

Draft

BOARD OF COMMISSIONERS
REGULAR MEETING September 24, 2007

ALEXANDER COUNTY
STATE OF NORTH CAROLINA

PRESENT: W. Darrell Robertson, Chairman
 Wes Bolick, Vice-Chairman
 William L. Hammer
 Harold M. Odom
 Larry G. Yoder

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 24, 2007 in the Catawba Valley Community College / Alexander Center Multipurpose Room, Taylorsville, North Carolina. A reception honoring all former elected officials for Alexander County was held prior to the meeting.

CALL TO ORDER

Chairman Robertson called the meeting to order at 6:30 PM.

INVOCATION & PLEDGE OF ALLEGIANCE

J.M. Lackey gave the invocation and Vernon Broyhill led the Pledge of Allegiance to the Flag. Both served as Alexander County Commissioners in the sixties.

ADOPTION OF AGENDA

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

SPECIAL RECOGNITION OF FORMER ELECTED OFFICIALS

The Board recognized all former elected officials who served as County Commissioner, Sheriff, Register of Deeds, and Clerk of Court for Alexander County. Chairman Robertson presented plaques to the following individuals in recognition of service as an Alexander County Commissioner:

Fred Walker (1962-1966)	Vernon Broyhill (1966-1970)
Dr. Glenn P. Deal (1970-1978)	J.M. Lackey (1970-1978)
Mack Treadway (1970-1978)	Harry Robertson (1978-1982)
Hurschel Teague (1978-1982)	Grier Lackey (1982-1986)
Dr. Ruby Little (1982-1986)	Tim Glass (1986-1998)
Craig Mayberry (1986-1998)	Douglas King (1986-1990)
Norris Keever (1988-1992 & 2002-2006)	Phil Icard (1988-1996)
Johnny Campbell (1990-1994)	Fred Lackey (1992-1996)
Guy Kerley (1994-1998)	David Odom (1998-2003)
Joel Harbinson (1998-2002 & 6/2003-7/2004)	John Watts (1998-2002 & 8/2004-11/2004)

Hayden Bentley, Sheriff, presented plaques to the following individuals in recognition of service as an Alexander County Sheriff:

Tom Bebber (1959-1962 & 1970-1990)	Ray Warren (1990-2002)
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Ben Hines, Register of Deeds, presented plaques to the following individuals in recognition of service as an Alexander County Register of Deeds:

Nuel Kester Martin (1946)	Ray Lackey (1950-1954)
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Seth Chapman, Clerk of Court, presented a plaque to the following individual in recognition of service as an Alexander County Clerk of Court:

Martha Adams (1972-1982)

SPECIAL REFERENDUM FOR .25% SALES TAX

Rick French, County Manager, stated that after two work sessions and continual discussions with County staff, he was recommending the Board proceed with holding a special referendum on

January 8, 2008 to enact a ¼ cent (25%) sales tax. He explained that this was in response to the Medicaid swap and the revenue options given to counties by the General Assembly including a sales tax and a land transfer tax and he noted that, so far, 27 counties had voted to hold a referendum for one or both of the revenue options. Mr. French stated that the sales tax would become effective on April 1, 2008 if approved in January.

Mr. French informed the Board that the ¼ cent (25%) sales tax, if approved by the citizens, would generate an additional \$589,000 in the first year and over a million each year for the following 4 years. He stated that these revenues could be used to pay for capital projects and infrastructure.

Joel Harbinson conveyed his appreciation to the Board for considering the referendum to enact the sales tax. He stated that every past commissioner, regardless of party, had supported the increase of sales taxes instead of property taxes to help alleviate the burden from property owners. He stated that everyone, including illegal aliens, paid sales taxes and contributed to the County so that services could be provided to the citizens.

Commissioner Yoder made a motion to hold a special referendum on January 8, 2008 to enact a ¼ cent (.25%) sales tax. Commissioner Hammer seconded the motion. The Board voted unanimously in favor of the motion.

