

Draft

**BOARD OF COMMISSIONERS**  
**REGULAR MEETING** August 28, 2006

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

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

**ABSENT:** 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, August 28, 2006 in the Catawba Valley Community College / Alexander Center Multipurpose Room, Taylorsville, North Carolina. A quorum was present.

**CALL TO ORDER**

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

**INVOCATION & PLEDGE OF ALLEGIANCE**

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

**\*\*\*SPECIAL ANNOUNCEMENTS\*\*\***

The following were acknowledged:

**Industrial Timber**

David Icenhour, Economic Development Director, announced that Industrial Timber had relocated its headquarters and manufacturing from Cornelius, N.C. to the former Southern Devices / Leviton Corporation building located on White Plains Road. He introduced Craig Larson, President, who explained that Industrial Timber produced wood frames for Broyhill Plant #5 along with several other furniture manufacturers in other

states. He also pointed out that the business would create 42 new jobs for Alexander County.

#### **YMCA Facility / Aquatics Center**

Chairman Yoder announced that the location for the YMCA facility and Aquatics Center would be on a County-owned site adjacent to U.S. 64 and located between Highway 16 South and Martin Luther King Drive and would be accessible from Highway 16 South by using Commercial Park Avenue.

Chairman Yoder introduced Marcheta Campbell, Angela Blakely, and Terry Fincannon from the YMCA as well as Mackie Johnson and Barry Icard from Mackie Johnson Architects. Mr. Johnson presented some drawings and plans of the project and discussed the phases for construction of the project. Ms. Campbell thanked the members of the Board for their partnership and patience.

#### **COMMISSIONER'S REPORT**

Chairman Yoder stated that Commissioner Norris Keever had suffered a heart attack this morning at approximately 9:30 AM. He reported that Commissioner Keever had been taken to Iredell Memorial Hospital and then on to Frye Regional Medical Center where he underwent a heart catheterization and received 3 stints. Chairman Yoder noted that Commissioner Keever was doing much better and responding well to treatment and he asked everyone to keep him in their prayers.

Commissioner Robertson discussed a letter received from the N.C. Department of Health and Human Services recognizing Alexander County's Challenge for Children Program which strived to reduce the backlog of children waiting for foster care. Commissioner Robertson was pleased to announce that 2005 ended in a 45% reduction of children on the waiting list in Alexander County. He also urged anyone interested in becoming a foster parent to contact the local DSS Office.

#### **ADOPTION OF AGENDA**

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

#### **SECOND PUBLIC HEARING: CRAFTMASTER FURNITURE, INC. CDBG ECONOMIC DEVELOPMENT PROJECT**

Sherry Long, WPCOG Community Development Director, stated that this was the second public hearing required before submitting the application for Alexander County's Craftmaster Furniture Economic Development Project. She informed the Board that the grant requested \$750,000 in CDBG funds from the N.C. Department of Commerce Finance Center to provide public sewer to

Craftmaster Furniture in Hiddenite who was committed to creating 63 jobs for the benefit of previously low or moderate income persons.

Ms. Long explained that this CDBG project was part of a larger sewer and water project totaling \$2,140,000 which sought 4 grants from the N.C. Department of Commerce Finance Center, the Rural Center, and Appalachian Regional Commission (ARC). The overall project proposes to provide public sewer to Craftmaster Furniture, the Mitchell Gold + Bob Williams Too facility, and Paladin Furniture. Ms. Long stated that the existing water line serving Craftmaster Furniture and Mitchell Gold + Bob Williams Too would be upgraded to 12 inches thus creating fire protection.

Ms. Long pointed out that the Town of Taylorsville and Paladin Furniture had also applied for a Rural Center Economic Infrastructure Grant to provide part of the match for this CDBG project. She also reported that the total amount of local funds required from Alexander County would be \$100,000. Ms. Long requested approval of the authorizing resolution and assessment policy as well as authorization to allow staff to submit the application to the N.C. Department of Commerce Finance Center.

Commissioner Hammer inquired about the timeline of the project. Ms. Long stated that construction was projected to begin in February or March 2007 and connections to be made in December 2007 if all grants were approved.

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.

Commissioner Robertson made a motion to approve the authorizing resolution and assessment policy as well as to allow staff to submit the grant application to the N.C. Department of Commerce Finance Center as requested. Commissioner Bolick seconded the motion. The Board voted unanimously in favor of the motion.

#### **ADOPTION OF THE SCHEDULE OF VALUES**

Luther Stocks, Tax Administrator, reviewed the calendar of events for the Schedule of Values initially presented to the Board at the July 24, 2006 Commissioners' Meeting. Mr. Stocks stated that once approved, staff would advertise a notice that the Schedule of Values had been adopted and requesting anyone wanting to take exception with the Schedule to appeal to the N.C. Property Tax Commission in Raleigh N.C. by October 4, 2006.

