

Draft

**BOARD OF COMMISSIONERS**  
**REGULAR MEETING**     February 20, 2006

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

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

**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 20, 2006 in the Catawba Valley Community College / Alexander Center Multipurpose Room, Taylorsville, North Carolina.

**CALL TO ORDER**

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

**INVOCATION & PLEDGE OF ALLEGIANCE**

Chairman Yoder gave the invocation and also led the Pledge of Allegiance to the Flag.

**\*\*SPECIAL RECOGNITION\*\***

David Icenhour, Economic Development Director, announced that ARC Technologies had located in the former Metric Frame Building on Liledoun Road. He pointed out that 6 to 10 jobs would be created by ARC Technologies immediately and he noted that the company planned to offer other positions in the future. Mr. Icenhour introduced the following individuals from ARC Technologies:

Wayne Oram – Chief Executive Officer  
Bill Oram – President  
Bryan Reeves – Director of Sales & Marketing  
Tim Watts – Vice President of Sales

Mr. Icenhour presented a slide show which included before and after photos of the property. He mentioned that ARC Technologies had drastically improved the appearance of the facility from its original condition, creating a company that the community could be proud of.

Wayne Oram, CEO, thanked the Board and staff for their support and assistance. He explained that ARC Technologies was formerly located in Catawba County before the search began for another location to begin the manufacturing of their products. He also felt the County would be pleased with the creation of jobs and an increased tax base.

Bryan Reeves, Director of Sales & Marketing, informed the Board that ARC was an acronym for Advanced Rotational Casting and he explained the process of producing simulated stone mailbox columns, fence post columns, and driveway entrance columns. He mentioned that ARC Technologies was also in the process of developing a table which would be introduced into the furniture market as well as fireplaces and a simulated brick mailbox column. Mr. Reeves stated that the simulated stone mailbox columns produced by ARC Technologies were much less expensive than a genuine stone column. He also stated that the simulated stone columns only weighed about 100 pounds making them much easier to install than a genuine stone column and safer because the lighter material would shear away during an impact. He also pointed out that the columns were weather resistant.

Bill Oram, President, stated that ARC Technologies produced 10 to 12 simulated stone mailbox columns within a week at present and he noted that staff was prepared to increase that number as orders were placed. He stated that the company was currently marketing with builders and developers with a future goal of marketing with Lowes Home Improvement and Home Depot.

Mr. Icenhour stated that he was working with ARC Technologies in seeking N.C. Department of Transportation approval for the mailbox columns. He also noted that he had requested the help of Judge Robert Collier, Board of Transportation member, on this approval.

Members of the Board welcomed ARC Technologies to Alexander County and wished them great success.

## **COMMISSIONER'S REPORT**

Commissioner Keever discussed a recent N.C. Association of County Commissioners Board of Directors Meeting where Medicaid relief was discussed. He explained that another proposal had been developed for Medicaid relief to counties which would include trading sales tax for enactment of a menu of revenue options in addition to the current proposal recommended by the Medicaid Relief Task Force.

Commissioner Keever stated that Medicaid costs for Alexander County alone over a 20 year period would total approximately \$25.5 million.

## **ADOPTION OF AGENDA**

Chairman Yoder requested consideration of a criminal background check ordinance as Agenda Item #8A.

Commissioner Robertson made a motion to adopt the agenda as amended. Commissioner Hammer seconded the motion. The Board voted unanimously in favor of the motion.

## **PUBLIC HEARING: REZONING CASE 06-1: HUNTLEY & POWELL, LLC**

Sylvia Turnmire, Director of Planning & Development, presented Rezoning Case 06-1 submitted by Robert P. Huntley. The applicant requested rezoning of property located at 361 Webb Price Road from RA-20 (Residential-Agricultural) to L-I (Light Industrial) to allow for a custom granite countertops business. The size of the property is 8.78 acres and the current land is a vacant industrial building. Ms. Turnmire stated that zoning within 100 feet of the property was RA-20 to the north, south, east, and west. There is vacant and agricultural land to the north of the property, singlewide manufactured homes to the south, agricultural land to the east, and single-family site-built homes to the west.

