

The Alleghany County Board of Commissioners reconvened the variance meeting from Monday, July 17, 2006 on Tuesday, August 1, 2006, at 6:30pm in the Conference Room of the County Office Building, 90 South Main Street, Sparta, North Carolina.

Present: Chair Eldon Edwards, 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 absent.

Chair Eldon Edwards reconvened the meeting at 6:30pm. He reminded everyone the purpose of this meeting is regarding Jerry Marlow's request for a variance on the Property Rights Protection Ordinance. He explained that the County Attorney was unable to attend this meeting.

Planner Amy Pardue stated that she has a list of questions that were presented to her by the County Attorney. She further stated that she met with Jerry Marlow last week for him to answer the questions. She said at this time she would like to submit the questions and answers into evidence.

County Manager Don Adams stated that is the request of the County Attorney.

Planner Amy Pardue gave the Board copies of the questions and answers.

The Board read the information presented.

Chair Eldon Edwards asked Amy Pardue if she had discussed these with Mr. Marlow.

Planner Amy Pardue stated yes she did.

Chair Eldon Edwards asked Jerry Marlow if he wanted to add anything to these.

Commissioner Warren Taylor made a motion to grant the request and instruct the County Attorney to write the order. Commissioner Sandy Carter Herndon seconded the motion.

Chair Eldon Edwards and Commissioner Warren Taylor talked about writing the order to make the request legal.

Commissioner Sandy Carter Herndon stated that the Attorney gave the Board the information that she thought was needed, and the Board now has the facts before them to make a decision.

Chair Eldon Edwards stated that there is a motion and a second on the floor. He asked if there are any other discussions or questions.

County Manager Don Adams reminded everyone that any decision by the Board requires a 4/5 vote not a majority vote. He stated that is according to the ordinance. He asked if this motion is for granting the appeal not granting a variance.

Commissioner Warren Taylor and Commissioner Sandy Carter Herndon agreed.

County Manager Don Adams further explained that even appeals require a 4/5 vote.

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

Commissioner Warren Taylor asked if Mr. Marlow can proceed with the project before the County Attorney has had an opportunity to complete the paperwork.

County Manager Don Adams stated that Ms. Shumate is going to follow up with the legal justification of the Board's action.

Being no further business, Commissioner Graylen Blevins made a motion to adjourn the meeting at 6:40pm. Commissioner Sandy Carter Herndon seconded the motion. Vote 5:0.

Respectfully Submitted,

Karen Evans
Clerk to the Board

Attest:

Eldon Edwards
Chairman