

Draft

**BOARD OF COMMISSIONERS**  
**REGULAR MEETING**     April 24, 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 Kever

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

**MEDIA:**        Micah Henry, The Taylorsville Times

The Alexander County Board of Commissioners held a regular meeting on Monday, April 24, 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**

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

**COMMISSIONER'S REPORT**

Commissioner Kever discussed the Angel Food Ministry Program that would provide eligible citizens with \$75 worth of groceries for only \$25. He mentioned that a meeting regarding the program would be held on Monday, May 1, 2006 at 7:00 PM in the CVCC / Alexander Center Multipurpose Room.

**ADOPTION OF AGENDA**

Chairman Yoder asked that Budget Amendment #59 be added under Agenda Item #9 (Budget Ordinance Amendments #55 - \$58). Commissioner Hammer stated he had one name to add to the list of appointments under Agenda Item #8 (Board Appointments & Reappointments).

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

#### **PUBLIC HEARING: REZONING CASE 06-4: DAVIDSON**

Sylvia Turnmire, Director of Planning & Development, presented Rezoning Case 06-4 submitted by Shannon Davidson. The applicant requested rezoning of property owned by Larry Davidson and located at 945 Carson Chapel Road from RA-20 (Residential-Agricultural) to H-C (Highway Commercial) to allow for a motorcycle customizing business. The size of the property is approximately one acre and the current land use is residential. Ms. Turnmire stated that zoning within 100 feet of the property was RA-20 to the north, south, east, and west. There is vacant land to the north of the property, single-family residential, agricultural, and vacant land to the south, and single-family residential to the east and west.

Ms. Turnmire explained that the subject property was obtained by the current property owners in 1969 and she noted that current Tax Department records indicated that the existing single-family residence was also constructed on the property in 1969. She stated that Tax Department business listings indicated that the business named "The Chopp Shop" was first listed in 2005; however, she informed the Board that the applicant had stated that he began motorcycle customization on the property in 1999. Ms. Turnmire also pointed out that the property was served by a private well and a private septic system and she stated that current landscaping and parking requirements would apply if the request was granted.

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. Turnmire 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 approximately one acre. The sizes of surrounding properties are:

West – 103.5 acres  
North – 33.6 acres  
South – 6.4 and 103.5 acres  
East – 3.9 acres

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

1. Section 154.170 of the Alexander County Zoning Ordinance states that the H-C Highway Commercial District is to provide suitable locations for those commercial activities which serve primarily the traveling public, including those which function rather independently of each other.
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 subject property is not located in a designated area of the 1993 Land Development Plan.
4. The 1995 Thoroughfare Plan does not mention any major thoroughfares in the vicinity of the subject property or any improvements to Carson Chapel Road. The Annual Average Daily Traffic Count was not available for Carson Chapel Road; however, Black Oak Ridge Road had 2,400 trips per day and Country Road had 740 trips per day.

**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 adjacent property owners and the surrounding community. The benefits of the rezoning should outweigh any potential inconvenience or harm to the community.

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

The nearest H-C Zoning District is approximately 1.5 miles away on White Plains Road, being Stikeleather Heating and Air. All immediate adjacent land is used for residential and agricultural purposes.

Common uses allowed in the H-C District include but are not limited to automobile repair garages, auto sales, and service stations. All of the uses allowed in H-C 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 had not received any calls regarding the request.

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

1. The proposed use is allowed within the Highway Commercial Zoning District.
2. The proposed use has previously existed on the property.

Ms. Turnmire also pointed out that the Planning & Zoning Commission reviewed the request on April 6, 2006 and recommended approval by majority vote of 3-2 with the following condition:

- The survey is revised to include sufficient area for a landscaping buffer on the eastern property line.

The motion and voted was based on the following:

1. The use is acceptable in the Highway Commercial District.
2. The business has been located on the property since 1999.

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 06-4 based on the following:

1. Staff received no objections to the rezoning request.
2. Planning & Development staff and the Planning & Zoning Commission recommended approval of the rezoning request.
3. The business began operation in 1999 prior to adoption of countywide zoning in 2001.
4. The business is not detrimental to the community.

