

Draft

**BOARD OF COMMISSIONERS**  
**REGULAR MEETING**     March 14, 2005

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

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

**ABSENT:**     Wesley E. Bolick

**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, March 14, 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**

Pastor Jack Carver, Bethlehem Baptist Church, gave the invocation and Justin Fox, student at Taylorsville Elementary School, led the Pledge of Allegiance to the Flag.

**COMMISSIONER'S REPORT**

Commissioner Robertson pointed out that the Board had approved a Resolution in Support of a One-Cent Local Option Sales Tax for Infrastructure and Capital Needs in Alexander County at the February 21, 2005 Commissioners' Meeting. He explained that the resolution simply requested the General Assembly to allow Alexander County to enact the sales tax in lieu of increasing property taxes so that several capital and infrastructure needs could be met.

Commissioner Robertson stated that the current tax rate of 46.5 cents per \$100 was established in 2002 to offset the affects of the last revaluation. He stated that growth in property taxes had

been estimated at 4% to 5% each year; however, he noted that because of the downturn in the economy and decreased construction, Alexander County had only experienced a growth rate of approximately 1% each year. Commissioner Robertson also stated that maintaining the Alexander County budget with the 46.5 cent tax rate had not allowed for County employee salaries to be increased as needed. He pointed out that the County was in need of an employee classification and pay plan in order to be competitive with the salaries of surrounding counties.

Commissioner Robertson hoped that Senator John Garwood and Representative Mark Hollo would support Alexander County's request to enact the additional one-cent sales tax so that revenues would be present to offset the costs of needed capital projects from property taxes.

Commissioner Keever stated that the County's contribution to the school system had not increased for the last 3 years. He pointed out that this trend would result in teacher supplements not being increased and delays in completion of needed school construction. Commissioner Keever stated that, because the State had taken approximately \$3.9 million in inventory tax reimbursements from Alexander County over the last 4 years, the previous Board enacted a half-cent sales tax to help in generating much-needed revenue.

Commissioner Keever discussed the costs of a few positions within DSS and he noted that it would cost the County more to hire new people for those positions than it would to give County employees a 2.5% pay increase. He noted that a bill had been introduced in the Senate to allow Alexander County to enact this additional one-cent sales tax and he hoped the same would be introduced in the House of Representatives.

Commissioner Yoder pointed out that this additional one-cent sales tax would not apply to food or prescription drugs. He felt that sales tax was a more effective tax because everyone paid it, not just property owners.

Chairman Hammer mentioned that the Board of Education and the Town of Taylorsville also supported Alexander County's request for the additional one-cent sales tax.

## **ADOPTION OF AGENDA**

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

## **PUBLIC HEARING: NOISE ORDINANCE**

Rick French, County Manager, presented the revised Alexander County Noise Ordinance. He explained that the current ordinance was adopted in 1998 and needed to be updated. He stated that staff reviewed several ordinances from surrounding counties including Surry County, Burke County, Iredell County, Wilkes County, and Catawba County. Mr. French stated that the Catawba County Noise Ordinance was adopted on January 18, 2005.

Mr. French informed the Board that staff had simply taken the Catawba County Noise Ordinance and applied the same principles to update the Alexander County Noise Ordinance. Mr. French explained that the proposed ordinance would allow the Sheriff to have the authority to deal with complaints relating to noise and nuisance and the ability to write citations.

Chairman Hammer called the public hearing to order and requested any public comment.

### **Public Comment**

Don Benfield felt that loud radios and sub woofers in cars was a major nuisance in the county. He informed the Board that he could hear these radios a mile from his home and he noted that the loud music vibrated the windows in his home. Mr. Benfield suggested some regulations be included in the ordinance to restrict the loudness of the music and also that drivers could receive a ticket if the regulations were not obeyed.

Commissioner Keever pointed out that Items #11 and #12 under Section 92.03 would address that problem.

There being no further public comment, Commissioner Robertson made a motion to close the public hearing. Commissioner Keever seconded the motion. The Board voted unanimously in favor of the motion.

Commissioner Keever made a motion to approve the revised Alexander County Noise Ordinance as presented. Commissioner Yoder seconded the motion. The Board voted unanimously in favor of the motion.

### **INTRODUCTION OF CHAD STARBUCK, N.C. WILDLIFE ENFORCEMENT OFFICER**

Chairman Hammer introduced Chad Starbuck, N.C. Wildlife Enforcement Officer.

