

Draft

BOARD OF COMMISSIONERS
REGULAR MEETING September 8, 2008

ALEXANDER COUNTY
STATE OF NORTH CAROLINA

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

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 8, 2008 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

NJROTC Cadet Josh Brophy gave the invocation and also led the Pledge of Allegiance to the Flag along with Commanding Officer Brendan Abernathy, Cadet Travis St.Clair, and Cadet Grayson Elder.

ADOPTION OF AGENDA

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

PUBLIC COMMENT PERIOD

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

PUBLIC HEARING: REZONING CASE 08-2 – ALEXANDER

Sylvia Turnmire, Director of Planning & Development, presented Rezoning Case 08-2 submitted by William Alexander. The applicant requested rezoning of property located at 7000 NC Highway 90 East from RA-20 (Residential-Agricultural) to H-C (Highway-Commercial) to allow for an antiques shop, retail car lot, and sales office. The size of the property tract is 2 acres and the current land use is for a single-family site-built home. Ms. Turnmire stated that zoning within 100 feet of the property was RA-20 on all sides and noted that land uses within 100 feet of the property were single-family site-built homes, a singlewide manufactured home, and agriculture to the north, single-family site-built homes and agriculture to the south, single-family site-built homes to the east, as well as vacant and agricultural property to the west.

Ms. Turnmire stated that the subject property was obtained by the current owner in 2006, noting that the applicant had indicated that the home, which was constructed in the late 19th century, had undergone remodeling since his purchase. She pointed out that the property was currently served by public water and an individual septic system.

She explained that, because the property was completely surrounded by a zoning district considerably different from the requested district, this was a “small scale rezoning” 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 mentioned 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 the 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.
 - 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 2 acres. The sizes of surrounding properties are:

North – 21.7 and 43 acres

South – 9.9 and 31 acres (computer estimation)
East – .49 acres
West – 9.9 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 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 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 facilities are available.
3. The 2008 Comprehensive Plan shows this area as having the services necessary to support future industrial development including railroad proximity, public water, and proximity to a major thoroughfare.
4. The 1995 Thoroughfare Plan does not mention any major improvements to NC Highway 90. The 2006 Annual Average Daily Traffic County for Highway 90 just south of the subject property was 4,300 trips per day. Cheatham Ford Road had 1,600 trips per day near the intersection with Highway 90.

2c. The benefits and detriments resulting from the zoning action for the petitioning property owner, neighbors, and surrounding community:

The Board must determine what impact 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 within approximately 3,000 feet near the intersection of McClain Road and Highway 90. However, a parcel of vacant property, zoned L-I (Light Industrial) is located within less than 2,000 feet. All adjoining lots are occupied by single-family homes or agricultural uses.

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 received one phone call from an individual who only inquired about the request and the rezoning process and that no one was present at the Planning & Zoning Commission Meeting to speak in favor or in opposition to the request.

She informed the Board that Planning & Development staff recommended approval of the request due to consistency with the existing Comprehensive Plan and also that the Planning & Zoning Commission had voted unanimously at the August 7, 2008 public hearing to recommend approval of the request based on the following findings:

1. Compatibility with the 2008 Comprehensive Plan.
2. No detrimental impact to the surrounding area.
3. The subject property is in the vicinity of related zoning districts.

Ms. Turnmire stated 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)(2) of the Alexander County Zoning Ordinance required the Board to provide a statement analyzing the reasonableness of the proposed rezoning and reflecting consideration of legitimate factors for differential zoning treatment of the property involved.

Chairman Yoder called the public hearing to order and requested any public comment. There being no public comment, Commissioner Hammer 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 08-2 based on the compatibility with the 2008 Comprehensive Plan, the lack of detrimental impact to the surrounding area, and the vicinity to related zoning districts. Commissioner Bolick seconded the motion. The Board voted unanimously in favor of the motion.

VETERAN'S SPECIAL EVENT

Barbara Poole, Veteran's Services Director, announced that the Veteran's Office along with the County Commissioners was planning a special event for the veterans of Alexander County that would be held on Saturday, October 25, 2008 at the Alexander Central High School Auditorium at 3:00 PM. She stated that the production entitled "War Bonds" would center on World War II and would include personal letters, headline news, and music from this era. She explained that this event was being held to acknowledge all veterans regardless of their branch or period of service.

She stated that all veterans, their wives, and widows would be admitted to the program free of charge and that all others would be charged an admission fee of \$5.00. Tickets may be picked up at the Veteran's Office or Administration Office after October 1, 2008 for veterans, wives, and widows. She mentioned that the VFW and the DAV posts would be announcing the event at their September and October meetings and that the program would also be advertised on the

local radio station and in *The Taylorsville Times* and *Bethlehem Star*. Staff also plans to place flyers at several businesses throughout the county.