Ms. Turnmire explained that the existing building had been constructed in 1977 and she noted that major renovations were completed in 1996 which included the addition of a modular office unit. She stated that the building had originally been occupied by Appalachian Chemical and Solvent and since been occupied by CMC Wood Technologies, Stewart Superabsorbents, and a fiberglass go-kart manufacturer.

Ms. Turnmire stated that the property was located outside of the Bethlehem Zoning Area, which was adopted in 1987, resulting in the property being designated RA-20 when countywide zoning was adopted in 2001. She mentioned that the property was currently served by a 6-inch water line, provided by the City of Hickory, and an individual septic system. Ms. Turnmire pointed out that if industrial use of the property resumed, current landscaping requirements would apply to include a densely planted landscaping buffer on all sides that abut a residential district as well as parking space and signage restrictions.

Ms. Turnmire explained that, because the property was surrounded by a zoning district that was considerably different from the requested district, this was a "small scale rezoning request" or spot zoning request which is "invalid or illegal unless there is a clear reasonable basis for treating the singled out property differently from adjacent land." Ms. Turnmire noted that for any case involving spot zoning, the following questions must be addressed:

1. Did the zoning activity in the case constitute spot zoning as our courts have defined that term; and
2. If so, did the zoning authority make a clear showing of a reasonable basis for zoning by determining the following 4 factors?:

- a. The size of the tract;
- b. The compatibility of the disputed zoning action with an existing comprehensive plan;
- c. The benefits and detriments resulting from the zoning action for the petitioning property owner, neighbors, and surrounding community; and
- d. The relationship between the uses envisioned under the new zoning and the current uses of adjacent land.

Ms. Turmire addressed staff comments in regard to these 4 factors to show a reasonable basis for zoning, which included:

**2a. The size of the tract:**

The size of the subject property is 8.78 acres. The sizes of surrounding properties are:

West – 1.61, 2.39, 1.82, and 3.84 acres  
North - .58, 1.46, and 76.62 acres  
South – 4.47 and 1.07 acres  
East – 76.62 acres

**2b. The compatibility of the disputed zoning action with an existing comprehensive plan:**

1. Section 154.180 of the Alexander County Zoning Ordinance states that the L-I Light Industrial District is 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 districts.
2. Section 154.140 of the Alexander County Zoning Ordinance states that the RA-20 Residential-Agricultural District is established as a district in which the principal use of the land is for low-density residential and agricultural purposes including single-family dwellings, two-family dwellings, individual manufactured homes, and related uses necessary for a sound neighborhood. The regulations for this district are designed to stabilize and encourage a healthful environment for family life in areas where neither public nor community water or sewer facility are available.
3. The 1993 Land Development Plan identifies this area as lying in an “Urban Transition” area which has the purpose of “providing 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 purposes or will be developed in the next 5 to 10 years to accommodate anticipated urban growth.”

4. The 1995 Thoroughfare Plan does not mention any major thoroughfares in the vicinity of the subject property or any improvements to Webb Price Road and daily traffic counts are not available.

**2c. The benefits and detriments resulting from the zoning action for the petitioning property owners, neighbors, and surrounding community:**

The board must determine what effect the rezoning will have upon the entire community as a social, economic, and political unit.

**2d. The relationship between the uses envisioned under the new zoning and the current uses of adjacent land:**

If rezoned to L-I, any use listed in the use matrix would be allowed, not just the uses of which the applicant is applying. All immediate adjacent land is used for residential and agricultural purposes.

Common uses allowed in the L-I District include but are not limited to furniture manufacturing, hosiery mills, woodworking shops, and lumberyards. All of the uses allowed in the L-I District should be considered, not only the use for which the applicant is applying.

Ms. Turnmire stated that letters were sent by first class mail to the property owners within 100 feet of the parcel boundary, a sign was posted on the property, and an advertisement was placed in *The Taylorsville Times*. She noted that staff received 3 calls for information regarding the proposal with no statements in favor of or opposing the request. Ms. Turnmire mentioned that Dale Terry and Derrick Carrigan spoke in opposition to the request at the Planning & Zoning Commission public hearing held on February 17, 2006.

Ms. Turnmire informed the Board that Planning & Development staff recommended approval of the rezoning request based on the following:

1. Previous uses have been industrial in nature and pre-date current zoning regulations.
2. The use is consistent with the Land Development Plan since the property is located within an "Urban Transition" area.
3. The proposed use will not include retail sales and therefore traffic will be limited to wholesale distribution and delivery.
4. The size of the tract is not substantially different from surrounding tracts.

