

Draft

BOARD OF COMMISSIONERS
REGULAR MEETING November 17, 2008

ALEXANDER COUNTY
STATE OF NORTH CAROLINA

PRESENT: Larry G. Yoder, Chairman
 William L. Hammer, Vice-Chairman
 Wes Bolick
 Ryan Mayberry, Commissioner Elect
 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, November 17, 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

Pastor Eddie Yount, Mt. Hebron Baptist Church, gave the invocation and Addison Scott, student at East Alexander Middle School, led the Pledge of Allegiance to the Flag.

COMMISSIONER'S REPORT

Commissioner Odom discussed the Senior Health Fair held on November 7, 2008 where 215 seniors received flu and pneumonia shots as well as blood sugar, hearing, and glaucoma screenings. He thanked everyone involved in making the day possible and encouraged seniors to take part in the event next year.

ADOPTION OF AGENDA

Chairman Yoder requested the addition of Budget Amendments #12 and #13 to Agenda Item #17 (Budget Ordinance Amendments #10 and #11).

Commissioner Bolick made a motion to adopt the agenda as amended. Commissioner Robertson 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.

RECOGNITION OF VICE-CHAIRMAN WILLIAM HAMMER

Chairman Yoder, on behalf of the entire Board, presented a Key to the County to William Hammer for 8 years of service on the Alexander County Board of Commissioners. Chairman Yoder stated that Commissioner Hammer had held both the chairman and vice-chairman positions on the Board and he mentioned the numerous county, regional, and national committees that Commissioner Hammer had served on. Chairman Yoder thanked Commissioner Hammer for his dedication to making the community better and noted that he had enjoyed serving with him.

Commissioner Robertson stated that Commissioner Hammer not only attended the meetings of the committees he was appointed to but that he was very active in them, especially those related to transportation and agricultural issues. He conveyed his appreciation to Commissioner Hammer for always keeping the Board informed and for representing the citizens well. Commissioner Robertson also noted that he had enjoyed serving on the Board with Commissioner Hammer and that he hoped to continue their friendship.

Commissioner Bolick mentioned that Commissioner Hammer took his position as a county commissioner very seriously and that he had always tried to make decisions based on how they would affect the citizens. He noted that he hoped to serve again with Commissioner Hammer in the future.

Commissioner Odom stated that Commissioner Hammer always worked hard as a commissioner and that he was very conscientious of the positions he took.

Rick French, County Manager, on behalf of the County employees thanked Commissioner Hammer for his service. He pointed out that Commissioner Hammer had always attended the annual Employees Appreciation Christmas Luncheon and noted that Commissioner Hammer truly appreciated the employees.

Commissioner Hammer discussed a few of his top priorities as a commissioner including combining the Sheriff's Department and 911 Communications systems. He explained that in September 2000, 4 men broke into his home and held his daughter at gun point. When she called 911, she was put on hold to be transferred. He stated that combining the systems was worth the

money spent and had made the response time better and the citizens safer. He mentioned that he had been involved in water for 30 years or more and had the pleasure of seeing hundreds of miles of water lines run throughout the county, including the most recent Northeast Water Project. He stated that funding for water lines was a challenge and that grants and user fees were needed to pay for them. Commissioner Hammer pointed out that the County's economic development had flourished since the addition of David Icenhour and Jason Williams and that their efforts had brought in a lot of jobs to the county. He discussed the Liledoun curve and his role in getting the rock wall removed and the curve improved to make it safer for motorists. Commissioner Hammer was thankful for the relationship between the Board of Commissioners and Board of Education and noted that the Alexander County School System was one of the best in the state. He stated that half cent sales tax monies had paid for improvements and additions to schools and allowed for the removal of all mobile classrooms in the county. He also mentioned that the auditorium had been well used, with 37,000 citizens attending events within the last year. Commissioner Hammer reported that the new jail would be the biggest construction project within the county so far but that the Board had no choice but to build it.

Commissioner Hammer thanked each member of the Board personally and stated that he had enjoyed serving with each of them. He also thanked Jamie Starnes, Diane Fox, Judy Feimster, and Rick French as well as all the County employees.

NC AWARD FOR OUTSTANDING VOLUNTEER SERVICE

Commissioner Hammer explained that the NC Award for Outstanding Volunteer Service honored volunteerism in the state by recognizing individuals that made a significant contribution to their community through volunteer service. Commissioner Hammer recognized Pat Fox as a 2008 recipient of the NC Award for Outstanding Volunteer Service for her contribution to the American Cancer Society Relay for Life and he presented her with a certificate, letter from the Governor, and lapel pin.

Pat Fox thanked the Board for the nomination and the recognition. She also thanked her family and all those who help in some way for the Relay for Life. She also thanked Danny and Kendra Dyson who were responsible for getting the first Relay for Life started in Alexander County.

