

The Alleghany County Board of Commissioners met in regular session on Monday, May 21, 2007, at 3:30pm 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 and County Manager Don Adams. Clerk to the Board Karen Evans was absent.

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 Wendy Williams and the Board of Education needs to be removed from the agenda and closed session under (a) (6)—personnel needs to be added to the agenda.

Commissioner Randy Miller made a motion to approve the amended agenda for this May 21, 2007, meeting. Commissioner Warren Taylor seconded the motion. Vote 5:0.

AGENDA  
Monday, May 21, 2007  
3:30 PM

- 3:30 Meeting Called To Order, Pledge of Allegiance and Prayer  
Motion on Agenda for May 21, 2007, meeting  
Motion on Minutes for April 30, 2007, and May 7, 2007, meetings  
Motion on April's Tax Releases & Refunds
- 3:35 A. Public Comments—30 minutes  
B. Wendy Williams (deleted)  
RE: 911 Funding  
C. Board of Elections Annual Report  
D. Board of Education Annual Report (deleted)  
E. Page Richardson  
RE: Tax Rate  
F. Hoyt Sparks  
RE: FY 07/08 Budget  
G. Stacy Evans / Hugh Campbell  
RE: Concrete Plant  
H. County Business  
1. Duncan Recreation Center  
2. Surplus Equipment  
3. Solid Waste Fee Appeal  
4. Insurance Agreements  
5. Videotaping Procedures  
6. Library Board Appointment  
7. Other Business  
8. Closed Session—NCGS 143-318.11 (a) (6)—personnel (added)  
9. Adjourn

Commissioner Randy Miller made a motion to approve the minutes for the April 30, 2007, and May 7, 2007, meetings. Commissioner Milly Richardson seconded the motion. Vote 5:0.

Commissioner Milly Richardson made a motion to approve the April Tax Refunds and Releases. Commissioner Randy Miller seconded the motion. Vote 5:0.

Chair Ken Richardson opened the public comments portion of the meeting.

Gleason James gave the Board handouts. He explained that he went to get on the agenda, and the Chairman told him he couldn't unless he discussed the topics with him. He stated that he had a letter mailed certified to the County Manager about what he wanted to present tonight, and still could not get on the agenda. He further stated that there is no reason for him to cover his topics now but he wanted to point out that is

why he is not on the agenda. He said he doesn't feel comfortable for one commissioner to make the decision as to whether someone can be on the agenda or not because it should be a group decision. He explained that Ken Richardson called him at home and told him if he didn't meet with him on Wednesday before Noon that he wouldn't be on the agenda for this meeting. He stated that he doesn't think this is the way to run a county board.

Nancy Hall stated that she is with the Council on Aging, the Senior Citizens Center. She further stated that they are not for the Citizens for Fairness committee and what they want to do with their agenda. She reiterated that they are not for it. She stated that they think it is totally unfair, uncalled for and unreasonable. She gave the Chairman a list of people.

Kevin Carpenter talked about he understands the Commissioners are considering changes to the county's polluting industries ordinance. He stated that he lives on Glade Creek School Road. He talked about a letter from the county stating that a permit had been applied for a cement plant, and he is not in favor of it because Glade Creek isn't the place for it. He stated his concerns about ordinances that the County has that has gone to court and won, and doesn't think they should be weakened.

Chair Ken Richardson asked for further public comments. None were received. He closed the public comments portion of the meeting.

Kate Cosner, Elections Supervisor, came before the Board to present the annual report for the Board of Elections. She reviewed the total number of registered voters as of May 18; 6,580. She further reviewed the quarterly voter registration addition and changes. She provided information about the voters' turnout for the last primary and general election. She talked about one-stop voting numbers are increasing. She further talked about the continuing education and training for the Board of Elections. She discussed the new voting machines. She explained the Kids Vote Program that has been established. She talked about prescient training and bringing the office into compliance with all of the laws. She updated everyone that the office has moved to the County Administration Building. She talked about the audit that they received and has been told that they are in good standings with the State Board of Elections.

Commissioner Warren Taylor and Kate Cosner talked about people waiting to vote during one-stop voting. She explained the one-stop voting setup.

Commissioner Doug Murphy and Kate Cosner talked about continuing the Kids Vote Program.