Ms. Turnmire also pointed out that the Planning & Zoning Commission reviewed the request on February 16, 2006 and unanimously recommend approval based upon the following:

1. The request is consistent with the "Urban Transition" area as identified by the Alexander County Land Development Plan.
2. The building was constructed prior to countywide zoning adoption in 2001.
3. The size of the tract is not significantly different from adjoining property.

Ms. Turnmire explained that based on the information provided, the Board must determine whether the rezoning request meets the guidelines as set forth. She also noted that Section 154.351(C)(2) of the Zoning Ordinance required the Board to provide a statement analyzing the reasonableness of the proposed zoning including the “small scale rezoning” factors in support of the adoption or rejection of the amendment.

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

Commissioner Bolick made a motion to approve Rezoning Case 06-1 based on the following:

1. Previous uses have been industrial in nature and pre-date current zoning regulations.
2. The use is consistent with the Land Development Plan since the property is located within an “Urban Transition” area.
3. The proposed use will not include retail sales and therefore traffic will be limited to wholesale distribution and delivery.
4. The size of the tract is not substantially different from surrounding tracts.

Commissioner Hammer seconded the motion. The Board voted unanimously in favor of the motion.

## **HYDRORELICENSING AIP PRESENTATION**

Sylvia Turnmire, Director of Planning & Development, stated that all stakeholders for the Duke Power Hydropower Relicensing received the “final” copy of the Agreement-in-Principle (AIP) on February 15, 2006. Therefore, she updated the Board on some outstanding sections which included Section 10 (Public Recreation) and Section 5 (Actions to Support Water User Needs) as follows:

Ms. Turnmire explained in regard to public recreation that Duke Power was proposing to add restrooms and a picnic area at the Wittenburg Access Area in the second 5-year period (estimated 2013-2018). However, she noted that Duke Power would like to lease this area to the county commissioners for maintenance under the Access Area Improvement Initiative (AII), similar to the agreement for Dusty Ridge Park. She also mentioned that the N.C. Wildlife Resources Commission would continue to maintain the boating access facilities.

Ms. Turnmire stated that Duke Power would also develop up to one mile of trail and restrooms at Dusty Ridge Park that would also be maintained under the current AII lease. She informed the Board that a swim beach was initially proposed for either the Wittenburg Access Area or the Oxford Access. She reported that if developed at Wittenburg Access, the swim beach would be maintained under the same AII. Ms. Turnmire asked the Board to consider if there was any preference for a swim beach at the Wittenburg Access Area or at Dusty Ridge Park. She also

stated that Duke Power intended to develop an RV campground, dump station, and bathhouse along with camping, picnic facilities, trails, bank fishing, and restrooms at Oxford Access in 15 to 20 years.

In regard to water user needs, or the water withdrawal fee section, Ms. Turnmire stated that she met with City of Hickory Management and Public Utilities staff on January 12, 2006 to discuss the water withdrawal fee and agreements reached between the water withdrawers and Duke Power. She explained that a water withdrawal fee had transformed into the "Catawba-Wateree Basin Water Management Group" in which participation was based on contribution instead of a fee, including contributions from Duke Power. She stated that this "voluntary" group would create a capital improvement plan program or a plan aimed at protecting and improving water quantity and quality. Ms. Turnmire compared that fee proposal with the water management group proposal as follows:

#### Fee Proposal

- Assessed to all entities with an intake in the basin
- Calculated based on withdrawals minus discharge credits
- "private asset"
- Complete control

#### Water Management Fund Proposal

- Voluntary members including Duke Power
- Members set annual dues and approve expenditure of funds
- "public resource"
- Members decide what programs to fund
- Members pay based on AAD withdrawals
- Types of projects funded by the group: drought monitoring, conservation education, protection of resource, matching grants, basin protection and improvement (including sedimentation removal)

Commissioner Robertson asked if the City of Hickory would represent all entities to which they supply water, including Alexander County. Ms. Turnmire replied that the City of Hickory would represent those entities.

