

Draft

BOARD OF COMMISSIONERS
REGULAR MEETING November 19, 2012

ALEXANDER COUNTY
STATE OF NORTH CAROLINA

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

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

The Alexander County Board of Commissioners held a regular meeting on Monday, November 19, 2012 at the CVCC / Alexander Center in Room 103, Taylorsville, North Carolina.

CALL TO ORDER

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

INVOCATION & PLEDGE OF ALLEGIANCE

Commissioner Robertson gave the invocation and Vice-Chairman Jennings led the Pledge of Allegiance to the Flag.

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

The Board presented a Key to the County to Kay Ivey for 23 years of service with the Department of Social Services. A Key to the County was also given to Luther Stocks for 33 years of service at the Tax Office.

ADOPTION OF AGENDA

Commissioner Robertson requested consideration of the 2011 Scattered Site CDBG Housing Rehabilitation Program Plans be delayed until the next meeting to allow staff to review the complaint procedure.

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

PUBLIC COMMENT

The following comments were heard:

Nancy Kerley asked if the Board had considered an appropriate name for the new Sheriff's Office and Detention Center and suggested naming the facility after the late Sheriff Elisha Bebber.

Rusty McGee asked why the Board was opposed to naming the new Sheriff's Office and Detention Center after the late Sheriff Elisha Bebber who was killed in the line of duty and also why the citizens were not allowed to vote on this issue during the past election.

Chairman Mayberry replied that the Board was not prepared to speak tonight on this issue but would take all comments into consideration. Commissioner Robertson suggested a list of names be taken of those attending the meeting in favor of renaming the facility.

Phil Addison, Pastor at Stony Point Baptist Church, spoke in opposition to the upcoming request by the Citizens for the Future of Alexander County for a county-wide ABC referendum. He presented a packet of talking points against the referendum, asking the Board to consider its contents before voting on this issue. Mr. Addison informed the Board that according to election results, voters in Alexander County were highly conservative; therefore, he requested the Board not go against the safeguards the citizens felt they had when they voted them in as commissioner and to continue to uphold the values of this county.

Gary Jennings, Chairman of the Alexander County Citizens for Faith and Family Values, stated that if alcohol was the basis for the economy of any major city or state, they would not incur any financial problems; however, the largest cities in the nation with every form of alcohol sales now have to be bailed out by the government. He asked why the upcoming request had not been given in time to be placed on the ballot for the recent election, saving the county the expense of another election, and noted that it was his opinion that the delay was intentional because it would not have passed given the conservative views of the voters. He encouraged the Board to keep this from coming into Alexander County but also urged them to own their decision if they voted to allow for the referendum by a majority vote instead of obtaining the petition signed by 35% of registered voters as required by state law.

CITIZENS FOR THE FUTURE OF ALEXANDER COUNTY ECONOMIC STIMULUS PRESENTATION

Bud Caywood, Chairman of Citizens for the Future of Alexander County, informed the Board of initiatives of the CFAC - revitalize the local economy, build tourism on natural scenic beauty, create a cultural arts environment, and development of retirement opportunities. He gave a slide show presentation regarding the first initiative and identifying the economic problem, which included the following:

- Statistics comparing Alexander County's retail and food / beverage sales to counties similar in size.
- Videos of the number of cars that exit Alexander County each work day (12,000 per day estimated by NCDOT).
- Amount of local money spent in other counties – estimated at \$15,588,000 per year (based on \$5 per car exiting Alexander County).
- Statistics showing more alcohol-related accidents in dry counties – Alexander County's is higher than surrounding 15 counties and state average.

Mr. Caywood reported that Alexander County did not get any sales tax or retail sales revenue from money spent in neighboring counties, noting the importance of buying locally. He felt that a proven economic stimulus plan was needed to create jobs, keep property taxes low, and provide for a better economy and he requested a vote for a county-wide ABC referendum, pointing out that new restaurants, hotels, and businesses would be more willing to locate in our county if the sale of alcohol was legalized.

Commissioner Robertson reported that, according to information presented by Mr. Addison, 7.4% of the American adult population was alcoholics and that for every dollar generated from alcohol sales in NC there is a corresponding expenditure of \$21.42 due to the cost of alcohol related problems. He also noted that a referendum would cost the County approximately \$25,000.

