

The Alleghany County Board of Commissioners reconvened the recessed meeting from September 15, 2008, on Wednesday, September 17, 2008, at 3:30pm 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 Manager Don Adams, and Clerk to the Board Karen Evans.

Chair Ken Richardson called the meeting to order at 3:30pm.

County Manager Don Adams presented information to the Board from Kathy Murphy about the Planning Board's activities regarding the Property Rights Protection Ordinance. He explained their discussion regarding changing the definition of a mobile home park and family exemptions. He further explained that they decided to not change the ordinance. He said that he agrees with the Planning Board about family exemptions. He further said the Commissioners could look at the definition of a mobile home park. He read the current definition "A tract of unsubdivided land occupied or proposed to be occupied by two (2) or more manufactured homes. It includes any service building, structure, enclosure, or other facility used as a part of the park." He said that the Board will have to conclude that changing the definition follows along with the land-use plan.

Chair Ken Richardson asked if the Planner has anything to add.

Kathy Murphy, Planner, talked about changing the definition to three, then what happens when four, five, or six mobile homes are on a piece of property. She explained that she looked at other counties' ordinance definitions and what she found.

Commissioner Warren Taylor asked for a quick refresher about this case.

Kathy Murphy quickly reviewed the Blevins case including that they came in to get their permit for electricity; it was brought to her because all permits go through the Planning office and Mr. Blevins' father owns the land.

Commissioner Warren Taylor and Kathy Murphy talked about it is not an option to split the property because of the size of the tract being around an acre.

Kathy Murphy talked about two other cases where mobile homes had to be moved.

Chair Ken Richardson asked the Planner to give the Commissioners an opinion about those two cases and whether changes would apply.

Kathy Murphy talked about changes are from this point forward.

Chair Ken Richardson asked the Planner for her opinion about why the ordinance shouldn't be changed to say more than two.

County Manager Don Adams explained that this is one of those places where you pick a number. He further explained that the intent of the ordinance was to place standards on mobile home parks. He talked about the 15-member committee's conversations that developed the ordinance. He reiterated that the intent of having multiple trailers in one location is to have standards.

Chair Ken Richardson asked the Planner what else would need to be changed.

Kathy Murphy talked about the need to still meet the setback requirements.

Chair Ken Richardson asked about this particular case with the change of more than two, can they meet it.

Kathy Murphy answered yes; they can meet all of the setback requirements.

Chair Ken Richardson asked the County Manager about impacting the ordinance if saying more than two.

County Manager Don Adams reviewed the definition of a mobile home park. He talked about changing the word two to three would be the only wording change.

The Board of Commissioners and County Manager Don Adams discussed the language change for the ordinance being more than two versus three.

County Manager Don Adams explained that the wording change does not deal with the setback requirements. He further explained the setback requirements are for a mobile home park. He said that wording change elsewhere would be needed for the setback requirements mentioned by the Planner.

Commissioner Milly Richardson talked about wording change of more than two and setbacks.

Kathy Murphy explained the reasoning for setbacks are because of fire codes.

Chair Ken Richardson asked the Planner if it is her recommendation to create three standards for mobile homes.

Kathy Murphy talked about other counties have categories of parks and standards for each category.

The Board of Commissioners and Kathy Murphy discussed different scenarios regarding mobile homes, standards and setbacks.

Commissioner Warren Taylor asked would this not be avoided if mobile home companies know this.

Kathy Murphy stated that they know because she sent out information packets.

County Manager Don Adams stated that it is the responsibility of the homeowners.

Chair Ken Richardson asked what is the next step if the Board wants to go forward with a change.

County Manager Don Adams explained the next steps to get changes made including the section in the ordinance that talks about amendments. He talked about having a public hearing then decide. He explained that this is a text amendment.

Chair Ken Richardson and County Manager Don Adams talked about if the Board decides to do something today, it could be addressed on October 6. They discussed the motion for the change and does it all need to be done at the same change.

Commissioner Milly Richardson, County Manager Don Adams and Kathy Murphy discussed setbacks regarding the fire code.

County Manager Don Adams talked about having Gerald to get with Randy about the fire codes.

Kathy Murphy explained that all building permits go through her office. She further explained what she has to sign off on.

County Manager Don Adams and Kathy Murphy used an example of what Kathy Murphy would be looking at for single mobile homes, and if it is a fire code issue, then it would have to require a site plan, which can be obtained through the Health Department.

Mrs. Blevins explained that they have a separate septic system.

Commissioner Warren Taylor asked if this will create more problems in other cases if wording changed.

Kathy Murphy explained yes, for three mobile homes on a site.

Commissioner Doug Murphy talked about having to pick a number somewhere.

Kathy Murphy explained that the Planning Board based their decision on surrounding counties' information.

Commissioner Milly Richardson talked about people should be able to live in what they want to live in.

Chair Ken Richardson talked about ways for the Board to proceed.

Commissioner Milly Richardson made a motion to say in the ordinance more than two and agree to pursue that with a public hearing. Commissioner Doug Murphy seconded the motion.

County Manager Don Adams talked about following the procedures in the ordinance to have a public hearing for a text amendment.

Commissioner Warren Taylor stated that he wished the Planning Board had concurred.

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

County Manager Don Adams brought up the action from Monday regarding the letter of credit for a subdivision. He passed around an agreement that should have been adopted at that time. He talked about the letter of credit is for \$45,000 instead of \$46,000 and a problem with date. He talked about page two of the agreement and reissue the letter of credit in the correct amount to go through October 30, 2009.

Chair Ken Richardson, Commissioner Doug Murphy and County Manager Don Adams talked about action needed by the Board.

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

Being no further business, Commissioner Randy Miller made a motion to adjourn at 4:08pm. Commissioner Milly Richardson seconded the motion. Vote 5:0.

Respectfully Submitted,

Karen Evans  
Clerk to the Board

Attest:

Ken Richardson  
Chairman