Chair Ken Richardson asked Kate Cosner to briefly update the Board about how she is handling the Town's election.

Kate Cosner explained the possibility of having all of the prescients open because of having two bond referendums and three constitutional amendments that are still in the General Assembly waiting to be passed. She further explained that if that were to happen, the Town of Sparta would remain open as a municipal prescient as well as Gap Civil, and all the voters in the Town of Sparta and Gap Civil would be notified as to when and where they can vote including whether they can vote one-stop.

Chair Ken Richardson explained that the Board of Elections has three members and recognized two that were in the audience; Ed Adams and Rudy McKnight.

Page Richardson came before the Board to discuss the budget. He talked about looking at the 2006/2007 budget and seeing a couple of ways to cut the budget that could help in 2007/2008. He stated that according to line item 10-379-0000, the County borrowed \$185,473 from BB&T. He further stated that he saw a line item of 10-399-0000 in the amount of \$386,563 in savings. He said he wondered why the County can't take \$185,474 out of the \$386,563 and get rid of that loan and there would still be money in savings. He talked about the County shows \$3,174,198 in the General Fund savings. He further talked about looking at this closely and cut the tax rate down. He explained that his group is trying to help the seniors. He further explained that he saw in the paper about a 44¢ rate but that isn't going to help much with the land values. He

further talked about the need to get the taxes somewhere around 20¢ per hundred, and that is the only way people in the county can live. He stated his appreciation for the Commissioners for listening to him.

Hoyt Sparks came before the Board to talk about the budget. He talked about in a lot of the cases, the money that has gone out has not been to the benefit of the citizens. He talked about the spending pattern from 1996-2006 the budget has gone from a little under \$8,000,000 to a little over \$14,000,000; which is an overall increase of \$6,000,000 or a 77% increase. He said that some of it is due to inflation but not that much. He talked about the Commissioners need to consider what is needed versus what is wanted. He further talked about the population in 1859 compared to today. He said that the county is going backwards on spending. He explained that he has heard different tax rates being discussed. He mentioned county salaries. He talked about the school system's spending. He further talked about ways the spending has gotten out of control in times past. He explained that he has been told that the County isn't gong to put any money into the teapot project. He further explained that he understands that the County is supplying labor, and whoever authorized that labor should be charged and the money put back into the County's pot. He stated that is a commercial organization and the county has no interest in it whatsoever. He asked about providing money to the Wellness Center. He further asked about is it not a conflict of interest that the Chairman of the County Commissioners being on the Wellness Center board. He talked about organizations, such as the Chamber of Commerce, Red Cross and the Hospital should stand on their own two feet including the recent article about the vet's clinic. He talked about a lot of things that the county needs to look at building inventory, and building maintenance is atrocious like the Law Enforcement Center that is falling apart and is only a few years old. He said all he is asking is that the County look at things and cut things. He further said just because other counties do things doesn't mean Alleghany County has to. He talked about high taxes impact businesses. He stated that all they ask for is lower taxes. He finished by saying that the county doesn't need a lot of this waste.

Amy Pardue, Planner, stated that as requested she went to the list serv to obtain information about tier definitions concerning concrete plant and only received one response; Sampson County, who has tier definitions of a small concrete plant and large concrete plant. She explained that the difference is that they have typical zoning there. She further explained that they have an industrial area. She said that it is hard to relate these definitions to Alleghany County. She stated that she has contacted DENR, the Division of Air Quality, with the concerns being arsenic levels and due to the terrain of Alleghany County they do not allow for general permits and they require modeling to be done for Alleghany County. She mentioned that Sampson County follows their land development plan. She reminded the Board that Alleghany County has a land development plan and the area of the proposed concrete plant is classified as a rural area.

Commissioner Warren Taylor and Amy Pardue talked about this information hasn't been shared with the Planning Board, yet.

Chair Ken Richardson asked about does the word portable mean anything in this discussion. He talked about the asphalt plant discussions used the word portable, also.

Planner Amy Pardue stated that it is her understanding that the portable portion doesn't have a lot of bearing because it is based on how many cubic feet the plant will produce per year.

Chair Ken Richardson stated his concern about opening the door for other industries wanting a tier system. He asked if this issue is back on the Planning Board's agenda. He stated that the ordinance does not prohibit a cement plant, it just regulates what requirements are necessary for that plant to operate.