Commissioner Robertson made a motion to call for a county-wide ABC referendum only if a petition was received containing signatures of 15% of registered voters in Alexander County. No second was given.

Chairman Mayberry asked why the referendum request was not brought to the Board sooner so that it could've been placed on the ballot during the previous election. It was noted that according to statute, an ABC referendum was not allowed to be placed on the ballot during a Presidential election.

Commissioner Yoder stated that regardless of whether he was or was not in favor of county-wide alcohol sales, he firmly believed in the citizens' right to vote on any issue; therefore, Commissioner Yoder made a motion to approve a county-wide alcoholic beverage election to:

- Permit the "on-premises" and "off-premises" sale of malt beverages; and
- Permit the "on-premises" and "off-premises" sale of unfortified wine; and

- Permit the operation of ABC stores; and
- Permit the sale of mixed beverages in hotels, restaurants, private clubs, community theaters, and convention centers.
- This alcoholic beverage election shall be held on a special election date to be determined.

Commissioner Moose seconded the motion.

Vice-Chairman Jennings agreed, stating that this country was a democracy and the people should decide what they wanted in their county.

Chairman Mayberry felt the Board could not deny the citizens the right to vote on this issue as they did on the Amendment One marriage issue in May. He stated that the Board was not endorsing county-wide alcohol sales, only allowing the citizens to vote for themselves.

After calling for the vote, the Board voted 4 in favor of the motion (Commissioners Jennings, Mayberry, Moose, and Yoder) and one against (Commissioner Robertson). The motion carried.

PUBLIC HEARING: REZONING CASE 12-1 – HIDDENITE CONFERENCE CENTER

Seth Harris, County Planner, presented Rezoning Case 12-1 submitted by Ed Wiseman who requested rezoning of property located at 140 Old Mountain Road from RA-20 (Residential Agricultural) to L-I (Light Industrial) to allow for a warehouse and light manufacturing. The size of the property tract is 2.42 acres and the current land use is a warehouse. Mr. Harris stated that zoning within 100 feet of the property is RA-20 to the north and south, H-C to the north and east, and L-I to the south, east, and west. Land uses within 100 feet of the property include a single family residence, a manufactured home, and agriculture sales to the north, warehousing to the south, retail sales to the east, along with manufacturing and vacant property to the west.

He stated that the existing building on the property was constructed in 1982 and was used for manufacturing purposes prior to the adoption of county-wide zoning. The property is served by public water and sewer. The applicant currently has a wood working operation in the building and there are possible plans for restaurant distribution in the future.

Mr. Harris advised that Section 154.140 of the Alexander County Zoning Ordinance states that the RA-20 District is established to provide low-density residential and agricultural purposes including single-family dwellings, two-family dwellings, individual manufactured homes, and related uses necessary for a sound neighborhood. Section 154.190 states the purpose of the L-I District is to provide for the development of areas devoted to light manufacturing, processing and assembly use, warehousing, distribution, and servicing enterprises, etc.

The 2008 Comprehensive Plan shows this property as remaining residential in nature; however, the plan does show nearby areas being commercial in nature. The 1995 Thoroughfare Plan makes no mention of improvements Old Mountain Road. The 2010 annual average daily traffic count for this section of Old Mountain Road was 4,000 trips per day.

Mr. Harris noted 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*. Staff received one call with concerns about increases in noise and traffic.

He informed the Board that Planning & Development staff recommended approval of the request due to similar adjacent zoning districts and the existence of proposed uses prior to the adoption of county-wide zoning. He also stated that the Planning & Zoning Commission met on October 4, 2012 to review the request and voted unanimously to recommend approval based on the following supporting facts.

1. The existence of industrial type activity on the property prior to county-wide zoning.
2. Proximity of similar zoning districts.
3. The property lies within a transitional zoning area.

The Planning & Zoning Commission also suggested that discretion be utilized when enforcing the landscaping ordinance to avoid jeopardizing public safety and contradicting the intent of the ordinance.

Mr. Harris advised that based on the information provided, the Board must determine whether the rezoning request meets the guidelines set forth above and is reasonable in regards to the public interest.

