

The Alleghany County Board of Commissioners met in regular session on Monday, May 1, 2006, at 6:30pm in the Conference Room of Blue Ridge Electric, 1889 Highway 21 South, Sparta, North Carolina.

Present: Chair Eldon Edwards, Vice-Chair Warren Taylor, Commissioner Graylen Blevins, Commissioner Sandy Carter Herndon, Commissioner Ken Richardson, County Attorney Donna Shumate, County Manager Don Adams, and Clerk to the Board Karen Evans.

Chair Eldon Edwards called the meeting to order.

Commissioner Graylen Blevins opened the meeting with a prayer.

Chair Eldon Edwards stated that Glade Creek Volunteer Fire Department needs to be removed from the agenda.

Commissioner Warren Taylor made a motion to approve the amended agenda for this May 1, 2006, meeting. Commissioner Graylen Blevins seconded the motion. Vote 5:0.

AGENDA
Monday, May 1, 2006
6:30 PM

- 6:30 Meeting Called To Order
Motion on Agenda for May 1, 2006, meeting
Motion on Minutes for April 10, 2006, special meeting; April 10, 2006, special meeting; April 17, 2006, regular meeting; April 20, 2006, recessed meeting; April 20, 2006, special meeting; April 21, 2006, special meeting
- 6:35 Public Hearing
RE: 911 Road Names
- 6:45 Wendy Williams
RE: 911 Ordinance Discussions
- 7:00 Alleghany County Library
RE: Facility Needs
- 7:10 Glade Creek Volunteer Fire Department Annual Report (removed)
- 7:20 Laurel Springs Volunteer Fire Department Annual Report
- 7:30 Public Hearing
RE: Property Rights Protection Ordinance
County Business
1. Recycling Contract
 2. Other Business
 3. Public Comments—30 minutes
 4. Closed Session—NCGS 143-318.11 (a) (3)—legal
 5. Adjourn

Commissioner Sandy Carter Herndon made a motion to approve the minutes for the April 10, 2006; April 10, 2006; April 17, 2006; April 20, 2006; April 20, 2006 and April 21, 2006 meetings. Commissioner Warren Taylor seconded the motion. Vote 5:0.

Chair Eldon Edwards recessed the regular meeting at 6:35pm and opened the public hearing regarding 911 road names.

Wendy Williams, E-911 Coordinator/Mapper, presented six possible road names for approval. She explained these six names were submitted by two different parties for the same road that is located off of Highway 93.

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

Chair Eldon Edwards closed the public hearing at 6:38pm and reconvened the regular meeting.

County Manager Don Adams reviewed the actions from the last meeting including the Board directing the County Attorney and Wendy Williams to research the definition of a resident.

County Attorney Donna Shumate stated that there are several definitions of residents in the statutes and case law. She explained that Wendy Williams and she have discussed ideas for the definition. She further explained that they reviewed other counties' ordinances. She gave the Board five options for the definition of a resident.

Commissioner Ken Richardson stated that option three is his definition of a resident where the person actually resides in a dwelling on the affected road for a period of more than six months in a calendar year.

The Board of Commissioners and Wendy Williams discussed the criteria of people who live on the road should name the road. They discussed the different options. Wendy Williams stated that the Browns reside in Alleghany County.

The Board of Commissioners and Wendy Williams discussed the current procedures for road name changes.

Commissioner Graylen Blevins stated that he knows the Browns live in Alleghany County during the winter months.

Evelyn Hash stated that the Browns did spend some time in Florida or somewhere out of the state but they could have become full-time residents. She gave the Board reasons for Spry Memorial Park submitting their names. She stated that the trustees had agreed upon Locust View Drive.

Commissioner Graylen Blevins and Evelyn Hash discussed the road going to the cabin being drivable.

Chair Eldon Edwards asked Ms. Hash if any of the Browns' road names are acceptable to them. She stated that Birch View Lane would be okay.

Commissioner Warren Taylor made a motion to approve Birch View Lane and approve option three as the definition of a resident.

County Attorney Donna Shumate asked the Board if they could make two separate motions on these issues.

Commissioner Warren Taylor restated his motion to approve Birch View Lane as presented by the E-911 Coordinator/Mapper. Commissioner Sandy Carter Herndon seconded the motion.

Vote 5:0.

Commissioner Warren Taylor made a motion to approve option three for the definition of a resident. Commissioner Ken Richardson seconded the motion. Vote 5:0.

