

Draft

**BOARD OF COMMISSIONERS
REGULAR MEETING July 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 Keever

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, July 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 Bolick gave the invocation and also led the Pledge of Allegiance to the Flag.

*****SPECIAL RECOGNITION*****

Sandra Gregory, Human Resources Director, announced that Alexander County had received a 2006 Employer Award from the North Carolina Employment Security Commission for contributing to the growth of the economy, continuous postings of all County jobs with the ESC, and in appreciation for the new ESC facility.

ADOPTION OF AGENDA

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

N.C. DEPARTMENT OF TRANSPORTATION PROPOSED IMPROVEMENTS TO SR1424

Mark Taylor, Alexander County Maintenance Engineer, and Patrick Norman, Alexander & Iredell County District Engineer, informed the Board that the N.C. Department of Transportation planned to realign Poole Gooden Road and bring it up to secondary unpaved road standards at a cost of \$177,500.

Commissioner Robertson made a motion to approve the proposed improvements to Poole Gooden Road. Commissioner Keever seconded the motion. The Board voted unanimously in favor of the motion.

Commissioner Hammer requested a 2005-2009 Secondary Road Program priority list be sent to Rick French, County Manager.

Several other issues relating to the N.C. Department of Transportation were discussed, including the following:

Highway Obstruction Interfering with Traffic / Maintenance

Commissioner Keever explained that he and Commissioner Hammer had received letters stating that their brick mailboxes were considered a road side hazard and would have to be removed. He stated that he was not aware that there had been a law in effect since 1978 regarding these types of structures and he felt the public should be made more aware of these types of laws.

Commissioner Hammer stated that there were numerous homes in the counties with brick columns or mailboxes in the right-of-way and he asked how the N.C. Department of Transportation chose which property owners to contact. Patrick Norman replied that once a complaint was received against a property owner, a district technician was sent out to investigate and measure the right-of-way for the entire road. He also stated that if found to be in violation, the property owner was then mailed a certified letter requesting the structure be removed.

Commissioner Hammer felt that it was not fair to require a few of these structures to be removed if it was not going to apply to the entire county.

N.C. Moving Ahead Program

Commissioner Hammer asked if any N.C. Moving Ahead funding would be spent in Alexander County this year, preferably for the widening and traffic light at the intersection of Highway 16 South and Macedonia Church Road. Mark Taylor replied that he had not received any reports of any funding being spent this year; however, he pointed out that the Highway 16 South / Macedonia Church Road project had been discussed many times and was supposed to happen soon although authorization to begin has not been given.

Brush Mowing / Trimming

Commissioner Hammer mentioned several areas along roadways where brush was obstructing the views of motorists in curves. Mr. Norman explained that the brush mowing crew was currently working in Iredell County but would return to Alexander County soon. He also requested the Board inform them of pinpointed areas that needed trimming.

Commissioner Hammer felt that more communication and information was needed from the N.C. Department of Transportation. He stressed the need for County staff to be kept informed of work being done or other projects so that the public could also be made aware.

PUBLIC HEARING: REZONING CASE 06-6: BROWN

Sylvia Turnmire, Director of Planning & Development, presented Rezoning Case 06-6 submitted by Steve Brown. The applicant requested rezoning of property located on Woodring Road from RA-20 (Residential-Agricultural) to H-C (Highway Commercial) to allow for additional parking for an off-site existing business, mini storage buildings. The size of the property is 1.5 acres and the current land use is vacant. Ms. Turnmire stated that zoning within 100 feet of the property was RA-20 to the north and east, H-C and L-I (Light Industrial) to the south, and H-C to the west. There is vacant property to the north and west, a singlewide manufactured home to the east, and a restaurant, retail, and industrial property to the south.

Ms. Turnmire stated that the subject property was bordered to the south by Bethlehem Shopping Center, PJ's Seafood & Steak Restaurant, and Hancock & Moore. She noted that Mr. Brown's existing business, located on the corner of Ted Bolick Lane and N.C. Highway 127, consisted of moving van rentals and mini storage buildings, among other uses. Ms. Turnmire stated that if approved, all current landscaping and parking requirements would apply.

Ms. Turnmire informed the Board that Section 154.170 of the Alexander County Zoning Ordinance stated that the purpose of the H-C District was to provide suitable locations for those commercial activities which serve primarily the traveling public, including those which function rather independently of each other. Section 154.140 states that the RA-20 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.