The Board congratulated Ms. Fox on receiving this award.

2007-2008 AUDIT REPORT

Jennifer Herman, Finance Director, presented a slide show presentation for the 2007-2008 Audit Summary, which included the following information:

- General fund revenues (ad valorem taxes, local option sales taxes, restricted intergovernmental, sales and services, permits and fees, interest, donations, grants, and sales of fixed assets)
- Property tax collections

- Sales tax collections (2007-2008 actual and 2008-2009, 2009-2010, 2010-2011 estimated)
- General fund expenditures (general government, public safety, environmental protection, economic and physical development, human services, culture and recreation, education, and debt service)
- Fund balance history
- Available fund balance as a percentage of general fund expenditures
- Available fund balance as compared to other counties similar in population
- Solid Waste Fund overview
- Water Funds overview

Commissioner Robertson asked that Rick French, County Manager, meet with Ms. Herman to review expenditures to determine if changes could be made to prepare for less than projected revenue by June 2009.

Commissioner Robertson made a motion to accept the 2007-2009 Audit Summary as presented. Commissioner Hammer seconded the motion. The Board voted unanimously in favor of the motion.

PUBLIC HEARING: REZONING CASE 08-4 – STAFFORD

Sylvia Turnmire, Director of Planning & Development, presented Rezoning Case 08-4 submitted by Hall Stafford, Jr. The applicant requested rezoning of property located at 228 Taylorsville Beach Court from N-B (Neighborhood Business) to H-C (Highway-Commercial) to allow for a dry boat storage operation. The size of the property tract is 1.6 acres and the current land use is a restaurant. Ms. Turnmire stated that zoning within 100 feet of the property was RA-20 on all sides and she noted that land uses within 100 feet of the property was single-family site-built on all sides as well as manufactured homes to the north and south.

Ms. Turnmire stated that the subject property was obtained by the current owner in 1969 from Deal Motor Company. According to the property record card, the structure was built in 1970 and the restaurant use existed prior to countywide zoning adoption in 2001. 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 1.6 acres. The sizes of surrounding properties are:

- North – 1.21, .33, and .5 acres
- South – 1.28 acres
- East – .48, .46, .42, .36, and .31 acres
- West – .96 and .39 acres

2b. The compatibility of the disputed zoning action with an existing comprehensive plan:

1. Section 154.160 of the Alexander County Zoning Ordinance states that the N-B District is primarily intended to accommodate very low intensity office, retail, and personal service uses close to or within residential areas. The district is established to provide convenient locations for businesses which serve the everyday household needs of nearby residents without disrupting the character of the neighborhood. The district is not intended to accommodate retail uses which attract customers from outside the neighborhood or which primarily cater to motorists.
2. 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.
3. The 2008 Comprehensive Plan shows this area as remaining residential in nature.
4. The 1995 Thoroughfare Plan does not mention any major improvements to Taylorsville Beach Court. The nearest average daily traffic count is located on Wayside Church Road near the intersection with NC Highway 16 South, totaling 2,200 trips per day.

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, comprised of Taylorsville Beach Marina, is within approximately 850 feet at the end of Taylorsville Beach Court. Taylorsville Beach Marina was rezoned from RA-20 to H-C in 2007. All adjoining lots are occupied by single-family homes or agricultural uses. Please note that all of the uses allowed in H-C should be considered, not only the use for which the applicant is applying.

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 6 phone calls prior to the first public hearing, with two opposed and the remainder seeking information only. Eight people spoke during the public hearing that included 7 opposed and one in favor (applicant). She mentioned that one of the property owners in opposition to the request adjoins the subject tract. Ms. Turnmire stated that 5 more calls were received prior to tonight's meeting, all of which were in favor of the rezoning.

She informed the Board that Planning & Development staff recommended denial of the request due to the following:

1. Inconsistency with the Comprehensive Plan.
2. Lack of similar adjacent zoning districts.
3. The size of the subject property in relation to surrounding tracts.

She also stated that the Planning & Zoning Commission held a public hearing on November 6, 2008 to consider the request, where the Commission unanimously voted to deny the rezoning request based on the following findings:

1. Incompatibility with the 2008 Comprehensive Plan.
2. The size of the subject tract supports a business therefore the owner is able to secure to reasonable return from the property.
3. The request is a benefit to the property owner and a detriment to the community.
4. The uses allowed in the Highway-Commercial District are too intense for the residential neighborhood.