PUBLIC HEARING: REZONING CASE 07-6 – POWELL

Sylvia Turnmire, Director of Planning & Development, presented Rezoning Case 07-6 submitted by Clarence Powell Jr. The applicant requested rezoning of property located at 2071 US 64/90 W from H-C (Highway Commercial) to RA-20 (Residential-Agricultural) to allow for residential use. The size of the property is 3.013 acres and the current land use is a vacant veterinary office. Ms. Turnmire stated that zoning within 100 feet of the property was RA-20 to the north, south, and west along with R-20 to the east. Land uses within 100 feet of the property include single-family site-built residential homes to the north and west along with single-family site-built residential and Lower Little River to the east and vacant property to the south.

Ms. Turnmire stated that the subject property was previously occupied by a veterinary services building. She explained that the building was originally used as a single-family residential dwelling until 2002 when William Southworth, veterinarian, renovated the existing home into a veterinary office after approval of rezoning occurred. Ms. Turnmire pointed out that Mr. Powell wished to retain a portion of the property as H-C for a potential commercial greenhouse.

She informed the Board that the purpose of the H-C District, according to Section 154.170 of the Alexander County Zoning Ordinance, 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 located in a Limited Transition Area which has the purpose of "providing for development in areas that will have some services but that are only suitable for lower densities than those associated with the Urban Transition class and/or areas that are geographically remote from existing towns and municipalities. Areas meeting the intent of the Limited Transition classification will experience increased development necessitating some municipal services such as community water or sewage systems."

She also pointed out that the 1995 Alexander County Thoroughfare Plan showed that the improvement of US 64/90 from NC 18 in Caldwell County to Three Forks Church Road was an identified future need. The 2006 NCDOT average daily traffic count for a nearby section of US 64/90 was 4,600 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 mentioned that staff had not received any calls regarding this request and that no one spoke in opposition to the request at the Planning & Zoning Commission Meeting.

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 a residential zoning district.
2. Adjacent properties include similar residential uses.
3. The property lies within a Limited Transition area as defined by the Alexander County Land Development Plan.

She also pointed out that the Planning & Zoning Commission held a public hearing on September 6, 2007 to review the request and unanimously recommended approval based on the following:

1. The property is adjacent to a residential zoning district.
2. Adjacent properties include similar residential uses.
3. The subject property lies within a Limited Transition Area.

Ms. Turnmire explained that based on the information provided, the Board must determine whether the rezoning request meets the guidelines set forth above. 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, the Alexander County Thoroughfare Plan, and if the proposed amendment is reasonable with regard to the public interest.

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

Public Comment

Clarence Powell Jr. stated that it was his wife's dream to operate a greenhouse. He explained that he and his wife wanted to reside on the property as well as sell plants from the greenhouse.

There being no further 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 07-6 based on the fact that the property is adjacent to a residential zoning district, adjacent properties include similar residential uses, and the property lies within a Limited Transition Area. Commissioner Odom seconded the motion. The Board voted unanimously in favor of the motion.

PUBLIC HEARING: REZONING CASE 07-7 – COCKRELL

Sylvia Turnmire, Director of Planning & Development, presented Rezoning Case 07-7 submitted by Frank & Betty Cockrell. The applicant requested rezoning of property located at the northeast corner of Highway 90E and Moose Drive in Stony Point from H-C (Highway Commercial) to RA-20 (Residential-Agricultural) to allow for residential use. The size of the property is 1.41 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, south, and east along with H-C to the west. Land uses within 100 feet of the property include single-family site-built residential homes to the north, south, and east as well as a doublewide manufactured home to the north, abandoned site-built residential to the south, vacant property to the east, and automobile service/repair and a doublewide manufactured home to the west.