Ms. Turnmire stated that the 1993 Land Development Plan showed this property as being 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 growth.

Ms. Turnmire stated that access to the property was from Woodring Lane, which is privately maintained. She mentioned that Woodring Lane was accessed from S&K Road, for which the 1995 Alexander County Thoroughfare Plan did not mention any major changes. She also stated that the 2004 Annual Average Daily Traffic County for S&K Road was 290 trips per day while nearby N.C. Highway 127 had 12,000 trips per day.

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 is adjacent to similar uses and zoning districts.
2. The property lies within an "urban transition area" as defined by the Land Development Plan.

She also pointed out that the Planning & Zoning Commission reviewed the request on July 6, 2006 and unanimously recommended approval based on the following:

1. The property is in an "urban transition area" as identified by the Land Development Plan.
2. The property is adjacent to a Highway Commercial Zoning District.

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)(1) of the Alexander County 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 Bolick seconded the motion. The Board voted unanimously in favor of the motion.

Commissioner Robertson made a motion to approve Rezoning Case 06-6 based on the fact that the property is located within an "urban transition area" which provides for the use for which the applicant is requesting. Commissioner Bolick seconded the motion. The Board voted unanimously in favor of the motion.

PUBLIC HEARING: REZONING CASE 06-7: MILLSAPS

Sylvia Turnmire, Director of Planning & Development, presented Rezoning Case 06-7 submitted by Matthew Millsaps. The applicant requested rezoning of property located off Boston Road

from R-20 (Residential) to RA-20 (Residential-Agricultural) to allow for a singlewide manufactured home. The size of the property is 17.3 acres and the current land use is vacant. Ms. Turnmire stated that zoning within 100 feet of the property was R-20 to the north and RA-20 to the south, east, and west. There is single-family residential property to the north, south, east, and west of the property as well as agricultural uses to the north, a singlewide manufactured home and agricultural uses to the south, and a singlewide manufactured home to the east.

Ms. Turnmire stated that the subject property was obtained by Mr. Millsaps in 2005 and she noted that the property would be served by public water and a private septic system.

Ms. Turnmire informed the Board that Section 154.145 of the Alexander County Zoning Ordinance stated that the purpose of the R-20 District was to provide quiet, low-density living areas consisting of single-family and related uses necessary for sound neighborhoods. Section 154.140 states that the RA-20 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.

Ms. Turnmire stated that the subject property was not located in a designated area of the 1993 Land Development Plan. She also pointed out that the 1995 Alexander County Thoroughfare Plan did not mention any improvements to Boston Road.

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 proposed use and zoning district being consistent with adjoining properties.

She also pointed out that the Planning & Zoning Commission reviewed the request on July 6, 2006 and unanimously recommended approval also based on the proposed use and zoning district being consistent with adjoining properties.

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)(1) of the Alexander County 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 Bolick 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 Rezoning Case 06-7 based on the proposed use and zoning district being consistent with adjoining properties as outlined in the Zoning Ordinance. Commissioner Bolick seconded the motion. The Board voted unanimously in favor of the motion.

CALENDAR OF EVENTS FOR THE SCHEDULE OF VALUES

Luther Stocks, Tax Administrator, and Ron McCarthy, Revaluation President of RSM Appraisals, presented a calendar of events for the Schedule of Values, which included the following information:

July 24, 2006	Present Schedule of Values to the Board of Commissioners
July 26, 2006	Advertise in newspaper that the Schedule of Values is open to the public for inspection in the Tax Administrator's Office
August 14, 2006	Hold public hearing during the regularly scheduled Commissioners' Meeting
August 28, 2006	Board of Commissioners will consider and adopt the Schedule of Values
August 30, 2006	First date to advertise notice that the Schedule of Values has been adopted by the Board of Commissioners and informing anyone wanting to take exception with the Schedule and appeal to the N.C. Property Tax Commission to do so in writing by October 4, 2006
September 6, 2006	Second date to advertise notice
September 13, 2006	Third date to advertise notice
September 20, 2006	Fourth date to advertise notice
October 4, 2006	Last date Schedule of Values can be challenged

Mr. McCarthy informed the Board that staff was currently 40% complete with the assessment of approximately 20,000 parcels in the county. He pointed out that the remaining 60% would take about 6 months to complete.

Commissioner Keever made a motion to approve the calendar of events for the Schedule of Values. It was noted that no action was needed at this point; therefore, Commissioner Keever withdrew his motion.