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

Commissioner Yoder made a motion to approve Rezoning Case 12-1 based on the proximity of similar zoning districts and the existence of industrial type activity on the property prior to countywide zoning. Commissioner Robertson requested the addition that provisions to the Zoning Ordinance addressing limits to working hours of industries adjoining residential areas as a noise consideration needed to be discussed at a later date. Commissioner Yoder accepted the amendment. Commissioner Robertson seconded the motion. The Board voted unanimously in favor of the motion.

UPDATE ON ALEXANDER COUNTY CHRISTMAS PARADE

With the dissolving of the Chamber of Commerce, the County took on the responsibility of the annual Christmas Parade. The Cooperative Extension Office is working closely with Dwaine Coley to plan and organize this year's parade.

Lenny Rogers, County Extension Director, stated that Cooperative Extension Office was handling registrations and that staff had organized volunteers as well as insurance coverage for the event.

dwaine coley announced that the theme of this year's parade was "Yes, Virginia!" and he noted that several ACHS Theater Club students would be walking the parade route as characters for more one on one involvement with the crowd. There are a total of 152 entries so far including 4 Police and Sheriff units, 9 dignitaries, 3 bands, 7 fire departments, 12 school groups, 8 civic groups, 5 car clubs, 7 commercial organizations, 4 churches, one beauty queen and several recreation and athletic groups. He advised that the parade would be broadcast live on WACB as usual; however, the parade will be videoed by County staff to coincide with that broadcast. The video will be shown on the County PEG channel prior to and on Christmas Day.

Several members of the Board thanked Mr. Rogers, Mr. coley, staff, and volunteers for their efforts in making this event a success.

CONSIDERATION TO PURCHASE 2012 AMBULANCE FOR ALEXANDER COUNTY EMERGENCY MEDICAL SERVICES

Bradley Earp, EMS Director, presented a request for the purchase of an AEV TraumaHawk ambulance from Northwestern Emergency Vehicles at a price of \$119,998, a \$6,700 savings from the original sales price of \$126,700 due to the "piggyback" of Yadkin County's previously bid contract approved at the October 1, 2012 Commissioners' Meeting.

He gave a few specifics about the unit such as the 2012 Chevrolet chassis, a 6.6 Duramax engine, a refrigerated compartment for medications, all LED emergency lighting with a 5-year guarantee, a 10-year electrical warranty, and paint and corrosion warranties.

Commissioner Yoder made a motion to approve the purchase of the 2012 AEV TraumaHawk ambulance. Commissioner Robertson seconded the motion. The Board voted unanimously in favor of the motion.

NC ENERGY ASSISTANCE PROGRAMS

Cindi Holman, DSS Director, discussed the Low Income Energy Assistance Program available through DSS which provides families with a one-time annual vendor payment to help families pay their heating expenses. Beginning December 1, 2012, eligible individuals who are over 60, receive Social Security disability payments, a veteran receiving 100% VA disability payments, receive Medicaid based on disability, or receive Railroad Retirement can apply. All other eligible households may apply beginning February 1, 2013. She advised that this program had taken a huge cut in funding from \$368,966 in 2010 to \$54,294 in 2012.

She mentioned the Crisis Intervention Program that provides financial aid to households with heating and cooling related emergencies. The amount received this year totaled \$122,918;

however, only \$3,200 was left as of today. Ms. Holman stated that it was possible more funding could be received but it was not guaranteed.

Ms. Holman advised that DSS also had an all County-funded program that was used for assistance with water, power, and rent bills for individuals either being evicted from their homes or with utilities being terminated. A total of \$17,430 is left in that account.

ADOPTION AWARENESS MONTH PROCLAMATION

Commissioner Robertson presented a proclamation approved by Governor Perdue declaring November 2012 as Adoption Awareness Month in NC. He thanked the DSS employees as well as all foster and adoptive parents in Alexander County.

Cindi Holman, DSS Director, reported that 8 adoptions took place in 2011-2012 and that 2 more had occurred since July 1, 2012. She discussed the “foster to adopt” philosophy and added that anyone interested in either fostering or adoption should contact Tenille Hileman.

Commissioner Robertson made a motion to proclaim the month of November as Adoption Awareness Month in Alexander County. Commissioner Yoder seconded the motion. The Board voted unanimously in favor of the motion.

