

Draft

BOARD OF COMMISSIONERS
REGULAR MEETING January 3, 2011

ALEXANDER COUNTY
STATE OF NORTH CAROLINA

PRESENT: W. Darrell Robertson, Chairman
 Ryan Mayberry, Vice-Chairman
 James “Burkie” Jennings
 Judy M. Moose
 Larry G. Yoder

STAFF: Rick French, County Manager
 Jamie Starnes, Clerk to the Board

The Alexander County Board of Commissioners held a regular meeting on Monday, January 3, 2011 in the CVCC / Alexander Center Multipurpose Room, Taylorsville, North Carolina.

CALL TO ORDER

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

INVOCATION & PLEDGE OF ALLEGIANCE

Scott Ross, Senior Center Director, gave the invocation and Jon Presnell, Recreation Director, led the Pledge of Allegiance to the Flag.

Mr. Presnell discussed ongoing and upcoming recreation events including the Jesse Riddle basketball tournament for ages 5-16 as well as spring baseball, softball, T-ball, and soccer. Fall sports include soccer, cheerleading, and football. He also mentioned upgrades to the Bethlehem Park which would allow for tennis tournaments in the spring. Over 2,000 children and young adults take part in recreation sports throughout the year.

Mr. Ross informed the Board of several events taking place at the Senior Center such as the recent Medicaid Part D open enrollment, which saved over 400 seniors in excess of \$300,000. The Alexander County Senior Center is ranked the 16th most active center in the state. He stated that volunteers would be available to provide tax return services this year. Goals for the future are to develop more health and wellness programs, develop a website, provide computer literacy classes, and explore grant writing to expand the current facility.

ADOPTION OF AGENDA

Rick French, County Manager, requested Consent Agenda Items D & E be deleted because they have already been approved.

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

PUBLIC COMMENT

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

PUBLIC HEARING: REZONING CASE 10-6

Sylvia Turnmire, Director of Planning & Development, presented Rezoning Case 10-6 submitted by Janice Shook, Bobby & Priscilla Carrigan, and Robert, Mae, and Melvin Bostian who requested rezoning of property located on Highway 16 South from N-B (Neighborhood Business) to RA-20 (Residential Agricultural) for residential purposes. The size of the 4 property tracts is 1.75 acres each (5.25 acres total) and the current land use is vacant. Ms. Turnmire stated that zoning within 100 feet of the property was N-B to the north and RA-20 to the south, east, and west. Land uses within 100 feet of the property include commercial to the north, single-family residences to the south, east, and west, and also agriculture to the east.

Ms. Turnmire stated that deed records indicated that Robert Bostian acquired the 14-acre parent tract in 1984 and the subject properties were created by deeds in 1990. The subject properties and the adjacent sporting goods store were zoned N-B when countywide zoning was adopted in 2001.

She reported that Section 154.160 of the Zoning Ordinance states that the N-B District was intended to accommodate very low intensity office, retail, and personal service uses close to or within residential areas and to provide convenient locations for businesses that serve the everyday household needs of nearby residents without disrupting the character of the neighborhood. 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, individuals manufactured homes, and related uses.

Ms. Turnmire pointed out that the 2008 Alexander County Comprehensive Plan designated this area as future commercial use. The 1995 Alexander County Thoroughfare Plan mentions upgrading this section of Highway 16 as an identified unfunded future need.

She 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*. No opposition was stated at the Planning & Zoning Commission hearing.

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

1. Proximity of similar zoning districts.
2. Proximity of similar uses.

The Planning & Zoning Commission held a public hearing on December 2, 2010 to consider the request and voted unanimously to approve the rezoning request and consistency with adopted plans based on the following supporting facts:

1. Proximity of similar zoning districts.
2. Proximity of similar uses.

Chairman Yoder called the public hearing to order and requested any public comment. One individual spoke:

Public Comment

Brenda Price, relative of the applicants, claimed that they were never notified that their properties had been zoned N-B when countywide zoning was adopted. Everyone had assumed since that time that their land was zoned RA-20. She stated that she had to pay a \$300 fee for this rezoning case in order to build a house on that property, and she requested she be reimbursed that fee since her property, once built, would generate property tax revenues.

Chairman Robertson, who was on the Board at the time that countywide zoning was adopted, advised that notices were placed in the newspaper, public hearings were held in each communities, and letters were sent to property owners, all in an effort to inform the citizens of what was taking place. During those public hearings, questions were answered and zoning districts were changed as requested by the property owners. He also explained that zoning districts were assigned based on what types of structures were in the area at the time. He felt that the subject properties had been zoned N-B because they were located on a major thoroughfare next to a current business. Chairman Robertson stated that zoning was not intended to penalize citizens, but to protect them. He recalled a proposal for a hazardous waste disposal center in Stony Point which triggered the need for countywide zoning.

Ms. Turnmire also provided a listing of addresses that the letters had been mailed to, which included the applicants. She noted that she received no returned letters from these addresses.

Ms. Price remained firm that no one received a letter.

There being no further comments made, Commissioner Yoder made a motion to close the public hearing. Commissioner Mayberry seconded the motion. The Board voted unanimously in favor of the motion.

Commissioner Yoder made a motion to approve Rezoning Case 10-6 based on the proximity of similar zoning districts and similar uses. Commissioner Moose seconded the motion. The Board voted unanimously in favor of the motion.