Ms. Turnmire stated that the property was obtained by the current property owners in 1996 and was surrounded mostly by residential use. She explained that the property fell within the US Highway 64 / NC Highway 90 Zoning Corridor that was adopted in 1997. The property then fell within countywide zoning in 2001 and was initially zoned H-C with adoption of the 64/90 Corridor.

She informed the Board that the purpose of the H-C District, according to Section 154.170 of the Alexander County Zoning Ordinance, 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 located in a Limited Transition Area which has the purpose of "providing for development in areas that

will have some services but that are only suitable for lower densities than those associated with the Urban Transition class and/or areas that are geographically remote from existing towns and municipalities. Areas meeting the intent of the Limited Transition classification will experience increased development necessitating some municipal services such as community water or sewage systems.”

She also pointed out that the 1995 Alexander County Thoroughfare Plan identified this section of NC Highway 90 East to be a Major Collector; however, it was not identified as needing improvement in the plan. The 2006 Annual Average Daily Traffic Count was 4,300 vehicles per day on NC Highway 90 East just past the intersection with York Road and 4,300 vehicles per day again before the intersection of NC Highway 90 East and Stony Point School Road. There was no traffic count available for Moose 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 mentioned that staff had received one call regarding this request from an adjoining property owner that was concerned that her property was being rezoned. No one spoke in opposition to the request at the Planning & Zoning Commission Meeting.

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

1. The RA-20 zoning district adjoins the property along 3 of the 4 parcel boundaries.
2. The request is not inconsistent with the Land Development Plan.

She also pointed out that the Planning & Zoning Commission held a public hearing on September 6, 2007 to review the request and unanimously recommended approval based on the following:

1. Two of the adjoining properties are zoned RA-20.
2. The request is not inconsistent with the Land Development Plan.

Ms. Turnmire explained that based on the information provided, the Board must determine whether the rezoning request meets the guidelines set forth above. 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, the Alexander County Thoroughfare Plan, and if the proposed amendment is reasonable with regard to the public interest.

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

Commissioner Hammer pointed out that he was not related to the Hammer's located across the street from the subject property.

C. WPCOG REGIONAL RECREATION / TOURISM COMMITTEE

Appoint Sylvia Turnmire

D. WESTERN PIEDMONT REGIONAL TRANSIT AUTHORITY

Appoint Rick French

Appoint Sylvia Turnmire (alternate)

Commissioner Hammer made a motion to approve the appointments and reappointments as presented. Commissioner Bolick 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. Duke Energy has informed County government that there will be a scheduled power outage in the Hiddenite / Stony Point area on Sunday, September 30, 2007 at 3:00 AM for approximately two hours.
- B. Don Padgett, Foothills Area Director; Redmond Deal, Foothills Attorney; Jack Horton, Caldwell County Manager; and Mr. French will be meeting with Tom McDevitt, Smoky Mental Health Area Director, on Wednesday September 25, 2007 to discuss a possible merger.
- C. The Soil & Water Conservation District Environmental Field Days will be held on October 2nd and 4th at the elementary schools for 5th graders.

Chairman Robertson pointed out that a Fire Department Rating Inspector visited the County recently. He noted that all fire departments in Alexander County passed inspection.

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

CONSENT AGENDA

- A. Minutes from the September 10, 2007 Regular Commissioners' Meeting.
- B. Agreement between the WPCOG and Alexander County for the Provision of Grant Management Assistance for the Alexander County Single Family Rehabilitation Project.
- C. Employment Agreement with the Alexander County Manager.

Commissioner Hammer 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 Robertson made a motion to enter into Closed Session at 7:33 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 Yoder seconded the motion. The Board voted unanimously in favor of the motion.

ADJOURNMENT

There being no further business, Commissioner Odom made a motion to adjourn at 8:05 PM. Commissioner Hammer seconded the motion. The Board voted unanimously in favor of the motion.

W. Darrell Robertson, Chairman

Jamie M. Starnes, Clerk to the Board