RESOLUTION REQUESTING THE ALEXANDER COUNTY BOARD OF COMMISSIONERS TO APPOINT A REVIEW OFFICER FOR ALEXANDER COUNTY

Rick French, County Manager, explained that this resolution was necessary to transfer responsibilities held by Luther Stocks, Tax Administrator, to Guy Kerley due to Mr. Stocks’ retirement.

Commissioner Robertson made a motion to approve the resolution appointing Guy Kerley as Review Officer. Commissioner Yoder seconded the motion. The Board voted unanimously in favor of the motion.

CHRISTMAS IN BETHLEHEM PROCLAMATION

Chairman Mayberry made a motion to approve a proclamation declaring December 1-31, 2012 as Christmas in Bethlehem. Commissioner Yoder seconded the motion. The Board voted unanimously in favor of the motion.

SALES TAX REPORT

Rick French, County Manager, stated that \$901,714 had been collected in sales tax revenues for the first 3 months of the budget year. We are approximately 4% or \$35,225 ahead of this same time last year; however, a total of \$45,442 has been set aside for hold harmless.

BOARD APPOINTMENTS & REAPPOINTMENTS

Rick French, County Manager, requested that Clint Canaday, Larry Jenkins, Brent Fox, Mark Foy, Tony Lackey, David Land, Seth Harris, Lynn Teague, Bert Gibson, Commissioner Robertson, and Commissioner Mayberry be reappointed to the Building Services Advisory Committee for one year.

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

BUDGET ORDINANCE AMENDMENTS #14 - #22

Rick French, County Manager, discussed the purpose of Budget Amendments #14 - #22, as follows:

Budget Amendment #14 – To increase the Planning Department budget for an Office Assistant Position. To budget for an estimated refund to the NC Department of Juvenile Justice for 2011-2012 unused balances from JCPC, Rainbow Center, and Nurturing Parenting Program. To increase the Fire-Emergency Services budget for receipt of equipment from a Homeland Security grant. To increase the Health Department budget for additional immunization funds.

Budget Amendment #15 – To amend the project budget for Hoyle Keller Loop to agree with the budget approved by the NC Department of Commerce.

Budget Amendment #16 – To reduce the project budget for the Composite Fabrics Building Renovation Project to zero for the Rural Center's de-obligation of grant funds.

Budget Amendment #17 – To increase the Jail project budget for estimated remaining costs for finish the project.

Budget Amendment #18 – To increase the Governing Body Professional Services budget for a one-year contract with a law firm to provide 24/7 law enforcement legal support.

Budget Amendment #19 – To increase the Governing Body Professional Services budget to contract with a law firm to review existing policies and draft 15 new policies for the Sheriff's Office Policy & Procedure Manual.

Budget Amendment #20 – To increase the Governing Body Professional Services budget for a contract with a law firm to review existing policies and draft 2 new policies for the Detention Center Policy Manual.

Budget Amendment #21 – To increase the Governing Body Professional Services budget for outside legal counsel related to law enforcement matters.

Budget Amendment #22 – To use funds set aside for information technology projects to purchase and install 4 mobile data terminals and printers in the 4 Dodge Chargers being purchased.

Vice-Chairman Jennings made a motion to approve Budget Amendments #14 - #22. 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 as information.

CONSENT AGENDA

- A. Tax Release Requests for September 25 – November 12, 2012 \$7,169.12 and Tax Refunds for September 25 – November 12, 2012 \$1,993.02.
- B. October 1, 2012 Regular Commissioners' Meeting.
- C. Request for surplus of the following vehicles: 2000 Crown Victoria #8441, 2000 Crown Victoria #8444, 2004 Crown Victoria #7914, 2004 Crown Victoria #7915, 2006 Crown Victoria #3609.
- D. Register of Deeds Records Retention and Disposition Schedule.

Commissioner Yoder 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 Mayberry made a motion to enter into Closed Session at 7:59 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 Robertson made a motion to adjourn at 8:32 PM. Commissioner Yoder seconded the motion. The Board voted unanimously in favor of the motion.

Ryan Mayberry, Chairman

Jamie M. Starnes, Clerk to the Board