someone is filling the position for another township is that person considered an at-large member. He talked about the need for clarification on that section.

County Manager Don Adams stated that every attempt will be made to fill the positions with one from each township.

Commissioner Doug Murphy and Commissioner Warren Taylor talked about the sitting representative would be for that township if not from that township.

County Manager Don Adams reviewed the members for the planning board; Jerry Brooks, Cherry Lane; Bruce Cook, Cranberry; Dan Abernathy, Prathers Creek; Kenneth Brinegar, Gap Civil; Sharrel Wyatt, Whitehead; Martha Holder, Piney Creek; Michelle Bedsaul, Glade Creek and David Isner and Bill Caudill serving as at-large members. He talked about pending items that remain to be decided by Board of Commissioners; staff roles, oath of office, terms of office, how often and when to meet and payment of the board.

Commissioner Milly Richardson made a motion to pass the planning board ordinance as written. Commissioner Warren Taylor seconded the motion. Vote 5:0.

Commissioner Milly Richardson made a motion to approve the planning board members; Jerry Brooks, Cherry Lane; Bruce Cook, Cranberry; Dan Abernathy, Prathers Creek; Kenneth Brinegar, Gap Civil; Sharrel Wyatt, Whitehead; Martha Holder, Piney Creek; Michelle Bedsaul, Glade Creek and David Isner and Bill Caudill serving as at-large members. Commissioner Doug Murphy seconded the motion. Vote 5:0.

County Manager Don Adams reviewed priorities for the planning board: organize structurally, rules/procedures/bylaws, public meeting laws, elect chair/vice-chair; education on the Property Rights Protection Ordinance and High Impact Polluting Industries Ordinance, land-use concepts and laws.

Commissioner Warren Taylor stated that all of the priorities are essential.

County Manager Don Adams explained the staff roles question in the pending items to be decided by the Commissioners. He gave an example of Karen Evans serving as the clerk to the planning board or the administrative assistant in the Planning Department serving as the clerk to the planning board.

Chair Ken Richardson asked about a budget being submitted for these requests.

County Manager Don Adams stated that he believes that legal counsel should be at all of the meetings. He further stated the need to talk with the planning board to see what they want and then come back with a budget

Commissioner Warren Taylor stated that the members should get paid at least travel expenses to and from meetings.

County Manager Don Adams reminded the Commissioners that the planning board was originally set up as a volunteer board.

Commissioner Warren Taylor said that he can see this board being a very active board with several meetings a month.

County Manager Don Adams mentioned pay per meeting and setting a limit on how many meetings per month will be paid for. He stated that he will go ahead and meet with the planning board and put together a budget. He asked the Commissioners for approval on the proposed oath of office for the planning board members.

Commissioner Milly Richardson made a motion to approve the oath of office for the planning board members. Commissioner Doug Murphy seconded the motion.

County Attorney Donna Shumate stated that the oath should read ordinances instead of laws in Alleghany County.

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

County Manager Don Adams asked about terms of office.

Chair Ken Richardson stated that he recommends to begin with a one-year term to see how things are going. He talked about bringing up the subject to the Planning Board.

County Manager Don Adams stated that the terms of office should be in the form of a motion.

Commissioner Warren Taylor made a motion to allow for the planning board to serve a one-year term and then establish rules for rotation. Commissioner Randy Miller seconded the motion. Vote 5:0.

County Manager Don Adams talked about how often and when to meet. He

reviewed the priority-order rules for the Commissioners Meeting Room; regular meetings of the Board of Commissioners then regular meetings of the planning board then special meetings of the Board of Commissioners then special meetings of the planning board. He talked about Board of Equalization and Review overlapping with the planning board.

Chair Ken Richardson talked about scheduling the meeting for the second Monday.

Clerk to the Board Karen Evans stated that the second Monday in March is the budget planning meeting for the Board of Commissioners.

County Manager Don Adams stated that he will schedule the meeting accordingly.

