

AN ORDINANCE TO ESTABLISH A PLANNING BOARD OF ALLEGHANY COUNTY

WHEREAS the General Statutes of North Carolina, 1943, Chapter 153, Section 9 (40) provides for the establishment and operation of county Planning Boards; and

WHEREAS it appears to be advantageous to the welfare of the County of Alleghany that a comprehensive and continuous planning program be undertaken; and

WHEREAS the Board of County Commissioners needs the active assistance and constant cooperation of many civic-minded, far-seeing citizens in their efforts to serve the best interests of the people and to direct the county's physical growth along good civic lines; therefore,

BE IT RESOLVED, that the Board of County Commissioners hereby establish

THE ALLEGHANY COUNTY PLANNING BOARD

Hereinafter referred to as the "Planning Board;" and ordain that it be governed by the following provisions:

SECTION 1. Membership and Vacancies

The Planning Board shall consist of 3 members. _____ of the initial members shall be appointed for a term of one year; _____, for two years; 1 for five years. Vacancies occurring for reasons other than expiration of terms shall be filled as they occur for a period of the unexpired term. Faithful attendance at the meetings of the Board is considered a prerequisite for the maintenance of members on the Board.

SECTION 2. Organization, Rules, Meetings, and Records

Within thirty days after appointment the Planning Board shall meet and elect a chairman and create and fill such offices as it may determine. The term of the chairman and other officers shall be one year, with eligibility for reelection. The Board shall adopt rules for transaction of its business and shall keep a record of its members' attendance and of its resolutions, discussions, findings, and recommendations, which record shall be a public record. The Board shall hold at least one meeting monthly, and all of its meetings shall be open to the public. There shall be a quorum of 2 members for the purpose of taking any official action required by the ordinance.

<p>APPLICATION</p> <p>FEDERAL ASSISTANCE FOR PUBLIC WORKS AND FACILITY TYPE PROJECTS</p> <p><i>(Please read the Instructions before completing this application. Submit application in original and one copy. Attach additional sheets if necessary.)</i></p>	DO NOT WRITE IN THIS AREA - FOR GOVERNMENT USE ONLY			
	1A NO.		R E F E R R A L	
	AGENCY	DATE RECEIVED	DATE REFERRED	TO
AGENCIES ASSUMING JURISDICTION				
AGENCY	DATE	PROJECT COMPONENT	PROJECT NO.	

1A.	APPLICANT (Exact legal name or proposed name if not incorporated)			
	Allegheny County Board of Commissioners			
	CITY OR TOWN	(County)	(State)	(Zip code)
	Sparta	Allegheny	W. V.	26675

1B. TYPE OF ORGANIZATION (Check appropriate box)				
<input type="checkbox"/> STATE GOV. AGENCY	<input checked="" type="checkbox"/> LOCAL GOV. UNIT	<input type="checkbox"/> NON-PROFIT ORGANIZATION	<input type="checkbox"/> OTHER (Specify)	

2. LOCALITIES TO BE SERVED				
CITIES, TOWNS, OR AREAS <i>(List separately)</i>	COUNTY	P O P U L A T I O N		
		1960	CURRENT <i>(Est.)</i>	TO BE SERVED BY PROJECT
Entire County	Allegheny	7,734		

3. DESCRIPTION AND PURPOSE OF PROPOSED PROJECT	
A. DESCRIPTION	
To prepare a comprehensive water and sewer plan for rural Allegheny County.	
B. PUBLIC INTEREST AND NECESSITY	
<p>(1) Present public interest concerning public water to prevent pollution and improve the area's opportunities for industrial employment.</p> <p>(2) Commissioners interested in solid waste disposal for the county to improve the health standards of the people and prevent pollution.</p>	
C. PLANNING AGENCY (County, Multi-county, Regional, etc.)	
<input type="checkbox"/> REVIEWED BY PLANNING AGENCY (Attach comments)	<input checked="" type="checkbox"/> NOT REVIEWED BY PLANNING AGENCY (If not, explain)

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<p>1B. TYPE OF ORGANIZATION <i>(Check appropriate box)</i></p> <p> <input type="checkbox"/> STATE GOV. AGENCY <input checked="" type="checkbox"/> LOCAL GOV. UNIT <input type="checkbox"/> NON-PROFIT ORGANIZATION <input type="checkbox"/> OTHER <i>(Specify)</i> </p>				
2. LOCALITIES TO BE SERVED				
CITIES, TOWNS, OR AREAS <i>(List separately)</i>	COUNTY	P O P U L A T I O N		
		1960	CURRENT <i>(Est.)</i>	TO BE SERVED BY PROJECT
Entire county	Allegheny	7,734	7,815	7,815
3. DESCRIPTION AND PURPOSE OF PROPOSED PROJECT				
<p>A. DESCRIPTION</p> <p>Establishment of a solid waste disposal system to consist of sites and other equipment necessary for collection and disposal of solid waste in a sanitary manner acceptable to N. C. State Board of Health.</p>				
<p>B. PUBLIC INTEREST AND NECESSITY</p> <p>This county has been plagued with hundreds of roadside dumps and unsanitary landfills. Since the adoption of open burning standards by the State of North Carolina, we are having an increased problem with the disposal of waste. As a result of public alarm by the citizens, the County Officials have requested the State Health Department to investigate to determine the needs. It is determined that Allegheny County needs a safe and sanitary way of disposing of solid waste.</p>				
<p>C. PLANNING AGENCY <i>(County, Multi-county, Regional, etc.)</i></p> <p> <input checked="" type="checkbox"/> REVIEWED BY PLANNING AGENCY <i>(Attach comments)</i> <input type="checkbox"/> NOT REVIEWED BY PLANNING AGENCY <i>(If not, explain)</i> </p>				

