

Draft

BOARD OF COMMISSIONERS
REGULAR MEETING July 11, 2011

ALEXANDER COUNTY
STATE OF NORTH CAROLINA

PRESENT: Ryan Mayberry, Vice Chairman
James "Burkie" Jennings
Judy M. Moose
Larry Yoder

ABSENT: W. Darrell Robertson, Chairman

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

The Alexander County Board of Commissioners held a regular meeting on Monday, July 11, 2011 at the CVCC / Alexander Center in Room 103, Taylorsville, North Carolina.

CALL TO ORDER

Vice-Chairman Mayberry called the meeting to order at 6:04 PM.

INVOCATION & PLEDGE OF ALLEGIANCE

Rev. Brian Eades from Mt. Nebo Baptist Church gave the invocation and also led the Pledge of Allegiance to the Flag.

*****SPECIAL RECOGNITION*****

Commissioner Jennings presented a Key to the County to Barbara Poole, Veterans Service Officer, for more than 30 years of dedicated service to the veterans of Alexander County. Ms. Poole will be retiring as of July 31, 2011.

Several members of the Board, Rick French, as well as Mike Annas and Bob Scherer from American Legion Post #170 conveyed their appreciation to Ms. Poole for her contribution to this county and to the veterans. They all wished her luck in her retirement.

Ms. Poole thanked the Board and Mr. French for the recognition. She also thanked the veterans of the county, noting that it had been an honor to serve them.

NC VETERANS PARK TRIP

Barbara Poole, Veterans Service Officer, stated that she, along with Commissioner Yoder and County Manager French, traveled to Fayetteville on Monday, July 4th for the grand opening of the NC Veterans Park.

In November 2010, veterans Zachary Fincannon (Iraq), David Norris (Lebanon), Tommy Herman (Vietnam), Benny Bebber (Korea), and George Miller (WWII) took part in having their hands casted for monuments located within the park. Ms. Poole advised that Mr. Fincannon, who lost his left hand and forearm in Iraq, had his right hand cast in bronze on the Oath of Service Wall. The remaining veterans' hands are featured in the Community Plaza where each county is represented. Mr. Bebber and Mr. Miller were able to attend the trip with Ms. Poole, Mr. French, and Commissioner Yoder.

Ms. Poole gave some specifics about the park and stated that it was an honor to attend.

COMMISSIONER'S REPORT

Vice-Chairman read an email received from Aaron Spry which commended EMS staff, specifically Eric Smith and Hansel Burke, and first responders for their efforts in aiding his wife in a recent emergency situation.

ADOPTION OF AGENDA

Commissioner Yoder made a motion to adopt the agenda as presented. Commissioner Jennings 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: CONDITIONAL USE PERMIT 11-4 = STOLTZFUS

Seth Harris, County Planner, presented Conditional Use Permit 11-4 submitted by Simon and Joyce Stoltzfus who requested conditional use approval for a rural business (bulk goods sales) at property located at 67 Pressley Court. The size of the property is 3.96 acres, zoned RA-20. The current land use is a single family residence. Mr. Harris stated that zoning with 100 feet of the subject property was RA-20 on all sides. Land uses within 100 feet include agricultural to the north, single family residential to the south, singlewide manufactured homes to the east, and vacant property to the west.

Mr. Harris reported that the applicants wished to sell bulk goods (large quantities of sugar, flour, spices, etc.) from within their existing home. The subject property has road frontage on Pressley Court and the proposed use would utilize an existing private well and individual septic system.

He informed the Board that the RA-20 Zoning District allowed the proposed use with conditional approval by the Board. He 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 has received 5 calls in opposition to the request.

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

1. All activities related to the proposed use shall be conducted between 8:00 AM and 8:00 PM.
2. Existing vegetative buffer must be maintained to meet current landscaping requirements.
3. All activities related to the proposed use shall be confined to the existing residence. Any future expansions beyond the existing structure shall require conditional approval by the Board of Commissioners.

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

Public Comment

Simon Stoltzfus, applicant, explained that the proposed store would stock bulk food items, food ingredients not usually available in grocery stores, homemade cereals and noodles, and specialty meats and cheeses. He noted that he would mostly be receiving deliveries from UPS and FedEx but planned for one tractor trailer delivery which he would meet at the intersection of Pressley Court and Rocky Face Church Road in an effort to not disturb neighbors or cause traffic problems.

Sandra Pressley, adjoining property owner, expressed concerns with increased traffic on Pressley Court as well as the affect on the quietness of the neighborhood. She noted that neighbors would no longer be able to recognize neighbors cars to prevent crime. Ms. Pressley stated that she moved to this rural area to be away from businesses.

Johnny Pennell, adjoining property owner, felt the business would create a lot of traffic that would cause damage to the road. He also noted that there was already a problem with trash being thrown from vehicles and he felt this would increase.

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

After discussion, Commissioner Jennings made a motion to deny approval of Conditional Use 11-4. The motion died due to lack of a second.