Ms. Turnmire also reported that staff had received comments from James Burgess with the NC Department of Transportation after the Planning & Zoning Commission Meeting related to the pavement along Taylorsville Beach Court. Mr. Burgess stated that the pavement structure of Taylorsville Beach Court was not designed to support the weight of commercial traffic and NCDOT would require a structural plan designed by an engineer, detailing road improvements to

include a minimum of a 12-inch thick reinforced concrete. She explained that the only other option stated by Mr. Burgess was to petition the NCDOT to abandon the road, which would require agreement from all affected property owners.

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 the 4 legitimate factors for differential zoning treatment of the property involved.

Chairman Yoder called the public hearing to order and requested any public comment. The following comments were heard:

Public Comment

Hal Stafford, owner of the subject property, stated that his nephew planned to invest half a million dollars into this project and that he was aware that a concrete slab would have to be poured down to the marina for the boat lift to travel on even though Taylorsville Beach Court had supported the weight of 18-wheelers every week for many years. He explained that the dry boat storage, which would hold approximately 90 boats, would bring in revenue for the county and would be a good addition to the new marina recently approved by Duke Power. He mentioned that buffer and height regulations would also be required.

Jarrett Stafford, operator of Taylorsville Beach Seafood, reiterated that a new marina would be built with 140 plus boat slots, stating that a dry boat storage facility would be a necessity. He felt that the dry boat storage would not create any more traffic than in the past, noting that Taylorsville Beach Court was always crowded during the summer months. Mr. Stafford also stated that this operation would bring much-needed revenue into the County.

Crystal Stafford, daughter of Jarrett Stafford, stated that the restaurant had been in operation for over 40 years, longer than any of the neighbors had lived there, except for Mary Jolly who was in favor of the rezoning. She discussed the economy, noting that a dry boat storage business would bring in revenue and create jobs to increase the employment rate in the county. She stated that traffic would only be an issue in the summer months, noting that there would be less traffic year round since the restaurant would not be in operation. She also pointed out there would be very little noise generated from the business and only in the day time hours while neighbors were at work. Ms. Stafford requested the opportunity for her family's business to grow so they could continue to serve the community.

Libby Fitzgerald Stowe stated that she and her husband moved into the area because it was a quiet, residential neighborhood. She felt that the restaurant fit well into the neighborhood but that the proposed dry boat storage did not. She discussed the heavy boat lift that would be used to transport boats from the marina to the storage building

stating that an accident could happen in her front yard where her grandchildren often played. Ms. Stowe reiterated Ms. Turmire's comments that, if rezoned, any H-C use could be placed in that location. She felt that the proposal would only benefit the property owners instead of the entire community.

Barry Stowe informed the Board that he was a business owner and understood the concept of improving a business; however, he did not want the neighborhood to become a commercial district. He felt that NCDOT had recommended the 12-inch thick reinforced concrete to support the weight of a 40,000 pound boat lift. Mr. Stowe provided some photos of his property, pointing out that he would lose at least 5 feet of his front yard if the road was widened. He stated that a new marina with 100 or more boat slips would turn the neighborhood into a commercial area.

Patricia Kearney addressed the safety issues related to the boat lift, noting that other marinas in the county did not have lifts traveling down steep embankments or that passed by private properties such as those found on Taylorsville Beach Court. She explained that the road (down to the marina where it narrows) was privately owned by her and her husband and 4 other neighbors, all of which could be sued if an accident occurred with the boat lift. She discussed whether or not insurance could be purchased for such. Ms. Kearney also stated that there was not enough parking at the marina for the additional boat slips which could create even more safety issues. She was concerned that homes could be destroyed by the momentum of the boat lift moving down the steep embankment if the operator lost control.

David Butler stated that the NCDOT recommendation for a 12-inch reinforced concrete should give the Board an idea of how large the boat lift would be. He informed the Board that the 20-foot right-of-way was located in front of his property along with his septic field. Mr. Butler reported that he was happy to have the restaurant and marina; however, he was concerned about the safety of children as well as what would become of the Stafford's property if the dry boat storage business did not succeed.

Jodie Butler stated that the lots along Taylorsville Beach Court had been sold by the Stafford's as residential, noting that the neighborhood should not be changed to suit one party for profit. She was concerned about the ability to park personal vehicles along the narrow road and felt that the boat lift would be a hazard to children and animals. Ms. Butler made it clear that she had no animosity toward the Stafford's.

Eric Salomon was present to speak for his father who moved to the area in 1985. He explained that his father's septic field was also in his front yard and was concerned with the widening of the road. Other concerns mentioned the large boat lift, changing of the road and right-of-way, possibility of any H-C use being located on the property in the future that would create litter and pollution.

Hal Bond stated that Taylorsville Beach Court was not appropriate for heavy equipment and increased traffic. He felt sure the property owners had the right to restrict the use of the right-of-way with a Homeowner's Associational Meeting. Mr. Bond also discussed

parking, stating that parking was currently non-existent and would be worse if this proposal was approved.

