

Draft

**BOARD OF COMMISSIONERS**  
**REGULAR MEETING**     September 14, 2015

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

**PRESENT:**    Larry Yoder, Chairman (arrived at 6:07 PM)  
                  Ryan Mayberry, Vice-Chairman  
                  Milton H. Campbell  
                  Josh Lail  
                  Ronnie Reese

**STAFF:**        Rick French, County Manager

The Alexander County Board of Commissioners held a regular meeting on Monday, September 14, 2015 at the CVCC / Alexander Center in Room 103, Taylorsville, North Carolina.

**CALL TO ORDER**

Vice-Chairman Mayberry called the meeting to order at 6:02 PM.

**INVOCATION & PLEDGE OF ALLEGIANCE**

Commissioner Reese gave the invocation and Vice-Chairman Mayberry led the Pledge of Allegiance to the Flag.

**COMMISSIONER'S REPORT**

Commissioner Reese addressed comments made at the recent Alexander County School System Opening Session regarding local and State budget cuts to education, pointing out that the Board of Commissioners appropriated an additional \$381,000 in funding to the School System with approval of the 2015-2016 budget. He also added that a recent email from Senator Andy Wells showed Alexander County as being in the top tier for School System Fund Balance compared to surrounding counties.

Vice-Chairman Mayberry urged the public to educate themselves on the EPA Waters of the US Rule which has been delayed due to significant protest from home builders and other interested organizations. He explained that this legislation, which would give the EPA authority of any body of water on public and private property, could be devastating to business and property owners alike.

Vice-Chairman Mayberry felt law enforcement was being negatively portrayed in the media and took the opportunity to say thank you to all Alexander County law enforcement officials for their service and protection

Commissioner Lail conveyed his appreciation to Alexander County EMS who responded to his home over the weekend when a foster child in his care had a seizure, noting that the paramedics were very professional and did their job well. He also mentioned that he was still receiving negative feedback regarding the recent increase in water rates in the Bethlehem area and felt work should be done to ensure all citizens in the county were paying similar rates.

Commissioner Campbell thanked Sheriff Chris Bowman and Jail Administrator Mike Harrison for providing a tour of the Detention Center last week, noting that he was very impressed with the professionalism of the staff and cleanliness of the facility.

### **ADOPTION OF AGENDA**

Commissioner Reese made a motion to adopt the agenda as presented. Commissioner Lail seconded the motion, which passed unanimously.

### **PUBLIC COMMENT**

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

### **PRESENTATION FROM OLE STILL GOLF CLUB**

Megan Katsch, Ole Still Golf Club Operations Manager and Director of Marketing & Sales, promoted Ole Still which features a recently renovated 18-hole golf course as well as facilities for parties, meetings, banquets, etc. She provided packets with membership information and coupons.

### **APPROVAL OF HOME HEALTH AGENCY SALE**

Erin Roberts, Attorney with Smith Moore Leatherwood LLP, presented a resolution to approve the terms of an Asset Purchase Agreement between Alexander County and Medical Services of America, Inc. to sell substantially all assets used in the operation of the Alexander County Home Health Agency to MSA with the exception of vehicles, real property, and the County's name.

She explained that Medical Services of America was an experienced provider of home health services, headquartered in South Carolina, that had purchased home health agencies in Davidson, Watauga, Ashe, and Alleghany Counties. MSA has extended offers to all current employees for 6 months with no lapse in benefits and roll over of all accrued paid time off.

A closing date has been scheduled for October 1, 2015 with an alternative date of November 1<sup>st</sup> in the event of any delays from the State. She advised that, since Medicare billing is part of home health operations, Medicare is required to approve the transaction and issue a tie-in notice which takes place several months after closing. Until the tie-in is received, MSA will occupy the current space in the Health Department and will pay rent to Alexander County.

Ms. Roberts reported that the sum of \$900,000 would be paid from MSA to Alexander County in 3 lump sums – the first in the amount of \$625,000 will be paid within 5 days of closing, the second in the amount of \$225,000 will be paid after the tie-in notice from Medicare is received, and the third in the amount of \$50,000 will be held in escrow for 3 years to protect and secure the indemnification obligations of the County. All funds will be used to support the Health Department and provide health care services.

Vice-Chairman Mayberry made a motion to approve the resolution approving the terms of the Asset Purchase Agreement with Medical Services of America, Inc. Commissioner Reese seconded the motion, which passed unanimously.

Commissioner Campbell made a motion to approve the Asset Purchase Agreement with MSA. Vice-Chairman Mayberry seconded the motion, which passed unanimously.

#### **PUBLIC HEARING: REZONING CASE 15-3 – VENTURE PROPERTIES VII, LLC**

Jon Pilkenton, County Planner, presented Rezoning Case 15-3 submitted by Venture Properties VII, LLC who requested rezoning of property located at 6059 NC Highway 16 South owned by Brenda Miller from RA-20 (Residential-Agricultural) to H-C (Highway Commercial) to allow for a Dollar General Store. The size of the property tract is 1.7 acres and the current land use is residential. Zoning within 100 feet of the property is RA-20 on all sides as well as H-C to the south and N-B to the west. Land uses within 100 feet include residential on all sides along with an office to the south and commercial property to the west.

He reviewed staff comments related to size of the tract, compatibility of the disputed zoning action with an existing comprehensive plan, benefits and detriments resulting from the zoning action for the petitioning property owner / neighbors / and surrounding community, and the relationship between the uses envisioned under the new zoning and the current uses of adjacent land. He advised that the 2008 Comprehensive Plan identified this area as future commercial development and noted that rezoning this property and any subsequent construction would require the development to meet the newly adopted Commercial Development Standards approved by the Board of Commissioners at their July 13, 2015 meeting.