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

### **PUBLIC HEARING: REZONING CASE 06-5: JENKINS**

Sylvia Turnmire, Director of Planning & Development, presented Rezoning Case 06-5 submitted by Wayne and Carolyn Jenkins. The applicant requested rezoning of property located off St. Andrews Drive from R-20 (Residential) to RA-20 (Residential-Agricultural) to allow for the placement of a manufactured home. The size of the property is approximately 11 acres and the current land use is vacant. Ms. Turnmire stated that zoning within 100 feet of the property was H-I (Heavy Industrial) to the north, R-20 to the south and west, and RA-20 to the east. There is a maximum security correctional facility to the north of the subject property, a doublewide manufactured home and vacant land to the south, a single-family site-built home and accessory buildings to the east, and a utility substation, single-family site-built homes, a dog kennel, and vacant land to the west.

Ms. Turnmire explained that the applicants purchased the property in 1988, which had remained vacant since that time. She also stated that the applicants owned property directly to the east of the subject property which contained their single-family dwelling and associated buildings and she noted that this property was a larger tract adjacent to the "Wildwood Circle" subdivision initially recorded in October 1965.

Ms. Turnmire informed the Board that the Alexander County Zoning Ordinance stated that the RA-20 Residential-Agricultural District was a district intended to provide for low-density residential and agricultural purposes including single-family dwellings and individual manufactured homes. She stated that common uses allowed in RA-20 included but were not limited to site-built, modular, and manufactured homes as well as agricultural uses. She noted that all of the uses allowed in RA-20 needed to be considered, not only the use for which the applicant was applying. Ms. Turnmire also stated that the primary difference between the RA-20 and R-20 zoning districts was that RA-20 allowed for manufactured homes and R-20 did not. She pointed out that most other residential and agricultural uses were allowed in both districts.

Ms. Turnmire stated that the 1993 Alexander County Land Development Plan showed these properties as being in a "rural class" which has the purpose of "providing for agriculture, forestry, mineral extraction and other allied land uses. Very low density dispersed single-family



residential uses are also appropriate within the rural class. These areas are currently used for agriculture, forestry, and low density housing including mobile homes.” Ms. Turnmire also stated that the 1995 Thoroughfare Plan does not mention any improvements to St. Andrews Drive.

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 had not received any calls regarding the request.

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

1. The property lies within a “rural class” as defined by the Alexander County Land Development Plan to include manufactured housing.
2. The property is adjacent to an RA-20 zoning district.
3. The proposed use is similar to and in character with adjacent land uses.

Ms. Turnmire also pointed out that the Planning & Zoning Commission reviewed the request on April 6, 2006 and unanimously recommended approval based upon the following:

1. The property is identified in the Land Development Plan as being located within the rural class.
2. Adjoining properties are similarly zoned.

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 describing whether the proposed amendment is consistent with the Alexander County Land Development Plan and the Alexander County Thoroughfare Plan and if the proposed amendment is reasonable with regard to the public interest.

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

Commissioner Hammer made a motion to approve Rezoning Case 06-5 based on the following:

1. The property lies within a “rural class” as defined by the Alexander County Land Development Plan to include manufactured housing.
2. The property is adjacent to an RA-20 zoning district.
3. The proposed use is similar to and in character with adjacent land uses.

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

## **2006 OZONE SEASON**

Sylvia Turnmire, Director of Planning & Development, stated that the 2006 Ozone Monitoring Season would begin on April 30, 2006 and the N.C. Division of Air Quality will begin forecasting the ozone levels for each day. She pointed out that the monitor readings from the Waggin' Trail location put Alexander County into attainment in 2004 and 2005 with the highest concentration being .084 ppm.

Ms. Turnmire stated that County staff would continue the Clean Air Campaign that began in late 2004 by continuing the coordination of activities with daycare programs, school systems, and industries. She mentioned that part of the campaign included forecast notifications in which some entities had requested to be notified daily and others on high ozone days. She also stated that notice of high ozone days would be given to employees and department heads so that alternative measures could be taken with outdoor activities.

## **PUBLIC HEARING: REQUEST FOR APPROVAL OF ANI / ALI TELEPHONE CONTROLLER FROM WIRELESS COMMUNICATIONS**

Greg Cronk, Information Technology Director, requested permission to purchase a CML ANI / ALI (Automatic Number Identification / Automatic Location Identification) Telephone Controller from Wireless Communications. He explained that the current ANI / ALI controller was outdated and not capable of supporting current phase II wireless standards, which was necessary to determine cell phone caller location on 911 calls placed to the Communications Center. Mr. Cronk stated that the proposed telephone controller would allow Communications staff to map and track incoming calls, both cellular and landline, on the new mapping system in place and he noted that it would integrate onto the same PC that the new Motorola radio software already running, reducing the space and equipment needs. He also pointed out that the proposed telephone controller would have increased capability over the present system.