Dollie Johnson, whose property is adjacent to the fish camp, spoke in favor of the rezoning. He stated that he had no problem with the Stafford's plans for a dry boat storage business.

Jeff Binkley was also in favor of the rezoning, stating that the restaurant was already zoned as a business when he moved into the area. He mentioned the nearby marina and stated that he was aware of the commercial possibilities when he bought his property and that he took that into consideration. He felt that the dry boat storage would be good for the community, would bring in tax revenues, and would increase the tax base. Mr. Binkley also pointed out that the boat lift operator would be a trained professional and that the road would be widened if the proposal was approved, which would make the area safer.

James Kearney, Jr. felt that approving the H-C zoning would be the first step in turning the neighborhood into a business district. He addressed the lack of parking and stated that the Stafford's had no guarantee that their business would succeed without proper calculations of projected revenues.

Hall Stafford addressed the comments made regarding the widening of Taylorsville Beach Court, stating that the road could not be widened, but that his nephew would pay to have the reinforced concrete poured.

Jarrett Stafford reported that a tractor and trailer or gas tanker weighed about as much as the boat lift would and that Taylorsville Beach Court was currently constructed to withstand up to 70,000 pounds. He assured the neighbors that the boat lift would not carry large pontoons, would not run over people, and would not take up the entire road. He also noted that the marina had always been and always would be a thriving business that he was simply trying to add to it.

Commissioner Bolick asked Mr. Stafford if he had been in touch with anyone from NCDOT. Mr. Stafford replied that his engineer, Miles Champion from Hickory, had been in contact with Duke Power and NCDOT regarding the roadway.

Libby Fitzgerald Stowe did not want to live in a commercial area that would allow a pool hall or service station. She also inquired about the possibilities of metal fencing, lighting, and sound or vegetation barriers, etc.

Sylvia Turnmire responded with an explanation of the County's conditional use process, noting that a vegetation buffer was required; however, she noted that the County could not require a sound barrier or fencing.

Jodie Butler informed the Board that she had seen boats overturned from trailers on Taylorsville Beach Court in the past and noted that there was not adequate room for a

large scale marina and boat lift. She questioned the issue of fairness to the property owners in this case as well, given the fact that she and her neighbors owned the 20 foot right-of-way. Ms. Butler felt that the new marina would change the entire neighborhood, pointing out that the marinas she had visited in Hickory had heavy equipment sitting around.

Barry Stowe stated that the road would have to be widened to provide room for the boat lift, which would cut off his and his neighbor's yards and make the area less appealing. He requested that the Board respect the recommendations of the Planning & Zoning Commission and the suggestions of the property owners.

David Butler pointed out that once a property was rezoned to H-C it would remain that way, noting that there were very few cases where a commercially zoned property was reverted back to residential.

There being no further 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 Hammer stated that he had concerns with the widening of the road and NCDOT suggestions.

Commissioner Robertson agreed, noting that Interstates 77 and 40 didn't contain a 12-inch thick reinforced concrete. He also stated that he would like to know if the lower portion of Taylorsville Beach Court owned by the 5 neighbors could be improved upon legally.

Chairman Yoder asked Ms. Turnmire for an impact study to be done including information relating to traffic, widening of the road, parking, and the NCDOT recommendation before the Board made a final decision.

Commissioner Hammer made a motion to table Rezoning Case 08-4 until an impact study could be provided. Commissioner Robertson seconded the motion. The Board voted unanimously in favor of the motion.

RECESS

At this time, Chairman Yoder called for a short recess. The time was 8:51 PM. The meeting was called back to order at 9:00 PM.

PUBLIC HEARING: CONDITIONAL USE 08-2 – SETZLER & MEYERS

Sylvia Turnmire, Director of Planning & Development, presented Conditional Use Case 08-2 submitted by Setzler & Meyers, LLC who requested conditional use approval to construct 4 duplex buildings for a total of 8 dwelling units. The size of the property tract located at 2666

Icard Ridge Road is 2.282 acres and the current land use is single-family site-built residential. Ms. Turnmire stated that zoning within 100 feet of the property was RA-20 to the north, south, east, and west. She noted that land uses within 100 feet of the property were single-family site-built homes on all sides, as well as agricultural property to the north, vacant property to the south, two-family residential, agricultural, and commercial to the east, and a singlewide manufactured home and vacant property to the south.

Ms. Turnmire stated that the property had double frontage along Icard Ridge Road and Unnamed Lane, both of which are state maintained and have a 60-foot right-of-way; however, she noted that Unnamed Lane was a dirt road. The developers plan to retain the single-family site-built home already located on the property facing and having access to Icard Ridge Road and also to use Unnamed Lane as the access into the housing development, triggering NCDOT driveway intersection review and approval.