Genia George with the Arts Council presented their annual report. She reviewed the activities that the Arts Council has been involved in this fiscal year including multi-cultural programs and traditional programs. She talked about upcoming programs that are sponsored by the Arts Council. She stated her appreciation to the Board.

The Board of Commissioners thanked Genia George for her efforts with the Arts Council.

Larry Adams with Piney Creek Volunteer Fire Department presented the annual report for the fire department including the number of members, equipment, number of calls, types of calls, total training hours for 2006, special classes/schools, upcoming trainings scheduled, area of fire protection, 9S rating, fund raisers held and special events. He talked about the condition of their facilities. He encouraged the Board to drive by and see the facilities. He informed the Board of Commissioners that they are receiving a new fire truck Saturday through a private donation and it is replacing an old Lowe's delivery truck that was converted into a fire truck. He talked about the number of homes being built over the next few years. He talked about facilities needs in the very near future.

The Board of Commissioners thanked Larry Adams for his report.

Hugh Campbell stated that he is an attorney with Gardner, Gardner and Campbell in Mount Airy.

Chair Ken Richardson stated that Hugh Campbell isn't on the agenda.

Hugh Campbell stated that he is the attorney that is representing Charles Evans.

Charles Evans stated that Hugh Campbell is speaking on his behalf.

Chair Ken Richardson stated that he will have to refer to the County Attorney because he feels like attorneys should talk with the County Attorney before coming to the Commissioners.

County Attorney Donna Shumate stated that she doesn't see an issue with Mr. Evans having legal representation but the preferred way to do it is to have prior discussions.

Hugh Campbell stated that he faxed a letter to the County Manager on Friday and asked to be put on the agenda for this purpose. He further stated that he will be glad to go outside to tell the County Attorney what is going to be discussed.

Chair Ken Richardson asked the County Attorney and Hugh Campbell to go to another room to discuss this matter and come back to the meeting.

County Manager Don Adams presented the NACO prescription drug program. He reviewed the free drug card program including the benefits. He talked about it takes 8-10 weeks to begin and is no costs to the County because the NACO membership is already in place. He stated that everyone is eligible and the local pharmacies

participate in the program. He talked about placing the cards at various locations for people to pick up, and there is no tracking by the County involved.

Commissioner Warren Taylor asked whether marketers will contact the people who have the card.

County Manager Don Adams explained that the Finance Officer looked into this, and it is his understanding that the cards will be like grocery store discount cards. He explained that NACO stands for the National Association of Counties. He further explained that he needs permission to sign the application.

Commissioner Milly Richardson made a motion to approve the County Manager submitting the application. Commissioner Doug Murphy seconded the motion. Vote 5:0.

County Manager Don Adams presented the joint water authority agreement between Grayson County, Town of Independence, Alleghany County and the Town of Sparta. He reviewed the agreement and that he and Warren Taylor represent Alleghany County and Bryan Edwards and John Brady represent the Town of Sparta.

Commissioner Doug Murphy, Commissioner Warren Taylor and County Manager Don Adams talked about drilling wells as long as the County does not sell the water.

County Manager Don Adams reiterated that a private developer can develop a water system just not Alleghany County.

Commissioner Milly Richardson asked about operating at 75% of capacity and should we attract a large industry that requires a lot of water, can it be supplied.

County Manager Don Adams reviewed the kind of water system that has been proposed; membrane system. He talked about if the need comes along for a large industry and building a well system to handle fire protection. He stated that Alleghany County will be agreeing to buy-in at a set formula that is fair and equitable, and the buy-in has been negotiated now not down the road.

Commissioner Doug Murphy is this positive for attracting industries.

County Manager Don Adams stated that yes it is. He further stated that there is no other source that can provide Alleghany County as much water.

Commissioner Randy Miller and County Manager Don Adams talked about Grayson County and the Town of Sparta have already signed the agreement. County Manager Don Adams reminded everyone that the Town of Independence and Town of Sparta are the only paying customers.

County Manager Don Adams stated that the Town of Independence and Grayson County are working out things among themselves. He further stated that he doesn't think that this hurts us. He talked about this is a fair and equitable way to buy in to the system. He stated that there is no other place to build a system other than in the Town of Sparta.