Commissioner Robertson made a motion to adopt the Schedule of Values. Commissioner Hammer seconded the motion. The Board voted unanimously in favor of the motion.

#### **PUBLIC HEARING: CONDITIONAL USE 06-2: TOMASHEK**

Sylvia Turnmire, Director of Planning & Development, presented Conditional Use Permit 06-2 submitted by William and Deborah Tomashek who requested conditional use approval to construct a 900 square foot dog and cat kennel on property located at 648 Friendship Church Road. The size of the property is 4 acres and the existing land use is residential consisting of a site-built home, a singlewide manufactured home, 3 accessory structures, and a swimming pool. 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, single-family residential and vacant land to the south, single-family residential and a singlewide manufactured home to the east, and single-family residential to the west. She also provided supplemental drawings of the proposed kennel as well as the Environmental Health Construction Authorization Septic Permit and location map.

Ms. Turnmire informed the Board that the RA-20 zoning district allowed the proposed expansion as a conditional use and she stated that the physical location of the proposed kennel well surpassed the requirements for this district. She explained that the kennel would be completely fenced-in and was to be located 858 feet from the right-of-way line of Friendship Church Road (40 feet required) and more than 100 feet from any other structures on the property (10 feet required). She also noted that the side yard setbacks were proposed at 60 feet (15 feet required) and a rear yard setback of 300 feet (40 feet required).

Ms. Turnmire reported 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 received 5 calls including 2 for information only and 3 from adjoining property owners who stated their opposition to the request.

Ms. Turnmire stated that Planning & Development staff recommended approval of the conditional use permit with a condition that the applicant must maintain a buffer as outlined in Section 154.039 of the Zoning Ordinance for non-residential uses abutting a residential use and shall be a minimum width of 15 feet and consist of 2 rows.

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

#### **Public Comment**

Bill Tomashek stated that the proposed kennel would be used for boarding purposes only, not breeding. He discussed the dimensions of the inside and outside runs and cages.

Debbie Tomashek explained that the plans and drawings showed 20 dog runs and 4 cat cages to allow for growth; however, she noted that she intended to operate the kennel at 10 dog runs and 4 cat cages.

James Harold Pennell stated that his daughter, Sarah Pennell, was an adjoining property owner but he pointed out that his name was on her deed. He voiced his concerns with smell, noise, and traffic and stated that he did not want a kennel in his daughter's yard. He also stated that he would get his attorney involved if the kennel was approved.

Sarah Pennell was concerned that the kennel would make the value of her property decrease and that property taxes would increase. She also mentioned that traffic would be an issue, especially if the Tomashek's converted the kennel into a larger business and had the property rezoned.

Juanita Stafford stated that she and her husband Ray had lived in the area for almost 60 years and did not feel that the neighborhood needed a dog kennel. She pointed out that a fence would not take the smell or sound away and she noted that there was always a chance that an animal would escape and roam around the neighborhood.

Ray Stafford also stated that he did not want a kennel in the neighborhood. He discussed animals escaping and tearing up his and his neighbor's property.

Darlene Carrigan, adjoining property owner to the north, was concerned about the noise associated with the proposed kennel. She felt that dogs being boarded in a strange place away from home would bark more than usual. She also expressed her concerns regarding waste odor, the attraction of rats and snakes, escape of animals which could lead to the spreading of sickness and disease to neighborhood pets, and the devaluation of her property. She noted that she did not want to deny anyone their livelihood; however, she felt that this area was not a desirable place for a kennel.

Barry Jolly stated that he was also concerned with noise and the value of his property decreasing. He noted that he was also a pet owner but did not feel this was a good location for a kennel.

Daniel Oxtentine expressed his concerns with female dogs being in heat at the kennel and attracting strays. He felt that there were more appropriate areas of the county for a kennel.

Renae Daniels stated that there were too many elderly people and residents with children in the area that couldn't get away from a dangerous animal if one escaped.

Helen Pennell, Sarah Pennell's mother, stated that she appreciated that fact that the Tomashek's wanted to provide a kennel for the public but she felt that this area was not suitable for a kennel and she noted that there was lots of vacant land elsewhere in the county. She also stated that she was concerned about smell, noise, safety, traffic, devaluation of property, increase of property taxes, and the property being rezoned in the future.

Kelly Bowman and Lilly Mae Bowman simply stated that they agreed with the others who had spoken.

Debbie Tomashek stated that she had no intentions of keeping big or dangerous dogs, only small lap dogs and cats, and she noted that a barking dog would be taken inside the kennel. She also pointed out that she would be very sensitive to the noise level which is why the kennel was proposed for the very back of the property; however, she did not

foresee a problem with noise or odor. Ms. Tomashek noted that she kept a very clean house and would also keep a clean kennel as well. She felt that a boarding kennel would be a great service to the community for residents who couldn't take their pets on vacation with them.

