

Draft

**BOARD OF COMMISSIONERS**  
**REGULAR MEETING**     June 20, 2011

**ALEXANDER COUNTY**  
**STATE OF NORTH CAROLINA**

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

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

The Alexander County Board of Commissioners held a regular meeting on Monday, June 20, 2011 in the CVCC / Alexander Center Multipurpose Room, Taylorsville, North Carolina.

**CALL TO ORDER**

Chairman Robertson called the meeting to order at 6:03 PM.

**INVOCATION & PLEDGE OF ALLEGIANCE**

Commissioner Yoder gave the invocation and Commissioner Mayberry led the Pledge of Allegiance to the Flag.

**ADOPTION OF AGENDA**

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

**PUBLIC HEARING: TEXT AMENDMENT 11-1 = RURAL BUSINESS**

Seth Harris, County Planner, presented a proposal for revisions to the Alexander County Zoning Ordinance related to rural businesses. Revisions are included in the definitions section, the parking space requirement table, the RA-20 Zoning District description, and the Schedule of Uses. He explained that rural businesses will allow commercial activity in those areas with no access to public utilities and major thoroughfares. Rural businesses will also give residents the

opportunity to use the resources available to them to begin a backyard business, the scope of which goes beyond what is currently allowable by the ordinance.

He informed the Board that the Planning & Zoning Commission held a public hearing on June 2, 2011 to review the text amendment, where the following was unanimously approved:

- Section 154.006 Definitions.

Rural Business – Commercial activities within primarily rural areas with no access to major thoroughfares. These businesses provide locations where compatible rural land uses, such as retail and service establishments can be located in proximity to established rural neighborhoods.

- Section 154.100 Parking Requirements.

Rural Business 1 space for each 200 square foot of gross floor area, excluding storage areas.

- Section 154.202 Schedule of Uses and Permissible Conditional Uses.

<u>Use</u>	<u>District</u>						
	<u>R-20</u>	<u>RA-20</u>	<u>R-SF</u>	<u>N-B</u>	<u>H-C</u>	<u>L-I</u>	<u>H-I</u>
Rural Business		C					

- Section 154.142 Conditional Uses.

154.145 Rural Business

Rural Businesses are permissible as a conditional use subject to the following requirements:

- A) Rural businesses shall be allowed as the principal use or as an accessory use to a principal dwelling unit.
- B) All new permitted non-residential structures shall have a maximum gross floor area of 5,000 square feet. This shall include any structures associated with the use.
- C) The setbacks for all new principal or accessory structures shall be increased by 10 feet for all setbacks required in the RA-20 zoning district.
- D) Manufactured homes shall not be used for a rural business.
- E) Rural businesses shall not be allowed in an approved Major Subdivision as defined by the Subdivision Ordinance – Section 157.006(H).
- F) One non-illuminated sign with a maximum square footage of 18 square feet and 8 feet in height shall be allowed.
- G) Parking shall be subject to the requirements set forth in Section 154.100 Parking Requirements. Unpaved parking areas shall be allowed and all unpaved areas shall be maintained in a manner that prevents dust from adversely impacting adjacent properties.
- H) The area of the site where the business is conducted must be screened from the view of adjacent residential uses in accordance with Section 150.034(B). Any outside storage of materials must be surrounded by an opaque fence, in accordance with Section

150.034(B)(2)(a) not more than 8 feet in height which completely screens stored materials from view. Screening and buffering requirements may be altered by the Planning & Zoning Commission.

- I) Permitted uses shall be primarily neighborhood retail and service establishments. All retail and service oriented uses are subject to approval by the Planning & Zoning Commission.

After discussion, several revisions to Section 154.145 were suggested by the Board including:

1. Under B – The maximum gross floor area of all new permitted nonresidential structures shall be considered as part of the conditional use permit.
2. Under D – The use of manufactured homes as a rural business shall be considered as part of the conditional use permit.
3. Under F – Signage regulations shall comply with the NCDOT 10/70 site triangle standards.
4. Under G – Add that runoff from property needs to be controlled.
5. Under H – Add wording “opaque evergreen hedge or fence.”

Chairman Robertson called the public hearing to order and requested any public comment. There being no comments made, Commissioner Yoder made a motion to close the public hearing. Commissioner Moose seconded the motion. The Board voted unanimously in favor of the motion.

Commissioner Jennings made a motion to approve Text Amendment 11-1 with the 5 revisions made by the Board. Commissioner Yoder seconded the motion. The Board voted unanimously in favor of the motion.

### **PUBLIC HEARING: CONDITIONAL USE PERMIT 11-3 = WIKE / BOLIEK**

Seth Harris, County Planner, stated that Eric Wike had formally withdrawn his application of Rezoning Case 11-1 in order to move forward with the conditional use permit. Mr. Harris has prepared a letter for Mr. Wike stating such; however, Mr. Wike has not yet signed the letter.

He presented Conditional Use Permit 11-3 submitted by Brad Wike and Eric Boliek who requested conditional use approval for a rural business (tire store and automobile repair) at property located at 735 Teague Town Road. The size of the property is 1.89 acres, zoned RA-20. The current land use is a tire store and automobile repair. Mr. Harris stated that zoning with 100 feet of the subject property was RA-20 on all sides. Land uses within 100 feet include vacant property to the north and east, agricultural to the north and west, and single family residences to the south, east, and west.

Mr. Harris reported that the tire store and automobile repair shop has road frontage on Teague Town Road. An operation permit for a sanitary septic system is still pending approval from Environmental Health.

