

The Alleghany County Board of Commissioners met in regular session on Tuesday, September 13, 2005, 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 Sandy Carter Herndon, Commissioner Ken Richardson, County Manager Don Adams, and Clerk to the Board Karen Evans. County Attorney Donna Shumate was present but arrived late.

Chair Eldon Edwards called the meeting to order.

Commissioner Warren Taylor opened the meeting with a prayer.

Chair Eldon Edwards stated that the resolution concerning Cherry Lane Volunteer Fire Department needs to be removed from the agenda.

Commissioner Warren Taylor made a motion to approve the amended agenda for this September 13, 2005, meeting. Commissioner Graylen Blevins seconded the motion. Vote 5:0.

AGENDA  
Tuesday, September 13, 2005  
6:30 PM

- 6:30 Meeting Called To Order
  - Motion on Agenda for September 13, 2005 meeting
  - Motion on Minutes for August 15 and 29, 2005 meetings
- 6:35 Public Hearing
  - RE: 911 Road Names
- 6:45 Public Hearing
  - RE: Polluting Industries Zoning Moratorium
- 7:15 Council on Aging Annual Report
- 7:30 Rescue Squad Annual Report
- County Business
  - 1. Cherry Lane VFD Resolution (deleted)
  - 2. Insurance Resolutions
  - 3. Youth Football Budget Amendment
  - 4. Rural Center Agreement—NAPCO/Budget Amendment
  - 5. Other Business
  - 6. Public Comments—30 minutes
  - 7. Adjourn

Commissioner Sandy Carter Herndon made a motion to approve the minutes for the August 15 and 29, 2005 meetings. Commissioner Graylen Blevins seconded the motion. Vote 5:0.

Chair Eldon Edwards recessed the regular meeting at 6:32pm and opened the public hearing regarding the E-911 Road Names.

County Attorney Donna Shumate arrived at 6:32pm.

County Manager Don Adams presented two road names for approval; Duncan Drive and

Claudes Hill Drive. He read a letter from Wendy Williams explaining where each road is located in the County.

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

Chair Eldon Edwards closed the public hearing at 6:35pm and reconvened the regular meeting.

Commissioner Warren Taylor made a motion to approve the E-911 road names as presented by the County Manager. Commissioner Graylen Blevins seconded the motion. Vote 5:0.

County Manager Don Adams explained the differences between the proposed moratorium and the moratorium adopted on August 1. He read the proposed moratorium ordinance that Certain Polluting Industries Under North Carolina Zoning Laws.

Chair Eldon Edwards recessed the regular meeting at 6:42pm and opened the public hearing regarding the Polluting Industries Zoning Moratorium.

Chair Eldon Edwards asked for public comments.

Sid Miller stated that he doesn't see any benefits of the asphalt plant. He mentioned the dangers of the plant including the traffic situation on Highway 113 and 18. He talked about the reasons for Maymead looking to locate here is because we don't have any regulations. He reiterated the threats to the community concerning an asphalt plant. He thanked the Board for their efforts.

Mickey Hall explained some of the facts on the ACES pamphlet concerning the air quality permit and acid rain. He displayed a graph showing the proposed truck traffic produced by the asphalt plant. He talked about the number of asphalt plants around Alleghany County. He explained activities of Maymead Farms concerning a CAFO. He thanked the Board for their actions.

Tom Burgiss asked what happens if this doesn't pass. He thanked the Board for considering this and giving everyone this opportunity to speak on the subject. He talked about employment is one reason why other people support the asphalt plant. He further talked about other ways to gain employment in the County.

Bruce Cook stated his appreciation to everyone. He talked about general issues concerning the location of an asphalt plant in Alleghany County including impacts to tree farms, the parkway, tourism, safety issues and property values. He asked the Board to do what is right for the citizens of Alleghany County.

Donald Conrad explained the environment that we have now with tobacco, wine, trees and silage trucks. He talked about toxic clouds, and he has never seen an asphalt plant or the tar but he knows that the asphalt plant isn't for him.

Debbie Erickson with Laurel Ridge Camp and Conference Center explained the camp's operations, mission statement and purpose. She talked about how the plant will affect what they are doing. She gave examples of the dangers.