Mr. Starbuck stated that he was originally from Surry County. He informed the Board that he worked at the N.C. coast for 5 ½ years before moving to Alexander County 8 months ago. He explained that his duties included enforcing hunting, fishing, and boating laws as well as teaching hunter education and boater safety courses. He stated that he also investigated boating accidents. Mr. Starbuck noted that he was on call 24 hours a day, 7 days a week and that he worked out of his home. He encouraged the citizens of the county to contact him to report a violation or if they had any problem or concern.

### **ROTARY CLUB PROCLAMATION**

Chairman Hammer stated that he attended a ceremony in Statesville, N.C. recently to honor the 100<sup>th</sup> anniversary of the Rotary Club. He noted that, although late, he wished to recognize the local Rotary Club and declare February 23, 2005 as Rotary Club Day in Alexander County.

Chairman Hammer presented a Proclamation commemorating the 100<sup>th</sup> anniversary of the Rotary Club and declaring February 23, 2005 at Rotary Club Day.

Gail Drum, Rotary Club, stated that there were approximately 35 members and she noted that it was an honor and a privilege to help the community.

Commissioner Yoder pointed out that the Rotary Club had made a commitment of \$50,000 to the YMCA. He conveyed his appreciation to the Rotary Club for their dedication to the community.

Commissioner Robertson made a motion to approve the Proclamation declaring February 23, 2005 as Rotary Club Day in Alexander County. Commissioner Keever seconded the motion. The Board voted unanimously in favor of the motion.

### **FLAG HOLDER PURCHASE AND UPDATE**

Barbara Poole, Veterans Service Officer, gave an update on the purchase of flag holder for veteran's grave, which began in 2002. Ms. Poole noted that a deadline of May 1, 2003 was set for churches to provide lists of veteran's grave for their cemeteries and she gave the following breakdown of activities since that time:

- 50 cemetery lists were originally reported to the Veteran's Office.
- 5 churches purchased their own flag holders through the County.
- The remaining 45 cemeteries (1,411 graves) will be provided flag holders through the County once the project is complete.
- 30 cemeteries have been completed to date.
- 5 cemeteries will be completed this year.
- 10 cemeteries remain to be completed.

Ms. Poole also discussed a recent order of flag holders from Gohn Manufacturing for the 2004-2005 budget, which included the following:

- 13 cemeteries (7 of those were counted on last year's list but were missed graves from the last order and were added to this order). This leaves the 5 new cemeteries for this year.
- Taylorsville Cemetery consists of 270 flag holders from this order.
- 316 flag holders were ordered and 33 will be used from stock to complete these cemeteries.
- Cost including shipping will total approximately \$4,108.

Ms. Poole informed the Board that approximately \$5,600 would be needed for the 2005-2006 budget to complete this project. She also noted that there had been an increase in the cost of flag holders from \$10.50 to \$11.75 each plus shipping costs of \$1.25 each for a total of \$13.00 for each flag holder. Ms. Poole stated that 428 more flag holders were needed to complete the project according to all graves originally reported. She also pointed out that 20 of those flag holders would remain in stock for future deaths.

Chairman Hammer stated that this project was a small way of showing support for veterans. Commissioner Robertson conveyed his appreciation to Ms. Poole for her hard work on this project. Commissioner Robertson also discussed the importance of recognizing all veteran's graves. Ms. Poole stated that the Veteran's Administration offered markers for veteran's graves; however, she noted that the grave would not be recognized as that of a veteran if the family didn't order the special graver marker. She also stated that she had asked the funeral homes to inform families of the ability to get flag holders from the County.

Commissioner Yoder stated that Ms. Poole had done an excellent job on this project.

### **ALEXANDER COUNTY INDUSTRIAL DEVELOPMENT INCENTIVE (IDI) GRANT PROGRAM FOR NEW & EXISTING INDUSTRIES**

David Icenhour, Economic Development Director, presented the revised Industrial Development Incentive (IDI) Grant Program Policy. He explained that the current program was based on the increase in tax value of real property, machinery, and improvements above the base year prior to the investment and made no mention of job creation and wages. Mr. Icenhour stated that by linking tax value, job creation, and wages together, it made the grant program available for smaller industries in addition to the larger ones.

Mr. Icenhour discussed a new IDI grant scoring system that he included in the revised policy that would provide points for tax value, jobs created, and wages paid. He felt that the new scoring system would make the grants more competitive and would encourage employment.

Commissioner Kever made a motion to approve the revised IDI Grant Program Policy as presented. Commissioner Robertson seconded the motion. The Board voted unanimously in favor of the motion.

The Board thanked Mr. Icenhour for his work on updating the policy.