Planner Amy Pardue stated that is correct.

Chair Ken Richardson stated that he agrees with Stacy Evans about it has been eight months, and the Board should give him a decision. He asked the Board if any Commissioners have any direction on this matter. No one spoke.

Stacy Evans talked about the only reason the State regulates Alleghany County is because of fly ash, and his plant doesn't use it. He explained that fly ash contains arsenic.

Hugh Campbell talked about the types of systems. He urged the Commissioners to use a common-sense approach to the ordinance. He talked about the State regulates both tiers and the State would supply the permit, monitor the plant and issue annual licenses, which would take that off of the county. He asked the Board about the 2,000-foot requirement. He addressed the land development plan discussing rural development, sparse living areas, low density population and major growth not occurring in these areas because of the lack of infrastructure. He gave an example of mineral extraction is a permitted use in this area. He suggested that the small plant would fit into the categories in the land use plan. He reminded everyone that Mr. Evans isn't asking for a variance or a conditional-use permit, but a change in the ordinance that would allow a small concrete-batch plant that could meet the ordinance and the state regulations. He talked about defining other industries in the ordinance but has no definition of a concrete plant. He further talked about the Blue Ridge Environmental Defense people recommend a 2,000-foot buffer, and the Board elected that as the buffer. He stated the need to reconsider the buffer.

Chair Ken Richardson stated that the Commissioners took a common sense approach on the ordinance and was not influenced by anyone. He further stated that they looked at models from other counties but the 2,000 feet was not influenced by anyone.

Hugh Campbell talked about going to their website today and it spoke highly about Wilkes County's buffer of 1,350 but they recommended 2,000 feet. He said that is where he got that information.

Chair Ken Richardson clarified to Mr. Campbell that was not an influence to the Commissioners. He stated his appreciation for the comments received today. He said that Amy Pardue has done all she can do, and he hasn't heard anything today that would make him tier a system or seen any definitions to help him understand the difference between an asphalt plant being on a tiered system or a concrete plant being on a tiered system or any of the other industries that has been discussed. He stated that he wanted to hear from the Board and will proceed in the direction that the Board wants to go.

Commissioner Warren Taylor talked about the new Planning Board voted 7 to 1 not to recommend changing the ordinance. He further talked about items that they discussed that were referred to in their minutes. He stated that he has significant problems supporting a change in their recommendation especially since they are a new board and they volunteered to do this on their own time. He further stated that unless the Planning Board wanted to review this and submit another recommendation, he would have trouble supporting any changes.

Hugh Campbell talked about at the time the Planning Board discussed this issue; they had not been through the review of the ordinance with the County Manager.

Commissioner Warren Taylor stated that was his point.

Hugh Campbell talked about they may have been blindsided by it at the time of the presentation.

Chair Ken Richardson reiterated that Mr. Evans is due an answer from the Commissioners. He asked the Board to direct the County Manager, Planner and himself in the right direction on how to proceed with this matter. He stated that hearing no comments, he has no choice but to table this unless there is a motion to take the recommendation of the Planning Board. He thanked Mr. Campbell and Mr. Evans.

County Manager Don Adams talked about the renovations at the Duncan Recreation Center that the Commissioners had previously approved. He reminded everyone that they were unclear at that time about the depth of the pool and the diving

board issues. He explained that the contractor stated that it would cost an additional \$5,000 to make the pool 10-feet deep in order to have the diving board. He stated that if the Board elects to remain at 8-feet deep then there would be a diving platform.

Commissioner Warren Taylor and Amy Pardue talked about the pool isn't regulation size so she didn't foresee any type of diving competitions held at Duncan Recreation Center.

Commissioner Milly Richardson made a motion to approve the recommendation of keeping the pool at 8 feet. Commissioner Doug Murphy seconded the motion. Vote 5:0.

County Manager Don Adams explained that staff is still working on the surplus list. He stated that with the Board's permission, he may go ahead and start advertising for the surplus sale on June 23. He further stated that the surplus list will come to the Board on June 4. He reiterated that it is the County's intention to have a surplus sale on June 23 and will be selling whatever this Board surpluses.

Chair Ken Richardson and County Manager Don Adams talked about items have to be declared surplus before they can be sold.

