

The Alleghany County Board of Commissioners met in regular session on Monday, July 3, 2006, at 6:30pm in the Conference Room of the County Office Building, 90 South Main, Sparta, North Carolina.

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

Vice-Chair Warren Taylor called the meeting to order.

Commissioner Ken Richardson opened the meeting with a prayer.

Vice-Chair Warren Taylor stated that DSS personnel grade changes and closed session for legal needs to be added to the agenda.

Commissioner Graylen Blevins made a motion to approve the amended agenda for this July 3, 2006, meeting. Commissioner Sandy Carter Herndon seconded the motion. Vote 4:0.

AGENDA  
Monday, July 3, 2006  
6:30 PM

- 6:30 Meeting Called To Order  
Motion on Agenda for July 3, 2006, meeting  
Motion on Minutes for May 31, 2006; June 1, 2006; June 2, 2006; June 12, 2006 budget meetings and June 19, 2006, regular meeting
- 6:35 Public Hearing  
RE: 911 Road Names
- 6:45 Dale Spears  
RE: Edmonds Community Water
- 7:00 Raymond Moxley  
RE: Mobile Home Ordinance
- 7:15 Amy Pardue  
RE: Subdivisions  
County Business
1. Library Bond Order Introduction, Public Hearing, Sworn Statement of Debt
  2. Magnolia Skyline Resolution
  3. DSS Personnel Grade Changes (added)
  4. Other Business
  5. Public Comments—30 minutes
  6. Closed Session—NCGS 143-318.11 (a) (3)—legal (added)
  7. Adjourn

Commissioner Graylen Blevins made a motion to approve the minutes for the May 31, 2006; June 1, 2006; June 2, 2006; June 12, 2006 budget meetings and June 19, 2006, regular meeting. Commissioner Sandy Carter Herndon seconded the motion. Vote 4:0.

Wendy Williams, E-911 Coordinator/Mapper, presented two new road names and one road name change for approval. She explained the location of each road.

Vice-Chair Warren Taylor recessed the regular meeting at 6:34pm and opened the public hearing regarding 911 road names.

Vice-Chair Warren Taylor asked for public comments. None were received.

Vice-Chair Warren Taylor closed the public hearing at 6:35pm and reconvened the regular meeting.

Commissioner Sandy Carter Herndon made a motion to approve the new road names and road name change as presented by the E-911 Coordinator/Mapper. Commissioner Graylen Blevins seconded the motion. Vote 4:0.

Vice-Chair Warren Taylor explained the section of the agenda regarding public comments.

County Attorney Donna Shumate arrived at 6:36pm.

Dale Spears talked about the need to have public water in the Edmonds community. He further talked about the benefits of public water for the Edmonds community. He explained that this is a quick and easy way to get water into Edmonds since it will be at the Virginia state line.

Commissioner Sandy Carter Herndon asked if the sole purpose for obtaining water is to avoid the store having to put new tanks in or would new tanks solve the problem.

County Manager Don Adams addressed how to get water to the Foggy Mountain General Store. He explained that there are two reasons to get into the water business; economic development or a community request. He further explained that Brandon Whitaker with NCDOT stated that there isn't any right of ways on Edmonds Road. He stated that he doesn't have the answers about the water situation and needs direction from the Board of Commissioners.

Commissioner Sandy Carter Herndon asked if the County Manager has any projected costs.

County Manager Don Adams stated no, he doesn't. He explained that if the County is going to get into the water business the types of discussions that would be needed. He further explained that Grayson County is going to put a meter at the Virginia state line and turn it over to someone else. He talked about ways to address these issues by looking at this one situation or looking at future growth. He explained the types of grants available; economic development and health and human services. He gave an example of a grant denied on Osborne Road because there weren't any contaminated wells. He reviewed items that will need to be completed regarding obtaining water; such as, establish a water authority, enter into long-term commitments and gather the necessary right of ways.