She explained that the property had access to existing public waterlines on Icard Ridge Road as well as Unnamed Lane and that the duplexes would tap into the 6-inch water line on Unnamed Lane. The project also includes a community sewer system with a large septic system and drain lines located between the proposed buildings and the existing house, as well as a pump station located between the duplexes. She pointed out that the property had been evaluated by an independent soil scientist and that the septic system was designed by a professional engineer. The system will require review and approval from the County's Environmental Health Department.

Ms. Turnmire mentioned that due to a public water supply intake on Lake Hickory, the property lied within a Class IV Watershed Protected Area which placed limits on built-upon area or impervious surface, density, and other potential water quality protections. She went on to state that a maximum of 36% was allowed for projects without a curb and gutter street system and that the proposal met that requirement. Ms. Turnmire also noted that the Flood Insurance Rate Maps identified the area as lying within a Zone X or outside of a flood prone area in the event of the 100-year flood.

Other than the single-family site-built home that the developers plan to retain, the remainder of the lot is wooded. Ms. Turnmire stated that adjoining properties also included single-family homes with density far less than that proposed, noting than a subdivision of ½ acre lots was to the south as well as larger properties to the north, west, and east. Future land uses are to remain residential and agricultural in nature with limited vacant lots for development. She also addressed that the applicants were currently constructing two duplexes to the east of the subject property in addition to a home occupation at the rear of the property.

In relation to dimensional requirements, the proposed development meets all of the requirements provided for in the Zoning Ordinance as well as the Watershed Protection Ordinance. Ms. Turnmire said the project design included open space in the amount of 10% of the total project acreage which is roughly 9,900 square feet. The open space is located on the northernmost property line, adjacent to James Propst.

She 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 received one call in opposition to the request and that 6 citizens spoke during the Planning & Zoning Commission public hearing, 5 in opposition and one in favor (applicant).

Ms. Turnmire informed the Board that Planning & Development staff recommended approval of the conditional use permit with the following conditions:

1. NCDOT approval of the driveway application prior to issuance of a Certificate of Occupancy.
2. NCDENR approval of the sedimentation and erosion control plan prior to building permit issuance.
3. Alexander County Environmental Health Department operations approval of the community sewer system and associated components prior to the Certificate of Occupancy.
4. The residential dwelling currently located on the property, with a physical address of 2666 Icard Ridge Road, shall remain a single-family dwelling unit. Any increase in the number of dwelling units shall require a condition use permit and review as provided in the Alexander County Zoning Ordinance.
5. Landscaping around the perimeter of the subject property, excluding those lines with the right-of-way frontage, to lessen the impact of a higher density development. The buffer shall consist of existing or planted vegetation at a minimum of one row and a 10-foot minimum width and comply with all other applicable sections of Section 154.039 of the Alexander County Zoning Ordinance. The landscaping buffer shall be completed and approved before the Certificate of Occupancy is issued.

She also explained that the Planning & Zoning Commission held a public hearing on November 6, 2008 to consider this request. A motion was made and seconded to recommend approval of the conditional use permit with the following conditions (revisions made to staff's recommendation):

1. NCDOT approval of the driveway application prior to issuance of a ***building permit***.
2. NCDENR approval of the sedimentation and erosion control plan prior to building permit issuance.
3. Alexander County Environmental Health Department ***improvement permit*** approval of the community sewer system and associated components prior to ***building permit issuance***.

4. The residential dwelling currently located on the property, with a physical address of 2666 Icard Ridge Road, shall remain a single-family dwelling unit. Any increase in the number of dwelling units shall require a condition use permit and review as provided in the Alexander County Zoning Ordinance.
5. Landscaping around the perimeter of the subject property, excluding those lines with the right-of-way frontage, to lessen the impact of a higher density development. The buffer shall consist of existing or planted vegetation at a minimum of one row and a 10-foot minimum width and comply with all other applicable sections of Section 154.039 of the Alexander County Zoning Ordinance. The landscaping buffer shall be completed and approved before the Certificate of Occupancy is issued.
6. ***Substantial progress on the development must be made within one year of conditional use permit approval and construction must be complete within 365 days of building permit issuance.***

The motion passed by a majority vote with 3 members in favor and one member voting in abstention.

Ms. Turnmire stated that according to Section 154.143 of the Zoning Ordinance, the RA-20 Zoning District permits group housing developments as a conditional use. Section 154.334 states that the boards may allow for proper accommodation of the permit into the community of land uses which may be suitable only if such uses are designed for the site in a particular manner. She explained that in granting a conditional use permit, the Board of Commissioners must find that:

1. The application meets all of the regulations in the zoning district in which it is proposed.
2. The use for which the conditional use permit is sought will not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use.
3. Will not be detrimental to the public welfare or injurious to property or public improvements in the neighborhood.

