

Draft

**BOARD OF COMMISSIONERS**  
**REGULAR MEETING**     June 23, 2014

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

**PRESENT:**    Larry Yoder, Chairman  
                  Ryan Mayberry, Vice-Chairman  
                  Andrew Ferguson  
                  James “Burkie” Jennings

**ABSENT:**     Judy M. Moose

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

The Alexander County Board of Commissioners held a regular meeting on Monday, June 23, 2014 at the CVCC / Alexander Center in Room 103, Taylorsville, North Carolina.

**CALL TO ORDER**

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

**INVOCATION & PLEDGE OF ALLEGIANCE**

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

**\*\*\*SPECIAL RECOGNITION\*\*\***

A Key to the County was given to Hayward E. Bowman for his many years of service to the citizens of Alexander County. Commissioner Jennings stated that Bowman’s Grocery opened in 1956 and that Mr. Bowman had been a dairy farmer for 66 years. Mr. Bowman has 4 daughters, 8 grandchildren, 16 great-grandchildren, and one great-great grandchild.

**ADOPTION OF AGENDA**

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

## **JULY 4<sup>TH</sup> CELEBRATION**

Matt Cooksey with Habitat for Humanity announced an Independence Day celebration scheduled for Saturday, July 5<sup>th</sup>. A foot and pedal-powered parade through town will begin at 10:30 AM at Adams Funeral Home and field games and craft vendors will be available throughout the day. Fireworks will take place in the evening at Alexander Central High School. All events are free and open to the public.

## **PUBLIC HEARING: TEXT AMENDMENT 14-1 – COMMERCIAL RECREATIONAL ZONING DISTRICT**

Seth Harris, County Planner, presented Text Amendment 14-1 to the Alexander County Zoning Ordinance that included updates to the zoning classification section, use matrix, and definition section to add a Commercial Recreational zoning district which allows for activities typically associated with resort areas including recreation, dining, and lodging facilities. He advised that the Planning & Zoning Commission, in addition to a work session, met on June 5<sup>th</sup> and June 12<sup>th</sup> to discuss the text amendment and had voted unanimously to recommend approval as presented tonight.

John Marshall, WPCOG Planning Director, reviewed the permitted principal uses, permitted accessory uses, and conditional uses outlined within the use matrix for the Commercial Recreational district and reported changes made to the use matrix from public input including:

- Changed distilleries, wineries, and breweries from permitted uses to conditional uses.
- Removed marinas and dry storage facilities as well as watercraft rental, sales, or storage, and movie theaters as allowed uses.
- Changed delicatessens, sit-down restaurants, gift shops, and novelty or souvenir shops from permitted uses to conditional uses.
- Added swimming pools, tennis courts, and spas/salons as permitted uses and lodges as a conditional use with the district.

Chairman Yoder called the public hearing to order and requested any comments.

### Public Comment

Gary Jennings, Citizens for Faith & Family Values Chairman, felt this proposal had intentionally been undertaken quietly in an attempt to allow alcohol into the county without regard for the results of the March 2013 ABC Election where the majority of citizens voted in opposition. He also expressed concerns with one of the proponents for the ABC issue holding a position on the Planning & Zoning Commission which he felt was a conflict of interest. It was Mr. Jennings' opinion that ABC had not and would not assist either County or Town Economic Development with the recruitment of industry,

manufacturing, and sustainable jobs with the exception of that being proposed tonight – distilleries, wineries, and breweries.

Martha Starnes, adjoining property owner to the Ole Still Golf Club, was concerned with having a distillery or winery located next door and also with staff not being available to answer her questions or returning her calls prior to the Planning & Zoning public hearing held on June 5<sup>th</sup>. She questioned how this was being allowed and the ease of getting these types of establishments approved when the citizens clearly voted in opposition to the ABC issue last year. Ms. Starnes felt this was being done only to financially benefit business owners' instead of protecting property owners.

Bud Caywood, Planning & Zoning Commission member, spoke as a resident of Bethlehem. He felt the Commercial Recreation district would create the opportunity for small business growth while also protecting residential property and he discussed the impact that small business had on communities, jobs, and the future. He pointed out that those in opposition to the new district were only focusing on one of the 24 uses allowed.

Brenda Hartness, Secretary for Millersville Baptist Church, advised that law enforcement responded to more calls related to alcohol than anything else and she questioned why the Board would allow more into the county, noting that alcohol had done nothing for this state but cause death and heartache. She asked the Board to stand behind the voters' decision last year in opposition to the ABC Election.