Commissioner Doug Murphy, Commissioner Milly Richardson and County Manager Don Adams talked about the capacity of the water authority system. Commissioner Milly Richardson asked about an industry coming in and having an ample water supply.

Commissioner Warren Taylor stated that if all four parties do not support the interlocal agreement then the funding will not happen. He talked about this is something that is essential and is our one and only chance. He talked about if the County waits seven more years, it will come back to haunt us.

Commissioner Doug Murphy talked about concerns of the pipelines being on other people's property. He asked about the lines following the right of way.

County Manager Don Adams stated that it will follow the right of way. He

explained that the right of way for a couple of pumping stations will be negotiated on a case-by-case basis.

Commissioner Warren Taylor stated that presently the Town will benefit from this the most. He further stated that they feel like it was important enough to approve the agreement.

Commissioner Warren Taylor made a motion to approve the water authority agreement. Chair Ken Richardson seconded the motion.

Chair Ken Richardson explained his reasons that he thinks this agreement is important including attracting industries.

Commissioner Milly Richardson talked about issues with having enough water and why hasn't the Town of Independence signed.

Chair Ken Richardson stated that if the agreement changes, then the agreement is void. He talked about the \$1.2 million dollars that will be lost if the four bodies do not agree.

Commissioner Doug Murphy and County Manager Don Adams talked about it being a moot point because the Town of Independence is paying a portion of the costs.

County Manager Don Adams talked about the intent to stay in the right of way, the only people that has the authority to condemn property is Alleghany County, State of North Carolina and the federal government. He reiterated that the water authority has no legal authority in Alleghany County or in the Town of Sparta.

Commissioner Milly Richardson talked about guaranteeing a certain level of water will be available. She stated that she has a few more questions and doesn't feel comfortable voting until those questions have been answered.

Commissioner Randy Miller reviewed the costs and grant revenues for the water system. He talked about the four groups must come up with the money.

County Manager Don Adams stated that only the Town of Independence and Town of Sparta will pay for the water system. He further stated that Alleghany County will not participate in funding this project. He explained that the agreement doesn't state Alleghany County will provide any funding.

Commissioner Milly Richardson reiterated that she is not comfortable with it at this time.

Commissioner Doug Murphy and County Manager Don Adams talked about having the engineers come before the Board and discuss long-term capacity and the other issues.

Chair Ken Richardson talked about the work that has gone into this agreement.

Commissioner Milly Richardson talked about waiting two more weeks while the Town of Independence is considering the document.

County Manager Don Adams asked the Board to submit questions to his office for the engineers to answer.

The Board voted on the motion on the floor. Vote 2:3 (Milly Richardson, Randy Miller, and Doug Murphy)

County Manager Don Adams presented a letter from Kay Luffman requesting that Tim Billings be appointed to the Juvenile Crime Prevention Council.

Commissioner Milly Richardson made a motion to approve the appointment of Tim Billings to the Juvenile Crime Prevention Council. Commissioner Doug Murphy seconded the motion. Vote 5:0.

County Manager Don Adams presented budget amendment General Fund #22 in the amount of \$58,285 for legal services. He reviewed the costs associated with the Maymead lawsuit and minor follow-up expenses.

Commissioner Warren Taylor made a motion to approve budget amendment General Fund #22 in the amount of \$58,285. Commissioner Milly Richardson seconded the motion. Vote 5:0.

County Manager Don Adams asked if the Board would like to approve a certificate of appreciation for Cora Neville.

Commissioner Doug Murphy made a motion to approve the certificate of appreciation. Commissioner Warren Taylor seconded the motion. Vote 5:0.

County Manager Don Adams stated that the Board of Education has requested a joint meeting with the Board of Commissioners. He reviewed the dates that the Board of Education is available to meet.

The Board talked about dates to hold the meeting. They decided on March 26<sup>th</sup> at 5:30pm.

County Manager Don Adams stated that a Commissioner had requested that meeting procedures be placed on this agenda.