Ms. Turnmire informed the Board that stakeholders would be asked to sign the AIP on April 13, 2006; however, she noted that the AIP was not a binding document, only a document showing the cumulative negotiations between stakeholders. Ms. Turnmire stated that the final agreement and binding document would be distributed in June 2006.

Commissioner Hammer felt it would be beneficial for a Duke Power representative to attend a meeting to answer questions from the Board regarding the relicensing and the AIP.

## **HURRICANE RELIEF FUNDRAISER**

Sylvia Turnmire, Director of Planning & Development, stated that a small committee was formed in November 2005 to discuss possible Hurricane Relief efforts. The group focused on Pike County, Mississippi which is very similar to Alexander County in terms of population and overall economic characteristics. Ms. Turnmire informed the Board that estimated damages statewide for Mississippi from Hurricanes Katrina and Rita were \$17.5 million in dairy, \$13 billion in forestry, and \$90 million in poultry.

Ms. Turnmire stated that the first relief drive began in December 2005 with County employees donating money to help the Pike County employees. Donations from County employees totaled \$4,462. She explained that the committee was now ready to begin phase two of the relief effort by holding a yard sale on May 6, 2006 at the County Administration Building. She mentioned that the committee was working on the details of the event at the present time.

Ms. Turnmire presented several thank you letters, notes, and cards received from Pike County and its employees.

#### **N.C. PUBLIC SCHOOL FACILITY NEEDS SURVEY**

Jack Hoke, Alexander County Schools Superintendent, presented a facility needs survey which listed all improvements and additional facility needs to accommodate projected enrollments as well as improvements to existing facilities to provide safe, comfortable environments that support the educational programs. Mr. Hoke discussed the survey submitted in 2000 and explained that the following projects had been completed within the last 5 years. He also noted that all projects had been paid with local funds.

1. Alexander Central High School Additions
  - a. Cafeteria additions
  - b. Classrooms
  - c. New administrative wing
  - d. Spectator gym
  - e. Band / chorus room and lockers
  - f. Auditorium
  - g. Field house / ROTC classroom
2. West Alexander Middle School – addition of 12 classrooms
3. East Alexander Middle School – addition of 12 classrooms
4. Stony Point Elementary School
  - a. Addition of 4 classroom
  - b. Office complex
5. Sugar Loaf Elementary School – addition of 6 classrooms

Mr. Hoke pointed out that several projects still need to be completed including a classroom addition at Bethlehem Elementary School, classrooms and a cafeteria addition at Hiddenite Elementary School, and construction of a South Alexander Middle School. He noted that, according to projected enrollments, these projects would be needed within the next 5 years.

Chairman Yoder felt that the Alexander County school system used tax money very wisely for construction of much needed projects. He thanked Mr. Hoke and the entire Board of Education in appreciation for the good working relationship between the Board of Commissioners and the Board of Education.

Mr. Hoke agreed that working together made a difference for the benefit of the children. He pointed out that Alexander County only had one mobile unit in operation while surrounding counties had 70 or more.

Commissioner Hammer agreed that the half-cent sales tax monies had been used well to better school facilities. He felt the Board of Education had a good facility needs plan and he mentioned that the school system had been able to raise teacher supplements to 6% in recent years which aided in retaining qualified teachers.

Commissioner Bolick made a motion to accept the N.C. Public School Facility Needs Survey report. Commissioner Keever seconded the motion. The Board voted unanimously in favor of the motion.

## **REQUEST FOR COMMUNICATIONS SUPERVISOR**

Hayden Bentley, Sheriff, discussed the recent upgrades to the communications system as well as the installation of new equipment and the CAD system. He reported that continuous live training for employees was taking place which consisted of taking and dispatching real calls. Mr. Bentley stated that the communications center had a third work station that could be used for training and he explained that a communications supervisor could train employees on this work station before employees were required to go live on the system. Mr. Bentley felt this would allow the employees to be better prepared while using the new system, which would provide better service to the county. He also stated that a communications supervisor would have other duties including scheduling, records, equipment maintenance, etc.

Mr. Bentley explained that a Communications Committee was currently developing a job description for this position. He also stated that this committee would interview candidates and make a recommendation for filling the position.

Commissioner Keever asked that this position be advertised as a matter of public record and he felt that the County's Human Resources Department should be involved with the hiring process.

