

The Alleghany County Board of Commissioners met in regular session on Monday, October 3, 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 Attorney Donna Shumate, County Manager Don Adams, and Clerk to the Board Karen Evans.

Chair Eldon Edwards called the meeting to order.

Commissioner Ken Richardson opened the meeting with a prayer.

Commissioner Sandy Carter Herndon made a motion to approve the agenda for this October 3, 2005, meeting. Commissioner Warren Taylor seconded the motion. Vote 5:0.

AGENDA
Monday, October 3, 2005
6:30 PM

- 6:30 Meeting Called To Order
 - Motion on Agenda for October 3, 2005 meeting
 - Motion on Minutes for September 19, 2005 meeting
- 6:35 Public Hearing
 - RE: LGC Application
- 6:45 Public Hearing
 - RE: Planning Board Ordinance
- 7:00 Karen Leys
 - RE: Energy Performance Contract
- 7:20 Duane Davis
 - RE: School Facilities Update
- 7:40 Fred Hampton
 - RE: Tax Appeal
- 8:00 Senior Services Annual Report
- 8:15 Chamber of Commerce/Occupancy Tax Annual Report
- County Business
 - 1. Administration Building Budget Amendment
 - 2. Domestic Violence Month Proclamation
 - 3. Other Business
 - 4. Public Comments—30 minutes
 - 5. Closed Session—NCGS 143-318.11 (a) (3)—legal
 - NCGS 143.318.11 (a) (5)—contracts
 - NCGS 143.318.11 (a) (6)—personnel
 - 6. Adjourn

Commissioner Warren Taylor made a motion to approve the minutes for the September 19, 2005 meeting. Commissioner Graylen Blevins seconded the motion. Vote 5:0.

Chair Eldon Edwards stated that the public hearing on the LGC application has been rescheduled to October 17.

County Manager Don Adams informed everyone of the special meeting on September 30 concerning the Courthouse project. He reviewed the bids and reasons to hold the public hearing on October 17. He further reviewed the process of holding a public hearing and submitting the LGC application.

County Manager Don Adams presented budget amendments for the Administration Building. He explained that there is \$1,400 left in contingency for the building. He reminded the Board that the loan amount was placed in an escrow account that accrued interest. He stated that the interest amount is \$10,465. He explained that the majority of the money was received last year and put into the General Fund instead of the Administration Building Fund. He explained the uses for the additional money including chairs for the court system, frame-in a bathroom in the holding area, furniture for the lobby and any minor issues for superior court. He talked about issues that will be done when everyone else moves into the building.

Commissioner Sandy Carter Herndon talked about setting aside money for the departments that will move after the court personnel moves out.

Commissioner Sandy Carter Herndon made a motion to accept the County Manager's recommendation to approve budget amendment General Fund #11 in the amount of \$8,180 and budget amendment Administration Building Fund #1 in the amount of \$10,465. Commissioner Warren Taylor seconded the motion. Vote 5:0.

County Manager Don Adams read the domestic violence awareness month proclamation.

Commissioner Graylen Blevins made a motion to approve the proclamation as presented by the County Manager. Commissioner Sandy Carter Herndon seconded the motion. Vote 5:0.

Chair Eldon Edwards called for a brief recess at 6:43pm.

Chair Eldon Edwards opened the public hearing at 6:45pm.

County Manager Don Adams reviewed why the Commissioners must create a planning board under Article 18. He explained that a public hearing must be held in order to create the planning board. He stated that the Commissioners can serve as the planning board if they decide to do so. He talked about the Board has scheduled planning board meetings at 9:00am for the next three Monday mornings. He reminded everyone that these will be public meetings, and the planning board will use these meetings as work sessions. He further reminded everyone that an ordinance will have to come back to the Commissioners. He reviewed the timeline concerning the 90-day moratorium on polluting industries. He summarized the ordinance on the creation of the planning board.

Chair Eldon Edwards asked for public comments.