Dr. John Kovacich gave the Board medical facts about asphalt plants. He stated that he

contacted the Centers for Disease Control about asphalt plants and received a 132-page, 200-article document concerning the scientific data on asphalt plants. He gave medical statistics regarding exposure to an asphalt plant.

Earl Deal stated that he is a tree farmer on Meadow Fork Road and grows Christmas trees in the area of the proposed plant. He thanked the commissioners for their support on trying to get the Elk Knob Road curve fixed three years ago. He talked about roads are not repaired quickly. He further talked about traffic safety and site distance issues. He stated that any ordinance should consider these types of problems. He talked about reasons for Maymead wanting to locate here. He further talked about the number of jobs that Maymead says will be created by this plant.

Eva Ingle with the National Committee for the New River talked a letter by their Board. She talked about piney fork and cranberry creek being trout waters, cranberry creek being outstanding resource waters and how pollution will harm these waters. She mentioned that New River is an American Heritage River. She stated that NCNR urges the County Commissioners to pass a Polluting Industries Ordinance to protect the New River and its watershed and view shed as a valuable natural and economic resource of Alleghany County.

Lou Zeller with the Blue Ridge Environmental Defense League stated that they support the moratorium on polluting industries. He talked about he has seen the impact of polluting industries. He stated that they tried, in Raleigh, to reduce asphalt plants pollution but was defeated. He explained that now it is up to local communities on where asphalt plants are located. He talked about this is an issue of property rights. He further talked about the actions of the surrounding areas, and Alleghany County deserves the same protection as others. He stated that according to the public records law, information must be made available. He asked that they have access to the ordinance prior to any decisions being made.

Jim Fender asked what is polluting industries and how many current polluting industries does Alleghany County have already. He gave examples of pollution in streams. He talked about taxes and the teapot museum. He read the definition of an insecticide, herbicide, pesticide, and he reminded everyone to be careful and not let them get into the ground. He talked about contaminated well water and the need to keep an eye on what is going on.

Michael Schwitzer reiterated comments heard tonight. He stated that he recently moved here due to the opportunity and beauty in the County. He talked about a home on the National Historic Record close to the proposed plant location; Doughton Hall. He further talked about what Mr. Doughton did for the county, location of the home place and burial place. He stated that an asphalt plant is a polluting industry. He further stated that Alleghany County is the place that people from larger areas come to get away from the pollution, noise and traffic. He talked about the number of people in the audience that can't participate fully in this meeting because they can't see or hear what is going on. He stated that he commends the County Commissioners for their actions so far. He further stated the need for providing a forum where everyone can be heard and seen.

Chair Eldon Edwards closed the public hearing at 7:35pm and reconvened the regular meeting.

Commissioner Graylen Blevins asked about the amount of space in the new commissioners' room at the Administration Building.

County Manager Don Adams explained that the room is larger than the current meeting

room and using courtroom if it is available.

Commissioner Sandy Carter Herndon made a motion to adopt the moratorium, as read by the County Manager, to be effective today. Commissioner Graylen Blevins seconded the motion.

Commissioner Warren Taylor and County Manager Don Adams talked about the building inspections being the front line, the process if questions arise and appeal procedures in ordinances.

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

Chair Eldon Edwards called for a brief recess at 7:40pm.

Janis Fender and Karon Edwards with Council on Aging came before the Board to present their annual report. They gave information on their activities, level 1 services, contracting for level 2 services with Generations, congregate meals, meals on wheels program, outreach, information and referral. Mrs. Edwards talked about their new web page and the services to be offered online. They explained more of their activities and services they provide. They talked about applying to become a center of excellence and explained what is involved in the designation. Ms. Fender invited everyone to their open house during the Mountain Heritage Festival.

Chair Eldon Edwards stated that his appreciation for their time and efforts.

Stacy Henderson, Captain with the Rescue Squad, came before the Board to present their annual report. He gave the Board information regarding their membership, calls received, training hours, work detail, classes that they have attended and the amount of continuing education required per person each year. He explained the amount of time involved to receive the different levels of certifications. He reminded the Board that they are all volunteers, cover the entire county, and provide backups services for all of the fire departments and EMS. He reviewed their fund raisers throughout the year. He talked about the dedication of these members, there has never been a call not answered and the members put county citizens in front of themselves.

