

The Alleghany County Board of Commissioners met in regular session on Monday, February 4, 2008, 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 Warren Taylor, Commissioner Randy Miller, Commissioner Doug Murphy, Commissioner Milly Richardson, County Attorney Donna Shumate, County Manager Don Adams, and Clerk to the Board Karen Evans.

Chair Ken Richardson called the meeting to order.

Commissioner Milly Richardson led the Pledge of Allegiance and opened the meeting with a prayer.

Chair Ken Richardson stated that Mary Walker will not be here because of a death in her family and Rita Miller is here to discuss the tax collectors report and Board of E&R schedule.

Commissioner Milly Richardson made a motion to approve the amended agenda for this February 4, 2008, meeting. Commissioner Randy Miller seconded the motion. Vote 5:0.

AGENDA  
Monday, February 4, 2008  
6:30 PM

- 6:30 Meeting Called To Order  
Pledge of Allegiance and Prayer  
Motion on Agenda for February 4, 2008, meeting  
Motion on Minutes for January 23, 2008, meeting
- 6:35 A. Public Comments—30 minutes  
B. Public Hearing  
RE: 911 Road Names  
C. Mary Walker/Rita Miller  
RE: Tax Office Annual Report (deleted)  
Tax Collectors Report  
D. Forestry Service Annual Report  
E. Tom McDevitt/Suzie Long  
RE: LME Update  
F. Steve Allan  
RE: Safety Needs Assessment Report  
G. Jack Joines  
RE: Conditional-Use Permit Appeal  
H. County Business  
1. Joint Meeting Schedule with Town  
2. Social Services Budget Amendments  
3. Ropes Course Budget Amendment  
4. Sign Ordinance  
5. Other Business  
6. Closed Session—NCGS 143-318.11 (a) (6)—personnel  
7. Adjourn

Commissioner Milly Richardson made a motion to approve the minutes for the January 23, 2008, meeting. Commissioner Randy Miller seconded the motion. Vote 5:0.

Chair Ken Richardson opened the public comments' portion of the meeting and asked for public comments.

Paul Reeves stated his appreciation to the Board for allowing him to speak. He talked about the amount spent on the Planning Board, junk yards in Twin Oaks and asked who is going to work on this. He further talked about right of ways for small subdivisions, recommended right of ways then mandatory right of ways, the fall of real estate when zoning took effect, County roads are 55 miles per hour unless otherwise

posted and the amount of unpaved roads. He asked how many get right-of-way permits. He stated that things have gotten out of hand and is costing a lot of money. He talked about the high-quality waters requirements and involving the corps of engineers. He said everyone has to get some reasoning into zoning, and it is doing damage to the community. He asked the Board to help them out on this.

Todd Dittrich with Dittrich Construction stated that he has been working 18-19 years in construction. He talked about issues with sewer permits because permit problems and permitting is taking three to four months. He stated that he is losing business. He said he understands that the State is regulating this, and thought maybe someone could get in touch with the State to see if they can be a little more realistic. He talked about having a house ready to build, and the perk holes were ready before Thanksgiving but it still hasn't happened. He talked about losing customers, losing houses and losing people because of the sewer system requirements. He asked the Board to see what could be done. He stated that he is not the only person here with problems. He thanked the Board for their time.

Chair Ken Richardson asked for further 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 road name; Lovers Lane. She explained where the road is located.

Chair Ken Richardson opened the public hearing regarding the 911 road name at 6:40pm.

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

Chair Ken Richardson closed the public hearing at 6:41pm and reconvened the regular meeting.

Commissioner Milly Richardson made a motion to approve the road name as presented by the E-911 Coordinator/Mapper. Commissioner Warren Taylor seconded the motion. Vote 5:0.

Rita Miller, Assistant Tax Appraiser, presented the tax collection report as of January 31 being 89.4%. She explained the amount billed with the remaining amount payable.

Rita Miller talked about scheduling the Board of Equalization and Review meetings. She explained that by Statute the dates must be between April 7 and May 5. She further explained that she thought three meetings would be enough.