Commissioner Graylen Blevins stated that Bill Ring was quoted in The Gazette newspaper about they have to dump contaminated water because of the low usage. He voiced his concern about moving that problem into Alleghany County with the extension of the water lines.

County Manager Don Adams stated that his understanding from Bill Ring is that they are going to extend the water line to the state line and add a hydrant at the line. He further stated that Grayson County needs a little more water circulation and the line extension may take care of the problem because they will be adding a couple more houses onto the line.

Commissioner Graylen Blevins asked if any wells are contaminated in the area.

Dale Spears stated that he hasn't checked and doesn't know.

Commissioner Graylen Blevins talked about the owner of the tanks is responsible for tank contaminates. He further talked about contacting the State to find out about well contaminates.

Commissioner Ken Richardson talked about this being two scenarios. He asked how much it would cost to replace the tanks and would that take care of the problems.

County Manager Don Adams stated that his understanding is that it would cost around \$60,000 for the tanks. He further stated that solving the problem goes back to is this an economic development issue or a community request. He said that he isn't aware of any contaminated wells.

Commissioner Ken Richardson asked why it is needed.

Dale Spears stated that the reason is so the gas station and two restaurants can have water.

Commissioner Graylen Blevins talked about a trespass law where you pay a fee to go on adjoining property to get water. He gave an example and talked about all tanks must be located 500 feet from a public water supply.

Dale Spears stated that he wants water because of contaminates that are occurring around his house; such as, spraying that is killing the grass.

Bill Poole stated everyone needs gas worse than the water.

Commissioner Sandy Carter Herndon asked about the existing water authority in regards to this situation.

County Manager Don Adams stated that the current water authority is set up in Virginia with Virginia laws.

Commissioner Ken Richardson stated that the problem needs to be addressed but he isn't sure about the solution.

Commissioner Sandy Carter Herndon talked about the need to hear public comments before any action is taken.

Raymond Moxley came before the Board regarding an old mobile home. He stated that the title says 1975, and the trailer says February 1976. He asked the Commissioners if they will let him put it in.

County Manager Don Adams explained that the ordinance reads mobile homes are prohibited that are dated pre-June 1976. He further explained that the date is tied to the types of inspections performed on the mobile home.

Randy Blankenship, Chief Building Inspector, stated that a third party agency inspection is required after that date. He further stated that he looked at the mobile home and didn't see a HUD

sticker.

Commissioner Ken Richardson stated that this issue has been addressed before, and he believes that the County Manager and County Attorney talked about the consequences if the Board allows the mobile home to come into the County.

County Manager Don Adams agreed by saying either the ordinance is enforced or it isn't.

Commissioner Ken Richardson talked about allowing Mr. Moxley time to dispose of the mobile home and not affecting the ordinance.

Randy Blankenship stated that the mobile home cannot legally be hooked up according to State law and the County's ordinance.

Raymond Moxley asked about using the mobile home for storage.

County Manager Don Adams stated that the ordinance states that it can't be brought into the County. He further stated that the ordinance doesn't give a time limit on getting rid of the mobile homes. He explained that the amount of time is up to the Board.

Commissioner Ken Richardson made a motion to allow Mr. Moxley 60 days from tonight to remove the mobile home from the County. Commissioner Sandy Carter Herndon seconded the motion. Vote 4:0.

Vice-Chair Warren Taylor stated that this is an unfortunate situation. He explained if a variance was given then the ordinance has been violated.

Vice-Chair Warren Taylor asked for public comments.

Barry Poole talked about the land and location of the land that he and his parents own in the Edmonds community. He stated that his father previously owned the store in question. He explained the actions that his father did regarding the tanks. He talked about a series of unfortunate events, the thriving community in Edmonds and the number of businesses located within a ¼ mile in the community. He stated that the water is needed because of the economic development impact and the need for gas. He talked about if the store cannot sale gas then everyone loses including the County. He asked the Board to find a way to get them water. He stated that he doesn't think right of ways will be a problem. He further stated that they need the Board's help.