Commissioner Milly Richardson mentioned Susan Reinhardt stated the desire to speak about business at hand, not after the fact. She talked about setting aside time at the beginning of each meeting to allow for public comments. She stated that this is an opportunity to allow anyone to speak about any business that is before the Board.

Chair Ken Richardson talked about moving the public comments portion to the beginning of the meeting.

Commissioner Warren Taylor asked if the law says when the public comment portion must be held.

County Attorney Donna Shumate stated that the law doesn't state when in the meeting to have public comments.

Commissioner Milly Richardson asked about agendas being posted prior to the meetings.

Clerk to the Board Karen Evans explained that the agendas are posted outside of this meeting room and at the entrance on the first floor. She further explained that the agendas are posted on the County's web site at least 48 hours prior to the meeting.

Commissioner Milly Richardson stated that she has no comment at that this time regarding the prison.

Commissioner Doug Murphy clarified that the Commissioners are to submit questions to the County Manager or the water authority people will be at the next meeting.

Commissioner Milly Richardson talked about having the engineer come to the next meeting to answer questions.

Commissioner Doug Murphy and Commissioner Randy Miller talked about giving questions to the County Manager before the meeting. Commissioner Milly Richardson stated that everyone should be able to submit their questions within the next week.

Commissioner Randy Miller stated that this is a good cause, he just needs a couple of questions answered. Commissioner Milly Richardson and Commissioner Doug Murphy agreed.

Chair Ken Richardson stated that he has the break down of the Governor's proposed budget and if any Commissioner would like a copy, see Karen Evans.

Chair Ken Richardson asked for public comments.

Hoyt Sparks talked about the water authority. He stated that it appears there are more questions. He talked about Little River has more water than is needed. He further talked about if the County needs water, the Town of Sparta is already set up to handle water and going in jointly with them and not have the County's hands tied with the authority. He talked about the condemnation procedures. He reiterated his fear of tying the County's hands down the road. He talked about the Evans group and the ordinance. He stated the planning board that has been set up is bureaucracy on top of bureaucracy and slows the process down. He talked about the planning board will serve at the Board of Commissioners' beck and call. He further talked about businesses cannot flourish. He stated that the Board's wants to enhance job opportunities but is doing just the opposite. He reiterated his opinion about if the high impact land use ordinance goes to court, the County will lose. He stated that the Evans permit should be approved and the feed store should be approved. He further stated that the ordinances are not worth a flip, and the best thing to do is abolish it and let state and federal laws prevail.

Chair Ken Richardson further comments. None were received.

County Attorney Donna Shumate stated that the Board needs to have the closed session prior to hearing Charles Evans or his attorney speak.

Commissioner Randy Miller made a motion to enter into closed session at 8:28pm under NCGS 143-318.11 (a) (3)—legal. Commissioner Warren Taylor seconded the motion. Vote 5:0.

Commissioner Randy Miller made a motion to adjourn the closed session at 8:55pm and reconvene the regular meeting. Commissioner Milly Richardson seconded the motion. Vote 5:0.

Chair Ken Richardson stated no decisions were made during closed session.

Charles Evans asked Hugh Campbell speak on his behalf.

Hugh Campbell asked for a modification to the High Impact Land Use/Polluting Industries Ordinance. He talked about the specific concrete plant that Mr. Evans is bringing will add up to 5 jobs and \$100,000 in equipment. He stated that Mr. Evans sees a need in the market. He handed out a picture of a batch concrete plant.

Chair Ken Richardson showed the plant to each Commissioner.

Hugh Campbell talked about the proposed plant being not more than 5 trucks daily and not more than 60 cubic yards a year. He explained that the State regulates plants over 150 cubic yards a year. He talked about compatible uses in the county. He asked the Board to consider him working with the County Attorney and the County Manager and hold a public hearing to see what the public's tolerance is. He stated that if the public is against it, then the door will be closed.

Commissioner Milly Richardson stated that the picture looks like it is hooked up to a pickup truck and is moveable. She asked could a contractor move it from job to job.

