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**BOARD OF COMMISSIONERS**  
**REGULAR MEETING**     September 11, 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, September 11, 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**

Sgt. Randy Porter gave the invocation and members of the Alexander Central High School Navy Junior ROTC presented the colors and led the Pledge of Allegiance to the Flag. JROTC members included Cadet Jason McDaniel, Cadet Brandon Abernethy, Cadet Stanley Pettit, Cadet Erica Bennett, and Cadet Randy Skinner.

**COMMISSIONER'S REPORT**

Chairman Yoder congratulated Micah Henry on being named Managing Editor with *The Taylorsville Times* earlier this year.

Chairman Yoder stated that Governor Mike Easley had declared September as "Ready North Carolina Month" to urge citizens, businesses, and schools to be prepared for disasters and terrorist attacks. He noted that information on how to be prepared was available at

[www.readync.org](http://www.readync.org) and [www.alexandercountync.gov](http://www.alexandercountync.gov) as well as the County Emergency Services Office and American Red Cross.

Chairman Yoder mentioned that on Thursday, September 14, 2006 at 6:30 PM the Master Gardeners would be planting a tree at the Bethlehem EMS base in remembrance of those who lost their lives during the terrorist attacks on September 11, 2001. He also conveyed his appreciation to all service men and woman, police officers, and emergency service workers for protecting others.

Chairman Yoder discussed the Concord and Kannapolis Inter-Basin Transfer issue and informed everyone that the Board was opposed to the proposal to allow the cities of Concord and Kannapolis to transfer approximately 39 million gallons per day from the Catawba River Basin to the Rocky River Basin. He explained that several Board members had attended a meeting in Valdese on Thursday, September 7, 2006 and would attend another meeting on September 18, 2006 in Charlotte. He urged county citizens to attend the public comment period during the September 25, 2006 Commissioner's Meeting and voice their concerns regarding the proposal because a video of all comments made would be sent to the N.C. Department of Environmental and Natural Resources Division of Water Resources.

Commissioner Keever conveyed his appreciation to the EMS staff that responded to his emergency call on Monday, August 28, 2006. He stated that there were 2 paramedics at his home within 5 minutes of the call and he thanked them for a job well done.

#### **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.

#### **REVISION OF CONDITIONAL USE PERMIT 06-2: TOMASHEK**

Sylvia Turnmire, Director of Planning & Development, informed the Board that on Thursday, August 31, 2006, William Tomashek submitted a revised proposal for Conditional Use Permit 06-2. She explained that the revision asked for 10 dog runs and 4 cat cage areas and she noted that the Tomashek's offered 4 other conditions for the proposed project with the intent of addressing the issues raised during the public hearing of noise, traffic, and odor which included the following:

1. All dog runs will be inside the building with no runs outside.
2. Business hours will be from 9:00 AM to 6:00 PM, 7 days a week.
3. Drop-off / pick-up times will be from 9:00-11:00 AM and 4:00-6:00 PM.
4. Additional cedar shrubs will be planted to provide added buffer.

Ms. Turnmire stated that she had received one call since the public hearing held on August 28, 2006 from an individual requesting a copy of the entire file for Conditional Use Permit 06-2, which was made and given to the individual on Friday, September 8, 2006.

Commissioner Kever asked if any permit other than a building permit was required for someone wanting to construct a chicken house, hog lot, dairy farm, etc. Ms. Turnmire replied that the state did not allow counties to regulate any type of agricultural use; therefore, no permit other than a building permit was required.

Commissioner Kever asked if a conditional use permit was required if a kennel was being constructed for an individual's private animals. Ms. Turnmire replied that a permit would not be required.

Commissioner Kever also asked if the permit and operation of the kennel could be terminated if the specified conditions were violated. Ms. Turnmire replied that the permit and operation could, in fact, be terminated if conditions were violated.

Commissioner Robertson discussed the fact that a kennel was allowed as a conditional use in an RA-20 (Residential Agricultural) zoning district upon approval of a conditional use permit and he asked how that came to be established within the Zoning Ordinance. Ms. Turnmire replied that conditional uses had been included in the original Bethlehem Zoning Ordinance adopted in 1987 which carried over to countywide zoning adopted in 2001. Commissioner Robertson also inquired as to whether kennels were allowed in other zoning districts such as H-C (Highway Commercial), L-I, (Light Industrial) and H-I (Heavy Industrial) without a permit. Ms. Turnmire replied that kennels were allowed in those zoning districts without a permit.