Wendy Williams asked for clarification if only part-time residents are on a road.

County Attorney Donna Shumate talked about amending option three to include a statement that if no one qualifies under that definition that whoever lives next longer less than six months would be considered a resident.

The Board of Commissioners stated that is what they recommend.

Commissioner Warren Taylor stated no objections to amending his motion regarding the definition.

Suzanne Irwin came before the Commissioners on behalf of the Alleghany County Public Library. She stated their need to expand. She gave a history of the project and discussions held regarding the project. She stated that with the purchase of the Richardson/Young property, they can move forward with the library expansion project. She explained that on April 24, the library board voted to ask the Commissioners to place the Alleghany County Public Library on a bond referendum as a stand alone issue on the November ballot.

Commissioner Ken Richardson made a motion to move forward with this in the form of a referendum to give the County Manager time to prepare for the referendum and the library will get back with the needed information. Commissioner Graylen Blevins seconded the motion.

Commissioner Warren Taylor asked if they have costs estimates for the project.

Suzanne Irwin stated that is part of the information that is being gathered and will be given to the County Manager.

Chair Eldon Edwards asked if this action is only allowing the referendum to be put on the ballot.

Commissioner Ken Richardson stated that there will have to be another vote by this Board when all of the details are available. He stated that they are close to having the information available, but they wanted to give the County Manager the necessary time to do what he needs to do regarding the referendum. He stated they should have the information by July 1, if not sooner.

Commissioner Sandy Carter Herndon asked what the costs are to get this issue on a referendum.

County Manager Don Adams explained that it will cost approximately \$6,000. He further explained the breakout of the costs. He informed everyone of the process to go through for a referendum. He stated that he has an appointment on May 23 with the Local Government Commission regarding referendums.

Commissioner Warren Taylor and Commissioner Ken Richardson discussed an architect has already been contracted; he attended the last meeting and understands that they need this additional information as soon as possible.

Commissioner Sandy Carter Herndon stated that the architect will have the information by the first of July and maybe earlier.

County Manager Don Adams stated that the ballot question must be to the voting machine company by August 7. He reviewed a timeline in order to have the question to the company by their deadline. He stated that three public meetings must be held in reference to the referendums. He talked about the Local Government Commission process.

Commissioner Ken Richardson stated that he promises the Board will have information by May 23.

Chair Eldon Edwards asked if this has any affect on another referendum; such as, the school needs.

County Manager Don Adams stated that is a conversation for the Local Government Commission.

The Board of Commissioners talked about having two separates votes on the two separate issues.

Chair Eldon Edwards asked for a vote on the motion on the floor.

The Board of Commissioners asked to hear the motion again.

Commissioner Ken Richardson said his motion is an opportunity for the Commissioners to give their tentative approval for going forward with a bond referendum being put on the November ballot regarding building a new library.

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

Hubert Wagoner with Laurel Springs Volunteer Fire Department presented their annual report. He reviewed the number of calls; number of firemen, junior firemen, first responders; types of calls responded to and types of training they participated in.

Chair Eldon Edwards and Hubert Wagoner discussed problems getting people to volunteer to join the fire department. Hubert Wagoner explained that was the reason for getting the junior firemen's program stated. He further explained the ages for the junior firemen.

Chair Eldon Edwards stated that the firemen are to be commended for their efforts and being volunteers.

Commissioner Graylen Blevins and Hubert Wagoner discussed the need for a training facility in Alleghany County.

Chair Eldon Edwards stated his appreciation to the fire departments.

County Manager Don Adams discussed the recycling contract with the Commissioners. He stated that Roger Brady, Brady Enterprises, currently has the recycling contract that will expire on June 30, 2006. He reminded the Board about the partnership between the Town and County regarding garbage pickup and recycling. He stated that Town Manager Bryan Edwards is going to

talk to the Town Council about extending the Town's contract with Brady Enterprises. He reviewed the County's options of extending the current contract or going out to bid. He explained that the only other bid for the recycling services came from the County. He briefly described the County's bid. He stated that he is looking for direction from the Board regarding recycling.

Commissioner Warren Taylor stated that he is satisfied with the current arrangement especially if the Town extends their contract.

Chair Eldon Edwards and Commissioner Sandy Carter Herndon stated that they don't have any problems with that.

County Manager Don Adams stated that if the Town goes out to bid for their garbage and recycling services then the County would, too.