### **RESOLUTION IN SUPPORT OF A LOTTERY TO FUND NEEDED SCHOOL CONSTRUCTION IN NORTH CAROLINA**

Chairman Hammer presented the Resolution in Support of a Local Option Lottery to Fund Needed School Construction in North Carolina. Chairman Hammer pointed out that this was not a public hearing and he introduced Commissioner Kever to interpret the meaning of the bill that had been introduced regarding a lottery.

Commissioner Kever explained that Representative Bill Owens (Pasquotank County) had introduced a bill (H3) for a proposed Local Option Education Lottery that would earmark 25% of net proceeds to school construction in those counties that approved the lottery in a public referendum called at the option of boards of county commissioners. The bill also stated that the lottery would be conducted when 25 counties vote to approve it and only in those counties voting

approval. Commissioner Keever stated that the net proceeds from a lottery implemented in all 100 counties were estimated to total \$350 million.

Commissioner Keever pointed out that the bill would give local counties the option to hold a public referendum to allow the citizens of the county to voice their opinion on the lottery and vote for it or against it as they wished. He noted that the resolution presented was not supporting the lottery unless the people of the county showed support for it during a public referendum. He mentioned that approval of this resolution tonight would ensure that the people of the county got a chance to vote on the issue, which was what people had been demanding for years – to have the right to vote.

Commissioner Keever made a motion to approve the Resolution in Support of a Local Option Lottery to Fund Needed School Construction in North Carolina according to H3. Commissioner Robertson seconded the motion.

At this time, Darren Lambert, Pastor of Pleasant Hill Baptist Church, requested the right to speak. Chairman Hammer again pointed out that this was not a public hearing. However, Mr. Lambert stated that he didn't want Alexander County's name attached to anything regarding a lottery and he requested an opportunity to share his and other's opinions.

Commissioner Keever stated that the Board was simply trying to give the citizens a right to vote either way during a public referendum. Again, Mr. Lambert requested the Board allow them to express some of their concerns tonight.

Chairman Hammer agreed to allow 2 citizens to speak. Greg Barefoot, Pastor of Stony Point Baptist Church, discussed another bill, H493, that was introduced by Representative Hugh Holliman (Davidson County) that would establish a statewide lottery without a public referendum and would allocate net revenues (total proceeds less prizes, 50%, and administrative costs) for educational scholarship to help N.C. students attend N.C. colleges and universities, both public and private.

Mr. Barefoot stated that he contacted several other counties today to determine if any other commissioners had brought this issue to the table and he noted that Cabarrus, Iredell, and a couple other counties had not seen or heard of this issue yet. Commissioner Keever replied that this information had been sent to every County Manager by the N.C. Association of County Commissioners.

Mr. Barefoot stated that, although he understood that schools needed money for construction, gambling was wrong and that it was a disease. He pointed out that it was his intent to fight against the lottery and he noted that he and the others present at the meeting was not interested in having a public referendum.

Mr. Barefoot discussed a clause included in H3 that allowed the lottery issue to be reintroduced every 3 years for another vote. Commissioner Keever pointed out that this was ordinary with public referendums. Mr. Barefoot asked if there was a way to disallow another vote every 3 years. Commissioner Keever replied that would not be allowed under present state law.

Mr. Barefoot requested the Board allow other counties to sign on as the first 25 counties in favor of the lottery. He stated that the lottery would target individuals with incomes of less than \$10,000 per year, which included seniors and those who could not afford food, clothing, rent, and utility bills. Mr. Barefoot felt that these citizens would be the ones that would vote in favor of a lottery and he urged the Board to rethink its decision to vote in favor of a public referendum.

Commissioner Keever stated that not allowing the citizens to have a say in a matter such as this was not allowing for the democratic process to take place.

Darren Lambert approached the Board and gave some statistics relating to the lottery, which included the following:

- In Massachusetts, 47% of 7<sup>th</sup> graders have purchased lottery tickets.
- 4 in 10 adolescents gamble in lotteries nationwide.
- Pathological gambling affects more than 15 million Americans, half are teens.
- The rate of gambling problems among adolescents in states allowing lotteries exceeds 16%.
- It has been statistically proven that lotteries are a highly addictive form of gambling.
- The final report of the National Gambling Impact Study Commission showed that there were strong links between gambling addiction and crime, homelessness, child abuse, neglect, bankruptcy, divorce, and poor performance at work and school.
- 20% of gambling addicts commit suicide.
- Duke University professors conducted a study that found there were people who would spend everything they made to play the lottery.
- Individuals making less than \$10,000 per year spend more on lotteries than any other income groups.
- High school dropouts spend 4 times as much as college graduates.
- Sales of lottery tickets are 2 ½ times higher in poor neighborhoods than affluent ones.
- Recipients of lottery funded scholarships have family incomes \$13,000 higher than the state average.