Commissioner Milly Richardson and County Manager Don Adams talked about past auctions have been absolute with the exception of vehicles which are sold at confirmation most of the time.

Chair Ken Richardson asked if anyone has any problems to go ahead and advertise for the surplus sale. No one spoke. He told the County Manager to go ahead.

County Manager Don Adams talked about an e-mail and letter from Genia George talking about solid waste fees paid on the Alleghany Arts and Crafts Center and the request that the Center be exempted from these fees and refund the \$550 already paid to Alleghany County for the outstanding solid waste fees. He reviewed the policy for solid waste fees with farmers, churches and greenhouses are the only across-the-board exemptions and all other exemptions are handled on a case-by-case basis. He reviewed other non-profits that are charged solid waste fees.

Chair Ken Richardson and County Manager Don Adams talked about the Arts Center is an arm of the Arts Council, and the County provides \$12,500 of funding to the Arts Council annually.

Commissioner Milly Richardson made a motion to approve the exemption. Commissioner Doug Murphy seconded the motion. Vote 5:0.

County Manager Don Adams presented information about the County's insurances; workers comp, property & liability and health. He stated that this insurance is through the North Carolina Association of County Commissioners (NCACC). He reviewed the rates for 2007/2008 coverage versus rates for 2006/2007. He informed the Board that the workers comp rates will increase over the next few years because of high claims and how the insurance company looks at the claims. He explained that this will be a budget discussion especially concerning safety items. He talked about property and liability rates. He stated that the overall premium reduction for workers comp and property and liability is \$13,270 with an additional discount of \$4,896 if the County goes with NCACC for all three pools for a total reduction of \$18,166. He explained health insurance costs have increased. He reviewed two quotes for health insurance; Cigna increasing \$48.22 per month and Blue Cross/Blue Shield increasing \$121.32. He stated his recommendation is to go with Cigna because it is the lowest quote.

Chair Ken Richardson talked about the difference last year was approximately \$100,000 between the two companies.

Commissioner Warren Taylor and County Manager Don Adams talked about the amount of savings on property & liability and workers comp and the increase on the

health insurance.

Commissioner Warren Taylor made a motion to give the County Manager permission to sign all of the documents to retain insurance with the NCACC pool for all three insurances. Commissioner Milly Richardson seconded the motion. Vote 5:0.

Chair Ken Richardson reminded everyone that the first full week in June is the budget meetings.

County Manager Don Adams stated that is the time to look at changing the plans in order to save money next year.

Commissioner Milly Richardson and County Manager Don Adams talked about the level of service provided by Cigna. He explained a couple of issues with the health insurance; drug card and Medicare. He talked about only having two possible companies for health insurance and if the County goes with other companies, the network would be greatly reduced. He explained the current network.

County Manager Don Adams gave the Board information regarding flexible spending accounts (FSA). He stated that the County already has cafeteria plans in place for the employees to participate in if they desire to do so. He talked about the flexible spending accounts for daycare and medical. He gave the Board examples of how this program would work for daycare expenses. He explained how the medical FSA works. He talked about the County would have to decide a maximum amount that employees could contribute. He further talked about this reduces employees' taxable income and reduces the FICA amount that the County pays. He stated that employees would have to estimate their medical expenses. He talked about if the monies are not used by year end, the medical portion would be credited back to the County and the daycare portion, they keep it. He talked about the liability side of the FSA.

Commissioner Milly Richardson, Commissioner Doug Murphy and County Manager Don Adams talked about employees would have to decide the amount to contribute. County Manager Don Adams stated that the program would require a minimum of 10 people participating.

Commissioner Warren Taylor talked about having this with the schools, and it will save money. He asked who is going to administer the program.

County Manager Don Adams stated that the County has received three proposals for these services. He reminded everyone that Colonial is the County's cafeteria plan leader. He stated that Bob McFarland with Colonial has gone out and received three quotes; The Planning Group, The P&A Group and Ceridian. He talked about costs associated with the FSA for The P&A Group, which is his recommendation. He talked about the minimum fee of \$750 for the debit card program. He explained how much money the County would save in FICA if 10 people participated; \$750.

Commissioner Warren Taylor and County Manager Don Adams talked about if 10 people sign up it would cost the County \$500 for the set-up fee.

