

HIGHWAY COMMITTEE

July 9, 2018

2:00 P.M.

PRESENT: Robert Carroll, Mike Hill, Buford Peters, Danny Ward Bobbie Dietz, Larry "Doc" Miller and Charles VonCannon

ABSENT; None

CALL TO ORDER: Mike Hill, Chairman

Motion was made by Danny Ward, seconded by Bobbie Dietz, to approve the minutes of the June 11, 2018, meeting as presented. By voice roll call vote, motion carried.

Motion was made by Ray Lyons, seconded by Bobbie Dietz, to approve the meeting's agenda as presented. By voice roll call vote, motion carried.

PUBLIC HEARING

- Motion was made by Danny Ward, seconded by Bobbie Dietz, to proceed with the Public Hearing concerning the proposed adoption of River Island Lane. By voice roll call vote, motion carried. At this time Chairman Hill recessed the meeting into a Public Hearing on the proposed adoption of River Island Lane as a county road. John Allen had requested the adoption by the county at a previous meeting to be used as access to an RV campground.
- Charles J. London, Attorney for Thomas Israel, addressed the committee at this time. He stated there were presently four (4) residents on River Island Lane. These residents included his client, Thomas Israel, sole proprietor of Trout Slayer, LLC, Kenneth Fortner, Loretta and Samuel Osborne and Donald Johnson and wife Carolyn Novack. Attorney London presented documentation from each of these residents stating their opposition to the adoption of said road by the county. The documentation included a suit filed by his client, Trout Slayers, LLC, in Chancery Court and sworn affidavits from the Johnson and Osborne families. Kenneth Fortner voiced his opposition in person. The general consensus of all of the residents was there would be an increase in the volume of traffic, disruption of privacy and seclusion, an increase in litter and vandalism and a decrease in property value. Attorney London also pointed out the financial disadvantage to the county if the road was adopted and the county had to keep up its maintenance. Chris Schuettler, Planning Director, informed the committee of a letter received by William John Allen, the petitioner requesting the adoption of the road by the county, from the Department of Environment and Conservation that stated credible information had been received regarding the presence of a former community dump on the property owned by Mr. Allen. The letter stated if construction is undertaken to upgrade River Island Road to county road standards and waste materials were encountered, they would have to be properly characterized and disposed of, either in a sanitary landfill or other permitted disposal facility. The Public Hearing was closed and the regular meeting called back to order by Chairman Hill. Motion was made by Danny Ward, seconded by Ray Lyons to take no further action on this matter until the pending pertinent litigation "Trout Slayer LLC vs. William John Allen" was heard and settled in Chancery Court. By roll call vote as follows, motion carried.

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|----------------|-----|-------------------|------|
| Robert Carroll | aye | Mike Hill | aye |
| Buford Peters | aye | Danny Ward | aye |
| Bobbie Dietz | aye | Doc Miller | aye |
| Ray Lyons | aye | Charles VonCannon | pass |

* Copies of the affidavits filed by the residents of River Island Road, the lawsuit filed in Chancery Court by Trout Slayer LLC, letter to Mr. Allen from the Department of Environment and Conservation, the survey of Mr. Allen's proposed campground and the Complaint Investigation filed by Kenneth Fortner and Donald Johnson are on file in the Clerk's office.

OLD BUSINESS

- (a) No action taken on Jess Jarrett Road update
- (b) Supt. Colbaugh stated the gravel account for the requests from Roan Mountain Recreation Foundation was in order and they were to let him know when they were ready to put down the fabric for the parking area
- (c,d) Hampton Creek Road and McKinney Lane still in need of repair
- (e) Attorney Hardin introduced Ms. Frazier to address her interest in the proposed re-deeding of a county right-of-way near 114 Infinity Drive in Stoney Creek. Ms. Frazier related how she had come to own her property many years ago and was always under the impression the right-of-way belonged to her and she had been paying taxes on it for many years and thus kept it maintained. Attorney Hardin researched the property and found it was a 40' unopened portion of a county road accepted as a plat of record in the 1960's or 1970's and one the county never intended to open. He explained if the county abandoned the property it would become a private matter between Ms. Frazier and the other residents, at which time she could petition the court for ownership. He was asked, and agreed to, helping her to find an attorney that could represent her. Motion was made by Danny Ward, seconded by Ray Lyons for the county to abandon all interest in the property which would make the re-deeding of the 40' plot a civil matter. By roll call vote as follows, motion carried:

