

The Alleghany County Board of Commissioners met in regular session on Monday, August 1, 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.

Commissioner Sandy Carter Herndon opened the meeting with a prayer.

Chair Eldon Edwards stated that a discussion about a proposed asphalt plant needs to be added to the agenda.

Commissioner Warren Taylor made a motion to approve the amended agenda for this August 1, 2005, meeting. Commissioner Sandy Carter Herndon seconded the motion. Vote 4:0.

AGENDA  
Monday, August 1, 2005  
6:30 PM

- 6:30 Meeting Called To Order
  - Motion on Agenda for August 1, 2005 meeting
  - Motion on Minutes for July 18, 2005 meeting
- 6:35 Public Hearing
  - RE: 911 Road Names
- 6:40 Planning Committee Annual Report
- 6:50 Alleghany Connections Annual Report
- 7:00 Emergency Management Annual Report
- 7:10 Amy Pardue
  - RE: Preliminary Major Subdivision Approval
  - Land-Use Committee Discussions
  - County Business
    1. Fairgrounds Citizen Request
    2. Annual Conference Voting Delegate
    3. Budget Amendment—EEP Program
    4. Long Term Care Community Advisory Committee Appointment
    5. Glade Valley Homeowners Association Request
    6. Asphalt Plant Discussions (added)
    7. Other Business
    8. Public Comments—30 minutes
    9. Closed Session—NCGS 143-318.11 (a) (6)—Personnel
    10. Adjourn

Commissioner Warren Taylor made a motion to approve the minutes for the July 18, 2005 meeting. Commissioner Sandy Carter Herndon seconded the motion. Vote 4:0.

Wendy Williams, E-911 Coordinator/Mapper presented two road names for approval. She

explained where each road is located in the County.

Commissioner Graylen Blevins arrived at 6:35pm.

Chair Eldon Edwards recessed the regular meeting at 6:35pm and opened the public hearing regarding the E-911 Road Names.

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

Chair Eldon Edwards closed the public hearing at 6:36pm and reconvened the regular meeting.

Commissioner Sandy Carter Herndon made a motion to approve the E-911 road names as presented by the E-911 Coordinator/Mapper. Commissioner Warren Taylor seconded the motion. Vote 5:0.

Agnes Joines with the Planning Committee came before the Board to present a report regarding their history and activities including fundraisers like the Hillbilly Comedy Show. She explained that they donate money for two scholarships, emergency food and fuel, lending library, Prom Promise, Alleghany Cares Medical Mobile, Alleghany Connections and Boy Scouts of America food drive.

Lisa Edwards with Alleghany Connections came before the Board to present a report regarding how Alleghany Connections operates including helping at least eight children per month. She talked about their fundraising activities and things they do to help the children. She stated that they have 14 children on the waiting list. She reviewed the criteria for volunteers, and volunteers mainly help the children by being a positive adult role model.

Gerald Leftwich, Emergency Management Coordinator, came before the Board to present the Emergency Management annual report. He explained the fire inspections' portion of his duties. He further explained the activities of the safety committee. He reviewed the Emergency Management portion of his duties and gave the Board updates on the activities of his department during the last year.

Commissioner Ken Richardson thanked Gerald Leftwich for an excellent report.

Amy Pardue, Planner/Recreation Director, presented a preliminary plat approval to the Board. She explained where the subdivision is located in the Cherry Lane Township. She further explained the roads in the proposed subdivision. She stated that this is phase one of this subdivision with another phase being planned.

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

Amy Pardue stated that the first land-use planning meeting has been held with another meeting scheduled next week. She further stated that they are working on scheduling speakers for these meetings.

Chair Eldon Edwards talked about the lawnmower race that was recently held as a fundraiser for Mike Choate. He stated that Mike Choate has requested that this request be dropped and the proceeds go to the fairgrounds.

Commissioner Sandy Carter Herndon stated she agrees if that is what Mike Choate has requested.