Mr. Cronk informed the Board that staff had reviewed many different ANI / ALI Telephone Controllers from several vendors over the last year to identify the one which would best meet the County's needs. He stated that several software demonstrations were hosted and he noted that staff visited many 911 centers to view actual operations of the systems. Mr. Cronk recommended the purchase of the CML ANI / ALI Telephone Controller from Wireless Communications at a price of \$127,814.53 which included \$97,059.18 for the actual telephone controller and \$30,755.35 for the first year 24/7 maintenance. He also recommended funding the \$127,814.53 from existing Wireless 911 revenues already allocated to the 911 Communications Upgrade Project.

Mr. Cronk requested the Board consider a waiver of the bid procedures for letting of public contracts. He explained that Section 143-129 of the N.C. General Statutes covered the formal bidding requirements for purchase contracts estimated to cost more than \$90,000 and Section 143-129(g) contained an exception to the formal bidding requirements for previously bid or "piggybacking" contracts allowing the County to "piggyback" off another governmental unit's



contract with Wireless Communications. Mr. Cronk recommended piggybacking off a recently awarded bid contract from Granville County.

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

Commissioner Keever made a motion to waive the formal bid requirements by using the exception for previously bid contracts as set forth in N.C.G.S. 143-129(g) and "piggyback" off Granville County's recently awarded bid. Commissioner Bolick seconded the motion. The Board voted unanimously in favor of the motion.

Commissioner Hammer made a motion to approve the contract for the CML ANI / ALI Telephone Controller from Wireless Communications. Commissioner Bolick seconded the motion. The Board voted unanimously in favor of the motion.

#### **PUBLIC HEARING: RURAL OPERATING ASSISTANCE (ROAP) APPLICATION**

Patti Foster, Transportation Director, presented the 2006-2007 Rural Operating Assistance Program (ROAP) grant application for the Board's consideration. Ms. Foster stated that the grant would provide funding for the Elderly & Disabled Transportation Assistance Program (EDTAP), the Rural General Public (RGP), and the Work First / Employment Program.

Ms. Foster explained that the 2006-2007 grant application totaled \$88,101 for the period July 1, 2006 through June 30, 2007 of which \$41,662 would be designated for EDTAP as well as \$41,390 for RGP and \$5,049 for Work First / Employment. She also noted that a 10% match was required for the RGP allocation. Ms. Foster also pointed out that the 2006-2007 grant application was \$253 less than the 2005-2006 grant application.

The Board discussed the increasing fuel costs and how it impacted the County's Transportation system.

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

#### **PANDEMIC INFLUENZA (PANDEMIC vs. AVIAN)**

Lecanne Whisnant, Health Director, discussed the differences between pandemic and avian influenza, which included the following information:

##### **Avian Influenza – birds**

##### **Pandemic Influenza - people**



- \* Spread by migratory birds
- \* Limited transition to humans
- \* Continues to evolve
- \* Most cases from infected poultry
- \* Many different subtypes of the virus
- \* Some types more deadly than others
- \* Carried world wide by wild birds
- \* Low pathogenic form causes mild symptoms
- \* High pathogenic forms spreads rapidly through flocks of poultry and has a mortality rate reaching 90% - 100% within 48 hours
- \* Cannot become infected from eating chicken
- \* Prevent infection by getting yearly flu shots, household preparedness, and staying informed
- \* Global disease
- \* New flu virus
- \* Little or no immunity
- \* No vaccine

Ms. Whisnant explained that the concern is that the avian influenza virus would evolve into a virus capable of human-to-human transmission. She also stated that staff was researching statistics from the last pandemic outbreak to determine what affects the next outbreak would have on the community.

Mark Howell, NCDA Consumer Services – Emergency Programs Division Western Region Specialist, explained the impact of the avian influenza on the poultry industry. He pointed out that the USDA has a limited amount of vaccine in the event that an outbreak occurred. He also discussed the process of quarantine and isolation of poultry houses and depopulation if needed. Mr. Howell stated that preparedness began at the county level and pointed out that Alexander County had participated in a regional exercise with Iredell County which involved a simulated high pathogenic avian influenza outbreak. He also stated that County staff was taking steps to be prepared.

