

The Alleghany County Board of Commissioners met in regular session on Monday, August 3, 2009, at 6:30pm in the Board Meeting Room of the County Administration Building, 348 South Main Street, Sparta, North Carolina.

Present: Chair Ken Richardson, Vice-Chair Randy Miller, Commissioner Doug Murphy, Commissioner Steve Roten, County Attorney Donna Shumate, County Manager Don Adams, and Clerk to the Board Karen Evans. Commissioner Milly Richardson was present but arrived late.

Chair Ken Richardson called the meeting to order.

Commissioner Steve Roten led the Pledge of Allegiance and opened the meeting with a prayer.

Chair Ken Richardson stated that the solid waste discussions under item D should be deleted.

Commissioner Randy Miller made a motion to approve the amended agenda for this August 3, 2009, meeting. Commissioner Doug Murphy seconded the motion. Vote 4:0.

AGENDA
Monday, August 3, 2009
6:30 PM

- 6:30 Meeting Called To Order
Pledge of Allegiance and Prayer
Motion on Agenda for August 3, 2009, meeting
Motion on Minutes for June 29 and July 20, 2009, meetings
- 6:35 A. Public Comments—30 minutes
B. Public Hearing
RE: E-911 Road Names
C. Public Hearing
RE: Floodplain Ordinance
D. DW Miles
RE: June Jamboree Update
Solid Waste Policy Discussions (deleted)
E. Barry Poole/Henry Hobson
RE: Subdivision Variance_
F. County Business
1. NCACC Annual Conference Voting Delegate
2. Annual Reports
3. Record Retention Schedules—Transportation and Veterans
4. Business Appreciation Day Proclamation
5. Water Authority Appointment
6. Reschedule Labor Day Meeting
7. Other Business
8. Closed Session—NCGS 143-318.11 (a) (6)—personnel
9. Adjourn

Commissioner Milly Richardson arrived at 6:34pm.

Commissioner Doug Murphy made a motion to approve the minutes for the June 29 and July 20, 2009, meetings. Commissioner Randy Miller seconded the motion. Vote 5:0.

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

Wendy Williams, E-911 Coordinator/Mapper, came before the Board to present one new road name. She explained the road's location.

Chair Ken Richardson opened the public hearing regarding the 911 road name at 6:35pm.

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

Chair Ken Richardson closed the public hearing at 6:36pm and reconvened the regular meeting.

Commissioner Doug Murphy made a motion to approve the road name as presented by the E-911 Coordinator/Mapper. Commissioner Steve Roten seconded the motion. Vote 5:0.

DW Miles came before the Board to provide an update about the June Jamboree events. He talked about the events and activities during the Jamboree. He thanked the Board for their support. He talked about the sesquicentennial activities. He further talked about the positive impact to the economy that these activities have had.

Commissioner Doug Murphy talked about the positive comments that he has heard regarding the stage.

DW Miles talked about how the Town helped get that accomplished.

Commissioner Milly Richardson and DW Miles talked about where the idea of the stage came from.

Chair Ken Richardson talked about everyone has worked together for all of the events and activities during 2009. He further talked about the positive impact to the county.

DW Miles talked about they hope that some of the recent activities will help bring money into the County.

Chair Ken Richardson and DW Miles talked about the numerous activities held during the last weekend in July.

Chair Ken Richardson talked about the proposed Flood Damage Prevention Ordinance. He opened the public hearing at 6:41pm. He asked for public comments.

DW Miles talked about this ordinance is more accurate than the previous one. He said that he has some serious issues with his property in the town limits. He further said that he is working with the Town to get this resolved before it becomes an ordinance. He asked when does this become effective and can it be delayed until these issues are resolved.

County Manager Don Adams explained that the new maps were created by the State then issued to the counties and towns and the State advertised for public comments. He explained that the County has no control over the maps. He talked about the time period set by the State where people could provide comments. He explained that the only way to change these maps is through a map amendment. He further explained that he is recommending the effective date to be today or at least September 1. He said that the FEMA deadline is September 2, and if this isn't adopted, residents will no longer have flood insurance.

