

Draft

**BOARD OF COMMISSIONERS**  
**REGULAR MEETING**     February 21, 2005

**ALEXANDER COUNTY**  
**STATE OF NORTH CAROLINA**

**PRESENT:**    William L. Hammer, Chairman  
                  W. Darrell Robertson, Vice-Chairman  
                  Wesley E. Bolick  
                  W. Norris Keever  
                  Larry Yoder

**STAFF:**        Rick French, County Manager  
                  Jamie Starnes, Clerk to the Board

**MEDIA:**        Gary Herman, The Taylorsville Times

The Alexander County Board of Commissioners held a regular meeting on Monday, February 21, 2005 in the Catawba Valley Community College / Alexander Center Multipurpose Room, Taylorsville, North Carolina.

**CALL TO ORDER**

Chairman Hammer called the meeting to order at 6:00 PM.

**INVOCATION & PLEDGE OF ALLEGIANCE**

Commissioner Keever gave the invocation and led the Pledge of Allegiance to the Flag.

**COMMISSIONER'S REPORT**

Commissioner Yoder spoke briefly regarding the Essentials of County Government Program that he, along with Chairman Hammer, Commissioner Keever, and County Manager Rick French, attended on February 8-11, 2005 in Chapel Hill. He stated that the program was very informative and educational and he noted that he had the opportunity to meet several commissioners from other counties.

Chairman Hammer stated that he had attended the program 3 times and he noted that he learned something new about the county commissioner position every time.

Commissioner Keever pointed out that the N.C. Association of County Commissioners was developing a plan to better inform the public on what a county commissioner really does.

## **ADOPTION OF AGENDA**

Commissioner Keever made a motion to adopt the agenda as presented. Commissioner Bolick seconded the motion. The Board voted unanimously in favor of the motion.

## **PUBLIC HEARING: REZONING CASE 05-1: BILLY BOWMAN**

Sylvia Turnmire, Director of Planning & Development, presented Rezoning Case 05-1 submitted by Billy Bowman. Mr. Bowman requested rezoning of property located at the end of Woodring Lane from RA-20 (Residential-Agricultural) to L-I (Light Industrial). The size of the property is .881 acres and the existing land use is a metal building for personal storage. Ms. Turnmire stated that zoning within 100 feet of the property was RA-20 to the north and west, RA-20 and L-I to the east, and L-I to the south. There is vacant property to the north and east, furniture manufacturing (Hancock & Moore) to the south, and a single family singlewide manufactured home to the west.

Ms. Turnmire stated that the applicant wished to rezone the property to allow him to relocate his cabinet manufacturing business to the existing 1,800 square foot building already located on the property. She explained that the property was located at the end of a privately maintained gravel road with a 60-foot right-of-way. She also pointed out that the applicant would have to comply with landscaping requirements as set forth in Section 154.039 of the Alexander County Zoning Ordinance before a zoning permit could be issued.

Ms. Turnmire stated that the Zoning Ordinance identified L-I as a zoning district intended to provide for the development of areas devoted to light manufacturing, processing and assembly uses, warehousing, distribution and servicing enterprises, and limited office activities controlled by performance standards to limit the effect of such uses on uses within the district and adjacent properties. She informed the Board that common uses allowed in L-I included but were not limited to furniture manufacturing, sawmills, and textile manufacturing. However, Ms. Turnmire stated that all of the uses allowed in L-I should be considered, not only the use of which the applicant was applying.

Ms. Turnmire mentioned that the Alexander County Land Development Plan showed these properties as being in an "Urban Transition Area" which is "to provide for future intensive urban development on lands that are suitable and that will be provided with the necessary urban services to support intense urban development. Areas meeting the intent of Urban Transition classification are presently being developed for urban purpose or will be developed in the next 5 to 10 years to accommodate anticipated urban growth."

Ms. Turnmire informed the Board that letters were sent to property owners within 100 feet of the subject property and she noted that a sign was also posted on the property. She stated that no one

had contacted staff in favor or in opposition to the request. She also pointed out that Mr. Bowman was the only individual present during the Planning & Zoning Commission public hearing.

Ms. Turnmire stated that the Planning & Development staff recommended approval of the rezoning request. She also stated that following the February 3, 2005 meeting, the Planning & Zoning Commission also recommended approval of the request.