Chairman Yoder called the public hearing to order and requested any public comment. The following comments were heard:

Public Comment

Jimmy Propst, adjacent property owner, spoke in opposition to the conditional use request, noting that his neighbors Woodall and Lail were also opposed. He felt uneasy about having 8 apartments with different people moving in and out, explaining that his storage building had already been broken into 3 times. He also discussed Unnamed Lane, stating that the road became treacherous where state maintenance ended. He felt that, if the request was approved, the applicants should repair the road before any construction began. Mr. Propst pointed out that he also had concerns with the fact that Setzler & Meyers, LLC was also known as Strider Investments and Strider II.

Michelle Smith, daughter to adjoining property owner Virgil Horning, spoke in opposition to the request. She stated that the area was very quiet and peaceful and she felt that the numerous residents of the duplexes would create more noise. She also addressed concerns with septic tank drainage next to her father's property. Ms. Smith noted that she did not wish to see the hardwood trees removed from the subject property to be replaced with bushes as a buffer.

Mike Howard, representative for Strider Investments, explained that the company wished to provide affordable homes in the form of nice duplexes instead of mobile homes. He reported that they planned to maintain Unnamed Lane with gravel until NCDOT could be petitioned for the road to become state maintained. However, Mr. Howard noted that Strider would pave the road if NCDOT refused to take over maintenance. He also responded to the concerns made by Ms. Smith regarding the trees, noting that they would only remove the trees necessary to leave a 30% open space around the duplexes.

Dave Richmon, McGill Associates, added that stone and ditch work would be completed before a petition was submitted to NCDOT.

Jimmy Propst informed the Board that he and his neighbors had requested NCDOT to take over maintenance of Unnamed Lane 4 years ago with no luck. He requested the preparation of a written statement or agreement that Strider Investments would be obligated to pave the road as stated.

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.

After a brief discussion regarding the recommendations made by the Planning & Zoning Commission, Commissioner Robertson made a motion to approve Conditional Use Case 08-2 with the following conditions:

1. NCDOT approval secured to develop Unnamed Lane and take over maintenance. Unnamed Lane shall be paved by the completion of the project or one year after the issuance of the building permit. If NCDOT will not agree to pave Unnamed Lane within that period of time, the developer will be required to either pave Unnamed Lane or post a bond to cover the pavement until it is paved by NCDOT.
2. NCDENR approval of the sedimentation and erosion control plan prior to building permit issuance.
3. Alexander County Environmental Health Department improvement permit approval of the community sewer system and associated components prior to a building permit issuance.

4. The residential dwelling currently located on the property, with a physical address of 2666 Icard Ridge Road, shall remain a single-family dwelling unit. Any increase in the number of dwelling units shall require a conditional use permit and review as provided in the Alexander County Zoning Ordinance.
5. Access to the property shall be from Unnamed Lane.
6. Landscaping around the perimeter of the subject property, excluding those lines with right-of-way frontage, to lessen the impact of a higher density development. The buffer shall consist of existing or planted vegetation at a minimum of one row and a 10-foot minimum width and comply with all other applicable sections of Section 154.039 of the Alexander County Zoning Ordinance. The landscaping buffer shall be completed and approved before the Certificate of Occupancy is issued. Trees shall also remain to the extent possible.
7. Completion of the duplexes must be within one year from the issuance of the building permit.

Commissioner Odom seconded the motion. The Board voted 4 in favor of the motion (Commissioners Bolick, Hammer, Odom, and Robertson) and one against (Chairman Yoder). The motion carried.

PUBLIC HEARING: APPROVAL OF ROAD NAMES

Rick French, County Manager, requested approval of the following road names:

<u>Road No.</u>	<u>Road Name</u>	<u>Location</u>
3860TH	Bryce Lane	Off Black Oak Ridge Road
3717GC	Jeanette's Way	Off Ida Court
3716SM	Poplar Grove Court	Off Teague Town Road
3728GF	Via Dolorosa Drive	Off Boyd Fox Drive

He also submitted a petition to rename Foxwood Drive to Fox Glade Drive and a request for realignment of private road Satellite Road to deeded right-of-way at Dogwood Acres (SR1830). A letter of support from the NC Department of Transportation was provided regarding the realignment of Satellite Road.

Commissioner Robertson inquired as to the closing of privates street Hi Vue MHP, Capital, and Evergreen mentioned in the letter from NCDOT. Sylvia Turnmire, Director of Planning & Development, responded that the County had no jurisdiction related to street closing; however, she mentioned that those names would be released back into the pool of road names for future use if requested.