Commissioner Keever stated he didn't understand why Mr. Barefoot and Mr. Lambert would not want to allow citizens of the County their right to vote. He stated that the churches would have the chance to work against it and vote it down if a public referendum were to occur.

Mr. Lambert stated that approving the resolution was saying that the County supported the lottery and he noted that wasn't the truth.

Commissioner Robertson pointed out that the lottery issue was generated 5 years ago in Raleigh and had been discussed by the General Assembly every year since. He stated that the General Assembly had the authority to enact a lottery without a public referendum and without involving counties. Commissioner Robertson mentioned that it troubled him that the Board of Commissioners ended up debating the issue with neighbors and fellow church members. He stated that the only reason he would be in favor of a lottery would be the incentive for the first 25 counties. He stated that if the money was there, he wanted it for Alexander County.

Commissioner Yoder stated that people had spoken on this issue tonight even though a public hearing had not been advertised. He suggested a public hearing be held to allow both sides to present an argument. He felt that those in favor of the lottery should have a right to speak as well as those against it. Commissioner Yoder stated that he was a firm believer that the people should have the opportunity to cast their ballot when issues of this magnitude or issues affecting the majority of the people arose. He suggested this issue be tabled to allow for a public hearing.

Commissioner Robertson also felt a scheduled public hearing would allow for proper and orderly comments.

Therefore, Commissioner Robertson withdrew his second and Commissioner Keever withdrew his motion. Commissioner Yoder made a motion to table consideration of the resolution until a formal public hearing could be held. Commissioner Robertson seconded the motion.

Commissioner Robertson requested a Friendly Amendment that the public notice be advertised for 2 weeks once scheduled. Commissioner Yoder accepted. The Board voted unanimously in favor of the motion.

#### **LETTER OF SUPPORT FOR SENATE BILL 160**

Commissioner Yoder presented Senate Bill 160 entitled An Act to Limit Over-the-Counter Purchases of Products that Contain Pseudoephedrine. Commissioner Yoder explained that the bill would allow these products to be stored behind a counter or barrier so that it was only accessible by retail store employees. The bill would also limit the sale of products to no more than 3 packages.

Commissioner Yoder felt that this would aid in the fight to eliminate methamphetamine labs and he requested the Board's support.

Commissioner Yoder made a motion to allow staff to draft a letter of support for Senate Bill 160 to be mailed to Senator John Garwood and Representative Mark Hollo. Commissioner Keever seconded the motion. The Board voted unanimously in favor of the motion.

#### **BUDGET ORDINANCE AMENDMENT #28**

Rick French, County Manager, discussed the purpose of Budget Amendment #28, which included the following information:

Budget Amendment #28 – To increase the budget for 2 mobile data terminals for the Sheriff's Department. To increase the budget for the performance-based distribution of 2003-2004 Food and Lodging Fees Fund. To increase the budget for a Homeland Security Grant due to revised grant figures. To budget for repairs not included in the

original EMS budget. To increase the budget for veterans flag holders to be ordered before June 30, 2005. To increase the budget for additional funds for CIP.

Commissioner Robertson made a motion to approve Budget Amendment #28. 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 Charlotte Regional Partnership Meeting will be held tomorrow, March 15, 2005 in Charlotte, N.C. Mr. French stated that he would be attending the meeting.
- B. Mr. French presented a set of "revised rules" for the Alexander County Parks & Recreation Department. He informed the Board that the current rules were adopted in 1987 and he felt they needed to be updated. Mr. French stated that the Board could take action at a later date.

## **CONSENT AGENDA**

- A. Minutes from the February 21, 2005 Regular Commissioners' Meeting and the February 23, 2005 Work Session.
- B. Tax Release Requests for February \$1,430.99 and Tax Refund Requests for February \$267.52.
- C. CDBG Individual Development Account (IDA) Program – CDBG #04-C-1320.

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

## **CLOSED SESSION – N.C.G.S. 143-319.11(a)(1, 5, & 6) TO PREVENT DISCLOSURE OF CONFIDENTIAL INFORMATION, CONTRACTUAL, & PERSONNEL**

Commissioner Robertson made a motion to enter into Closed Session at 7:37 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 Yoder 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 8:36 PM. Commissioner Robertson 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