Commissioner Sandy Carter Herndon and Stacy Henderson talked about diving classes held at the river and rock quarry. Stacy Henderson talked about being the only county that has a dive team in this area.

Commissioner Sandy Carter Herndon commended Stacy Henderson and everyone of the team for this level of dedication.

Chair Eldon Edwards stated that he is very proud of the squad.

Commissioner Graylen Blevins said thanks for all of the hard work.

County Manager Don Adams presented three resolutions for participating in the North Carolina Association of County Commissioners' insurance pools; Worker's Compensation, Property & Liability and Group Benefits. He explained that these resolutions will approve the interlocal agreements and authorize him to enter into these agreements.

Commissioner Warren Taylor made a motion to approve the resolutions as presented by the County Manager. Commissioner Graylen Blevins seconded the motion. Vote 5:0.

County Manager Don Adams presented budget amendment General Fund #7 in the amount of \$2,373 for Youth Football. He explained that this was approved at the last meeting.

Commissioner Sandy Carter Herndon made a motion to approve budget amendment General Fund #7 in the amount of \$2,373 for Youth Football. Commissioner Graylen Blevins seconded the motion. Vote 5:0.

County Manager Don Adams presented budget amendment Economic Development Fund #1 in the amount of \$262,000 with \$250,000 coming from the Rural Center and \$12,000 coming from the Advantage West Grant. He explained the budget amendment.

County Manager Don Adams reviewed the NAPCO agreement with the Rural Center. He explained that NAPCO agreed to create 26 additional jobs, and they must pay back a prorated share if they don't create the additional jobs.

Commissioner Warren Taylor and County Manager Don Adams talked about why the County must have an agreement.

Commissioner Ken Richardson made a motion to approve budget amendment Economic Development Fund #1 in the amount of \$262,000. Commissioner Graylen Blevins seconded the motion. Vote 5:0.

Commissioner Graylen Blevins made a motion to approve the agreement. Commissioner Ken Richardson seconded the motion. Vote 5:0.

County Manager Don Adams talked about the moratoriums provides 90 days for the Board to review regulating or restricting polluting industries. He explained that zoning laws state a planning committee must be created and then charged with the tasks of creating a polluting industries ordinance. He talked about different possibilities for the committee.

Commissioner Ken Richardson asked can the Commissioners be the planning board.

Commissioner Sandy Carter Herndon talked about the January date for the land-use committee and 90 days will sidetrack them. She stated that the Commissioners should create a new board to look at this issue.

Commissioner Ken Richardson and County Manager Don Adams talked about the Commissioners being the planning board. The County Manager stated that by resolution the Commissioners must appoint someone for this task.

County Manager Don Adams talked about meeting other times than regular meetings if the Commissioners are the planning board. He reviewed the timeline for the next 90 days including a public hearing during the first meeting in December.

Chair Eldon Edwards asked about checking into the Commissioners being the planning committee.

County Manager Don Adams talked about methods to select members at the next meeting.

Commissioner Warren Taylor stated that the 15-member land-use group needs to stay with land-use. He talked about this committee needs to be a couple of Commissioners with Amy

Pardue, Don Adams and Donna Shumate.

Commissioner Sandy Carter Herndon asked if the general consensus of the Board is to serve as the planning board, if legally allowed.

County Attorney Donna Shumate discussed a law regarding the planning board.

Commissioner Warren Taylor talked about it would be like the Board of E&R.

County Manager Don Adams stated that he will find out tomorrow about the Commissioners serving as the planning committee.

Commissioner Graylen Blevins talked about the importance of not sidetracking the other committee.

Commissioner Sandy Carter Herndon talked about the citizens that attended tonight and their attitudes about wanting to do what is right for the County as a whole. She stated that she wanted to thank the committee and the citizens that were involved with tonight's meeting, and she hopes to continue to see this kind of support.

Commissioner Graylen Blevins commended Earl Deal for having a Christmas tree selected to be sent to the White House.