DW Miles talked about no one wants to adopt information that is inaccurate. He further talked about his properties are in the floodplain, and they weren't before. He said all he is asking is that this be delayed until September 1 to discuss these problems with FEMA. He further said that he doesn't object to the floodplain ordinance, just asking for it to be done right. He said that this reduces the value of his property, and he will ask for a reduction in the value.

Commissioner Milly Richardson and County Manager Don Adams talked about the County ordinance apply to all areas outside of Town's ETJ.

DW Miles said that he is on the Town's agenda to discuss this. He further said that his understanding is that the ordinances have to go in together. He stated that

these problems shouldn't be his expense to correct. He talked about the properties in the flood area.

Town Manager Bryan Edwards explained that they have talked about this, and DW just became aware of these issues last week. He talked about the public opportunities for discussions. He further talked about everyone is operating on the premises that there wasn't any because of the lack of public comments. He said that this is so far into the process already. He talked about the Commissioners need to go ahead, and he told DW that he will start the process tomorrow to address his concerns. He further talked about the overall area is significantly reduced. He further talked about getting the conversations started and keeping the ordinances going then address DW's issues.

DW Miles talked about the flood ordinance that was presented to him when he built in the area that is in question. He further talked about he raised the elevation of the building to meet the ordinance. He said that Bryan Edwards is doing everything he can to help him.

County Manager Don Adams and Town Manager Bryan Edwards discussed the Town might have another special meeting to address the Town's ordinance.

Chair Ken Richardson asked for additional public comments. None were received. He closed the public hearing at 6:54pm and reconvened the regular meeting.

Chair Ken Richardson asked would the ordinance change or just the maps.

County Manager Don Adams explained that approving the ordinance will approve the new maps. He further explained that according to FEMA the County has to use the newest data when it is available. He reiterated that the County has to use the most current data and has to adopt the current maps by the deadline.

Chair Ken Richardson reiterated that if the ordinances are not adopted by the County and Town then citizens lose their flood insurance.

County Manager Don Adams stated that it is his understanding that the ordinance has to be in to FEMA by September 2. He said that the Board would need to at least adopt it by the third Monday in August. He reviewed the timeline.

Chair Ken Richardson suggested tabling this until the mid-month meeting.

County Manager Don Adams talked about Steve Garrett with the State has reviewed what was previously presented to the Commissioners. He talked about changes recommended by Mr. Garrett with the main one of taking out the AO zone because Alleghany County doesn't have them.

Chair Ken Richardson explained that the next section of the meeting falls under the quasi-judicial rules. He opened the quasi-judicial hearing at 6:58pm. He reviewed the steps and explained the process for the hearing. He asked if anyone has a conflict of interest concerning this topic. No one spoke.

Clerk to the Board Karen Evans administered the oath to Don Adams, Barry Poole and Henry Hobson.

County Manager Don Adams gave the Board an update about the preliminary plat that was approved by the Board of Commissioners, building roads in the area, GIS map of the area, plat already approved for Cascade at Fox Hunters Paradise, described how the GIS map matches the variance request of accessing the 3.9-acre tract. He described the access problems. He talked about cutting through the top lot to get to the other lots. He further talked about the subdivision ordinance, having to have county standard roads, 25 feet right of way, looking to add an additional lot or driveway, and he can't bring it up to county standards. He explained the layout of the land. He further explained that he is asking for a variance to the ordinance to allow them to access the additional lot.

County Attorney Donna Shumate read the reasons for variances under Article 9 of the Land Subdivision Ordinance “Where, because of topographical or other conditions peculiar to the site, strict adherence to the provisions of this Ordinance would cause an unnecessary hardship, the Alleghany County Board of Commissioners may authorize a variance, if such variance can be made without destroying the intent of this ordinance.” She read the intent of the ordinance “the Alleghany County Board of Commissioners will promote the health, safety and general welfare of the community by providing rules and guidelines for the subdivision of land and construction of roads.” She explained that the Board could legally grant a variance for the lot if it is an unnecessary hardship and if it doesn’t hurt the intent of the ordinance.

County Manager Don Adams explained access to the lots and which lots would be accessed through a county standard road.

Commissioner Doug Murphy and County Manager Don Adams discussed Horton Road. The County Manager explained the access road.

Commissioner Steve Roten and County Manager Don Adams discussed the previously approved major subdivision for this area and the variance request.