Commissioner Ken Richardson stated that he was in Surry County appearing before the Board of Commissioners of Surry County, Iredell County and Yadkin County about mental health issues. He further stated that someone from New River Behavioral Healthcare will be coming to the mid-month meeting.

Chair Eldon Edwards mentioned County Assembly Day in Raleigh on May 17. He asked Commissioner Ken Richardson if he is planning on attending this meeting.

Commissioner Ken Richardson stated that he is trying to rearrange his schedule.

Commissioner Sandy Carter Herndon stated that she may go.

Chair Eldon Edwards said to let Clerk to the Board Karen Evans know.

Chair Eldon Edwards called for a 5-minute recess at 7:25pm.

Chair Eldon Edwards reconvened the meeting and opened the public hearing at 7:30pm. He turned the meeting over to Amy Pardue to provide information on the Property Rights Protection Ordinance.

Amy Pardue, Planner, reviewed changes made to the ordinance right before the meeting. She presented a PowerPoint presentation explaining the highlights of the ordinance.

Commissioner Warren Taylor informed everyone that last fall each Commissioner submitted three people to form the committee that created this ordinance. He thanked each one for their hard work and volunteer hours. He recognized the committee members; Bill Rost, Dave Jackson, David Isner, Jim Dixon, Jim Smith, Joe Ritchie, Marvin Myers, Paula Presnell, Pete Church, Steve Roten, Susan Murphy, Susan Reinhardt, Walt Green and Wayne Andrews. He stated his appreciation for their hard work.

Chair Eldon Edwards asked for public comments.

DW Miles stated that this is a good committee, and they have done a good job. He further stated that this is on the right track but the Board needs to be cautious and not take privileges away from the citizens. He gave examples of good and bad ordinances that the County Commissioners have passed. He stated the need to study this ordinance and delay passing it until the public can look at it. He thanked the Board for their time.

Susan Reinhardt asked everyone to read section 7.2 (2) in Article 7. She asked if the wording should read the developer or representative.

County Attorney Donna Shumate read 6.2 regarding who can submit an application. She stated that she doesn't see any harm in changing the wording in 7.2 (2) by adding authorized representative. She further stated that she thinks this is an acceptable change to the ordinance.

Milly Richardson asked for more explanation and clarification on exemptions for agriculture and agribusiness.

Amy Pardue reviewed the definitions of a bona fide farm and agribusiness.

County Manager Don Adams explained the intent of agribusiness. He stated that if the citizens don't read that intent, then maybe the wording needs to be changed. He gave an example. He talked about greenhouses and nurseries are exempt under agriculture. He explained what the committee was looking at when someone takes two raw products and creates another product.

Bob Bamberg asked about combining agriculture with something else to make the venture more profitable like choose and cut.

County Manager Don Adams talked about exempt uses. He gave an example of building a 5,000-square-foot building that would be a permanent building. He stated that the Planning Board would have to make that determination.

Commissioner Sandy Carter Herndon and County Manager Don Adams talked about going through the process to determine whether the ordinance applies or not.

Judy Farmer stated that she lives here and own property here. She further stated that it rubs her the wrong way to have someone tell her what to do with her property. She asked the Board to please put this out for a vote and to not take this right away from citizens.

Bill Maxwell asked for a clarification about 5.3 (2), incidental agriculture.

Amy Pardue and County Manager Don Adams explained 5.3 (2).

Bill Maxwell asked if a farm builds an outbuilding like a shed, would that come before the Planning Board.

Amy Pardue talked about bona fide farm buildings are exempt.

Ron DeBord asked about if he expanded his existing business building or built another building on that lot, would he have to go through this process.

Amy Pardue talked about a list of questions in 6.5.2 that would have to be answered before that determination could be made.

County Manager Don Adams explained 5.4, uses-by-right, and the intent of the ordinance regarding expansion.

Ron DeBord asked if someone purchased property next to him and didn't like the condition of his lot or his shop and the surroundings, can they change it.

County Manager Don Adams explained that this isn't a junk ordinance or sound ordinance or noise ordinance.

Ron DeBord asked about working until 2:00am in the morning.

County Attorney Donna Shumate stated that this ordinance doesn't apply to that situation. She further stated that there may be other laws that would govern that but not this ordinance.

Commissioner Sandy Carter Herndon reminded everyone that whatever exists now is grandfathered in and the ordinance doesn't go back to make you comply with it. She stated that the ordinance is designed to be a good neighbor policy. She talked about treating your neighbors as you would like for them to treat you in terms of respect.