Mr. Howell mentioned that the state was currently working on a high pathogenic response plan; however, he noted that the federal government did not have a response plan in place.

Kathy Bunton, Area Specialized Agent – Poultry, informed the Board that flock supervisors were being trained to handle an outbreak of avian influenza. She also stated that many houses were being fit with respirator systems. Ms. Bunton felt that an outbreak could be handled properly as long as flock supervisors were trained and citizens were educated. She pointed out that an informational program was going to be held on May 18, 2006 in Iredell County in the morning and Wilkes County in the afternoon to educate the community on avian influenza and she urged participation in the program.

Commissioner Keever asked if the vaccine could be stockpiled for future use. Mr. Howell replied that it was difficult to stockpile the vaccine because most went to the USDA, but he noted that the state did stockpile equipment such as masks, coveralls, etc to aid in cleanup.

## **2006 CLEAN WATER BOND RESOLUTION**

Rick French, County Manager, presented the 2006 Clean Water Bond Resolution which urged the General Assembly to enact a \$1 billion bond bill in the 2006 session to fund construction and repair of urgently needed water, sewer, and storm water facilities. He explained that Senator John Kerr would introduce a version of the Clean Water Bill for the Senate to consider in May and he noted that Representative Bill Owens would introduce a similar bill in the House.

Commissioner Robertson made a motion to approve the 2006 Clean Water Bond Resolution. Commissioner Keever 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. VOLUNTARY FARMLAND PRESERVATION BOARD**

Reappoint Kathy Chatham	4 years
Appoint William Hammer	

### **B. AMERICAN RED CROSS BOARD**

Appoint William Hammer

### **C. HEALTH BOARD**

Appoint Eric Walker	3 years
Appoint Carrie Herman	

### **D. COUNCIL ON AGING**

Reappoint Angell Barnes	3 years
Reappoint Angela Johnson	
Reappoint Janette Johnson	
Reappoint Eric Burgess	

### **E. TOWN PLANNING BOARD OF ADJUSTMENTS**

Appoint Sallie Hartis	3 years
Appoint Carol Crowgey	3 years
Appoint Kathleen Gwaltney	2 years



Commissioner 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.

#### **BUDGET ORDINANCE AMENDMENTS #55 - #59**

Rick French, County Manager, discussed the purpose of Budget Amendments #55 - #59, which included the following information:

Budget Amendment #55 – To increase the budget for an additional amount allocated for training from Homeland Security Funds.

Budget Amendment #56 – To budget for the closeout of the Paragon Films Rail Project.

Budget Amendment #57 – To increase the budget for automotive supplies (fuel).

Budget Amendment #58 – To budget for a Wal-Mart community grant for audiovisual materials for the Library.

Budget Amendment #59 – To increase the budget for Public Health Emergency Preparedness for Pandemic Flu preparations.

Commissioner Keever made a motion to approve Budget Amendments #55 - #59. Commissioner Hammer 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 2006 NCACC County Assembly Day will be held on May 17, 2006 at the Sheraton Capital Center in Raleigh, NC to rally commissioners on Medicaid relief and other legislative efforts.
- B. A joint legislative luncheon with Senator John Garwood and Representative Mark Hollo will be held on Wednesday, April 26, 2006 at the Board of Education Office. Representation from the Board of Commissioners, Board of Education, Town Council, and Chamber of Commerce is expected.
- C. The Paragon Films, Inc. ribbon cutting ceremony will also be held tomorrow, April 26, 2006 at 2:00 PM. Plant tours will follow the ribbon cutting.

- D. The next Commissioners' Meeting is scheduled for Monday, May 15, 2006 at 6:00 PM in the CVCC / Alexander Center Multipurpose Room.

### **CONSENT AGENDA**

- A. Minutes from the April 10, 2006 Regular Commissioners' Meeting.  
B. Decide on proper disposal of 40 old voting booths.

Commissioner Hammer 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**

Chairman Yoder made a motion to enter into Closed Session at 7:22 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 Hammer seconded the motion. The Board voted unanimously in favor of the motion.

### **ADJOURNMENT**

There being no further business, Commissioner Bolick made a motion to adjourn at 7:54 PM. Commissioner Robertson 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