CATAWBA-WATEREE RELICENSING FINAL AGREEMENT

Sylvia Turnmire, Director of Planning & Development, presented a PowerPoint Slide Show Presentation which discussed the Final Agreement to the Catawba-Wateree Hydro Project as negotiated between Duke Energy Carolinas and stakeholders over the past 3 years. She stated that the final agreement included provisions for recreation and habitat flow; low inflow and emergency protocols, public information, public recreation, water quantity and water quality issues; species protection, and shoreline management. She also noted that most of the sections have an associated work plan that would also be filed with the Federal Energy Regulatory Commission (FERC).

Ms. Turnmire pointed out several important topics within the comprehensive final agreement, which included the following:

1. Annual Recreation Flow Schedule – A meeting will be held each year to coordinate hydro power generation with recreational flows needed for water-based businesses and individual recreation needs. (Section 3)
2. Water Users Agreement – Focuses on the “water withdrawal fee” issue and the consensus between all large water intake owners to form a voluntary Water Management Group (WMG). The WMG will make a contribution to the fund based on average monthly water withdrawals from and flow returns. Duke Power will make the first contribution in 2008, followed by the intake owners in 2009. (Section 5)
3. Low Inflow & Emergency Protocols – Provisions are included which outline necessary steps for the licensee and intake owners in case of drought or emergency conditions. (Sections 6 & 7)
4. Public Information – Issues surrounding this section have been resolved concerning signage and warning systems. Signs in English and Spanish will be placed at the Oxford Tailrace. The warning system will be repaired or replaced as well as repeaters added at the upper end of Riverbend Park. Literature will also be provided describing each facility and the amenities provided. (Section 8)
5. Public Recreation – New and expanded recreational opportunities are planned all along the basin with several improvements planned in and near Alexander County. Duke Power commits to improvements at Dusty Ridge Park and the Wittenburg Access Area, as discussed at earlier meetings. Two swimming areas are still planned for the stretch of Lake Hickory to Lookout Shoals Lake. The agreement was revised to state that the swimming area will be offered to Alexander County through an AAI lease and if not accepted, Duke Power will seek another partner. Improvements will also be made at Oxford Dam in Catawba County’s jurisdiction. (Section 10)
6. Land Conservation – Duke Power will also provide \$4 million to the N.C. Wildlife Resources Commission or N.C. Department of Environmental and Natural Resources

for public recreation, game lands, or compatible permanent conservation. (Section 14)

Ms. Turnmire informed the Board that Section 16-39, which contained legal statements, had been forwarded to the County Attorney to review. She stated that staff recommended the Board authorize the Chairman to sign the Final Agreement on behalf of Alexander County with the following conditions:

1. The Final Agreement should remain as written on July 18, 2006 with only spelling or grammatical changes, if necessary.
2. Alexander County is not legally bound to an AAIL lease for the swimming area if the Board determines at the time it is offered that the financial burden and liability issues are too great.
3. The WMG remains as proposed in the Final Agreement, involving large water intake owners as well as Duke Power for the contribution of funds. The WMG is strongly encouraged to use the funds for sedimentation removal and overall water quality enhancement in their respective states.

Ms. Turnmire presented a resolution authorizing the Chairman to sign the Final Agreement on the County's behalf. She explained that all parties to the agreement were being asked to sign such a document, a suggestion by the FERC. Ms. Turnmire mentioned that a signing ceremony would be held on Wednesday, July 26, 2006 at the Daniel Stowe Botanical Gardens for all signatories to attend. She also noted that the Final Agreement and all other associated documents and applications would be filed with the FERC by August 31, 2006.

Commissioner Robertson felt that additional wording needed to be added to the resolution stating that adoption of the resolution would not bind future boards to entering into recreational AAIL leases. The Board agreed and directed Ms. Turnmire and Rick French, County Manager, to revise the resolution to reflect the change.

Commissioner Robertson made a motion to approve the resolution authorizing the Chairman's signature to the Final Agreement with the stipulation that a clause would be added that adoption of the resolution would not bind future boards to entering into recreation AAIL leases. Commissioner Bolick seconded the motion. The Board voted unanimously in favor of the motion.

