

The Alleghany County Board of Commissioners met in regular session on Monday, April 4, 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 Sandy Carter Herndon, Commissioner Ken Richardson, County Attorney Donna Shumate, County Manager Don Adams, and Clerk to the Board Karen Evans. Commissioner Graylen Blevins was present but arrived late.

Chair Eldon Edwards called the meeting to order and opened with a prayer.

Commissioner Warren Taylor made a motion to approve the agenda for this April 4, 2005, meeting. Commissioner Sandy Carter Herndon seconded the motion. Vote 4:0.

AGENDA

Monday, April 4, 2005

6:30 PM

- 6:30 Meeting Called To Order
Motion on Agenda for April 4, 2005 meeting
Motion on Minutes for March 14, 21 and 22, 2005 meetings
- 6:35 Public Hearing
RE: ROAP Grant
County Business
1. FY 05/06 Budget Discussions
 2. Reimbursement Resolution
 3. School Construction—Architect Fees
 4. Budget Amendment—Soil & Water
 5. National Public Health Week
 6. Noise Issues on Mountain View Road
 7. Other Business
 8. Public Comments—30 minutes
 9. Closed Session—NCGS 143-318.11 (a) (6)—personnel
- Adjourn

Commissioner Sandy Carter Herndon made a motion to approve the minutes for the March 14, 21 and 22, 2005 meetings. Commissioner Warren Taylor seconded the motion. Vote 4:0.

April Caudill, Transportation Director, presented the 2005/2006 Rural Operating Assistance Program (ROAP) grant in the amounts of \$69,049; \$35,877 for EDTAP, \$2,062 for Work First and \$31,110 for RGP. She explained the grant and the programs affected by the grant monies.

Commissioner Warren Taylor and April Caudill discussed how the fuel price increase is affecting the transportation program.

Chair Eldon Edwards and April Caudill talked about the EDTAP funds for this year.

April Caudill explained the flexibility of moving money from Work First to EDTAP. She explained the usage of the RGP monies.

Chair Eldon Edwards recessed the regular meeting at 6:34pm and opened the public hearing regarding the ROAP grant.

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 05/06 ROAP grant application as presented by the Transportation Director. Commissioner Sandy Carter Herndon seconded the motion. Vote 4:0.

County Manager Don Adams presented a reimbursement resolution that will allow the County to reimburse itself with loan proceeds for expenses incurred for the proposed school project.

Commissioner Graylen Blevins arrived at the meeting at 6:36pm.

Commissioner Sandy Carter Herndon made a motion to approve the reimbursement resolution as presented by the County Manager. Commissioner Warren Taylor seconded the motion. Vote 5:0.

County Manager Don Adams presented a letter from the Board of Education asking for reimbursement for \$13,031.25 for architect expenses on the proposed school project.

Commissioner Sandy Carter Herndon made a motion to approve the payment of \$13,031.25 for architect expenses. Commissioner Warren Taylor seconded the motion. Vote 5:0.

County Manager Don Adams presented the 2005/2006 budget timeline to the Board. The Board of Commissioners and County Manager Don Adams discussed holding a budget planning session. They decided to hold a budget-planning meeting on April 25 at 8:30am. Also, they decided to schedule budget hearings on June 6 at 9:00am, June 7 at 6:00pm and June 8 at 9:00am.

County Manager Don Adams presented budget amendment General Fund #32 in the amount of \$16,490 for the Soil and Water Department to purchase a used vehicle. He described the vehicle that was purchased.

Commissioner Sandy Carter Herndon made a motion to approve budget amendment General Fund #32 in the amount of \$16,490. Commissioner Graylen Blevins seconded the motion. Vote 5:0.

County Manager Don Adams presented a letter from Danny Staley requesting that April 4-10, 2005, be proclaimed as National Public Health Week in Alleghany County.

Commissioner Warren Taylor made a motion to approve the proclamation for April 4-10, 2005, to be National Public Health Week in Alleghany County. Commissioner Graylen Blevins seconded the motion.

Commissioner Ken Richardson requested that everyone read the last paragraph concerning the activities of our health department.

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

County Manager Don Adams discussed a letter sent from Bill Leslie concerning a proposed racetrack off of Mountain View Road and the noise levels.

Commissioner Ken Richardson mentioned a letter from Susan Hultin concerning this issue.

Chair Eldon Edwards explained the letter from Mr. Leslie.

County Manager Don Adams explained his conversations with Ronnie Woodie concerning his intent to hold four races this year starting on May 14 with practices held the day before and allowing practice at other times for a fee.

Commissioner Sandy Carter Herndon asked about any special permits or anything required by State law to build a racetrack.