AGREEMENT

THIS AGREEMENT, entered into by and between the North Carolina Department of Local Affairs acting through the Division of Community Planning (hereinafter called the 'Planning Agency") and the County of ALLEGHANY North Carolina (hereinafter called the "County"), WITNESSETH THAT:

WHEREAS, the Planning Agency has been established under authority of the General Statutes of North Carolina, Section 113-15.1 and under authority of a resolution duly adopted by the Board of Conservation and Development of the State of North Carolina on July 2, 1957; and Chapter 1145, Session Laws of 1969, created the North Carolina Department of Local Affairs. This Chapter has been codified as Article 34 of Chapter 143 of the General Statutes, transferring the Division of Community Planning from the N.C. Department of Conservation and Development to the N.C. Department of Local Affairs; and

WHEREAS, the General Statutes empower the Planning Agency: (1) "To provide planning assistance to municipalities and counties and joint and regional planning boards established by two or more governmental units in the solution of their local planning problems. Planning assistance. . . shall consist of making population, economic, land use, traffic, parking studies, developing plans based thereon to guide public and private development and other planning work of a similar nature. Planning assistance shall also include the preparation of proposed subdivision regulations, zoning ordinances, and similar measures which may be recommended for the implementation of such plans. . . . Provided, that the term planning assistance shall not be construed as including the providing of plans for specific public works. (2) To receive and expend federal and other funds for planning assistance to municipalities, counties, and to joint and regional planning boards and to enter into contracts with the federal government, municipalities, counties, or joint and regional planning boards with reference thereto;" and

WHEREAS, Section 701 (a) of the Housing Act of 1954, as amended, provides that: "In order to assist State and local governments in solving planning problems resulting from the increasing concentration of population in metropolitan and other urban areas, including smaller communities; to facilitate comprehensive planning for urban development including coordinated transportation systems, on a continuing basis by such governments; and to encourage such governments to establish and improve planning staffs, the [Housing and Urban Development] Administrator is authorized to make planning grants to.....(1) State planning agencies,.....for the provision of planning assistance to (a) cities and other municipalities having a population of less than 50,000 according to the latest decennial census, and counties without regard to population:.....(b) any group of adjacent communities, either incorporated or unincorporated, having a total population of less than 50,000 according to the latest decennial census and having common or related urban planning problems.....;" and

WHEREAS, the County has requested the Planning Agency to provide such planning assistance to the County; and

WHEREAS, the Planning Agency desires to cooperate with the County in every way possible to the end that a constructive planning program may be

initiated or furthered for the improvement and development of the County:

NOW, THEREFORE, the parties hereto do mutually agree as follows:

Section 1. That during the period of this 'contract the Planning Agency will furnish necessary trained personnel who make planning studies and assist in the development of the elements of a comprehensive plan set forth under the terms of this Contract. The County will: (a) cooperate in every way in the conduct of this project and make available research material, data, maps, and other statistical records of the County; (b) arrange regular meetings of the Planning Board and other County officials to review work carried out under this Contract and make such recommendations as are required; and (c) appropriate to the Department of Local Affairs its proportionate share of the cost of the project as hereinafter set forth.

Section 4. That the Department of Housing and Urban Development will provide a portion of the cost of the following items associated with the planning work described in EXHIBIT A of this Contract: salaries and wages, services by technical consultants, travel, and reproduction and publication of essential project reports and documents; subject to the terms and conditions set forth in Urban Planning Grant Contract No. 149-3 (G) between the North Carolina Department of Local Affairs and the United States of America.

Section 5. That either party may terminate this Contract by giving written notice to the other party of such termination and specifying the effective date thereof, at least thirty (30) days before the effective date of such termination. Upon termination of this Contract as herein provided, the obligation of the Planning Agency to conduct and carry on the work, studies, research and investigations heroin before provided shall forthwith cease; any amount determined to be due the County by prorating the total contribution of the County on the basis of the amount actually expended or obligated shall be refunded to the County, by the Planning Agency; and any amount determined to be due the Planning Agency on the same basis shall be paid by the County within the period specified in the Contract as executed.

Section 6. That in all matters relating to the performance of this contract the Administrator of the Division of Community Planning, having been authorized by appropriate and proper resolution, shall act for the Planning Agency; and the Chairman of the Board of Commissioners, having been authorized by appropriate and. proper resolution, shall act for the County.

Section 7. The terms and performance of this contract shall be contingent upon Federal approval of the work program, and the availability of Federal and local funds. If the contract is written for a period longer than twelve months, the Planning Agency is authorized to automatically reapply for Federal funding to cover that portion of the cost of planning assistance services to be expended in the Planning Agency's next funding year.

IN WITNESS WHEREOF, the Planning Agency and the County have executed this agreement as of this 20 day of April, 1971.

COUNTY OF ALLEGHANY

(sig: Ernest E. Edwards)
County Clerk (Seal)

BY (sig: Blake Hampton)
Chairman
County Board of Commissioners

Provision for the payment of the monies to fall due under this agreement has been made by appropriation duly made or by bonds or notes duly authorized, as required by the County Fiscal Control Act.

APPROVED AS TO LEGAL AND LEGAL ADEQUACY:

BY (sig: Edmund Adams)
County Attorney

(sig: Georgie B. Edwards)
County Accountant

ROBERT MORGAN,
ATTORNEY GENERAL OF NORTH CAROLINA
BY (sig: unintelligible)
Assistant Attorney General

NORTH CAROLINA
DEPARTMENT OF LOCAL AFFAIRS
BY (sig: unintelligible)
Administrator
Division of Community Planning

CONTRACT NO _____