Commissioner Robertson asked how many people the cabinet shop employed. Mr. Bowman stated that there was up to 3 employees, depending on the job.

Chairman Hammer called the public hearing to order and requested any public comment. There being no public comment, Commissioner Keever made a motion to close the public hearing. Commissioner Robertson seconded the motion. The Board voted unanimously in favor of the motion.

Commissioner Keever made a motion to approve Rezoning Case 05-1. Commissioner Bolick seconded the motion. The Board voted unanimously in favor of the motion.

#### **PUBLIC HEARING: TEXT AMENDMENT 05-1: LANDSCAPING REQUIREMENTS**

Sylvia Turnmire, Director of Planning & Development, presented Text Amendment 05-01, which would amend the landscaping requirements of the Zoning Ordinance. Ms. Turnmire stated that the text amendment would revise the landscaping requirement between land uses as opposed to zoning districts and would increase the buffer width required between residential uses and intense, non-residential uses. She pointed out that the Board had expressed a desire to increase the buffer width between non-residential and residential uses during previous rezoning cases.

Ms. Turnmire stated that these sections were written in 1997 and were not revised during the countywide zoning process. She mentioned that the proposed amendment also achieved a goal of the Air Quality Action Plan, which was to enhance the landscaping requirement of the Zoning Ordinance.

Ms. Turnmire explained that the Section 1 included the existing and proposed definitions and she noted that Section 2 outlined the screening requirements. She stated that for Section 1, the definition was a complete rewrite and for Section 2, the additions were in **bold** type and the deletions were ~~struck through~~. The amendment was as follows:

#### **Section 1**

- **Current Definition:**

BUFFER STRIP. A planted strip of at least ten feet in width and three feet in height initially, and a minimum of six feet in height in two years, composed of two rows of deciduous or evergreen trees or a mixture of each, spaced not more than ten feet apart with the trees of each row staggered so that there is a tree planted along the length of the buffer strip every five feet in one of the rows.

- **Proposed Definition:**

BUFFER. A horizontal distance from a side or rear lot line which may only be occupied by underground utilities, retention areas, landscaping materials and screening used to visually separate property boundaries and adjoining land uses.

## **Section 2**

- For the sections below, additions are in **bold** type and deletions are ~~struck through~~.

### § 154.039 **Landscaping and Screening Requirements.**

**In order to reduce the impact of a use of land on adjacent uses which are significantly different in character, density or intensity, buffers or screening shall be required in accordance with this section.**

- (A) General requirements. **A buffer shall be required between a non-residential use located in the N-B, H-C, PUD H-C, L-I, H-I or PUD-I Districts and an adjacent residential use or vacant, residentially zoned property (R-20, RA-20 and R-SF). Such screening devices shall be provided along the full length of any common property line and shall be maintained as long as the conditions requiring the screening exist. The screening device shall not be required where the use on the abutting property is a non-residential use or along a street, road or highway right-of-way. The buffer shall only be occupied by underground utilities, retention areas, landscaping materials and screening devices allowed by this section.**
- (B) **Screening Devices. The screen or buffer may be composed of a landscaped earthen berm, hedges, planted vegetation, existing vegetation, fences or walls or a combination thereof. Screening devices must follow the requirements as described in this section.**
  - (1) **Planted vegetation shall consist of at least the following:**
    - (a) ~~Trees and shrubs shall consist of~~ **A mixture of both deciduous and evergreens for year-round effectiveness. The deciduous plants shall comprise no less than 10% or no more than 30% of the total trees and shrubs required by this section.**

- (b) ~~All planting screens or buffer strips required by this chapter shall consist of plants~~ **Trees at least ~~36 inches~~ three (3) feet high when planted and shall be of such variety that an average height of at least six (6) feet could be expected by normal growth within no later than two (2) years from the time of planting.**
- (c) **The trees and shrubs shall be no less than six (6) feet and no more than ten (10) feet apart based upon the mature width of the plant material being used to form an opaque barrier.**
- (d) **All planted vegetation shall be located at least five (5) feet from the side and/or rear property lines.**
- (e) **In the case of multiple required rows, a row of evergreen conifers or broadleaf evergreens shall be plated bordering the adjoining property line.**