County Manager Don Adams explained the liability issues with the FSA. He further explained that the daycare monies cannot be spent until it is actually put into the account and with the medical, monies can be spent immediately. He talked about the risks.

Commissioner Milly Richardson asked to find out how many employees would be interested in these programs.

County Manager Don Adams explained the pros and cons and the employee interest would have to be built over time.

Commissioner Warren Taylor stated that he thinks it will be some work on our accounting department.

County Manager Don Adams talked about the videotaping procedures. He

stated that he is making it clear that Channel 50 is videotaping these meetings, and Alleghany County reimburses Charlie Scott \$30 per meeting for him to actually videotape the meetings. He further stated that the videotapes are brought and owned by Channel 50. He said that his recommendation, after discussions with Charlie Scott, is that it be requested that Channel 50 maintain these tapes for two weeks and if anyone wants a copy of the tape, they have to request it from Channel 50 and pay the fee set and charged by Channel 50. He talked about the time involved in taping these meetings. He further talked about Channel 50 is a private organization, and it is reasonable to charge for Charlie's time and supplies.

Commissioner Warren Taylor made a motion to approve the County Manager's recommendation on this matter.

County Manager Don Adams stated that he just wants to make it clear that Channel 50 does not maintain these tapes forever and if someone wants a copy then the request must be made to Channel 50 within two weeks of the recording.

Commissioner Milly Richardson seconded the motion on the floor. Vote 5:0.

County Manager Don Adams presented a letter regarding appointing Pat Polley to the Regional Library Board and the Local Library Board replacing Frances Buckle.

Commissioner Milly Richardson made a motion to approve the appointment of Pat Polley to serve on the Regional Library Board and the Local Library Board. Commissioner Randy Miller seconded the motion. Vote 5:0.

Commissioner Doug Murphy talked about the 8<sup>th</sup> grade graduation ceremonies at the three schools Wednesday night.

Commissioner Milly Richardson made a motion to enter into closed session under NCGS 143-318.11 (a) (6)—personnel. Commissioner Randy Miller seconded the motion. Vote 5:0.

Commissioner Warren Taylor made a motion to adjourn the closed session and reconvene the regular meeting. Commissioner Randy Miller seconded the motion. Vote 5:0.

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

County Manager Don Adams explained that throughout the years the Commissioners have adopted a grade-step plan for all of the employees and elected officials including the Register of Deeds and Sheriff. He talked about a new sheriff was elected during the last election. He stated that the new Sheriff has been started at the beginning salary of his appropriate step and grade. He further talked about there has been some controversy in regards to whether or not the newly-elected sheriff should make what the prior Sheriff made in regards to pay.

County Attorney Donna Shumate read NCGS 153A-92 (b) (2), "During the year of a general election, the board of commissioners may reduce the salary, allowances, or other compensation of an officer to be elected at the general election only in accordance with this subdivision. The board of commissioners shall by resolution give notice of intention to make the reduction no later than 14 days before the last day for filing notice of candidacy for the office." She stated that it is clear that there was no specific resolution done 14 days before the filing. She stated that she has consulted with the Attorney General's office, the Institute of Government and a representative from the Association of Sheriffs. She further stated that the Attorney General's opinion is that since there was a position classification plan and schedule of pay in place in Alleghany County that was adopted by the Commissioners, there was not actually a reduction in salary, that there are different pay amounts based on entry level and based on, for example, the incumbent Sheriff had 16 years of experience; therefore, according to the Attorney General's opinion no resolution was necessary because there has been no reduction in pay. She explained that according to that, the Board could pay at the entry-level amount for the pay grade for Sheriff. She further explained that the filing fee was based on that amount; which is 1% of the actual salary to be paid. She stated that the

Association of Sheriffs has a different opinion and they think that the resolution should have been passed and that this is a reduction in pay. She further stated that this is a gray area even though the County has an opinion from the Attorney General's office.

Commissioner Warren Taylor made a motion to adhere to the current grade-step plan. Chair Ken Richardson seconded the motion. Vote 5:0.

Being no further business, Commissioner Randy Miller made a motion to adjourn the meeting. Commissioner Warren Taylor seconded the motion. Vote 5:0.

Respectfully Submitted,

Karen Evans  
Clerk to the Board

Attest:

Ken Richardson  
Chairman