Chairman Robertson made a motion to reimburse the \$300 paid by Ms. Price, noting that similar action had been taken in other cases where property was zoned in a manner in which the owner did not understand. Commissioner Yoder seconded the motion. The Board voted unanimously in favor of the motion.

RESOLUTION PROVIDING FINAL APPROVAL OF TERMS AND DISCOUNTS FOR THE 2011 JAIL/COURTHOUSE INSTALLMENT FINANCING

Jennifer Herman, Finance Director, requested approval of the resolution which would authorize staff to complete the final steps to submit the debt application to the Local Government Commission for approval. Attorney Robert Jessup Jr. was also available for questions.

Commissioner Mayberry asked if the County would acquire pre-payment penalties. Ms. Herman replied that the County must adhere to the schedule proposed by the financing institution to avoid pre-payment penalties.

Commissioner Yoder made a motion to approve the resolution. Commissioner Mayberry seconded the motion. The Board voted unanimously in favor of the motion.

ZIP CODE CHANGE REQUEST FOR BETHLEHEM

Rick French, County Manager, reported that, due to many addresses in Bethlehem having a Hickory zip code and the sales tax formula changing to point of sale, much of Alexander County's sales tax was going to Catawba County. He explained the process of requesting a zip code change, which could take up to 60 days.

Commissioner Mayberry pointed out that 51% of the property owners would have to agree to the change and he urged the citizens to support this effort. He estimated that Alexander County had lost approximately \$500,000 in sales taxes to Catawba County since the change in the sales tax formula.

Commissioner Yoder also advised that getting this change approved could help alleviate the need to increase property taxes in the future.

Commissioner Mayberry made a motion to allow staff to move forward with the request. Commissioner Jennings seconded the motion. The Board voted unanimously in favor of the motion.

NCACC TOP FIVE PRIORITY LEGISLATIVE GOALS

Rick French, County Manager, presented the top 5 legislative goals for 2011, which included:

1. Ensure adequate mental health funding.
2. Oppose shift of state transportation responsibilities to counties.
3. Reinstate ADM and lottery funds for school construction.
4. Preserve the existing local revenue base.
5. Authorize local revenue options.

He stated that 200 goals were submitted by counties throughout the state and that 53 were selected.

Commissioner Mayberry voiced his concerns with goal #5, but noted that if he was selected as the Voting Delegate his vote would reflect the consensus of the Board.

Commissioner Yoder made a motion to approve the NCACC legislative goals as presented. Commissioner Moose seconded the motion. The Board voted 4 in favor of the motion (Commissioners Jennings, Moose, Robertson, and Yoder) and one against (Commissioner Mayberry). The motion carried.

NO COST LEASE FOR N.C. PROBATION OFFICES

Rick French, County Manager, provided a lease between the County and the State for office space for probation and parole offices for the cost of \$1.00.

Commissioner Jennings felt this needed to be a top priority legislative goal that counties not be responsible for providing office space for state offices at no charge.

Chairman Robertson made a motion to table approval of the lease to allow staff to investigate the impact the \$1.00 rent has on the County budget. He also pointed out that the lease listed Carteret County on the signature page, which would need to be changed. Commissioner Jennings seconded the motion. The Board voted unanimously in favor of the motion.

VOTING DELEGATE FOR 2011 LEGISLATIVE GOALS CONFERENCE

Chairman Robertson made a motion to appoint Commissioner Mayberry as voting delegate for the 2011 NCACC Legislative Goals Conference scheduled for January 20-21, 2011 and Commissioner Jennings as alternate. Commissioner Moose 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 Language Access Plan satisfied the requirements of the Division of Community Assistance. Approval of the plan now makes the County available for CDBG programs.
- B. Mr. French provided a copy of the EMS Patient Care Report to be added to EMS policies with approval from the Board.

Commissioner Yoder made a motion to approve the PCR with a clause added to state that all paperwork must be completed before the end of the shift. Commissioner Mayberry seconded the motion. The Board voted unanimously in favor of the motion.

- C. Sales tax Articles 39, 40, and 46 are running 5.82% ahead of last year's revenues.
- D. The 2011 NACo Legislative Conference is scheduled for March 5-9, 2010 in Washington D.C. Several committee meetings are scheduled for Saturday morning, March 5, 2011.
- E. Mr. French presented slides of several buildings located on the future jail site that would need to be removed including a garage and hay shed. He asked the Board to declare these structures as surplus so they could be disposed of and the metal trusses, doors, etc. to be sold if possible.

Commissioner Yoder made a motion to declare these items as surplus so they could be removed from the site. Commissioner Mayberry seconded the motion. The Board voted unanimously in favor of the motion.

CONSENT AGENDA

- A. Minutes from the December 2, 2010 Special Called Commissioners' Meeting and the December 6, 2010 Regular Commissioners' Meeting.
- B. Tax Release Requests for December \$2,555.83 and Tax Refunds for December \$2,708.97.
- C. Declare two vehicles surplus: 1995 Ford Aerostar minivan and 1994 Chevrolet S10.

Commissioner Yoder made a motion to approve the Consent Agenda. Commissioner Mayberry 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 Robertson made a motion to enter into Closed Session at 7:10 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

Commissioner Mayberry made a motion to adjourn at 8:37 PM. Commissioner Jennings seconded the motion. The Board voted unanimously in favor of the motion.

W. Darrell Robertson, Chairman

Jamie M. Starnes, Clerk to the Board