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|----------------|-----|-------------------|-----|
| Robert Carroll | aye | Mike Hill | aye |
| Buford Peters | aye | Danny Ward | aye |
| Bobbie Dietz | aye | Doc Miller | aye |
| Ray Lyons | aye | Charles VonCannon | aye |

- (b) Under New Business the proposed closure of River Edge Lane, located off Hwy 400, by Pleasant Beach Baptist Church was discussed. The building of a new church was the reason for the closure and although the surrounding property was owned by the church, it was determined there should still be a Public Hearing scheduled. As the ground breaking was set for August 1, 2018, the matter was considered time sensitive and the clerk's office was contacted and able to publish the Public Hearing in the Wednesday, July 11, 2018, paper. Motion was made by Danny Ward, seconded by Buford Peters to publish the Public Hearing and add it to the agenda of the July 16, 2018, regularly scheduled commission meeting. By voice roll call vote, motion carried.
- (g) No progress as yet on the striping requests for Poga/Elk Mills area, Dennis Cove Road and Rittertown area.
- (h) No further communications since May 14, 2018, on the traffic signal study for 19E & Gap Creek intersection
- (I) Nothing to report on Richard Winters' request on Five Sisters Lane
- (j) Charles VonCannon stated the drainage problem reported by Roscoe Sams on Blevins Road had been looked into and according to his neighbors it appeared Roscoe Sams did not own the property where the drainage could or should go. He was to bring a survey to present to the committee but failed to do that. Chairman Hill said he would put it back on the agenda for the next meeting.

- (k) Chris Schuettler stated he was waiting on a report from the excavator concerning the upgrade of Gunsmoke Hollow.
- (l) Supt. Colbaugh reported the hole in the vicinity of Triple J. Farm had been patched.
- (k) Supt. Colbaugh reported the pothole on Airport Road had been repaired.
- (l) Chris Schuettler related the flooding reported by Zane Church on Rittertown Road was caused by a cloud burst and the road had been worked on in the past with big tiles installed. He stated unfortunately there would still be flooding in heavy rains.

NEW BUSINESS AND ROAD CONCERNS

- (a) No action taken on the Riggs Road issue
- (b) Voted on under Old Business
- (c) Chairman Hill stated Carol Boone & Betty Hiatt had reported their situation on Gap Creek Road had been severely lessened.
- (d) Chairman Hill stated the Bulldog Hollow Road/Will Blevins Road name discrepancy needed to be eliminated from the agenda permanently.
- (e) No action taken on the adoption of Humphreys Lane in Central Community.
- (f) No action taken on the petition for speed limit reduction on Millard Cable Road.

HIGHWAY SUPERINTENDENT REPORT

- Superintendent Colbaugh presented an Application for Construction of a Bridge Grant Project stating it needed to be brought before the full commission to be voted on before they could move forward with the new bridge project. He stated this bridge was in Roan Mountain off Hampton Creek at Rainbow Circle. Motion was made by Bobbie Dietz, seconded by Danny Ward to present the application to the full commission at the July 16, 2018, meeting. By roll call vote as follows, motion carried.

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|----------------|-----|-------------------|-----|
| Robert Carroll | aye | Mike Hill | aye |
| Buford Peters | aye | Danny Ward | aye |
| Bobbie Dietz | aye | Doc Miller | aye |
| Ray Lyons | aye | Charles VonCannon | aye |

PUBLIC COMMENTS AND NEW ROAD CONCERNS

- John Lewis asked that Swimming Pool Road be added to the list of roads in need of striping.

COMMISSIONER COMMENTS

- Charles VonCannon asked that a road straightening project on Sinking Creek Road be put on the agenda for next month. He stated George Williams was in the process of getting signatures on a petition requesting the road improvement. Supt. Colbaugh said the "S" curve was a real danger and felt that his crew could straighten it out if the property to do so was donated to the county.
- Charles VonCannon stated that an area in Sinking Creek was full of trees and brush and had dammed up almost causing the water to cross the road. He said Tony McKeehan had used his equipment to remove some of the wood and brush but that sometime in the future a crew needed to be formed to keep streams clear of debris. Chris Schuettler informed the committee of a program coming out of his office which allowed the use of prisoners for this kind of work that had ended around ten (10) years ago due to lack of funding.
- Charles VonCannon informed the committee of a small campground at Watauga Point where the water was down and you could see trees and wood piling all around there. His concern was if they broke loose, water would come flooding down. The committee recommended he contact the Mayor and have him report the issue to the Corp of Engineers for consideration.

On motion by Bobbie Dietz, seconded by Danny Ward, the meeting was adjourned.

Respectfully submitted,

Suzi Wallace

Approved for entry: _____
Mike Hill, Chairman