Chair Ken Richardson recognized Barry Poole.

Barry Poole asked Henry Hobson to describe the request.

Henry Hobson talked about the topography of the area. He further talked about cutting up the hillsides to get a lot in. He explained that he found an old logging road where a road could go, and then he would not be crossing the hollows. He further explained a portion of this is designated as being in the watershed that requires a minimum of one acre. He stated that they are proposing six lots in this one area because of the topography.

Commissioner Doug Murphy and Henry Hobson talked about this would create an undue hardship to comply with the ordinance.

Henry Hobson talked about being willing to update the existing road to 18 feet. He explained that the adjoining landowners had been contacted but they will not sell any land.

Chair Ken Richardson explained that one of the reasons for the ordinance was the intent to make sure safety equipment and buses could get in. He talked about if a variance is granted, and then having the same problem as before the ordinance adoption for EMS and buses traveling on the roads.

Henry Hobson explained that the road is currently 1,000 feet and is being proposed to add 500 feet. He further explained that this is on the edge of Alleghany County, and in all likelihood will never be taken over by NCDOT.

Commissioner Doug Murphy and Henry Hobson talked about Horton Road is paved and has been taken over by the state, for the most part.

Henry Hobson explained the right of way that Barry Poole has.

Commissioner Doug Murphy and Henry Hobson discussed that the secondary access will access six lots.

Commissioner Milly Richardson and Henry Hobson talked about the language on the plat that makes people aware of this before the lots are bought. They talked about this area is a totally summer home area.

Commissioner Doug Murphy talked about buses will not travel on these roads because they will not be on the state maintenance system.

County Manager Don Adams talked about the Board has to decide that the topography is different and this does not hurt the intent of the ordinance in order to grant

a variance.

Commissioner Doug Murphy and Henry Hobson reviewed the topography map of the area in question. Henry Hobson reminded everyone this property is in a watershed.

Barry Poole explained that he started to go around but there are two streams he would have to cross. He explained that since this is in a watershed he is trying to follow those rules, too. He talked about the five lots and described how he would bring the road up to 18 feet with ditches. He reiterated that this action will only add one lot and update the current road.

Chair Ken Richardson, Barry Poole and Henry Hobson talked about the topography in relation to additional access ways into the lot. They further talked about a road agreement for the area, and some people already own lots and houses.

Chair Ken Richardson asked the County Attorney about the private road agreement.

County Attorney Donna Shumate explained that there should be a note on the deed about the private road. She further explained that a condition of the variance could be that he upgrade the road and put a disclosure on any of these lots.

Commissioner Steve Roten, Barry Poole and Henry Hobson discussed how the lots are accessed in the subdivision.

Chair Ken Richardson asked what does this do to the other property owners.

County Attorney Donna Shumate explained that it doesn't automatically give them rights to use the road to the subdivision.

Barry Poole talked about the variance section in the ordinance, and they meet the requirements of that section.

County Attorney Donna Shumate talked about the Board has granted one variance and the location/problem was similar. She explained the prior example and how the Board addressed that variance.

The Board, Henry Hobson and Barry Poole discussed the area of the subdivision to grant the variance and illustrated ways to grant the variances.

County Manager Don Adams explained that if the Board grants the variances as is two variances would apply; one for the right of way and one on the number of lots.

The County Attorney, Barry Poole and Henry Hobson looked at the map displaying how the variance could be provided.

Chair Ken Richardson talked about the variance would be from Saddle Mountain Church Road then into the 3.9 acres.

Barry Poole agreed.

Chair Ken Richardson asked for additional comments. None were received. He asked if this has been considered a fair hearing. Barry Poole and Henry Hobson agreed.

The Board of Commissioners and County Manager Don Adams discussed the different ideas for the Board.

Barry Poole talked about the 13 acres goes to Low Gap, and the road won't meet the grade requirement. Henry Hobson stated that Mr. Poole is good in that area and doesn't have a problem.

County Manager Don Adams and Barry Poole discussed the road meeting the

grade requirements.

Commissioner Milly Richardson made a motion to grant the variance from Saddle Mountain Church Road to the beginning of the applicants' property. Commissioner Randy Miller seconded the motion. Vote 5:0.