Mr. Tomashek pointed out that he and his wife would be residents at the property meaning that someone would always be there to take barking dogs inside the kennel. He also stated that the kennel would be made of block and would be insulated to prevent noise from carrying. Mr. Tomashek explained that an underground receptacle had been approved by Environmental Health for animal waste, eliminating the concern for odor; however, he stated that he was willing to increase the buffer to please neighbors if necessary. He felt that traffic would be very minimal (limited to residents dropping off or picking up animals when they went on vacation) and he noted that the subject property and Ms. Carrigan's property was separated by a creek and large ravine, reducing any distractions for her. Mr. Tomashek stated that he didn't feel this was an unreasonable request and he didn't want to make any enemies.

Ms. Carrigan informed the Board that her property would be impacted the most of anyone else's because the Tomashek's planned to put the kennel as far back on their property as possible and she noted that, even though there was a creek and ravine between the properties, she would still be able to see the kennel and hear barking.

Barry Jolly asked if the Tomashek's would be willing to go outside at 3:00 AM in the rain or snow to stop a dog from barking. Ms. Tomashek replied that all animals would be taken inside the kennel at night so that wouldn't be an issue.

James Harold Pennell stated that he was in the fence building business for many years and built many kennels and he noted that a 6 foot fence would not keep all animals in. He again stated that he did not want a kennel beside his daughter's property and would contact his attorney if the request was approved.

Kathy Bowles felt that many neighbors were worried about property tax values decreasing and she asked who could educate her about this.

Chairman Yoder replied that he did not see how the placement of this kennel would affect anyone's tax value; however, he suggested anyone with questions to contact Luther Stocks, Tax Administrator.

Commissioner Bolick stated that he would like to be more educated regarding the operation of kennels before he made a decision on the request. He noted that he planned to visit some kennels in the area and encouraged the neighbors present at the meeting to do the same.

Commissioner Hammer stated that he did not foresee this kennel having any impact on surrounding property values and he felt that animals being kept inside would alleviate any noise issues. He mentioned that he also needed to be more educated on kennels before making a decision.

Commissioner Robertson suggested the neighbors sit down with the Tomashek's to discuss plans and concerns to possibly resolve some issues. At this point, several neighbors stated that they did not wish to take part in such a meeting. Commissioner Robertson also pointed out that the intentions of operating 10 dog runs and 4 cat cages had not been stated on the application and he suggested the application be resubmitted to state that before the Board took action on the request.

There being no further public comment, Commissioner Robertson 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 table consideration of Conditional Use Permit 06-2 to allow for the application to be resubmitted showing the intent of operating 10 dog runs and 4 cat cages and he suggested the neighbors meet with the Tomashek's to discuss their proposal. Commissioner Bolick seconded the motion. The Board voted unanimously.

### **BUDGET ORDINANCE AMENDMENTS #6 & #7**

Rick French, County Manager, discussed the purpose of Budget Amendments #6 and #7, which included the following information:

Budget Amendment #6 – To amend the budget to track expenditures for the courthouse in the court facility departmental budget. To increase the budget for the County portion of the N.C. Forestry agent per the 2006-2007 contract. To budget for donations from local organizations for a scale purchased by the Extension Service. To increase the budget for respite services due to a grant received from the WPCOG. To increase the budget for subsidized child care due to increased funding authorizations. To budget for County-funded start-up costs of the Bethlehem Branch Library.

Budget Amendment #7 – To increase the transfer to the County Capital Projects Fund due to a refund of annual maintenance fees on the old voting machines.

Commissioner Hammer made a motion to approve Budget Amendments #6 and #7. 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 Jail Architect Study Committee met with 4 architects on Friday, August 18, 2006 and also toured the McDowell and Watauga County jail facilities on Friday, August 25, 2006 (photos were shown). The group plans to tour the Brunswick County jail sometime soon.

- B. Construction continues on the new Elections Office, which should be completed in October. The Elections Office plans to begin their move in early December 2006.
- C. Construction also continues on the new Bethlehem Branch Library. An "opening soon" sign has been ordered as well as shelving and computers.

#### **CONSENT AGENDA**

- A. Minutes from the August 14, 2006 Regular Commissioners' Meeting.

Commissioner Robertson made a motion to approve the Consent Agenda. Commissioner Hammer 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 Hammer made a motion to enter into Closed Session at 7:40 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 Robertson made a motion to adjourn at 7:57 PM. Commissioner Hammer seconded the motion. The Board voted unanimously in favor of the motion.

---

Larry G. Yoder, Chairman

---

Jamie M. Starnes, Clerk to the Board