Rennie Todd asked how neighbor can sue neighbor.

Commissioner Sandy Carter Herndon stated that is the law of the land and has nothing to do with this ordinance.

Johnny Williams stated that 6-3 is all about the racetrack.

Wilma Anders asked about page 6-3. She gave an example about her greenhouse, riding her four-wheeler or excessive lightning. She stated that she isn't talking about businesses, just her own personal use.

Bill Rost stated that there are basic misinterpretations. He stated that new businesses must answer the questions on 6-3 and the answers determine whether they must go through the process. He explained the intent of the ordinance.

County Manager Don Adams reminded everyone that this isn't a noise ordinance, and personal recreational activities aren't covered in this ordinance.

Ronnie Woodie stated that what he thought Ms. Anders is talking about is if we go through the process and get our permits, get everything else in line, put our savings into the project, everything is all legal according to the county ordinances, then someone sues you and shuts you down; does this ordinance offer any protection on that.

County Attorney Donna Shumate stated that Alleghany County can't override the General Assembly.

Ronnie Woodie stated that the Board of Commissioners needs to look at protecting the residents and landowners of the county, not make the county molded around everyone that comes in here.

Commissioner Sandy Carter Herndon talked about Mr. Woodie's situation involves the State/Federal court system, and Alleghany County does not have any control over that.

Ronnie Woodie talked about the Board of Commissioners didn't back him up when he came before the Board about a racetrack issue but helped direct his neighbors find a way to go against

him.

The audience discussed the issues among themselves.

Commissioner Warren Taylor stated that he understands what Mr. Woodie has been through. He talked about if this ordinance had been in place before the track was built maybe it would have stopped a lot of the unnecessary actions.

Joe Ritchie talked about the concerns heard here tonight have been discussed during the committee meetings. He explained the purpose of this meeting. He further talked about trying to head off some of these problems through the ordinance and prevent lawsuits.

Junior Todd asked what the differences are with a racetrack because it still disturbs your neighbors.

Commissioner Sandy Carter Herndon explained the biggest difference is riding your four-wheeler on a personal level, and the racetrack was a business. She stated that she doesn't know what the courts said about the recent lawsuit.

The audience discussed the recent lawsuit regarding Mr. Woodie's racetrack. The audience discussed other issues among themselves.

Commissioner Graylen Blevins asked that people not be hostile towards the committee members. He talked about these people were picked to represent the community as a whole. He stated that the County has no control over what the judge said. He talked about the purpose of the ordinance.

Jason Williams asked who the Planning Board will be.

The Board of Commissioners stated that it hasn't been decided who will be appointed to serve as volunteers on this board.

Rennie Todd stated that she is publicly volunteering to serve on the Planning Board.

Judy Farmer asked how the ordinance affects go-cart tracks and sawmills.

Rennie Todd asked if you can have go-cart tracks.

County Attorney Donna Shumate stated that everyone needs to separate the issues. She explained that the purpose of this public hearing is to hear comments on the ordinance, not to discuss nuisances in North Carolina law. She further explained that even if the County agreed to a use under this ordinance then people have to look at the rest of the North Carolina law not just this ordinance. She talked about there is a difference between creating something new versus something that is already in place.

DW Miles asked about page 9-2, 9.5 (c), non-conforming uses expanding. He talked about the need to study this ordinance a little more before passing it.

County Manager Don Adams read and explained (4) and section 5.4.

DW Miles stated the need for that to be explained out in the ordinance and the need to

study the ordinance before the vote.

Bill Maxwell asked about taking out part of the wording of 5.3 (2) concerning objectionable by reason of odor, dust, noise, pollution and erosion or drainage.

County Attorney Donna Shumate gave an example of 5.3 (2).

County Manager Don Adams stated that 5.3 (2) is an open-ended statement that is open for interpretation regarding odor, dust, noise, pollution and erosion or drainage.

Bill Maxwell talked about this issue is open-ended and wonders how many other open-ended things are in the ordinance.

Chair Eldon Edwards closed the public hearing at 8:50pm.

Chair Eldon Edwards stated that the Board will take tonight's comments under consideration and discuss this at another meeting.

Being no further business, Commissioner Graylen Blevins made a motion to adjourn at 8:51pm. Commissioner Sandy Carter Herndon seconded the motion. Vote 5:0.

Respectfully submitted,

Karen Evans
Clerk to the Board

Attest:

Eldon Edwards
Chairman