Chair Eldon Edwards stated that Mike's request will be honored unless the Board has problems with the request.

County Manager Don Adams stated that the Board needs to appoint a voting delegate for the NCACC annual conference. He further stated that currently Ken Richardson and Warren Taylor are attending this meeting.

Commissioner Warren Taylor made a motion to appoint Ken Richardson as the voting delegate. Commissioner Graylen Blevins seconded the motion. Vote 5:0.

County Manager Don Adams presented budget amendment General Fund #4 in the amount of \$2,152 for the EEP program. He reviewed Soil and Water's letter about the request for the budget amendment.

Commissioner Graylen Blevins made a motion to approve budget amendment General Fund #4 in the amount of \$2,152. Commissioner Sandy Carter Herndon seconded the motion. Vote 5:0.

County Manager Don Adams presented a nomination form for Mary Mabe to be appointed to the Long Term Care Advisory Board.

Commissioner Warren Taylor made a motion to appoint Mary Mabe to serve on the Long Term Care Advisory Board. Commissioner Ken Richardson seconded the motion. Vote 5:0.

County Manager Don Adams presented a letter from the Glade Valley Homeowners Association. He explained the letter is asking for financial assistance to help with the legal funds concerning the lawsuit they have against Ronnie Woodie.

County Attorney Donna Shumate reminded the Board that public funds must be spent for public purposes. She talked about this would be considered a gift to these individuals if the request is approved.

Commissioner Graylen Blevins made a motion to deny the request. Commissioner Warren Taylor seconded the motion. Vote 5:0.

Chair Eldon Edwards talked about receiving information last week regarding an asphalt plant locating in the Laurel Springs community. He further talked about a map showing the property in question for the asphalt plant. He stated that the County has very little information on the project at this time.

Amy Pardue stated that she has met with the President of the company and he was informed of tonight's meeting. She further stated that the Air Quality Division received the air quality permit application today with permit approval taking from 3 months to 1½ years. She explained that the asphalt company is planning to purchase the property, and they have not applied for a building permit nor purchased the property. She stated that her understanding is that they would not start construction until the air quality permit is received. She explained the Ashe County situation of a proposed asphalt plant wanting to locate ½ mile from a state park and ½ mile from the

courthouse. She stated that the Division of Air Quality is part of EPA.

County Manager Don Adams reviewed the options that the Board has; no action or if concerns exist, adopt a moratorium. He explained the two types of moratoriums, regulating the industry and zoning the industry. He stated that the zoning moratorium must have a public hearing with proper notice in the newspaper and a regulating moratorium can be passed tonight with a unanimous vote.

The Board of Commissioners, County Attorney Donna Shumate and County Manager Don Adams discussed the difference in the types of moratoriums, length of the moratorium, extending the moratorium if there is a good cause and the County can show effort being made on the subject.

County Attorney Donna Shumate reminded everyone that no moratorium is permanent. She stated that a 90-day moratorium has been recommended from the Institute of Government in order to look at polluting industries during that time.

Commissioner Warren Taylor and County Attorney Donna Shumate talked about the polluting industry if they get the EPA permit. She talked about Ashe County doesn't ban polluting industries but regulates them.

County Manager Don Adams reminded everyone that if the Board prohibits actions that is considered zoning and all other restrictions would be regulating. He gave examples of regulating versus zoning of junk cars.

Commissioner Warren Taylor talked about adopting a moratorium for 90-days to allow for more time to discuss this issue.

County Manager Don Adams gave the Board copies of the proposed moratorium ordinance, and he read the moratorium ordinance.

Commissioner Sandy Carter Herndon and County Manager Don Adams discussed that the ordinance does not contain any zoning language.

Commissioner Graylen Blevins made a motion for a 10-minute recess.

The motion died due to lack of a second.

Chair Eldon Edwards declared a brief recess at 7:33pm.

Chair Eldon Edwards reconvened the meeting at 8:00pm.

Commissioner Graylen Blevins asked for public comments before any action is taken on the moratorium.