Commissioner Ken Richardson stated that he mentioned in December about having regular meetings with the school board. He gave examples of emergencies presented by the schools that still haven't been resolved including the bus garage and space for Sparta School. He stated that he is encouraging the Board to remind the school board that they were interested in having these meetings.

Chair Eldon Edwards asked for public comments.

Susan Reinhardt asked about the location for the next public hearing concerning polluting industries that was discussed earlier.

Commissioner Graylen Blevins talked about the size of the new conference room in the Administration Building to accommodate a larger crowd and the use of the courtroom. He stated that nothing was discussed as to another meeting time and location.

County Manager Don Adams explained where the meetings could be held and the usage of the Commissioners' meeting room in the Administration Building while the courthouse is being renovated.

Commissioner Sandy Carter Herndon asked about when construction is beginning at the courthouse.

County Manager Don Adams explained that larger rooms are available if the Board wishes to move the meeting but he needs the Board to direct him to have the meetings in a larger area. He stated that construction should start in November on the courthouse.

Charlie Scott stated that he will work with the County Manager to help with audio and video problems experienced at this meeting.

Being no further business, Chair Eldon Edwards made a motion to adjourn at 8:30pm. Commissioner Warren Taylor seconded the motion. Vote 5:0.

Respectfully submitted,

Karen Evans  
Clerk to the Board

Attest:

Eldon Edwards  
Chairman

## **ALLEGHANY COUNTY**

### **NORTH CAROLINA**

#### **AN ORDINANCE ESTABLISHING A MORATORIUM ON CERTAIN POLLUTING INDUSTRIES UNDER NORTH CAROLINA ZONING LAWS**

WHEREAS, the Alleghany County Board of Commissioners has, pursuant to the zoning powers of NCGS 153A-340, the authority to regulate and restrict matters of public health, safety, morals, or the general welfare of its citizens within the unincorporated areas of Alleghany County; and,

WHEREAS, the proposed construction and operation of polluting industries that produce objectionable levels of noise, odors, vibrations, fumes, light, smoke, air pollution or other physical manifestations that may have an adverse effect on the health, safety and welfare of its citizens in Alleghany County has raised serious concerns; and

WHEREAS, examples of these concerns include, but are not limited to:

1. Traffic safety
2. Undesirable visual impacts to area and damage to natural resources
3. Objectionable levels of noise, odors, vibrations, fumes, light or smoke that may or may not have hazardous effects; and

WHEREAS, without appropriate planning and regulation on the part of the County, certain polluting industries may negatively impact the public health, safety and welfare of its citizens and negatively impact certain property values within the County; and

WHEREAS, Alleghany County has unspoiled natural resources which could suffer irreparable harm without appropriate planning and regulation of polluting industries by the County; and

WHEREAS, Alleghany County is interested in finding a way to minimize the negative impact such polluting industries could have on the natural resources of Alleghany County; and

WHEREAS, no alternatives other than moratoriums exist that would ensure the status quo until the above issues have been properly analyzed and acted upon; and

WHEREAS, the County may enact this moratorium for a reasonable duration of 90 days in order to preserve the status quo while appropriate County controls and regulations are considered and acted upon; and

NOW, THEREFORE, BE IT ORDAINED that the Board of Commissioners of Alleghany County hereby places this moratorium on the opening or expansion of polluting industries for a period of ninety (90) days following the moratorium's adoption. Examples of polluting industries include, but are not limited to, asphalt plants, chip mills and medical waste facilities; and

THEREFORE, BE IT FURTHER ORDAINED that the Alleghany County Building Inspection's Department or any other local permitting agency under the jurisdiction of Alleghany County Government shall be restricted from issuing permits to certain polluting industries under this moratorium in order to maintain the status quo until the moratorium's termination; and

FINALLY, THEREFORE, BE IT FURTHER ORDAINED that during the duration of this moratorium, the Board will consider all regulations, controls and restrictions allowable under NCGS 153A-340 to address the potential concerns about polluting industries; these proposed regulations, controls or restrictions will be analyzed by legal counsel; and the Alleghany County Board of Commissioners will hold a public hearing to hear public comment on any proposed regulation, control or restriction on polluting industries that is created under this moratorium.