Commissioner Yoder made a motion to approve Conditional Use 11-4 with the following conditions:

1. All activities related to the proposed use shall be conducted between 8:00 AM and 6:00 PM.
2. All deliveries to the proposed use shall be made between 9:00 AM and 2:00 PM as to not interfere with school bus traffic. Only small straight panel trucks will be allowed on the property. All deliveries made by tractor trailer will be arranged for pickup at a different location.
3. Existing vegetative buffer must be maintained to meet current landscaping requirements.
4. All activities related to the proposed use shall be confined to the existing residence. Any future expansions beyond the existing structure shall require conditional approval by the Board of Commissioners.

Commissioner Moose seconded the motion. The Board voted three in favor of the motion (Commissioners Mayberry, Moose, and Yoder) and one against (Commissioner Jennings). The motion carried.

REPORT ON THE ERNIE MATHESON TOURNAMENT

Jon Presnell, Recreation Director, gave an update on spring sports, noting that there were 95 total teams for baseball, softball, and soccer during the season. In addition, 52 teams took part in the annual Ernie Matheson Tournament which raised \$7,200.

He mentioned the recent paving at Dusty Ridge Park as well as the resurfacing of the tennis courts in Bethlehem, noting that he had received many phone calls and emails from citizens that were very pleased with the updates.

ROCKY FACE PARK UPDATE

David Icenhour, Economic Development Director, provided a slide show presentation on the history of the Rocky Face Park, which included information related to the PARTF grant, park committee members, and the recent purchase of 6 lots next to the park property. He reviewed future plans for parking areas, walking trails, and picnic shelters.

Plans are to advertise for bids in late July with construction to begin in October 2011. Mr. Icenhour hoped the first phase would be completed by the winter of 2011.

Commissioner Yoder asked Mr. Icenhour to look into leaving the ADA trails in a more natural form instead of paving them.

BOARD APPOINTMENTS & REAPPOINTMENTS

Rick French, County Manager, presented the following appointments and reappointments to County boards and committees:

Library Board of Trustees – Appoint Betty Lovette for 3 years.

Workforce Development Board – Reappoint Paula Daniels for 2 years.

Animal Control Advisory Board – Appoint Dottie Ferguson and reappoint Gary Shaffer, Dwight Shook, Tod Jones, Wilson Friday, Lanny Keever, James Hill, Trez Widner, and Ryan Mayberry for 2 years.

Town Planning Board of Adjustments – Appoint Eleanor Mallard and Janet Linney for 3 years.

Commissioner Yoder made a motion to approve the appointments and reappointments as presented. Commissioner Jennings seconded the motion. The Board voted unanimously in favor of the motion.

BUDGET ORDINANCE AMENDMENTS #1 - #3

Rick French, County Manager, discussed the purpose of Budget Amendments #1 - #3 as follows:

Budget Amendment #1 – To increase the Public Buildings budget for the replacement of the roof on the Health Department building. Funding comes from the 2010-2011 Home Health budget that was not used.

Budget Amendment #2 – To close out the Hiddenite Industrial Water & Sewer Project – final reimbursement received from the Rural Center and final payments made to WPCOG in June 2011.

Budget Amendment #3 – To budget for fire software program annual support for the Wittenburg and East Alexander Fire Departments.

Commissioner Jennings made a motion to approve Budget Amendments #1 - #3. Commissioner Moose seconded the motion. The Board voted unanimously in favor of the motion.

OTHER BUSINESS

Rick French, County Manager, reviewed the following issues during Other Business:

- A. The bid opening for the Church Road Water Line Project is set for July 28, 2011.
- B. Midstate Construction is planning to resurface the basketball court at Jaycee Park this week.

- C. The County is partnering with the YMCA on the triathlon planned for Saturday, July 16, 2011 at Dusty Ridge Park.
- D. The NCACC Annual Meeting is scheduled for August 18-21, 2011 in Concord. Early registration expires on July 22, 2011.
- E. The Criminal Justice Partnership Grant for 2011-2012 has been approved; however, the exact amount of the grant is undetermined at this time.

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

CONSENT AGENDA

- A. Tax Release Requests for May \$2,353.58 and Tax Refunds for May \$1,883.35.
- B. Minutes from the June 20, 2011 Regular Commissioners' Meeting and the June 27, 2011 Special Called Meeting.
- C. Utility Easement Encroachment Agreement for Fiber Optic Cable Line between Town of Taylorsville and Alexander County.
- D. Employment Security Commission Lease Renewal.

Commissioner Jennings made a motion to approve the Consent Agenda. Commissioner Moose 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, CONTRACTUAL, & PERSONNEL

Vice-Chairman Mayberry made a motion to enter into Closed Session at 7:37 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 Jennings seconded the motion. The Board voted unanimously in favor of the motion.

ADJOURNMENT

There being no further business, Commissioner Jennings made a motion to adjourn at 8:23 PM. Commissioner Moose seconded the motion. The Board voted unanimously in favor of the motion.

Ryan Mayberry, Vice-Chairman

Jamie M. Starnes, Clerk to the Board