Pat Gaskins stated that ACES would like to have input in the ordinance. She asked is that permissible at the 9:00am meetings and how many meetings will be open to the public.

Chair Eldon Edwards stated that the three scheduled meetings will be open to the public unless circumstances require a closed session meeting.

Pat Gaskins stated that they would like to present information about the ordinance.

Commissioner Ken Richardson suggested that they give their information to County Planner Amy Pardue for Ms. Pardue to share the information with the board.

Pat Gaskins stated the need for a larger meeting area.

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

Chair Eldon Edwards closed the public hearing and reconvened the regular meeting.

Commissioner Warren Taylor made a motion to approve the ordinance. Commissioner Ken Richardson seconded the motion. Vote 5:0.

Karen Leys discussed the energy performance contract and explained that this resolution gives the Board of Education the ability to take out a loan and contract with Amersco to install energy saving projects. She explained that the energy saving projects are mostly lighting and HVAC items. She further explained that the project is self funded through energy savings and utility costs reduction. She reviewed the timeline, the 12-year loan period and states across the Nation have been doing this for years. She stated that they have checked several references on this project.

Commissioner Warren Taylor and Karen Leys talked about the payment schedule. She stated that Amersco guarantees the Board of Education will save the amount of the payment.

County Manager Don Adams and Amersco staff discussed monitoring the energy savings. Amersco staff talked about adding additional equipment when needed or a new wing is built onto the schools.

County Manager Don Adams, Karen Leys and Amersco staff talked about energy costs increasing over time and consumption amounts. Amersco staff stated that the schools will receive an annual report showing the savings. They explained the additional saving during installation and there being no disturbance in the classrooms during the installation process.

Commissioner Graylen Blevins asked about a service plan or will the maintenance staff take care of it.

Amersco staff stated that training is critical but this isn't a complicated system. They further stated that the schools want to do their own maintenance. They talked about providing the schools a letter of credit to use in the event that the energy savings doesn't pay for the loan payments.

The Board of Commissioners, Karen Leys and Amersco talked about the schedule, adding no additional air conditioning units, wording on the resolution increasing the capital outlay budget, LGC will study the project for their next meeting and a 3rd party engineer reviewing the project currently and for an additional 2-3 years.

Commissioner Ken Richardson and County Manager Don Adams discussed how this will affect the County's borrowing powers. The County Manager explained that this won't hurt the County borrowing money.

Commissioner Sandy Carter Herndon made a motion to approve the resolution as requested by Karen Leys. Commissioner Warren Taylor seconded the motion. Vote 5:0.

Duane Davis handed out documents showing Sparta Elementary School expanding eight classrooms at the end of the K-2 building. He explained that these rooms will be used for preschool and a multi-purpose room, create more area for the playground and addresses the parking problems. He stated that the architect looked at this in depth and has gone over the work with the teachers. He further stated that this is the concept that they are looking at and won't know a final price until the final drawing. He said that the concept drawing is two million dollars. He also said that they should receive the final drawing by October 26. He talked about getting Dr. Cox on board and starting to have monthly meeting with the County Commissioners in November in order to get the Commissioners involved in the Sparta Elementary School project.

Commissioner Warren Taylor asked how much free space will be available after the addition of the eight classrooms.

Susan Murphy stated that they won't have any free space because there are two-three teachers in one classroom now and teachers teaching in closets.

John Farrelly talked about the increased enrollment since the beginning of the school year.

Susan Murphy stated that the new part would hold the Pre-K and Kindergarten classes.

Commissioner Sandy Carter Herndon asked about adding more than the eight rooms.

John Farrelly explained the project.

Commissioner Graylen Blevins and John Farrelly discussed the distance to the road.

Commissioner Sandy Carter Herndon stated that if the addition only fits current needs then this discussion will be come up again soon.

John Farrelly talked about how this fits into the county-wide plan.

