

The Alleghany County Board of Commissioners met in special session on Tuesday, April 15, 2014, at 8:00pm in the Board Meeting Room of the County Administration Building, 348 South Main Street Sparta, North Carolina. The purpose of this session was to discuss planning/land-use topics.

Present: Chair Larry Cox, Vice-Chair Tom Smith, Commissioner Larry Davis, Commissioner John Goudreau, Commissioner Karen Leys, County Manager Don Adams, County Attorney Donna Shumate and Clerk to the Board Karen Evans.

Chair Cox called the meeting to order and turned the meeting over to the County Manager and County Attorney.

County Manager Don Adams reminded everyone about the Planning Board denied an application for a cell tower recently, the company appealed the decision and the Commissioners will hear the appeal. He explained that the appeal is proposed to be scheduled during the second week of May. He further explained that tonight's meeting is to discuss the appeal procedures. He provided the Board with copies of the Property Rights Protection Ordinance along with its amendments. He explained this Ordinance was passed under the North Carolina zoning laws and protects the property owners and neighbors. He reviewed the layout of the Ordinance. He talked about the exempt uses, uses-by-right listed in the Ordinance and all of other things require a conditional-use permit. He continued reviewing the Ordinance and the process to get a conditional-use permit. He talked about the duties of the Board of Commissioners, the Planning Board, and staff in carrying out the Ordinance. He continued to review the Ordinance including the appeals, variances and interpretations article, amendments, legal provisions. He reminded everyone that there is an appeal currently.

County Attorney Donna Shumate talked about the quasi-judicial proceedings. She reviewed the overview of the proceeding with the requirements and process. She talked about the script prepared for the Chair to use including a conflict of interest statement, swearing people in who wish to speak; Planner gives a brief introduction, invite applicant and property owners to speak. She reviewed wording for motions for approval or denial including specific reasoning why the motion was made. She continued reviewing the procedures. She talked about who are the parties in the quasi-judicial hearings. She explained the evidence portion of the proceedings.

County Manager Don Adams talked about evidence and what is actually being decided. He read the questions from the Ordinance that must be met.

County Attorney Donna Shumate continued talking about evidence, board discussions, decision making and decision review. She addressed the 4/5 voting requirements are in the Ordinance but it isn't State law.

Commissioner Smith and County Attorney Donna Shumate talked about the procedures.

County Manager Don Adams explained the Board will be sitting as judges and make a decision based on the evidence presented at that hearing. He talked about the County Attorney wishes for the Board to state the reasons for the approval/denial.

Chair Cox and County Attorney Donna Shumate talked about everyone in the 2,000 feet radius being notified and people speaking if it is relevant to the topic.

County Manager Don Adams reiterated that the Ordinance protects the rights of the property owner, the applicant, and the surrounding property owners. He explained why the laws are the way there are.

County Attorney Donna Shumate said that Travis Dalton sends out letters to everyone in the 2,000 feet radius, and you will have a list of those people.

Chair Cox asked if the Board has someone who says I think we have a conflict, do we still follow those rules to vote to excuse that member. County Attorney Donna Shumate answered yes, and it would be helpful to say what the conflict is as much as possible.

County Manager Don Adams talked about his advice is for the Commissioners to individually talk to the County Attorney about their potential conflict and during the meeting the Chairman will ask if there are any conflicts then it is up to the individual members to state there is a conflict.

Chair Cox asked for further questions from the Board. No one spoke.

County Manager Don Adams said the final topic of discussion is setting the date for the appeal.

The Board talked about dates/times for the meeting. They decided on May 21 at 6:30pm.

Chair Cox encouraged the Commissioners to talk with the County Attorney if there are any questions.

Being no further business, Commissioner Leys made a motion to adjourn at 9:02pm. Commissioner Davis seconded the motion. Vote 5:0.

Respectfully submitted,

Karen Evans
Clerk to the Board

Attest:

Larry Cox
Chairman