Chair Ken Richardson, County Manager Don Adams and Rita Miller talked about real property collection rates and vehicle collection rates.

Barry Maines with the Forestry Service presented information for 2007 regarding their activities including forestry management plans and forest fires. He stated a special thanks to the Volunteer Fire Departments for their prompt action on the forest fires. He further stated his appreciation to the citizens during the statewide burning ban. He explained that two communities are being assessed to be firewise communities. He explained the other activities they are involved in throughout the year.

Commissioner Doug Murphy and Barry Maines talked about how the firewise community distinction could assist with the homeowners' insurance premiums.

Shelly Lackey thanked Commissioner Warren Taylor for his activities serving with the Smoky Mountain Center. She explained the Smoky Mountain Center's purpose, and they will be providing quarterly updates. She introduced Suzie Long and Tom McDevitt and explained their roles with the Smoky Mountain Center.

Suzie Long explained that they officially became the area LME as of July 1, 2007. She talked about New River is now a service provider and their activities. She talked about Smoky, functions of Smoky Mountain LME, providers other than New

River, meeting regularly with New River and Smoky's relation with New River.

Tom McDevitt explained the hospital pilot program and how it works. He talked about crisis and emergency services, working closely with Senator Nesbitt about this action. He further talked about Senator Nesbitt really likes the partnership that Smoky has with community hospitals. He explained initiatives involving youth in crisis and nursing homes initiatives regarding mental health and substantives abuse. He further explained that they are meeting with local law enforcement officials to find out their processes in order to make it go more smoothly. He talked about the State mandated a review of all LME's and every LME went thru the audit including Smoky. He further talked about areas of review and determination of each LME. He stated that he thinks the vast majority is not up to standards and the review will look at other areas to determine functions that the LME shouldn't be doing.

Commissioner Milly Richardson stated that this has been quite informative.

Commissioner Warren Taylor and Chair Ken Richardson thanked them for coming.

Chair Ken Richardson called for a brief recess.

County Manager Don Adams explained how the process was started regarding the safety assessment study. He further explained that this is the first step in a long journey.

Steve Allan presented a PowerPoint presentation regarding the Public Safety Capital Needs Assessment Study involving the Sheriff's Office, Emergency Medical Services, Emergency Management, Rescue Squad and all of the Volunteer Fire Departments. He reviewed the maps, projected population numbers, call volume, agency performance, response times, agency funding, basis of needs, finding and issues of concerns, compatibility of vehicles with conditions found, facilities, age of vehicles, recommendations, probable costs, summary and future considerations and where do we go from here.

Chair Ken Richardson stated that this is the first time the Board has heard this information and is what the Board needs. He talked about including this in the budget workshop about next year.

Steve Allan stated that the people involved with these organizations are committed to what they are doing.

Commissioner Doug Murphy and Steve Allan discussed a training facility and how it could be used.

Commissioner Milly Richardson talked about this is an extreme wakeup call for the Commissioners, and it should have been done a long time ago. She thanked Mr. Allan for his report.

County Manager Don Adams talked about this is a capital improvement plan. He urged everyone to pay attention to the steps and processes to follow from here. He talked about the Fire Commission can start prioritizing the needs, look at how services to the citizens can be improved and look at services to be provided.

Chair Ken Richardson called for a brief recess.

Jack Joines came before the Board to discuss an appeal for the Board to consider on 654 Pardue Road. He explained that the mobile homes had been set down in 2004 including having septic permits. He asked if the Board had any questions.

County Manager Don Adams reviewed the Board's packet, appeal, minutes, application, recommendations from the Planner, building inspections letter, tax information. He stated that it was his understanding that basically Mr. Joines is requesting this to be grandfathered in.

Jack Joines explained that the mobile homes are there and ready with minor work to be done since they were set down in 2004 but was never pursued by the previous owner.

Chair Ken Richardson asked what they have been used for from 2004 until now.