Ms. Poole encouraged anyone with letters from local veterans to come by the Veteran's Office so that copies of them could be made and included in the program. She asked that letters be brought to her by September 30, 2008.

Commissioner Bolick asked that each church in the county be notified so that they could pass the information along to members.

RESOLUTION TO EXECUTE CHANGE ORDER NO. 1 FOR THE NORTHEAST AREA WATER PROJECT

Rick French, County Manager, presented a resolution to execute the first change order for the Northeast Area Water Project for the addition of water lines on Sharpe Mill Road, Cheatham Ford Road, Poplar Springs Road, and Sloan Road. He explained that the change order in the amount of \$654,276.80 would be awarded to Wilkie Construction Company, Inc. for a total construction contract amount to date of \$3,095,314.65.

Commissioner Robertson also pointed out that the change order added an additional 90 days to the completion date of the project.

Commissioner Robertson made a motion to approve the resolution to execute Change Order No. 1 for the Northeast Area Water Project. Commissioner Hammer seconded the motion. The Board voted unanimously in favor of the motion.

NORTHEAST AREA WATER PROJECT UPDATE

Rick French, County Manager, provided some photos of work being completed on Rocky Springs Road, Sulphur Springs Road, and Vashti Road. He stated that crews were hitting a lot of rock but that it had been expected.

He mentioned that he had received a couple of calls from citizens on Cheatham Ford Road and Vashti Road that had no water. He noted that crews were working as fast as they could to get the water lines extended.

HIDDENITE SEWER PROJECT UPDATE

Rick French, County Manager, provided photos of crews trenching and installing sewer lines on September 2, 2008. He reported that more boring would take place once easements were received for some property, which had been extended until later in the month, and he noted that the engineer had met with the County Economic Development Office to discuss the location of the pump station.

JAIL PROJECT UPDATE

Rick French, County Manager, discussed his recent meeting with the Local Government Commission, noting that Finance Director Jennifer Herman had also attended. He stated that the pros and cons of addressing the courthouse renovations first were discussed as well as the process of moving the Sheriff's Department, inmates, and Clerk of Court.

He noted that plans were to open bids to begin the project in March 2009.

BUDGET ORDINANCE AMENDMENT #3

Rick French, County Manager, presented Budget Amendment #3 to budget for the purchase of land on Old Wilkesboro Road and related fees and to increase the Resource Center budget for additional funding from the Criminal Justice Partnership Program.

Commissioner Robertson made a motion to approve Budget Amendment #3. Commissioner Hammer seconded the motion. The Board voted unanimously in favor of the motion.

BOARD APPOINTMENTS & REAPPOINTMENTS

Commissioner Hammer presented the following appointment and reappointment to County boards and committees:

A. SENIOR CENTER ADVISORY COMMITTEE

Appoint Geneva Masters to replace Teri Petzold (term expires 8/2009)

B. REGION E DEVELOPMENT CORPORATION

Reappoint Milton Campbell 3 years

Commissioner Hammer made a motion to approve the appointment and reappointment as presented. Commissioner Bolick seconded the motion. The Board voted unanimously in favor of the motion.

OTHER BUSINESS

The following issues were discussed during Other Business:

- A. Mr. French stated that the 2009 NC Association of County Commissioners Annual Conference will be held on August 26-30, 2009 at the Hickory Metro Convention Center.
- B. Mr. French informed the Board that they had been invited to a reception honoring Gary Lail as the 2008 Award of Honor recipient on September 28, 2008 at 2:00 PM.
- C. Chairman Yoder announced that the Social Security Administration was offering extra help with prescriptions for seniors. He stated that citizens could call their local Social Security Office or visit www.socialsecurity.com for more information.

CONSENT AGENDA

- A. Tax Release Requests for August \$15,843.68 and Tax Refund Requests for August \$744.12.
- B. Minutes from the August 18, 2008 Regular Commissioners' Meeting.
- C. Declaration of a 1993 Ottawa yard dog as surplus.
- D. Agreement between the Western Piedmont Council of Governments and Alexander County for the Provision of Administrative Assistance for the Northeast Area Water Project.

Commissioner Hammer made a motion to approve the Consent Agenda. Commissioner Odom 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 THE DISCLOSURE OF CONFIDENTIAL INFORMATION, ECONOMIC DEVELOPMENT, CONTRACTUAL, & PERSONNEL

Chairman Yoder made a motion to enter into Closed Session at 6:30 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.

AGREEMENT FOR TRIPLETT FLORIST BUILDING

Upon returning to Open Session at 7:02 PM, Commissioner Robertson made a motion to approve the Agreement to Terminate the Lease between Alexander County and Arthur and Catherine Triplett for the building and property located on Bolick Lane in Bethlehem. Commissioner Bolick 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 7:03 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