Keith Parrish stated that he and his wife own Mountain Surf Seafood. He talked about looking at this request both ways, as an economic development issue and a community request because of health concerns. He gave an example of cancer. He explained that they have no other place to drill another well because of the location of their property. He stated that if their well goes dry, they are out of business. He talked about the value of the two restaurants in the community. He further talked about they are a close knit community and wants to see people coming into the community.

Commissioner Sandy Carter Herndon asked if they have to test their water and does the water test clean.

Keith Parrish stated that yes, they have to test their water every three months, and their

water has been clean.

Vice-Chair Warren Taylor asked if the right of way was an issue for him.

Keith Parrish stated that wasn't an issue on his part.

Barry Poole and Commissioner Sandy Carter Herndon talked about how the law has changed regarding public water supplies and underground tanks.

Joe Harrell gave everyone his history of involvement in this issue. He explained that a state inspector asked him to provide assistance on this matter because he had a solution in a similar situation. He talked about the unfunded Federal mandate regarding public water and how Virginia and North Carolina enforce the law. He gave the Board information about private wells must be in excess of 100 feet of the tanks and public water supplies must be in excess of 500 feet of the tank. He explained the type of tanks used at the store. He gave an example of a public water supply. He stated that he gave this information to the Board so the Board could have a better understanding regarding this issue.

Vice-Chair Warren Taylor talked about if the tanks were upgraded, then the public water supply would still apply.

Joe Harrell stated it would still apply. He further stated that as far as he knows the tanks are fine but they would have to be tested to know for sure. He talked about a prior leak and how the soil contamination is diminishing. He further talked about public water supply and public water system requirements. He talked about solutions are to not put a tank within 500 feet of a public water supply. He further talked about the location of water supplies when there has been soil contamination. He stated that concerning economic development, in order to get industry to Alleghany County, the County will have to get into the water and/or sewer business. He told the Board they can call him if anyone has any questions. He talked about obtaining gasoline is necessary for the community. He further talked about a couple of homes will have to replace their wells.

County Manager Don Adams and Joe Harrell discussed that any public water supply within 500 feet of a gas station will have to be on public water and the impact of new businesses in the area. Mr. Harrell gave reasons why people should hook up to public water if it is available.

Vice-Chair Warren Taylor stated that the Board will take this issue under consideration and do more research on the matter.

Commissioner Ken Richardson suggested that the County Manager, a County Commissioner and Bill Ring meet at Mountain Surf Seafood to talk about this issue and to bring it back to the Commissioners.

Amy Pardue, Planner, presented a plat for final plat approval regarding the Twin Oaks Mountain Estates subdivision. She explained that it is 106 acres being divided into 84 lots. She further explained the roads that will be used for accessing the subdivision.

The Board of Commissioners, County Manager Don Adams and Amy Pardue talked about the water in the community and the use of community wells in other subdivisions.

Commissioner Ken Richardson informed the Board that Appalachian District Health

Department has adopted a well ordinance effective January 1, 2007.

Commissioner Ken Richardson made a motion to approve the subdivision as presented by the Planner. Commissioner Graylen Blevins seconded the motion. Vote 4:0.

Amy Pardue presented a plat for preliminary approval regarding Beau's View subdivision. She explained that it is 102.63 acres being divided into 64 lots. She further explained the roads that will be used in the subdivision.

Commissioner Graylen Blevins made a motion to give preliminary approval for the Beau's View subdivision. Commissioner Ken Richardson seconded the motion. Vote 4:0.

County Manager Don Adams introduced the bond order authorizing the issuance of general obligation library bonds.

Commissioner Sandy Carter Herndon made a motion to approve the bond order authorizing the issuance of general obligation library bonds. Commissioner Graylen Blevins seconded the motion. Vote 4:0.