Jack Joines stated that they haven't been used for anything. He talked about they met the 2004 guidelines. He reiterated that they were set down in early to mid 2004, and no one has occupied them.

Chair Ken Richardson talked about three mobile homes on one acre.

Kathy Murphy talked about the Property Rights Protection Ordinance requirements for mobile homes lot sizes and parks. She further talked about the 180-day requirement that if it hasn't been used for 180 days then it is no longer considered as that use. She stated that the Planning Board discussed this application and decided this is a mobile home park.

Commissioner Warren Taylor asked is the septic hooked up.

Jack Joines explained the location of the land and the condition of the septic systems. He talked about these mobile homes meet all of the requirements except the acreage requirement.

Kathy Murphy talked about her original discussions with Mr. Joines.

County Manager Don Adams talked about the finding of fact and actions by the Planning Board. He stated that there are two separate issues; vested rights and variance. He pointed out that the finding of fact addressed vested rights. He reiterated there are two issues. He asked the Board to read the findings of fact.

Commissioner Warren Taylor asked about the septic system being hooked up.

Jack Joines explained the system and how much of it has been installed.

County Attorney Donna Shumate stated that vested rights have to have certain things to be obtained. She talked about the 180-day rule. She explained the section for vested rights according to the ordinance.

Commissioner Milly Richardson stated that it seems the Board has no option about vested rights. She asked about variances.

County Attorney Donna Shumate stated that she will have to look into variances. She talked about the conclusions from the Planning Board. She explained that one mobile home does have vested rights but the other two don't.

County Manager Don Adams explained that the variance requires certain questions to be answered.

Kathy Murphy talked about her recommendation to the Planning Board including the answers to the compatibility questions.

County Manager Don Adams talked about having two interpretations of the ordinance regarding this situation; article 9 non-conforming uses and non-conforming occupied lot. He talked about the difference and Kathy Murphy's recommendation and the Planning Board decision.

Jack Joines stated that no one can occupy a mobile home or house until they get a final electric inspection, which is the last thing obtained.

Chair Ken Richardson reviewed the Commissioners' options and Jack Joines' options.

County Manager Don Adams talked about non-conforming lots. He asked Donna

Shumate if we are going to have to go through the process again. He further asked can the Commissioners change the Planning Board decision without having to go through the public hearing process again.

Chair Ken Richardson and County Manager Don Adams talked about variances come before the Commissioners. Chair Ken Richardson stated that the Commissioners are only deciding vested rights tonight, and Jack Joines can ask for a variance. County Manager Don Adams stated the need for more discussions about occupied lots.

Commissioner Warren Taylor stated that it is obvious that the 180 days keeps it from being vested rights. He talked about it needs to go through a variance process.

County Manager Don Adams reviewed the Commissioners' options.

Commissioner Milly Richardson made a motion to uphold the Planning Board's decision. Commissioner Warren Taylor seconded the motion. Vote 5:0.

County Manager Don Adams presented the 2008 joint meeting dates with the Town.

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

County Manager Don Adams presented budget amendment General Fund #18 in the amount of \$27,556 for additional public assistance monies.

Commissioner Warren Taylor made a motion to approve budget amendment General Fund #18 in the amount of \$27,556. Commissioner Milly Richardson seconded the motion. Vote 5:0.

County Manager Don Adams presented budget amendment General Fund #19 in the amount of \$8,678 for the reclassification of a Social Worker IAT.

Commissioner Warren Taylor made a motion to approve budget amendment General Fund #19 in the amount of \$8,678. Commissioner Milly Richardson seconded the motion. Vote 5:0.

County Manager Don Adams presented budget amendment General Fund #20 in the amount of \$300 for the Ropes Course. He explained that these are monies that Mr. Wing has received through donations.

Commissioner Warren Taylor made a motion to approve budget amendment General Fund #20 in the amount of \$300. Commissioner Doug Murphy seconded the motion. Vote 5:0.

County Manager Don Adams stated that he believes that the Board was going to discuss the sign ordinance.