Martha Starnes was not opposed to the growth of Oliver's Landing and was in favor of all other uses proposed within the new district except those related to alcohol.

John Halter, Director of Sales and Marketing for Ole Still Golf Club, reported that the club was attempting to create a golf course with a potential niche to compete in this economy, create jobs, and support local business. He also stated that if in the future a distillery was opened at the facility it could not sell its product on-site. When asked by Vice-Chairman Mayberry if alcohol was currently served at the golf course, Mr. Halter replied that as a private club, alcohol had been served there for many years.

Darrell Seaford, Republican Party Chairman, understood that even though a conditional use had to be approved by the Board, it still created an opportunity for alcohol to be allowed at some point. He encouraged the Board's opposition and asked them to consider the costs associated with problems created by alcohol which would outweigh any revenue created.

Brent Fox, Construction Manager with BMH Construction & Realty, encouraged the Board's support, pointing out that action tonight also affected establishments other than Oliver's Landing. He advised that the owner of Brushy Mountain Golf Course had pledged to invest \$2.5 million dollars in this county to upgrade the clubhouse and restaurant along with creating a 10-unit lodging facility, action that cannot be completed without approval of the Commercial Recreation district.

Gary Jennings was not opposed to creation of the Commercial Recreation district, only the conditional use allowance of distilleries, wineries, and breweries and he asked the Board to consider approval of the district without those 3 uses. He again felt this was a move to get alcohol into the county, pointing out that the sign at the golf course at Oliver's Landing had already changed to Ole Still Golf Course prior to approval of this new district and it's allowed uses.

Bud Caywood stated that the county was already home to a winery which fell under agricultural zoning. He also advised that under NC law, any product created by a distillery or brewery could not be sold at the same facility where it is made – it would be sold to the ABC Commission which would then distribute the product.

John Marshall clarified that action tonight was only to amend the text of the Zoning Ordinance to allow the new Commercial Recreational district and he explained that Ole Still or any other establishment wishing to pursue any of the uses listed would have to first apply for and be approved for rezoning as a Commercial Recreational district and then apply for and be approved for any conditional uses listed within the use matrix, all requiring public hearings by both the Planning & Zoning Commission and the Board of Commissioners.

Vice-Chairman Mayberry questioned the timing of notification of the Planning & Zoning public hearing to surrounding property owners and if all laws and requirements were followed. Mr. Harris answered that notification was not required for a text amendment; however, a public hearing for rezoning of the Ole Still Golf Club had been originally been scheduled for the same meeting as consideration of the text amendment, which did require notification and prompted the letters being sent according to policy to property owners within 100 feet. However, the rezoning was subsequently tabled until the July meeting.

Commissioner Ferguson pointed out that pharmaceutical abuse was as bad of a problem as alcohol abuse but that no one was protesting Walgreens or the Wal-Mart pharmacy.

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

Commissioner Jennings made a motion to approve Text Amendment 14-1 as presented. Vice-Chairman Mayberry seconded the motion. The Board voted unanimously in favor of the motion.

## **SOLID WASTE FRANCHISE AGREEMENT**

Josh Mitchell, Public Works Director, requested approval of a 5-year extension to the Republic Services franchise agreement to include all residential and commercial hauling, transportation and disposal of the County's waste at Foothills Environmental Landfill, and the initiation of a countywide single-stream curbside recycling program. Republic Services has also offered to waive the Consumer Pricing Index for the next fiscal year that will save the County approximately \$50,000.

Current residential prices for Republic Services are \$20.49 per month for customers using their own cans or \$22.99 per month for customers renting a GDS cart with pickup once per week. The price will only increase to \$24.29 per month to add the single-stream recycling with pickup every other week. He felt this would create more uniformity and less litter within the county and also increase household recycling tonnage. Alexander County is currently 16<sup>th</sup> in the state for per capita recycling.

As requested by Vice-Chairman Mayberry, Mr. Mitchell provided rates from competitors including Waste Management whose residential rate for 3-day rental and pickup, drop off, and disposal of 3 tons of waste for \$467 compared to Republic's rate of \$404. Waste Management also stated that it was not feasible to contract with Alexander County given their closest yard being located in Gastonia. An Iredell-based company also provided a residential rate for the same service as Republic at \$23.84 per month, only a 45-cent savings.

He also advised that the closest landfill to Alexander County was located in Caldwell County and the next closest was at Charlotte Motor Speedway, both of which are owned by Republic Services. He estimated a cost increase of \$225,000 per year to haul Alexander County's waste to the closest landfill not owned by Republic Services located in Johnson City, TN.