**(2) Other Screens.**

- (a) **Fences must be opaque and at least six feet in height. Fences must be one (1) foot from the adjoining property lines and are permitted as one of the rows when the required buffer width exceeds ten (10) feet.**
- (b) **Earthen berms must be at least six feet in height.**

**(3) In no case shall the screening device required by this section interfere with the visibility at street or driveway intersections.**

**(4) The preservation of existing vegetation shall be maximized where such vegetation contributes to the required screening. The Code Enforcement Officer is authorized to approve existing vegetation as compliance with the requirements for screening; provided, however, that the spirit and intent of this section and the provisions pertaining to the required buffer are adhered to.**

~~The planting screen or buffer strip shall be at least ten (10) feet wide and shall be composed of two (2) rows of plants spaced no more than ten (10) feet apart with the plants staggered in a triangular pattern so that there is a plant spaced the required distance apart in each row.~~

~~(B) Spacing requirements. For screens required by this section, one of the plant materials in the list set forth in this division (B) shall be used, and plants shall be located no farther apart than the distance indicated in each case. Substitution of other plant materials shall be permitted only upon certification by the County Extension Agent that the proposed planting can be expected to thrive and provide equivalent screening and will create no nuisance or hazard.~~

<del>Plant</del>	<del>Distance Apart</del>	<del>Plant</del>	<del>Distance Apart</del>
<del>Arbor vitae</del>	<del>4 feet</del>	<del>Forsythia</del>	<del>3 feet</del>
<del>Ligustrum japonicum &amp; varieties</del>	<del>5 feet</del>	<del>White Pine</del>	<del>6-8 feet</del>
<del>Photinia</del>	<del>5 feet</del>	<del>Scotch Pine</del>	<del>5-6 feet</del>
<del>Holly</del>	<del></del>	<del>Deodara Cedar</del>	<del>8-10 feet</del>

a. Nellie R. Stevens	5 feet	Dogwood	8-10 feet
b. Fosters #2	4 feet	Flowering Cherry	8-10 feet
e. Savannah	4 feet	Flowering Crabapple	8-10 feet
d. Bufordi	5 feet	Bradford Pear	8-10 feet
Eleagnus pungens	5 feet	Sweet Gum	8-10 feet
Osmenthus varieties	4 feet	Maple	8-10 feet
Pfitzer juniper	4 feet	Oak	8-10 feet
Doublefile Viburnum	5 feet	Linden	8-10 feet

(C) **Required Buffer Widths.** The required buffer width and number of required rows between a use in a non-residential district and a residential use or vacant residentially zoned property is set forth below:

<u>Non-Residential District:</u>	<u>Minimum Buffer Width:</u>	<u># of Required Rows:</u>
N-B (Neighborhood-Business)	10 feet	1
H-C (Highway-Commercial)	15 feet	2
PUD H-C (Planned Unit Development)	25 feet	2
L-I (Light-Industrial)	20 feet	2
H-I (Heavy-Industrial)	30 feet	3
PUD-I (Planned Unit Development)	30 feet	3

(D) **Maintenance.** The buffer strip shall be maintained ~~in neat order and condition~~ by the property owner and/or occupant(s) of the premises. The plant material shall be periodically trimmed or pruned at a height of not less than six (6) feet, and diseased or dead plant material shall be removed and replaced **with planted vegetation that conforms to this section.**

~~(C) Elevation. (This section was completely deleted.)~~

~~(1) Where there are proposed or existing differences in the elevation between the common property line of the residential zone and the finished floor elevation of the principal structure located in a Highway-Commercial District, PUD-B District, Industrial District or PUD-1 District, the width of the buffer strip shall increase by one and one half (1.5) feet for each one (1) foot of difference in elevation. The difference in elevations shall be measured by extending the line of the front of the proposed or existing building(s) to intersect with the common property line(s). The building with the greatest difference in elevation shall be used to compute the increased width of the buffer strip. The first ten (10) feet or 50% of the width of the buffer strip up to a maximum of twenty (20) feet (measured from the common property line, if the proposed or existing elevation of the building is lower than the elevation at the common property line), whichever is greater, shall not exceed a slope of ten (10) feet horizontal to one (1) foot vertical (10:1 grade). The remaining portion of the buffer strip may be graded to a slope not to exceed one (1) foot vertical to one and one half (1.5) feet horizontal or may be graded completely by erecting a retaining wall after the location and design of same has been approved by the Building Inspector.~~