County Manager Don Adams stated that he wasn't aware of any State regulations. He talked about different reasons that permits would be required.

Chair Eldon Edwards and Susan Hultin discussed her letter stating that in the beginning Mr. Woodie said that the track was being built for his personnel use to practice for racing events.

County Manager Don Adams stated that he isn't aware of anything that would stop Mr. Woodie from this action.

Bill Leslie talked about his experiences in Allegheny County. He further talked about the racetrack was originally built as a test track not an organized event. He stated that he thinks lawnmower racing is a good thing at the fairgrounds but not in a rural area. He explained his concerns including the noise generated from the racing events, traffic issues, property values decreasing, track suitable at the Fairgrounds, track organizers stated that they would work for the schools and fire department and threats have been made against the people who aren't in favor of the track. He asked the Board to stop the construction of this track. He gave the Board examples of why the construction should stop and reasons Mr. Woodie may provide to counteract these reasons. He asked the Board to help them stand up to this individual.

Commissioner Sandy Carter Herndon asked about the comment of residents fearing for their lives.

Two people in the audience said that they had received threatening calls from Mr. Woodie's wife. Mr. Leslie told the Board of other situations that he has been told about.

Commissioner Sandy Carter Herndon talked about the number of full-time residents in the area.

Chair Eldon Edwards stated the Board appreciates Mr. Leslie's comments and will look into a noise ordinance, and County Manager Don Adams will be back in contact with him.

Carol Lundquist asked about the mass gathering ordinance that regulates events over 300 people, health department requirements and building permits needed at the track location.

Chair Eldon Edwards stated that the Board needs to look into this situation.

Gary Sparks stated that he lives in the area, as well. He stated that he isn't for or against this action. He talked about building permits have been obtained, port-a-johns will be used, clean up completed on the private property and the noise issue. He further talked about Ms. Todd, the mountain being named after her and having one of the nicest properties on the mountain. He stated that someone should let everyone know that this was being discussed tonight. He further stated that Glade Creek Elementary School and Glade Creek Volunteer Fire Department will receive a portion of the money which the Fairgrounds don't give them. He stated that there will be an ambulance on site just like at the Fairgrounds. He asked the Board to take his comments into consideration.

Bill Leslie talked about the track will destroy a neighborhood by decreasing the property values.

Chair Eldon Edwards stated that this is the first meeting on this matter, and there will be more meetings. He stated that he is referring the matter to the County Manager and legal counsel to find out the legal matters and options available.

Gary Sparks stated that noise is not the issue regarding the track.

The audience had a discussion among themselves.

Chair Eldon Edwards asked everyone to address their comments to the Board and only to the Board.

Gary Sparks stated there are pros to this issue.

Commissioner Sandy Carter Herndon proposed that the County put a temporary halt on the project until all of the issues have been worked out.

County Attorney Donna Shumate stated that she doesn't know what authority the Board has to stop the project. She further stated that the property owners could get a restraining order through the courts.

Commissioner Sandy Carter Herndon withdrew her proposal.

County Manager Don Adams talked about needing more time to research having a moratorium on this project. He stated that the track can't get power without a building permit.

Chair Eldon Edwards stated that the County will see what approach is needed on the request.

Pam Braley asked if during the research process would the County research the decibel level that is considered a health hazard.

County Manager Don Adams talked about the need to do more research on the environmental, building and decibel-level issues and come back to the Board.

Commissioner Ken Richardson updated everyone about the numerous times that land-use planning, zoning and a noise ordinance have been discussed by the Board and didn't have the

public's support. He stated that these types of ordinances have been considered but without the public's support these ordinances cannot be adopted. He further stated that the Commissioners have attempted to pass these ordinances but haven't been publicly supported. He reminded everyone that the Board can only do what the Board has been given the legal authority to do.

Commissioner Warren Taylor talked about working on the land-use plan two separate times over the last few years. He further talked about the opposition by the public and the realtors at that time. He stated that the Commissioners warned people that the time would come when something would happen where the public would want to have these types of ordinances. He further stated that these issues aren't something that the Board hasn't looked at and thought about.

Chair Eldon Edwards talked further about the land-use plan. He stated that he appreciates everyone comments and attendance at this meeting.

Commissioner Sandy Carter Herndon requested that the County Attorney check on the laws about racetracks.

Commissioner Graylen Blevins asked if our ambulance service is obligated to go to the racetrack.

County Manager Don Adams explained that it wouldn't be our ambulance service; it would have to be the rescue squad. He explained the process at fairgrounds to get the rescue squad and fire department at the events. He talked about some version of a noise ordinance and some type of zoning for this issue. He reminded everyone that there is no zoning outside of the Town limits. He stated that options will be laid out before the Board, and request the Board to direct staff which way to go with this issue. He stated that the options are for discussion-purposes only. He reviewed the general policy of the Board to have a public hearing on any type of ordinance regardless of the legal requirements to have a public hearing or not.