County Manager Don Adams read the title of the bond order authorizing the issuance of general obligation library bonds in the maximum amount of \$2,000,000 for the minutes. He stated that this will be brought back for final approval from the Board.

County Manager Don Adams presented a resolution setting the public hearing for August 7 on the bond order and authorizes the filing of the debt statement regarding the library bonds.

Commissioner Sandy Carter Herndon made a motion to approve the resolution as presented by the County Manager. Commissioner Graylen Blevins seconded the motion. Vote 4:0.

County Manager Don Adams presented a resolution regarding the Magnolia economic development incentives with Skyline Telephone. He talked about the final payment will be in the next fiscal year.

Commissioner Ken Richardson made a motion to approve the resolution as presented by the County Manager. Commissioner Graylen Blevins seconded the motion. Vote 4:0.

County Manager Don Adams talked about the State has changed the pay grades for three positions in Social Services. He explained that the Social Worker Supervisor III needs to be moved to a grade 73, Social Worker II needs to be moved to a grade 67 and a Social Worker III needs to be moved to a grade 69. He talked about these changes are mandated by the State and doesn't require any additional monies.

Commissioner Sandy Carter Herndon made a motion to approve the grade adjustments as presented. Commissioner Graylen Blevins seconded the motion. Vote 4:0.

Vice-Chair Warren Taylor stated that he and Commissioner Herndon attended the teapot sampling in Raleigh last week. He further stated that he was amazed at the number of people that attended.

Vice-Chair Warren Taylor asked for public comments. None were received.

Commissioner Ken Richardson made a motion to enter into closed session at 7:54pm under NCGS 143-318.11 (a) (3)—legal. Commissioner Graylen Blevins seconded the motion. Vote 4:0.

Commissioner Ken Richardson made a motion to adjourn the closed session at 8:30pm and reconvene the regular meeting. Commissioner Sandy Carter Herndon seconded the motion. Vote 4:0.

Vice-Chair Warren Taylor stated that no decisions were made during closed session.

Commissioner Graylen Blevins wished everyone a happy July 4<sup>th</sup> holiday.

Being no further business, Commissioner Sandy Carter Herndon made a motion to adjourn at 8:31pm. Commissioner Graylen Blevins seconded the motion. Vote 4:0.

Respectfully submitted,

Karen Evans  
Clerk to the Board

Attest:

Eldon Edwards  
Chairman

NORTH CAROLINA        )  
                                  )  
ALLEGHANY COUNTY     )

#### RESOLUTION

**WHEREAS**, the Board of Commissioners of Alleghany County, North Carolina is a party to an "Incentive Agreement" between Magnolia Manufacturing, Inc., Town of Sparta, and Alleghany County Economic Development Corporation dated as of March 13, 1998; and,

**WHEREAS**, the Alleghany County Economic Development Corporation has entered into a loan agreement with the Skyline Telephone Membership Corporation to obtain \$125,000 in loan funds that will be used to finance and provide site development activities associated with the Magnolia Manufacturing, Inc. project.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of Alleghany County, North Carolina reconfirms its pledge to provide to the Alleghany County Economic Development Corporation payments of \$1,488.10 due on June 5, 2000, \$8,928.60 due on November 15, 2000, and then semi-annual payments of \$8,928.60 due on June 5 and November 15 for each of the following years until the \$125,000 loan to Alleghany County Economic Development Corporation is repaid to Skyline Telephone Membership Corporation; and,

**FURTHER** that the Board of Commissioners will provide Alleghany County Economic Development Corporation and Skyline Telephone Membership Corporation annually a resolution and pledge in support of the loan agreement and "Incentive Agreement" that the resolution will be authorized in May of each year prior to the beginning of each new fiscal year of the county until such time as the loan between Alleghany County Economic Development Corporation and Skyline Telephone Membership Corporation is repaid.

Adopted this 3<sup>rd</sup> day of July, 2006.