Chair Eldon Edwards talked about following the order of the agenda.

Commissioner Sandy Carter Herndon stated that the moratorium gives the Board 90 days to review the impact of this project.

Commissioner Graylen Blevins talked about getting the public's opinion before voting and his concerns about voting without both parties present.

Commissioner Sandy Carter Herndon asked about a show of hands before voting.

Commissioner Graylen Blevins talked about representing more than the people in the audience here and wanting to be as well informed as possible when making decisions.

Commissioner Graylen Blevins made a motion to accept the moratorium ordinance however it may impact the County. Commissioner Sandy Carter Herndon seconded the motion. Vote 5:0.

Commissioner Warren Taylor talked about a news release from Virginia Foxx regarding \$1,000,000 for the water treatment plant for the joint water authority.

Commissioner Warren Taylor mentioned a meeting he will be attending on August 24 at the Broyhill Inn in Boone.

Commissioner Graylen Blevins asked about the water authority.

Commissioner Warren Taylor stated that they have been meeting for about a year. He gave the Board an update on the project.

Commissioner Ken Richardson mentioned that he attended a meeting to welcome the new district NCDOT Board member and the Secretary of Transportation was in attendance, as well.

Chair Eldon Edwards asked for public comments.

Tom Burgiss introduced speakers concerning the asphalt plant; Sid Miller, Bruce Cook, Mickey Hall and Rick Profitt.

Sid Miller talked about this is a health hazard to the entire county. He quoted an EPA report regarding the health hazards. He further talked about a survey of residents near an existing plant with health problems. He stated that the asphalt company regulates themselves, and they won't do it. He gave examples. He further stated that this will have a negative economic impact on the County. He talked about companies take advantage of the County and then leaves.

Bruce Cook talked about the economic impacts of an asphalt plant. He further talked about the amount of tourism in Alleghany County and the continued growth. He gave examples of businesses that could be impacted by the asphalt plant. He asked if we want the \$15,000,000 in tourism business here or the asphalt plant.

Mickey Hall thanked the County Manager and County Attorney for the work that they have done on this project. He stated that this is the first step in getting the plant stopped. He talked about making a big impact by everyone writing letters to the Air Quality Division. He explained the type and capacity of the plant, using #2 and #4 diesel fuel and will be a drum-mix plant. He further explained the drum-mix process. He quoted a health study from Salisbury, NC. He talked about the economic reasons for the company to come here. He further talked about the number of trucks daily and the impact on the entire county. He mentioned Avery County's revaluation land values and the sharpest drop was 56% near the asphalt plant. He talked about the plant will negatively impact the citizens in the County.

Rick Profitt stated that he wanted to thank everyone for the work that has been done so far. He gave the Board information regarding the farming community. He talked about not knowing the

effect from the plant on trees, livestock, wildlife and streams. He stated that everyone needs to write letters to try to keep this community healthy.

Tom Burgiss stated that this ends their presentation. He expressed his appreciation to the Board for listening to them. He reminded the Board to talk to the people who can help them during this process.

Chair Eldon Edwards stated that closed session can wait until the next meeting.

Mickey Hall asked about the Ashe County ordinance.

County Manager Don Adams stated that he has the ordinance from Ashe County. He stated that the Board will proceed with discussions starting at the next meeting. He mentioned several ways the Board could go.

Mickey Hall talked about the need to educate the public about the zoning and regulatory aspects of this project.

An unidentified man asked about the regulatory jurisdiction and how far can the regulations go.

County Manager Don Adams talked about these are the things that the Board will review.

A member of the audience asked when the next meeting is.

The Board stated that the next meeting is the third Monday at 10:00am.

Being no further business, Commissioner Graylen Blevins made a motion to adjourn at 8:27pm. Commissioner Sandy Carter Herndon seconded the motion. Vote 5:0.

Respectfully submitted,

Karen Evans  
Clerk to the Board

Attest:

Eldon Edwards  
Chairman