Susan Murphy talked about if the middle school happens that would release the necessary rooms.

Duane Davis talked about the length of the process and having the addition completed by the August 2006 school year.

John Farrelly talked about the in-depth study done by the facilities advisory committee.

Commissioner Ken Richardson commented about the excellent facilities report gave by Mr. Farrelly's at the School Board meeting; which is aired on Channel 50.

Duane Davis talked about he is honored and fortunate to have been able to work with a Board of County Commissioners that supported education. He further talked about the level of commitment that the County Commissioners have always made. He stated that the test scores show that level of commitment. He thanked the Commissioners for their continued support.

Mary Walker, Tax Administrator, explained that Fred Hampton appealed a tax bill. She stated that NCGS 105-287 talks about increasing or decreasing property values if the legal permitted use of the property changes. She further stated that the Town has changed the legal use of the property. She said she talked to Bryan Edwards about the change of the use. She listed out

things that the facility can be used for currently.

Fred Hampton talked about fair market value. He further talked about since he sold the property the timber had been cut and other things done on the property. He stated that no bidders were present when the property was foreclosed on.

Commissioner Sandy Carter Herndon and Fred Hampton talked about his opinion of the property being worth \$190,000.

Chair Eldon Edwards asked if cutting the timber would make a difference in the value.

Rita Miller, Assistant Tax Assistant, stated that this is the first she knew about the timber being cut off the property.

Commissioner Warren Taylor and Fred Hampton talked about Fred not owning the property when the timber was cut. Mr. Hampton further talked about the property was appraised under the pretense of using it as an assisted living facility.

Mary Walker and Rita Miller talked about their conversations with Bryan Edwards about how the property is zoned.

County Manager Don Adams explained the zoning changes process.

Fred Hampton asked the Board to take this into consideration because it affects his town taxes, too.

Commissioner Sandy Carter Herndon and Fred Hampton talked about the square feet in the building and the number of acres on three different parcels.

Rita Miller stated that the biggest parcel is what the appeal is for and that is what she looked at. She further stated that the other two tracts would need an appeal form completed if those bills are being appealed as well.

Chair Eldon Edwards asked the Tax Office to look at the property again because of the timber.

Commissioner Warren Taylor asked for the Tax Office to explain fair market value.

Rita Miller explained that they look at comparable sales in order to arrive at fair market value. She talked about income approach would be higher in this situation.

Mary Walker stated that the parcels can be combined if the deeds are in the same name.

Rita Miller stated that the combination will help with the lot values.

Chair Eldon Edwards asked Fred Hampton to get with Mary and Rita to see what can be worked out.

Commissioner Warren Taylor asked why this is separate from the Board of E&R.

Mary Walker and Rita Miller explained that the Board of E&R is out of session and

explained why this can be appealed.

Wanda Brooks and Debbie Wellborn with Senior Services presented their annual report. They gave the Board information about the services they provided for 2004/2005 and the number of participants. They talked about evaluating their programs to better serve the area. They also talked about the programs they offer, training, request for volunteers and recognition events.

The Board of Commissioners thanked them for their report.

Wanda Brooks stated that they no longer have a local contact for their services but has an 800 number for residents to call.

Bob Bamberg presented the annual report for the Chamber of Commerce and occupancy tax. He gave the Board several different types of literature that visitors receive or where ads are placed for Alleghany County. He discussed each type of literature. He thanked the Board for supporting the Chamber. He reviewed the recent activities of the Chamber. He talked about the merchants working together to get people to come to Sparta. He reviewed information regarding where visitors are from and their length of stay. He talked about an effort by Surry County to create a new host group similar to High Country Host to promote the area around Surry County.

Commissioner Sandy Carter Herndon and Bob Bamberg talked about vacation rentals requiring a two-night stay and the spur of the moment travelers.

The Board of Commissioners stated their appreciation to Bob Bamberg for a very good presentation.