This ordinance becomes effective upon its adoption on this the 13<sup>th</sup> day of September, 2005.

## **NORTH CAROLINA**

### **ALLEGHANY COUNTY**

#### **RESOLUTION**

**WHEREAS**, Alleghany County desires to provide its employees insurance and other health benefits as authorized by NCGS 153A-92 (d); and,

**WHEREAS**, the North Carolina Association of County Commissioners Health Insurance Trust d.b.a. NCACC Group Benefits Pool, hereafter called the Pool, has been established pursuant to NCGS 153A-445 (a)(1) and NCGS 160A-460 through 160A-464; and,

**WHEREAS**, it is desirable for Alleghany County to join the Pool to provide a method of risk sharing and/or group purchase of coverage.

**NOW, THEREFORE, BE IT RESOLVED** that the Alleghany County Board of Commissioners hereby adopts the interlocal agreement entitled "Interlocal Agreement for a Group Self-Insurance Fund for Health, Dental, Life & Disability Risk Sharing or Group Purchase of Coverage" and thereby joins and agrees to participate in the NCACC Group Benefits Pool which has been formed to create a group fund to pay and service the health-related claims of the employees of the counties and other local agencies joining the Pool.

**BE IT FURTHER RESOLVED** that Don Adams, County Manager, is authorized to execute the application to join the NCACC Group Benefits Pool.

Adopted this the 13<sup>th</sup> day of September, 2005.

## **NORTH CAROLINA**

### **ALLEGHANY COUNTY**

#### **RESOLUTION**

**WHEREAS**, Alleghany County is required to provide payment of workers' compensation claims to

employees; and,

**WHEREAS**, the North Carolina Workers' Compensation Joint Risk Management Agency d.b.a. NCACC Workers' Compensation Pool, hereafter called the Pool, has been established pursuant to NCGS 153A-445 (a)(1) and NCGS 160A-460 through 160A-464; and,

**WHEREAS**, it is desirable for Alleghany County to join the Pool to provide a method of risk sharing and/or group purchase of coverage.

**NOW, THEREFORE, BE IT RESOLVED** that the Alleghany County Board of Commissioners hereby adopts the interlocal agreement entitled "Interlocal Agreement for a Group Self-Insurance Fund for Workers' Compensation Risk Sharing or Group Purchase of Coverage" and thereby joins and agrees to participate in the NCACC Workers' Compensation Pool which has been formed to create a group fund to pay and service the workers' compensation claims of the employees of the counties and other local agencies joining the Pool.

**BE IT FURTHER RESOLVED** that Don Adams, County Manager, is authorized to execute the application to join the NCACC Workers' Compensation Pool.

Adopted this the 13<sup>th</sup> day of September, 2005.

**NORTH CAROLINA**

**ALLEGHANY COUNTY**

### **RESOLUTION**

**WHEREAS**, Alleghany County desires to protect against liability claims and property losses and to provide for payment of claims or losses for which the county may be liable; and,

**WHEREAS**, the North Carolina Counties Liability and Property Joint Risk Management Agency d.b.a. NCACC Liability and Property Pool, hereafter called the Pool, has been established pursuant to NCGS 153A-445 (a)(1) and NCGS 160A-460 through 160A-464; and,

**WHEREAS**, it is desirable for Alleghany County to join the Pool to provide a method of risk sharing and/or group purchase of coverage.

**NOW, THEREFORE, BE IT RESOLVED** that the Alleghany County Board of Commissioners hereby adopts the interlocal agreement entitled "Interlocal Agreement for a Group Self-Insurance Fund for Liability and Property Risk Sharing or Group Purchase of Coverage" and thereby joins and agrees to participate in the NCACC Liability and Property Pool which has been formed to create a group fund to pay and service the liability claims and property losses of the counties and other local agencies joining the Pool.

**BE IT FURTHER RESOLVED** that Don Adams, County Manager, is authorized to execute the application to join the NCACC Liability & Property Pool.

Adopted this the 13<sup>th</sup> day of September, 2005.