Commissioner Graylen Blevins asked the audience to raise their hand if they are opposed to the track.

Approximately 20 people were in attendance with the majority raising their hand.

An unidentified woman stated that Ms. Todd's son is here in opposition and that speaks for itself.

County Manager Don Adams clarified that any organization can apply to have an event at the Fairgrounds.

Velma Hopkins asked if they can't get any help, where do they go to get our taxes reduced because of the reduced property values.

County Manager Don Adams talked about the Board of Equalization and Review and explained the process.

Commissioner Ken Richardson stated that he and Commissioner Taylor toured schools last Monday. He also stated that he will attend Wednesday's seminar by the North Carolina Association of County Commissioners on "Understanding County Governance in Our Public Education System".

Chair Eldon Edwards asked for public comments.

Coby Larue asked would the racetrack be grandfathered if any zoning action is approved.

County Manager Don Adams stated that he don't know the answer because he needs to do more research on this issue. He further stated that he will have options at the next meeting. He said that a direct approach to this issue is a noise ordinance.

Joe Browning asked about if the first race would be considered as the beginning in the grandfathering process.

County Manager Don Adams stated that he needs to do more research before answering these questions. He explained the land-use planning process versus zoning and the time frame for each.

The Board of Commissioners, County Manager Don Adams, County Attorney Donna Shumate, Todd Ramage and Carol Lundquist discussed the neighborhood being threatened, calling the Sheriff's Department when threats occur, documenting the threats, using #69 or #57 when phone threats are used.

Susan Hultin asked about the land-use ordinance or noise ordinance and does one preclude the other.

County Manager Don Adams stated that those options are all available to the Board.

Bill Leslie asked if the General Assembly can pass a law that prohibits a racetrack in a residential area or is that something the Board of Commissioners can do.

County Manager Don Adams talked about the need for more research before answering.

Bill Leslie stated that he hopes the Board will do something to help them.

Commissioner Warren Taylor made a motion to enter into closed session at 7:55pm under NCGS 143-318.11 (a) (6)—personnel. Commissioner Sandy Carter Herndon seconded the motion. Vote 5:0.

The Board of Commissioners took a 5-minute recess.

Commissioner Warren Taylor made a motion to adjourn closed session and reconvene the regular meeting at 8:28pm. Commissioner Sandy Carter Herndon seconded the motion. Vote 5:0.

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

Chair Eldon Edwards mentioned the Sparta Elementary School meeting tomorrow at 6:30pm in the auditorium.

Chair Eldon Edwards talked about the Board should attend the next three school meetings as visitors in order to gather information instead of conducting a meeting as the Board of Commissioners especially since no action will be taken by the Commissioners.

Being no further business, Commissioner Warren Taylor made a motion to adjourn the

meeting at 8:35pm. Commissioner Graylen Blevins seconded the motion. Vote 5:0.

Respectfully submitted,

Karen Evans
Clerk to the Board

Attest:

Eldon Edwards
Chairman

NORTH CAROLINA

ALLEGHANY COUNTY

RESOLUTION
DECLARATION OF OFFICAL INTENT TO REIMBURSE

BE IT HEREBY RESOLVED that Alleghany County, North Carolina does hereby adopt the following declaration (the "Declaration") of official intent to reimburse.

This declaration (the "Declaration") is made pursuant to the requirements of the United States Treasury Regulations Section 1.150-2 and is intended to constitute a Declaration of Official Intent to Reimburse under such Treasury Regulations Section.

The undersigned is authorized to declare the official intent of Alleghany County, North Carolina (the "issuer") with respect to the matters contained herein.

1. **Expenditures to be Incurred.** The Issuer anticipates incurring expenditures (the "Expenditures") to renovate or construct facilities for the Alleghany County Schools in Sparta, North Carolina.
2. **Plan of Finance.** The Issuer intends to finance a portion of the costs of the Project with proceeds of debt to be issued by the Issuer (the "Borrowing"), the interest on which is to be excluded from gross income for Federal income tax purposes.
3. **Maximum Principal Amount of Debt to be Issued.** The maximum principal amount of the Borrowing to be incurred by the Issuer to finance the Project is currently unknown.
4. **Declaration of Official Intent to Reimburse.** The Issuer hereby declares its official intent to reimburse itself with the proceeds of the Borrowing for any of the Expenditures incurred by it prior to the issuance of the Borrowing.

Adopted this the 4th day of April, 2005.