2006 OZONE REPORT

Sylvia Turnmire, Director of Planning & Development, gave an update on the 2006 Ozone Season which began at the end of April. She reported that the Hickory area had 3 "High Ozone Action Days" forecasted on May 30th, June 22nd, and June 23rd; however, she noted that those dates did not correspond to our highest ozone concentration levels which were on May 24th and June 16th with a reading of .082ppm both days. She also stated that Alexander County experienced 2 other high ozone days on June 19th and June 20, 2006.

Ms. Turnmire explained that to maintain the attainment status that the County's monitor achieved in 2004 and 2005, the values threshold is .085ppm. She stated that the monitor had not exceeded that level as of July 8, 2006.

PUBLIC COMMENT PERIOD

There was no one present to speak during the Public Comment Period.

DESIGNATION OF VOTING DELEGATE FOR THE NCACC ANNUAL CONFERENCE

Chairman Yoder informed the Board that a Voting Delegate needed to be designated for the NCACC Conference to be held on September 7-10, 2006 in Forsyth County.

Commissioner Hammer made a motion to nominate Chairman Yoder to serve as the Voting Delegate. Commissioner Robertson seconded the motion. The Board voted unanimously in favor of the motion.

ENERGY CONSERVATION POLICY

Rick French, County Manager, presented a proposed Energy Conservation Policy for Alexander County buildings which will save 15% on energy costs per year. He reviewed several items outlined in the policy including temperature settings and other guidelines to reduce energy consumption.

Mr. French explained that the policy was very similar to that of the school system and he noted that staff would be working with the school system in regards to training to perform periodic audits of energy conservation. He also mentioned that the policy could be revised in the future if needed.

Commissioner Bolick made a motion to approve the Energy Conservation Policy. Commissioner Hammer 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. HEALTH BOARD

Appoint Penny Mitchell

3 years

Reappoint Dwight Shook
Appoint Tiffany Hubbs (replacing Dr. William Southworth whose term expires February 2008)

B. SENIOR CENTER BOARD

Appoint Margo Mosley 2 years

Commissioner Hammer mentioned that the Board needed to appoint one more member to the Town Planning Board of Adjustments for a one-year term. He stated that the individual had to live in the ETJ of the Town limits and he asked the Board to inform him of any suggestions.

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

BUDGET ORDINANCE AMENDMENTS #1 - #4

Rick French, County Manager, discussed the purpose of Budget Amendments #1 - #4, which included the following:

Budget Amendment #1 – To budget for a 2.5% cost-of-living adjustment for 2006-2007 (increase effective with the 7/21/06 payroll).

Budget Amendment #2 – To budget for a 2.5% cost-of-living adjustment for 2006-2007 (increase effective with the 7/21/06 payroll).

Budget Amendment #3 – To budget for the purchase of a truck and related equipment for Animal Control. To increase the budget for 2006-2007 WPCOG dues that are greater than original estimates.

Budget Amendment #4 – To increase the budget for the first of 3 annual payments for a new loader. To budget for metal recycling revenue in the landfill department instead of the convenience center department.

Commissioner Keever made a motion to approve Budget Amendments #1 - #4. 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 deadline for the N.C. Award for Outstanding Volunteer Service is July 31, 2006. Nomination forms should be submitted to Jamie Starnes, Clerk to the Board, no later than Friday, July 28, 2006.
- B. The Alexander County School System Opening Session will be held on Tuesday, August 22, 2006 at 8:30 AM in the auditorium.
- C. The CVCC / Alexander Center will be hosting the Chamber After Hours on July 27, 2006.
- D. The lease with Mark North has been signed for the Bethlehem Branch of the Alexander County Library. Construction began on July 17, 2006.
- E. The date for the next "free day" at the Alexander County Landfill and convenience sites is Saturday, October 22, 2006.

CONSENT AGENDA

- A. Minutes from the June 19, 2006 Regular Commissioners' Meeting.
- B. Tax Release Requests for June \$6,413.18 and Tax Refund Request for June \$1,146.69.
- C. EMS Invoice.

Commissioner Kever 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, 4, 5, & 6) TO PREVENT DISCLOSURE OF CONFIDENTIAL INFORMATION, ECONOMIC DEVELOPMENT, CONTRACTUAL, & PERSONNEL

Chairman Yoder made a motion to enter into Closed Session at 7:55 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 Kever 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 8:38 PM. Commissioner Robertson seconded the motion. The Board voted unanimously in favor of the motion.

Larry G. Yoder, Chairman

Jamie M. Starnes, Clerk to the Board