Commissioner Robertson felt the person hired for the position should be very experienced in technical equipment and software. He suggested Greg Cronk, Information Technology Director,

be involved in the interview process as well. Mr. Bentley replied that Mr. Cronk was a member of the Communications Committee.

Commissioner Keever made a conditional motion to proceed with the process of hiring a communications supervisor based on Mr. Bentley returning with a job description and suggested salary at the March 13, 2006 Commissioners' Meeting for consideration by the Board. Commissioner Robertson seconded the motion. The Board voted unanimously in favor of the motion.

## **BOARD APPOINTMENTS & REAPPOINTMENTS**

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

### **A. CRIMINAL JUSTICE PARTNERSHIP ADVISORY BOARD**

Reappoint Tammy Lippard	1-year terms
Reappoint Ingrid Townsend	
Reappoint Tony Jones	
Reappoint Rick French	
Reappoint Sarah Kirkman	
Reappoint Kim Taylor	

### **B. TAX COLLECTOR**

Reappoint William Guy Kerley	2-year term
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Commissioner Hammer made a motion to approve the reappointments as presented. Commissioner Robertson seconded the motion. The Board voted unanimously in favor of the motion.

## **BUDGET ORDINANCE AMENDMENT #42 - #44**

Rick French, County Manager, discussed the purpose of Budget Amendments #42 - #44, which included the following information:

Budget Amendment #42 – To budget for the remittance of an additional 3% interest on motor vehicle property taxes according to House Bill 1779. To increase the budget for legal fees associated with the formation of a non-profit entity for economic development. To increase the budget for additional maintenance costs for public buildings renovation projects. To budget for the completion of the veteran flag holder project.

Budget Amendment #43 – To transfer funds to reduce the deficit in the fund balance of the Capital Improvements Fund.

Budget Amendment #44 – To budget for the purchase of 5 vehicles for the Sheriff's Department (3 vehicles for normal replacement schedule and 2 vehicles to replace vehicles wrecked during 2005-2006).

Commissioner Keever made a motion to approve Budget Amendments #42 - #44. Commissioner Bolick seconded the motion. The Board voted unanimously in favor of the motion.

## **CRIMINAL HISTORY CHECKS FOR RECREATION COACHES**

Rick French, County Manager, presented an ordinance requiring criminal history checks for all coaching, assistant coaching, and other volunteer positions for the Recreation Department as discussed at the February 6, 2006 work session. Mr. French explained that fingerprinting and criminal history checks would be provided by the State Bureau of Investigation (SBI) and he noted that the following would disqualify any individual from serving in Recreation positions:

1. Felony convictions of any kind
2. Conviction for crime of violence (assault, domestic, etc.)
3. Conviction for any crime against children
4. Any sexual offense
5. Conviction for any drug-related charge
6. Conviction for embezzlement
7. DWI conviction – 2<sup>nd</sup> offense within 7 years

Commissioner Keever made a motion to approve the ordinance and to allow Mr. French to proceed with the process of consulting with the County Attorney before the agreement was officially signed by interested parties. Commissioner Robertson 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. The Highway 127 Water Project is well underway. Water lines are currently being constructed and connections are being made.
- B. The 2006-2007 budget process had begun. Departmental budgets are due March 10, 2006. General guidelines for the budget process were given at the February 10, 2006 Department Head Meeting.

## **CONSENT AGENDA**

- A. Minutes from the February 6, 2006 Regular Commissioners' Meeting and Work Session.
- B. EMS Bill.

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

**CLOSED SESSION – N.C.G.S. 143-318.11(a)(1, 4, 5, & 6) TO PREVENT DISCLOSURE OF CONFIDENTIAL INFORMATION, ECONOMIC DEVELOPMENT, 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 economic development, contractual matters, and personnel issues pursuant to N.C.G.S. 143-318.11(a)(1, 4, 5, & 6). Commissioner Bolick seconded the motion. The Board voted unanimously in favor of the motion.

**ADJOURNMENT**

There being no further business, Commissioner Keever made a motion to adjourn at 8:44 PM. Commissioner Hammer seconded the motion. The Board voted unanimously in favor of the motion.

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Larry G. Yoder, Chairman

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Jamie M. Starnes, Clerk to the Board