Commissioner Jennings made a motion to approve the 5-year extension to the Republic Services franchise agreement. Commissioner Ferguson seconded the motion. The Board voted unanimously in favor of the motion.

## **SALES TAX UPDATE**

Rick French, County Manager, reported that \$2.6 million had been collected in sales taxes for 9 months of the 2013-2014 budget. This is \$26,000 less than this time last year. The collection total for 10 months was \$3,008,000 which is \$16,739 less than last year. A total of \$3.6 million has been budgeted for the entire year. The hold harmless amount set aside for the Town and Schools stands at \$111,000.

## **BOARD APPOINTMENTS & REAPPOINTMENTS**

Rick French, County Manager, requested the following appointment and reappointment:

Smoky Mountain Center County Commissioner Advisory Council – Appoint Larry Yoder.

WPCOG Region E Aging Advisory Committee – Reappoint Phil Thorsen for two years.

Commissioner Jennings made a motion to approve the appointment and reappointment. Commissioner Ferguson seconded the motion. The Board voted unanimously in favor of the motion.

Vice-Chairman Mayberry volunteered to serve on the WPCOG MPO/RPO Transportation Advisory Board.

Chairman Yoder made a motion to approve the appointment to the MPO/RPO Board. Commissioner Ferguson seconded the motion. The Board voted unanimously in favor of the motion.

### **BUDGET ORDINANCE AMENDMENTS #43 - #48**

Rick French, County Manager, discussed the purpose of Budget Amendments #43 - #48, as follows:

Budget Amendment #43 – To increase the Governing Body budget for 1) an additional retainer fee from the law firm Smith Rodgers, PLLC for law enforcement legal services and 2) for self-insured medical claims expected for the remainder of 2014, and 3) for Worker’s Comp claims based on the unpaid balance of open claims. To increase the Detention Center budget for inmate medical bills through June 2014. To increase the EMS budget for estimated NCACC administrative fee for the EMS Medicaid cost settlement program.

Budget Amendment #44 – To increase the Animal Services budget to purchase two cage banks for the shelter with donation revenue. To increase the Extension Service budget for an additional \$100 received from the Nourishing NC Garden Grant. To increase the Library budget for Aid to Public Libraries grant funds received in excess of original budget estimate.

Budget Amendment #45 – To budget for FY 2014 wellness program payments to eligible employees.

Budget Amendment #46 – To budget for FY wellness program payments to eligible employees.

Budget Amendment #47 – To adjust the budget estimate for sales tax hold harmless funds to the school system based on year-to-date receipts.

Budget Amendment #48 – To increase the Sheriff’s Office budget for the purchase of a used boat, motor, and trailer from the State Surplus Property Agency and purchase of equipment.

Vice-Chairman Mayberry made a motion to approve Budget Amendments #43 - #48. Commissioner Ferguson seconded the motion. The Board voted unanimously in favor of the motion.

## **OTHER BUSINESS**

Rick French, County Manager, provided a financial report of the 2013-2014 budget as of today and also invited the Board to attend a 100<sup>th</sup> birthday celebration of the Hiddenite Center's Lucas Mansion on June 26<sup>th</sup> from 5:00-7:00 PM.

## **CONSENT AGENDA**

- A. Minutes from the May 29, 2014 Work Session and June 2, 2014 Regular Commissioners' Meeting.
- B. Home and Community Care Block Grant SFY 2014-2015.

Commissioner Jennings made a motion to approve the Consent Agenda. Vice-Chairman Mayberry seconded the motion. The Board voted unanimously in favor of the motion.

## **CLOSED SESSION – N.C.G.S. 143-318.11(a)(1, 2, 4, 5, & 6) TO PREVENT THE DISCLOSURE OF CONFIDENTIAL INFORMATION, DEGREES/PRIZES/AWARDS, ECONOMIC DEVELOPMENT, CONTRACTUAL, & PERSONNEL**

Chairman Yoder made a motion to enter into Closed Session at 7:29 PM to prevent the disclosure of confidential information and to discuss degrees/prizes/awards, economic development, contractual matters, and personnel issues pursuant to N.C.G.S. 143-318.11(a)(1, 2, 4, 5, & 6). Vice-Chairman Mayberry seconded the motion. The Board voted unanimously in favor of the motion.

## **ADJOURNMENT**

There being no further business, Chairman Yoder made a motion to adjourn at 8:03 PM. Vice-Chairman Mayberry seconded the motion. The Board voted unanimously in favor of the motion.

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Larry Yoder, Chairman

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Jamie M. Starnes, Clerk to the Board