He informed the Board that the RA-20 Zoning District allowed the proposed use with conditional approval by the Board and noted that letters were sent by first class mail, a sign was posted on the property, and a legal advertisement was placed in *The Taylorsville Times* to announce the public hearing. Staff did not receive any calls regarding this request.

Mr. Harris advised that staff recommended approval of the conditional use permit with the following conditions:

1. No open storage of new or used tires.
2. Open storage of automobiles, not titled in the name of the property owner, shall be screen by an opaque fence at least 6 feet high.
3. No open storage of scrap metals and materials shall be allowed.

Chairman Robertson called the public hearing to order and requested any public comment. There being no comments made, Commissioner Mayberry made a motion to close the public hearing. Commissioner Moose seconded the motion. The Board voted unanimously in favor of the motion.

After discussion, Commissioner Jennings made a motion to approve Conditional Use Permit 11-3 with the following conditions:

1. No open storage of new or used tires.
2. Open storage of automobiles, not titled in the name of the property owner, shall be screen by an opaque evergreen hedge or fence at least 6 feet high.
3. No open storage of scrap metals and materials shall be allowed.

Commissioner Moose seconded the motion. The Board voted unanimously in favor of the motion.

## **ADOPTION OF 2011-2012 ALEXANDER COUNTY BUDGET ORDINANCE**

Rick French, County Manager, presented the 2011-2012 Alexander County budget ordinance for approval. He stated that the proposed budget was \$29,585,899 which was \$200,000 more than the total given at the June 6, 2011 meeting due to additional funds added to contingency. A debt service payment of \$980,000 for the Law Enforcement and Detention Center is also included in the 2011-2012 budget.

There are no tax or fee increases recommended and no new employees will be hired. The 2011-2012 budget is \$2.1 million less than the 2008-2009 budget.

Commissioner Yoder thanked everyone involved in the budget process. He noted that many departments had requested additional employees or equipment which was denied as to not add any more debt to the County. He also thanked the General Assembly for not mandating school bus replacement and worker's compensation for school employees to counties.

Commissioner Mayberry pointed out that the state passed its budget before the County and before the June 30<sup>th</sup> deadline. He also noted that this year was the earlier the state had approve its budget in 30 years.

Commissioner Jennings thanked Representative Mark Hollo and Senator Dan Soucek for their help in eliminating the many mandates for counties that were discussed during the budget process.

Chairman Robertson noted that there were several things included in the state budget that would impact areas of service in counties; however, he was thankful that the major mandates such as housing state misdemeanants, school bus replacements, and worker's compensation or school employees was not passed. He also thanked the Board of Education for their work with the commissioners during the budget.

Commissioner Moose felt that there were things in the budget that could have been better. She noted that the County should not have borrowed money for the Law Enforcement and Detention Center just because there was extra money in the County's bank account.

Commissioner Yoder made a motion to adopt the 2011-2012 Budget Ordinance. Commissioner Jennings seconded the motion. The Board voted four in favor of the motion (Commissioners Jennings, Mayberry, Robertson, and Yoder) and one against (Commissioner Moose). The motion carried.

## **BUDGET ORDINANCE AMENDMENTS #55 - #62**

Rick French, County Manager, discussed the purpose of Budget Amendments #55 - #62 as follows:

Budget Amendment #55 – To budget for year-end salary accrual for the first two payrolls paid in July.

Budget Amendment #56 – To budget for year-end salary accrual for the first two payrolls paid in July.

Budget Amendment #57 – To budget for year-end salary accrual for the first two payrolls paid in July. To adjust the County Water & Sewer Fund based on data from year-to-date revenue reports from the City of Hickory.

Budget Amendment #58 – To increase the Information Technology budget for equipment and software to complete the secondary data center project. To increase the Human Resources budget for the 2010-2011 fee to participate in the Early Retiree Reinsurance Program. To increase the Medical Examiner budget for estimated expenses for May and June 2011.

Budget Amendment #59 – To adjust the Fire District Funds for fire district tax revenues and other expenditures.

Budget Amendment #60 – To adjust the Bethlehem Water Fund budget based on data from year-to-date reports from the City of Hickory.

Budget Amendment #61 – To move prior year funds not related to school system capital improvements to the County Capital Projects Fund.

Budget Amendment #62 – To transfer funds from the County Capital Projects Fund / Recreation to the Multi-Year Grants Fund for half of the purchase price of six additional lots for Rocky Face Park (the other half of the purchase is being funded by a grant from the Felburn Foundation).

Commissioner Yoder made a motion to approve Budget Amendments #55 - #62. Commissioner Mayberry 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. SB756 which eliminated secured appearance bonds and expanded the use of electronic monitoring for pre-trial release was defeated.
- B. The bill allowing counties to reorganize human service departments is on hold.
- C. The latest sales tax report for Articles 39, 40, and 46 shows the County is up 5.63% from last year.
- D. The NCACC annual conference is scheduled for August 18-21, 2011 in Concord, NC.
- E. Our next Commissioners' Meeting will be held on July 11, 2011.
- F. The County and the YMCA are partnering in holding a triathlon on Saturday, July 16, 2011 at Dusty Ridge Park.

## **CONSENT AGENDA**

- A. Tax Release Requests for May \$2,957.11 and Tax Refunds for May \$2,972.95.
- B. Minutes from the June 6, 2011 Regular Commissioners' Meeting.
- C. Equipment / vehicles to be declared surplus.

Commissioner Mayberry made a motion to approve the Consent Agenda. Commissioner Yoder 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 6:50 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 Yoder made a motion to adjourn at 7:32 PM. Commissioner Mayberry seconded the motion. The Board voted unanimously in favor of the motion.

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W. Darrell Robertson, Chairman

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Jamie M. Starnes, Clerk to the Board