~~(2) If the proposed or existing elevation of the building is higher than the elevation at the common property line, the width of the buffer strip shall be computed as set forth in division (1) above; however, the grading and planting shall be measured from the buffer strip line opposite the common property line.~~

~~(E) Waiver of screening requirements where screening is already provided. In cases of unusual topography or size of the tract involved, or in cases in which screening devices already exist comparable to the general screening requirements of this section creating a situation whereby the installation of a masonry wall, fence, hedge or other natural planting of comparable capacity would not be practical and would serve no useful purpose, the Code Enforcement Officer is empowered to waive the requirements for screening; provided, however, that the spirit and intent of this section and the provisions pertaining to the required buffer strip are adhered to. This section shall not be construed to negate the necessity for establishing screening for uses, which are adjacent to vacant residential property. *(This section was moved to subsection (B)(6).*~~

§ 154.079 AREA, YARD AND HEIGHT REQUIREMENTS - TABLE.

- (d) Where any **proposed non-residential use** ~~business or industrial district~~ abuts directly upon any residential **use district**, an additional setback of 15 feet ~~shall will~~ be required. ~~Further provided, there shall be~~ A densely planted buffer ~~screen shall~~ **be provided** as set forth in 154.039 along the side and/or rear lot lines abutting the residential **use district**.

Ms. Turnmire informed the Board that the Planning & Zoning Commission reviewed the information on January 6, 2005 and February 3, 2005 and recommended approval of the text amendment.

Commissioner Bolick asked if the County would be the responsible party if damage was caused to an adjoining property because of these requirements. He gave an example of a tree falling onto an adjoining property owner's vehicle. Ms. Turnmire stated that she would contact the County Attorney to determine if there would be any liability on the Board. Commissioner Keever felt that a business owner should have coverage for this type of incident in his insurance.

Commissioner Robertson was concerned that emergency vehicle access would be restricted if buffer ranges were left as proposed. He noted that a 30 foot buffer for an industrial facility would meet the side yard setback; however, he felt that the trees could hinder emergency access to the building. He pointed out that emergency vehicles, such as fire trucks, needed an approximate 15 foot clearance and a 12 foot wide driveway.

Several suggestions were made to resolve this problem including adding an additional 12 feet to the buffer and reducing the width of some of the larger buffer requirements. Commissioner Yoder also inquired about reducing the number of rows of required vegetation in the case that the buffer width was reduced. Commissioner Robertson suggested Ms. Turnmire discuss this with emergency services staff as well as check with the current building code.

Commissioner Robertson also felt that a list of suggested plants should be included so that property owners would know exactly what could be planted.

Chairman Hammer called the public hearing to order and requested any public comment. There being no public comment, Commissioner Keever made a motion to close the public hearing and to continue the public hearing until the March 3, 2005 joint meeting between the Planning & Zoning Commission and the Board of Commissioners. Commissioner Yoder seconded the motion. The Board voted unanimously in favor of the motion.

## **SALES TAX RESOLUTION**

Commissioner Keever presented a Resolution in Support of a One-Cent Local Option Sales Tax for Infrastructure and Capital Needs in Alexander County. Commissioner Keever stated that Dare County had received a one-cent sales tax and he noted that Mecklenburg County had received a half-cent sales tax. He also stated out that Pitt County was also requesting a one-cent sales tax for educational capital needs and he noted that several other counties had indicated an interest in requesting additional sales tax.

Commissioner Keever stated that Alexander County needed another source of revenue to accomplish the many needs in the county including more water lines, an adequate jail facility, economic development, and additional classrooms and schools. He pointed out that an additional one-cent sales tax would generate approximately \$1.2 million each year for those projects. He also mentioned that Senator John Garwood had agreed to present the request to the General Assembly and Representative Mark Hollo had agreed to support it.

Commissioner Robertson stated that the \$1.2 million that would be generated by the sales tax equaled about 5 ½ cents on the property tax rate. He felt that a sales tax was a more equitable distribution for raising needed funds instead of using property taxes.

Commissioner Keever made a motion to approve the Resolution in Support of a One-Cent Sales Tax for Infrastructure and Capital Needs in Alexander County. Commissioner Robertson seconded the motion. The Board voted unanimously in favor of the motion.