The Board talked about the timeframe on this issue.

Chair Ken Richardson stated that he envisioned a very simple ordinance that deals with billboards, not the long ordinance that deals with every sign and a permitting process. He talked about the County Manager did point out the need to register signs, and having signs above a certain size and height would not be allowed in Allegheny County.

Commissioner Milly Richardson stated that the Commissioners asked the Planning Board to come up with a sign ordinance, and they did. She further stated that the next time the Commissioners need to be more specific.

County Manager Don Adams talked about staff enforcement issues and questions about page 5, section 3.

Kathy Murphy talked about areas that conflict with each other in the ordinance.

County Manager Don Adams talked about how this ordinance deals with temporary signs. He further talked about the need to pick a size to regulate.

Commissioner Warren Taylor asked if there is any need in the county to have a sign larger than 15 by 15.

County Manager Don Adams stated that this ordinance limits signs to a 12 by 12.

Commissioner Warren Taylor asked why does the Board need all of this stuff to regulate a sign. He reiterated that this seems like a lot.

Commissioner Doug Murphy stated that this is a thorough ordinance and appreciates the hard work. He talked about the Commissioners' intent was to look at billboard-size signs.

County Manager Don Adams talked about the need for lower and upper dimensions for signs.

Commissioner Warren Taylor and County Manager Don Adams talked about the moratorium will be up on February 15.

Chair Ken Richardson talked about grandfather-in less than a certain size.

County Manager Don Adams stated that all current signs will be grandfathered in.

Commissioner Doug Murphy stated that the real issue is page 5, section 3.

County Manager Don Adams gave an example of regulating signs.

The Board of Commissioners talked about measurements/sizes for signs.

Commissioner Warren Taylor stated that he recommends that a couple of Commissioners meet with a couple people from the Planning Board.

Commissioner Warren Taylor and Commissioner Milly Richardson volunteered to meet with a couple of people from the Planning Board.

Kathy Murphy stated that this ordinance is what the Planning Board wanted to regulate all off-site signs.

Commissioner Warren Taylor, Commissioner Doug Murphy and County Manager Don Adams talked about enforcement issues.

The Board of Commissioners discussed dimensions for the signs.

Bill Caudill, Planning Board member, stated that he wants to preserve the beauty of the County and have a nice place for future generations.

Chair Ken Richardson stated that the next Planning Board meeting is on February 11. He talked about having an emergency meeting before the 15<sup>th</sup>.

Commissioner Doug Murphy asked can the Board extend the moratorium.

County Attorney Donna Shumate answered it can be extended but it has to have good reasons, and it is not recommended.

Commissioner Warren Taylor asked about advertising the public hearing then the ordinance couldn't change.

County Attorney Donna Shumate stated that the ordinance could be made less stringent.

Commissioner Warren Taylor suggested advertising for the public hearing then meeting with the Planning Board to discuss the ordinance.

Chair Ken Richardson asked does the Board have time to advertise for the 18<sup>th</sup>.

County Manager Don Adams stated yes.

Chair Ken Richardson said to arrange for Commissioner Warren Taylor and Commissioner Milly Richardson to meet with the Planning Board.

Commissioner Doug Murphy thanked Don Adams for getting the recycling bins at Sparta Elementary School. He stated that the kids appreciate it too.

Chair Ken Richardson talked about the two people that spoke today during public comments. He asked that he and the County Manager meet with them.

Commissioner Milly Richardson explained that a young man from the community has been wounded in Iraq, Bob and Lynn Lane's son, Adam. She stated that the community needs to remember these people in their prayers.

Commissioner Warren Taylor made a motion to enter into closed session at 9:25pm 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 closed session at 9:42pm 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.

Being no further business, Commissioner Warren Taylor made a motion to adjourn at 9:43pm. Commissioner Milly Richardson seconded the motion. Vote 5:0.

Respectfully submitted,

Karen Evans  
Clerk to the Board

Attest:

Ken Richardson  
Chairman