Commissioner Hammer stated that the Board was required to adhere to the regulations outlined in the Zoning Ordinance. He also thanked Ms. Turnmire for always doing a great job and being very thorough.

Commissioner Robertson pointed out that Conditional Use Permit 06-2 had been tabled at the August 28, 2006 Commissioners' Meeting so that the application could be clarified and resubmitted. He stated that he had also suggested at that meeting that the neighbors possibly meet with the Tomashek's to discuss their proposal and he asked if such a meeting had taken place. Several neighbors indicated that a meeting had not taken place by shaking their heads.

At this time, Commissioner Kever made a motion to approve Conditional Use Permit 06-2 for discussion purposes. Commissioner Robertson seconded the motion to allow for discussion purposes.

Commissioner Kever stated that he personally would not have a problem with a kennel operation being located in his neighborhood. He felt that the Tomashek's had gone to every effort to address the fears voiced by neighbors by enclosing and insulating the facility to eliminate noise and designing the septic system for drainage of waste to eliminate any odor. Commissioner Kever pointed out that the permit and operation of the kennel could be terminated if any conditions were violated; however, he felt that this kennel has been designed as

a first class facility. He also stated that a dairy farm or chicken house, which would not require a permit or approval from the Board, would be much more offensive in such a neighborhood.

There being no further discussion regarding this issue, the Board voted one in favor of the motion for approval of Conditional Use Permit 06-2 (Commissioner Keever) and 4 against the motion (Commissioners Bolick, Hammer, Robertson, and Yoder). The motion failed.

## **PUBLIC COMMENT PERIOD**

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

## **BUDGET ORDINANCE AMENDMENTS #8 - #10**

Rick French, County Manager, discussed the purpose of Budget Amendments #8 - #10, which included the following information:

Budget Amendment #8 – To increase the Economic Development budget for contributions to the Chamber of Commerce for a tourism webpage project (\$1,300) and sponsorship of the street dance (\$500). To amend the budget to track expenditures for the courthouse in the Court Facility departmental budget for fuel oil. To increase the budget for additional state funds allocated to the Health Department. To budget for a Friends of the Library donation for start-up costs of the Bethlehem branch library.

Budget Amendment #9 – To transfer funds between departments for allocation of annual insurance premiums for property and liability and workers' compensation.

Budget Amendment #10 – To transfer funds from the General Fund for allocation of annual premiums for property and liability and workers' compensation.

Commissioner Bolick made a motion to approve Budget Amendments #8 - #10. 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 Jail Committee is now planning a trip to Brunswick County to tour the jail facility on Friday, September 29, 2006.
- B. The Grand Opening Ceremony for the new dental office is scheduled for Friday, October 6, 2006 from 2:00 PM to 4:00 PM. The ribbon cutting will take place at 2:30 PM.

- C. The Elections Office is moving ahead and should be completed by October 1, 2006. Progress also continues on the Alexander County Library / Bethlehem Branch and staff hopes to be finished by early October. An "opening soon" banner has been placed at the site.
- D. The next "free day" at the landfill and convenience center is planned for Saturday, October 28, 2006.

Commissioner Keever made a motion to approve the County Manager's Report. Commissioner Bolick seconded the motion. The Board voted unanimously in favor of the motion.

### **CONSENT AGENDA**

- A. Minutes from the August 28, 2006 Regular Commissioners' Meeting.
- B. Tax Release Requests for August \$11,818.49 and Tax Refund Requests for August \$595.99.
- C. Community Development Block Grant Plans.
- D. Endorsement of Resolution of the Hickory City Council Opposing the Concord & Kannapolis Inter-Basin Transfer.
- E. Additional SFY 2007 Home and Community Care Block Grant Funding for year ending June 30, 2007.

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**

Chairman Yoder made a motion to enter into Closed Session at 6:29 PM to prevent the disclosure of confidential information and to discuss economic development, contractual matters, and personnel issue 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 Hammer made a motion to adjourn at 7:00 PM. Commissioner Bolick 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