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 Hammer seconded the motion. The Board voted unanimously in favor of the motion.

Commissioner Bolick made a motion to approve the road names as requested as well as the renaming of Foxwood Drive to Fox Glade Drive and the realignment of Satellite Road. Commissioner Odom seconded the motion. The Board voted unanimously in favor of the motion.

PUBLIC HEARING: INDUSTRIAL DEVELOPMENT INCENTIVE GRANT – MITCHELL GOLD + BOB WILLIAMS

Jason Williams, Economic Development Assistant Director, discussed a proposed Industrial Development Incentive Grant for Mitchell Gold + Bob Williams. He informed the Board that Mitchell Gold + Bob Williams added new equipment with a tax value of \$1,068,767 as well as 24 new jobs related to that equipment in 2007 and he noted that the tax valuation had been verified through the Tax Office, the number of jobs had been verified by the Employment Security Commission, and that Mitchell Gold + Bob Williams had signed a confirmation that the jobs related to the grant paid more than the county average weekly wage.

Mr. Williams explained that the tax valuation increase, the new jobs added, and the pay for those 24 new jobs made Mitchell Gold + Bob Williams eligible for a Level 3 Industrial Development Incentive grant, which had been unanimously recommended by the Economic Development Corporation Board of Directors, as follows:

- Year 1 – 100% property tax grant (5% retained by EDC)
- Year 2 – 100% property tax grant (5% retained by EDC)
- Year 3 – 100% property tax grant (5% retained by EDC)
- Year 4 – 100% property tax grant (5% retained by EDC)
- Year 5 – 100% property tax grant (5% retained by EDC)

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 a Level 3 Industrial Development Incentive Grant for Mitchell Gold + Bob Williams as presented. Commissioner Bolick seconded the motion. The Board voted unanimously in favor of the motion.

PUBLIC HEARING: INDUSTRIAL DEVELOPMENT INCENTIVE GRANT – SCHNEIDER MILLS

Jason Williams, Economic Development Assistant Director, discussed a proposed Industrial Development Incentive Grant for Schneider Mills. He informed the Board that Schneider Mills

added new equipment with a tax value of \$4,635,454 as well as 20 new jobs related to that equipment in 2007 and he noted that the tax valuation had been verified through the Tax Office, the number of jobs had been verified by the Employment Security Commission, and that Schneider Mills had signed a confirmation that the jobs related to the grant paid more than the county average weekly wage.

Mr. Williams explained that the tax valuation increase, the new jobs added, and the pay for those 20 new jobs made Schneider Mills eligible for a Level 2 Industrial Development Incentive grant, which had been unanimously recommended by the Economic Development Corporation Board of Directors, as follows:

- Year 1 – 90% property tax grant (5% retained by EDC)
- Year 2 – 80% property tax grant (5% retained by EDC)
- Year 3 – 70% property tax grant (5% retained by EDC)
- Year 4 – 60% property tax grant (5% retained by EDC)
- Year 5 – 50% property tax grant (5% retained by EDC)

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 Odom seconded the motion. The Board voted unanimously in favor of the motion.

Commissioner Hammer made a motion to approve a Level 2 Industrial Development Incentive Grant for Schneider Mills as presented. Commissioner Odom seconded the motion. The Board voted unanimously in favor of the motion.

NORTHEAST AREA WATER PROJECT UPDATE

Rick French, County Manager, reported that the Northeast Area Water Project was 60% completed with 15 of the 26 miles of water lines installed. To date, \$236,550 has been spent on rock excavation compared to the \$225,000 budgeted; however, there is \$570,000 in a contingency fund that will be used for any additional costs. A completion date of May 7, 2009 has been projected.

HIDDENITE SEWER PROJECT UPDATE

Rick French, County Manager, informed the Board that the Hiddenite Sewer Project was 90% completed with a projected finish date of late January 2009. Staff met with the engineers for this project last week to discuss pump station locations.

JAIL PROJECT UPDATE

Rick French, County Manager, stated that Jack Hemphill, Jail Architect, was still developing plans for the new jail facility. He also noted that the Board would need to schedule a meeting with Mr. Hemphill in December. Other updates included a sewer line problem that was discussed with the Town of Taylorsville and fees totaling \$200,000 to Mr. Hemphill have been paid.

RESOLUTION FOR CHRISTMAS IN BETHLEHEM

Commissioner Bolick presented a resolution to proclaim November 28 through December 31, 2008 as Christmas in Bethlehem. He discussed the many events that would take place during that time including a dinner theater comedy entitled "A Cricket County Country Christmas" from November 28-30th, the Bethlehem Star Lighting on December 6th, and the live nativity drive-thru from December 12-14th.