Commissioner Graylen Blevins talked about coming from a Social Services meeting and learning about possible meth lab activity and promoting people to deter meth labs. He stated that he is asking the County Manager to encourage law enforcement people to attend meetings in order to protect the children during a meth lab bust.

Commissioner Warren Taylor stated that the hospital board is in the process of interviewing CEO candidates, and hopefully they will know by the end of October who the new CEO will be.

Chair Eldon Edwards asked about the lottery proceeds for Alleghany County being \$118,000 or \$150,000.

Commissioner Ken Richardson and Commissioner Warren Taylor talked about that being an optimistic figure.

County Manager Don Adams reminded everyone that the planning board will meet at 9:00am on the next three Mondays, and he will instruct the Clerk to the Board to notify the press and to set up the meetings.

Chair Eldon Edwards asked for public comments.

Pat Gaskins asked if the public hearing ads are run in the legal section of the paper and asked about the wording of the ads.

Chair Eldon Edwards stated that the ads are run in the legal section.

Clerk to the Board Karen Evans explained the wording of the ad that ran for this meeting's public hearing.

Commissioner Sandy Carter Herndon made a motion to enter into closed session at 9:03pm under NCGS 143-318.11 (a) (3)—legal, (a) (5)—contracts and (a) (6)—personnel. Commissioner Graylen Blevins seconded the motion. Vote 5:0.

Commissioner Warren Taylor made a motion to adjourn the closed session at 9:30pm and reconvene the regular meeting. Commissioner Graylen Blevins seconded the motion. Vote 5:0.

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

Being no further business, Chair Eldon Edwards made a motion to adjourn at 9:32pm. Commissioner Warren Taylor seconded the motion. Vote 5:0.

Respectfully submitted,

Karen Evans
Clerk to the Board

Attest:

Eldon Edwards
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 provisions:

Section 1: Membership

The Alleghany County Board of Commissioners shall also act as the Alleghany County Planning Board.

Section 2 : Organization, Rules, Meetings, and Records

The Alleghany County Planning Board shall elect a chairman and create and fill such offices as it may

determine. The term of the chairman and other offices shall be one year so long as the Planning Board Member remains a County Commissioner. All new County Commissioners will automatically be a member of the Planning Board. 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, three 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 areas;
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 advise 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 staff such as the County Manager, County Clerk and County Planner 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.

Adopted this the 3rd day of October, 2005.



Domestic Abuse is Not Acceptable

**Post Office Box 1643 Sparta, NC 28675
Phone: (336) 372-3262 Fax: (336) 372-7705**

Domestic Violence Awareness Month

A Proclamation

Whereas, domestic violence is a pattern of coercion and control in a relationship where one person uses violence to gain power and control over their partner; and

Whereas, domestic violence includes not only physical abuse, but also mental abuse, emotional abuse, financial abuse, isolation, and sexual violence; and

Whereas, according to the National Violence Against Women Survey, nearly 25% of American women report being raped and/or physically assaulted by a current or former spouse, partner or date at some time in their lifetime; and

Whereas, women of all races and socioeconomic backgrounds are vulnerable to violence by an intimate partner; and

Whereas, according to the North Carolina Coalition Against Domestic Violence, in North Carolina at least 271 women, men and children have been murdered as a result of domestic violence since January 1, 2002; and

Whereas, according to the North Carolina Council for Women/Domestic Violence Commission, North Carolina domestic violence programs responded to over 94,000 crisis calls and provided services to over 45,000 victims last year; and

Whereas, according to *Violence and Victims*, children exposed to violence are at greater risk of becoming perpetrators; and

Whereas, domestic violence is a community problem, and everyone must work together to hold abusers accountable for their behavior; and

Now, therefore, we, the County Commissioners, of Alleghany County, do hereby proclaim October 2005, as "Domestic Violence Awareness Month." We further urge our citizens to become part of the efforts to stop violence in families.

Adopted this the 3rd day of October, 2005.