## **UPDATE ON FRIDAY AFTERNOON FIRES**

Russell Greene, Fire Marshal, reported to the Board that the Vashti Volunteer Fire Department was dispatched to Rocky Face Mountain around 2:20 PM on Friday, February 18, 2005 to fight a 10 acre fire. Mr. Greene stated that a Forest Service Spotter plane was giving directions to crews on the ground and he noted that a Forest Service helicopter was dropping water on the fire. Mr. Greene stated that the Stripe Team, a group of volunteer fire fighters and rescue members who have volunteered for extra training with the Forest Service, was dispatched to the fire as well. He informed the Board that the Forest Ranger estimated the cost of the fire at approximately \$5,000.

Mr. Greene stated that fire fighters also responded to a fire in Jake Reese Court off of Church Road on Friday afternoon, which held a potential for damage to several homes. Mr. Greene conveyed his appreciation to the many dedicated individuals who were on the scene.

## **HOMELAND SECURITY RESOLUTION**

Russell Greene, Fire Marshal, explained that Homeland Security Grant funds had been used during the last few years to purchase equipment for emergency responders. Mr. Greene stated that on February 8, 2005 a copy of a letter written to the N.C. Emergency Management Association from the Secretary of Crime Control, Public Safety was received outlining the 2005 Homeland Security Grant Program. He noted that only 15% of counties were in favor of the distribution method of the 2005 Homeland Security Grant funds.

Mr. Greene stated that the grant funding would be distributed 2 ways and would include the following guidelines:

### **State Homeland Security Program**

1. Establish regional partnerships in interoperable communications.
  - A. Must be VIPER Infrastructure compliant. NCSHP will provide technical assistance.
  - B. A minimum of 50% of the local share will be applied to interoperable communications.
2. Enhance community-based regional response capabilities such as in USAR, HAZMAT, Disaster Medical, etc.
3. Build new initiatives in regional exercises and training.

### **Law Enforcement Terrorism Prevention Program**

1. Establish interoperable communications.
  - A. Must be VIPER Infrastructure compliant. NCSHP will provide technical assistance.
  - B. A minimum of 50% of the local share will be applied to interoperable communications.
2. Enhance community-based regional capabilities in terrorism prevention.
3. Build new initiatives in regional exercises and training.

Mr. Greene stated that one problem with building new initiatives was the timeframe for submission of the grant application. He informed the Board that the submission date was March 25, 2005 which was 45 days from the time the letter came out. He also explained the VIPER (Voice Integrated Planning for Emergency Responders) Infrastructure which is a radio initiative for the State Highway Patrol that used an 800 MHz trunk system. Mr. Greene's opinion was the Alexander County was 15 years or more away from being able to switch over to the 800 MHz trunk system. He also noted that the statewide cost of the VIPER Infrastructure would total \$250 million.

Mr. Greene stated that Alexander County strived to use Homeland Security Grant funds to purchase equipment that would get a lot of use such as turnout gear, air packs, and gas detectors instead for \$300,000 command posts or F450 trucks to pull trailers.

Mr. Greene presented a Resolution in Opposition to FY2005 Homeland Security Grant Funding Distribution Methods. He also noted that one of the legislative goals outlined by the NCACC was to support legislation to ensure that federal Homeland Security Grant funds were distributed by the state to the counties.

Commissioner Kever made a motion to approve the Resolution in Opposition to FY2005 Homeland Security Grant Funding Distribution Methods. Commissioner Bolick seconded the motion. The Board voted unanimously in favor of the motion.

#### **WATER SUPPLY STUDY GRANT PROJECT BUDGET ORDINANCE**

Rick French, County Manager, presented a Grant Project Budget Ordinance for the Rural Center Capacity Grants Program Water Supply Study Contract Number 02-67-59 which would make available \$44,500 (\$40,000 Rural Center Capacity Grant and \$4,500 local match) to complete the project. The ordinance also authorizes the finance officer to maintain detailed accounting records to provide the accounting to the grantor agency.

Mr. French explained that the Grant Project Budget Ordinance simply set up the project through the Finance Department for payment. He also stated that this project should be completed within 30 days.

Commissioner Kever made a motion to approve the Grant Project Budget Ordinance for the Rural Center Capacity Grants Program Water Supply Study Contract Number 02-67-59. Commissioner Bolick seconded the motion. The Board voted unanimously in favor of the motion.