Commissioner Bolick reported that Christmas in Bethlehem had been featured in the NY Times and most recently in USA Weekend. He requested other communities holding special events throughout the year to contact members of the Board so that proclamations could be made.

Commissioner Bolick made a motion to approve the resolution to proclaim November 28 through December 31, 2008 as Christmas in Bethlehem. Commissioner Robertson seconded the motion. The Board voted unanimously in favor of the motion.

CONSIDERATION OF COMMISSIONERS' MEETING SCHEDULE FOR 2009

Rick French, County Manager, presented the 2009 Commissioners' Meeting schedule as follows:

January 5, 2009 January 19, 2009 (MLK Holiday)	July 20, 2009 (only one meeting in July)
February 2, 2009 February 16, 2009	August 3, 2009 August 17, 2009
March 2, 2009 March 16, 2009	September 14, 2009 September 28, 2009
April 6, 2009 April 20, 2009	October 12, 2009 October 26, 2009
May 4, 2009 May 18, 2009	November 9, 2009 November 23, 2009
June 1, 2009 June 15, 2009	December 7, 2009 (only one meeting in December)

Mr. French stated that these dates had been decided by working around several conferences and known annual conflicts.

Chairman Yoder stated that he did not wish to hold a Commissioners' Meeting on January 19, 2009. He suggested either having the meeting on Tuesday, January 20, 2009 or the following Monday, January 26, 2009.

Mr. French replied that he would revise the meeting schedule for approval at the December meeting.

CONSIDERATION OF ADDITIONAL CHRISTMAS HOLIDAY

Rick French, County Manager, requested the Board to grant a one time additional holiday for County employees – Wednesday, December 24, 2008 (Christmas Eve). He explained that it was customary to give employees Thursday and Friday off when Christmas Day fell on a Thursday; however, he felt that Christmas Eve should also be included as a holiday.

Commissioner Robertson made a motion to approve the additional holiday on Wednesday, December 24, 2008. Commissioner Odom seconded the motion. The Board voted unanimously in favor of the motion.

BOARD APPOINTMENTS & REAPPOINTMENTS

Commissioner Hammer presented the following appointments to County boards and committees:

A. FIRE DEPARTMENT RELIEF FUND BOARDS

Appoint Johnny Gant to replace the late Bob Phillips – Central Alexander
Appoint Phillip Starnes to replace Tim Holman – Stony Point

B. CAROLINA LAND & LAKES RC&D BOARD

Appoint David Icenhour to replace William Hammer

Commissioner Hammer also informed the Board that replacements were needed for Donald Robertson on the Taylorsville Planning Board of Adjustments as well as Max Smith, Susie Barkley, and Linda Barriger on the Joint Nursing & Adult Care Community Advisory Committee. At this time, Commissioner Hammer also resigned from the current boards and committees on which he was serving.

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

BUDGET ORDINANCE AMENDMENTS #10 - #13

Rick French, County Manager, discussed the purpose of Budget Amendments #10 - #13, which included the following information:

Budget Amendment #10 – To increase the budget for the theatrical production “War Bonds” held in October (\$2,500) and for contributions to the Kidsville newspaper for students (\$350 per month). To increase the Sheriff’s Department budget for excavation services provided in October 2008. To increase the Health Department budget for additional Family Planning State funds.

Budget Amendment #11 – To increase the budget for the County’s match of \$9,000 for the NC Rural Center grant for the Westgate Home Furnishings Building Renovation Project.

Budget Amendment #12 – To increase the Health Department budget for additional General Aid to County monies.

Budget Amendment #13 – To transfer funds to the Capital Improvements Fund for the cable channel and a new phone system.

Commissioner Hammer made a motion to approve Budget Amendments #10 - #13. Commissioner Robertson seconded the motion. The Board voted unanimously in favor of the motion.

OTHER BUSINESS

Rick French, County Manager, submitted the County Manager’s Report, noting that the annual Employee’s Appreciation Christmas Luncheon was scheduled for Friday, December 5, 2008 at the CVCC / Alexander Center. Commissioners are invited and encouraged to attend.

Commissioner Odom 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. Tax Release Requests for October \$3,337.22 and Tax Refund Requests for October \$1,722.58.
- B. Minutes from the October 20, 2008 Commissioners’ Meeting.
- C. Smoky Mountain Center’s Fiscal Monitoring Report for the quarter ending September 30, 2008.
- D. Request for a Unit Rate Change from the DSS Home & Community Care Block Grant SFY 2009.

Commissioner Bolick 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 THE DISCLOSURE OF CONFIDENTIAL INFORMATION, ECONOMIC DEVELOPMENT, CONTRACTUAL, & PERSONNEL

Chairman Yoder made a motion to enter into Closed Session at 9:56 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 Robertson 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 10:09 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