Hugh Campbell explained the information in the brochure.

Commissioner Milly Richardson stated that it looks like a very large cement mixer.

Charles Evans agreed.

Commissioner Milly Richardson talked about it being a mobile unit and how it

moves.

Hugh Campbell stated that this permit is for a single location.

Charles Evans explained how it works.

Hugh Campbell stated that the units are regulated by DENR and the air quality permits are site specific.

Hugh Campbell stated that he would welcome comments from Don Adams and Donna Shumate to help with this ordinance. He further stated that this is a win-win situation. He talked about what is a regulated cement plant and what is not.

Chair Ken Richardson stated that the proper procedure is to refer this issue to the newly created planning board and have them report back to the Commissioners with their recommendation.

Hugh Campbell stated that the application was filed in September. He urged the Commissioners to encourage the planning board to act speedily.

Being no further business, Commissioner Warren Taylor made a motion to adjourn at 9:09pm. Commissioner Doug Murphy seconded the motion. Vote 5:0.

Respectfully submitted,

Karen Evans  
Clerk to the Board

Attest:

Ken Richardson  
Chairman

**AN ORDINANCE TO CREATE A PLANNING BOARD FOR  
ALLEGHANY COUNTY, NC**

WHEREAS, North Carolina General Statute 153A-321 provides for the creation, operation and duties of a county planning board; and

WHEREAS, North Carolina General Statute 153A-344 requires ordinances relating to zoning to have certification and recommendation from a county planning board.

NOW, THEREFORE, BE IT ORDAINED that the Alleghany County Board of Commissioners hereby establishes the “Alleghany County Planning Board” and that it be governed by the following provision:

Section 1: Membership

The Alleghany County Planning Board shall be comprised of nine (9) members. There shall be one member from each of the seven townships of Alleghany County and two members shall be at-large. All members shall be Alleghany County residents.

Potential members of the Alleghany County Planning Board shall submit an application in the form required by the existing Board of County Commissioners. The members of the Planning Board shall be selected by the Alleghany County Commissioners from the applications. If there are no applicants from a township, the position may be filled by a resident from another township.

Section 2: Organization, Rules, Meetings, Records

The Alleghany County Planning Board shall elect a chairman and create and fill such offices as it may determine. The members of the Planning Board shall serve at the pleasure of the Board of Commissioners. The Planning Board shall adopt rules for transaction of its business and shall keep record of its member’s attendance and of its resolutions, discussions, findings and recommendations. The Planning Board meetings shall be open to the public and will abide by all North Carolina public open meeting laws. For the purpose of taking any official action, five members will constitute a quorum.

### Section 3: General Powers and Duties

The Alleghany County Planning Board shall perform the following duties:

1. Make studies of the county and surrounding area;
2. Determine objectives to be sought in the development of the study area.
3. Prepare and adopt plans for achieving these objectives;
4. Develop and recommend policies, ordinances, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner;
5. Advise the Board of Commissioners concerning the use and amendment of means for carrying out plans;
6. Exercise any functions in the administration and enforcement of various means for carrying out plans that the Board of Commissioners may direct;
7. Perform any other related duties that the Board of Commissioners may direct.

#### Section 4: Special Advisory Committees

The Alleghany County Planning Board may seek the establishment of and advice from advisory committees established by the County Commissioners or the Planning Board in carrying out its specified duties and powers. The Planning Board may not delegate to any such advisory committee any of its official or statutory duties.

#### Section 5: Planning Staff

The Board of Commissioners may appoint county staff to serve as a technical advisor, clerk and general assistant to the Planning Board in carrying out its specified duties and powers.

#### Section 6: Severability

If any provision of this ordinance or any rule, regulations, or order thereunder or the application of such provision to any person or circumstances is held invalid, the remaining provisions of this ordinance or such rules, regulations or orders to persons or circumstances other than those held invalid will not be affected thereby.

#### Section 7: Supersedes Prior Planning Board Ordinances

As of the effective date of this Ordinance, this Ordinance shall supersede all prior Planning Board Ordinances.