#### **HOMELAND SECURITY GRANT PROJECT BUDGET ORDINANCE**

Rick French, County Manager, presented a Grant Project Budget Ordinance for the Emergency Management Grants Fund, U.S. Department of Homeland Security Grants which would make available \$89,427 (2002 Homeland Security Grant totaling \$1,182, 2003 Homeland Security

Grant totaling \$8,263, and 2004 Homeland Security Grant totaling \$79,982) to complete the project. The ordinance also authorizes the finance officer to maintain detailed accounting records to provide the accounting to the grantor agency.

Mr. French explained that the Grant Project Budget Ordinance simply set up the project through the Finance Department for payment.

Commissioner Robertson made a motion to approve the Grant Project Budget Ordinance for the Emergency Management Grants Fund, U.S. Department of Homeland Security Grants. Commissioner Keever seconded the motion. The Board voted unanimously in favor of the motion.

#### **BUDGET ORDINANCE AMENDMENT #24**

Rick French, County Manager, discussed the purpose of Budget Amendment #24, which included the following information:

Budget Amendment #24 – To increase the budget for the cable television audit by the telecommunications consultant. To increase the budget for hiring a new tax collector and for an increase in salary for a mapping position. To budget for a child dental health services grant. To budget for a bio-terrorism grant for protective suits for EMS personnel. To increase the budget for an increase in the CAP caseload. To increase the budget for additional funds for Energy Administration and CIP. To increase the budget for transfers to the Revaluation Fund due to revised cost estimates for the 2007 revaluation. To increase the budget for the Dusty Ridge Park Project to meet grant matching requirements by June 30, 2005.

Commissioner Bolick made a motion to approve Budget Amendment #24. Commissioner Keever seconded the motion. The Board voted unanimously in favor of the motion.

#### **BOARD APPOINTMENTS & REAPPOINTMENTS**

Chairman Hammer presented the following appointments and reappointments to County boards and committees:

##### **A. HEALTH BOARD**

Reappoint David Linzey      3 years

##### **B. VOLUNTARY FARMLAND PRESERVATION PROGRAM ADVISORY BOARD**

Reappoint Wendell Kirkham 4 years  
Reappoint Coy Reese

Reappoint Scott Sink

C. TAX ADMINISTRATOR

Reappoint Luther Stocks 4 years

D. TAX COLLECTOR

Appoint Guy Kerley 1 year

Chairman Hammer made a motion to approve the appointments and reappointments as presented. Commissioner Keever seconded the motion. The Board voted unanimously in favor of the motion.

**OTHER BUSINESS**

Rick French, County Manager, discussed the following issues during Other Business:

- A. A work session has been scheduled for Wednesday, February 23, 2005 in the Agriculture Extension Learning Center. Mr. French stated that items to be discussed included communications, air quality, the noise ordinance, and incentives for new and existing industries.
- B. A joint meeting with the Planning & Zoning Commission is scheduled for Thursday, March 3, 2005. Mr. French stated that the meeting would be held in the CVCC / Alexander Center Multipurpose Room.

**CONSENT AGENDA**

- A. Minutes from the February 7, 2005 Regular Commissioners' Meeting.

Commissioner Robertson made a motion to approve the Consent Agenda. Commissioner Bolick seconded the motion. The Board voted unanimously in favor of the motion.

**CLOSED SESSION – N.C.G.S. 143-318.11(a)(1, 5, & 6) TO PREVENT DISCLOSURE OF CONFIDENTIAL INFORMATION, CONTRACTUAL, & PERSONNEL**

Commissioner Keever made a motion to enter into Closed Session at 7:04 PM to prevent the disclosure of confidential information and to discuss contractual matters and personnel issues pursuant to N.C.G.S. 143-318.11(a)(1, 5, & 6). Commissioner Robertson seconded the motion. The Board voted unanimously in favor of the motion.

## **ADJOURNMENT**

There being no further business, Commissioner Yoder made a motion to adjourn at 8:17 PM. Commissioner seconded the motion. Commissioner Keever seconded the motion. The Board voted unanimously in favor of the motion.

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William L. Hammer, Chairman

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Jamie M. Starnes, Clerk to the Board