County Attorney Donna Shumate talked about the Board needs to have a motion regarding the second variance for the sixth lot. She explained that the previous motion took care of the right of way variance.

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

County Attorney Donna Shumate explained that the Board has to state the reasons for granting the variance.

Commissioner Milly Richardson stated unnecessary hardship and topography.

County Manager Don Adams reviewed his notes from the discussions that the reasons for the land is the topography with a potential of up to 50% cuts, being in a watershed and having to cross two streams and since he is improving an existing road then it meets the intent for the safety vehicles. He summarized the discussions by the Board about what makes this different than other properties. He talked about the intent of the ordinance. He stated that these items will be in the findings of fact.

County Manager Don Adams talked about the annual conference for the NCACC on August 27-30. He further talked about the need for a voting delegate at the conference.

Commissioner Randy Miller made a motion to nominate Ken Richardson. Commissioner Milly Richardson seconded the motion. Vote 5:0.

County Manager Don Adams talked about annual reports and asked if the Board would like to continue the reports.

Commissioner Milly Richardson talked about since the meetings are televised, they should be continued for the public.

Commissioner Randy Miller talked about the County went through a trying time during budget time and the need to stay on top of it this coming year. He said that hearing the annual reports may help the Board.

County Manager Don Adams let the Board know that he is waiting for more information before he can do the budget updates but he will follow up.

County Manager Don Adams asked about time limits for the annual reports.

Commissioner Doug Murphy stated that he doesn't have a problem listening.

Commissioner Milly Richardson talked about strongly encouraging 10-15 minutes but should listen to everyone.

Chair Ken Richardson stated that the consensus is to continue.

County Manager Don Adams presented the record retention schedules for Alleghany in Motion and the County Veterans Service.

Commissioner Milly Richardson made a motion to approve the schedules. Commissioner Randy Miller seconded the motion. Vote 5:0.

County Manager Don Adams talked about business appreciation day. He provided the history of the day. He explained that the planning committee thought about doing this year's activities at Crouse Park on August 31. He talked about the Commissioners have a joint meeting with the Town at 7pm that day and the meeting

could be at the Crouse House. He further talked about the opportunity to have local elected officials at the business appreciation day celebration.

Commissioner Doug Murphy stated that this sounds like a good idea.

County Manager Don Adams presented the Business/Industry Appreciation Day Proclamation.

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

County Manager Don Adams talked about his appointment has ran out on the water authority. He further talked about Randy Miller's term is through 2012.

Commissioner Doug Murphy made a motion to approve the reappointment of Don Adams. Commissioner Milly Richardson seconded the motion.

Chair Ken Richardson talked about attending the ground breaking ceremony and the goal of having water flowing in 2010.

The Board voted. Vote 5:0.

County Manager Don Adams talked about the Labor Day meeting falls on Monday, September 7.

The Board discussed when to hold the meeting.

Commissioner Randy Miller made a motion to meet on September 14 at 3:30pm. Commissioner Doug Murphy seconded the motion. Vote 5:0.

County Manager Don Adams talked about Planning Board member Jeff Wyatt resigned which created a vacancy in the Cherry Lane fire district. He reminded the Board that there are two applications from the last round but neither one are from Cherry Lane.

Chair Ken Richardson stated to try to get applications from Cherry Lane.

Commissioner Milly Richardson stated that she met with the Fire Commission last week. She talked about the conversations with David Higgins regarding the six-mile district, and they are working on this for all of the fire districts. She said they will be back for the Board's approval later.

Commissioner Milly Richardson made a motion to enter into closed session at 7:56pm under NCGS 143-318.11 (a) (6)—personnel. Commissioner Doug Murphy seconded the motion. Vote 5:0.

Commissioner Randy Miller made a motion to adjourn closed session at 9:04pm and reconvene the regular meeting. Commissioner Doug Murphy seconded the motion. Vote 5:0.

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

County Manager Don Adams explained that an opening in the Sheriff's Department has occurred; one deputy. He further explained that he needs permission to sign off on the paperwork when the position is filled.

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

Being no further business, Commissioner Steve Roten made a motion to adjourn at 9:08pm. Commissioner Doug Murphy seconded the motion. Vote 5:0.

Respectfully submitted,

Karen Evans
Clerk to the Board

Attest:

Ken Richardson
Chairman