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 a notice was placed in *The Taylorsville Times*. Several citizens spoke at the public hearing with concerns regarding traffic and security of their property.

Mr. Pilkenton informed the Board that the Planning & Zoning Commission held a public hearing on August 6, 2015 to review the request and voted unanimously to recommend approval based on the following:

1. The proposed rezoning is consistent with the future land-use patterns in the County's 2008 Comprehensive Plan.
2. The request will not negatively impact surrounding properties and will provide the potential for future commercial growth.

He advised that based on the information provided, the Board must determine whether the rezoning request meets the guidelines set forth and is reasonable in regards to the public interest considering all uses within the requested zoning district, not merely the use of which the applicant proposes.

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

#### Public Comment

Justin Church with Blue Ridge Environmental, civil engineer for the project, reported that NCDOT approval had been received for the ingress/egress plan and that vegetative buffers would be provided to screen neighboring residential property as required by the County Zoning Ordinance.

Katherine Jolly who lives next door to the subject property expressed concerns with patrons of the Dollar General loitering in her yard as well as increased traffic and accidents on Highway 16, noting that it was almost impossible for her to leave her driveway now with the current amount of traffic. She preferred a wall be constructed instead of a vegetative buffer to prevent sounds from the Dollar General disturbing her child at night and also asked that hours of operation be adjusted from 9:00 AM until 8:00 PM instead of 10:00 PM for the same reason. Ms. Jolly was also concerned with how this project would affect her property value.

Mr. Church advised that a vegetative buffer would deter against noise more effectively than a fence and that his clients would comply with ordinance regulations.

Steve Icenhour verified property owned by the Wittenburg Fire Department in response to questions from Vice-Chairman Mayberry.

Ronnie Walsh with Venture Properties stated that he understood the concerns raised and would make an effort to be a good neighbor to all. He pointed out that services such as EMS, jails, and school were expensive to provide, especially when federal and state governments continued to shift expenses onto counties, and felt projects such as this would strengthen the tax base and enable the county to maintain a reasonable level of taxes on citizens. He also mentioned that several jobs would be created.

Lana Davidson pointed out the many Dollar General stores already in the county and surrounding area and questioned if there were any restrictions regarding distance between stores. She also felt the Highway 16 North area should be considered for future retail.

Mr. Pilkenton reported that Dollar General estimated an additional 140 cars per day at most once the store was opened and that hours of operation was entirely up to the retailer, not County staff.

There being no further comments, Vice-Chairman Mayberry made a motion to close the public hearing. Commissioner Campbell seconded the motion, which passed unanimously.

Vice-Chairman Mayberry made a motion to approve Rezoning Case 15-3 due to the proposed rezoning being consistent with the future land-use patterns in the County's 2008 Comprehensive Plan and because the request will not negatively impact surrounding properties and will provide the potential for future commercial growth. Commissioner Campbell seconded the motion, which passed unanimously.

#### **PUBLIC HEARING: REZONING CASE 15-4 – VENTURE PROPERTIES VII, LLC**

Jon Pilkenton, County Planner, presented Rezoning Case 15-4 submitted by Venture Properties VII, LLC who requested rezoning of property located at 3565 NC Highway 16 North owned by Patty Isenhour from RA-20 (Residential-Agricultural) to H-C (Highway Commercial) to allow for a Dollar General Store. The size of the property tract is 1.37 acres and the current land use is a church. Zoning within 100 feet of the property is RA-20 on all sides and land uses within 100 feet include residential to the north, south, and west along with a school and a fire department to the east.

He reviewed staff comments related to size of the tract, compatibility of the disputed zoning action with an existing comprehensive plan, benefits and detriments resulting from the zoning action for the petitioning property owner / neighbors / and surrounding community, and the relationship between the uses envisioned under the new zoning and the current uses of adjacent land. He advised that the 2008 Comprehensive Plan identified this area as future commercial development and noted that rezoning this property and any subsequent construction would require the development to meet the newly adopted Commercial Development Standards approved by the Board of Commissioners at their July 13, 2015 meeting.

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 a notice was placed in *The Taylorsville Times*. Staff did not receive any calls or comments in favor or in opposition to this request.

Mr. Pilkenton informed the Board that the Planning & Zoning Commission held a public hearing on August 6, 2015 to review the request and voted unanimously to recommend approval based on the following:

1. The proposed rezoning is consistent with the future land-use patterns in the County's 2008 Comprehensive Plan.

2. The request will not negatively impact surrounding properties and will provide the potential for future commercial growth.

He advised that based on the information provided, the Board must determine whether the rezoning request meets the guidelines set forth and is reasonable in regards to the public interest considering all uses within the requested zoning district, not merely the use of which the applicant proposes.

Chairman Yoder called the public hearing to order and requested any comments. There being none, Commissioner Reese made a motion to close the public hearing. Commissioner Lail seconded the motion, which passed unanimously.

Commissioner Reese made a motion to approve Rezoning Case 15-4 due to the proposed rezoning being consistent with the future land-use patterns in the County's 2008 Comprehensive Plan, because the request will not negatively impact surrounding properties and will provide the potential for future commercial growth, and due to unanimous recommendation for approval from the Planning & Zoning Commission. Vice-Chairman Mayberry seconded the motion, which passed unanimously.

## **CONSIDERATION OF SOLID WASTE ORDINANCE CHAPTER 50.07 CONDITIONS CONSTITUTING A NUISANCE**

Jon Pilkenton, County Planner, presented the proposed amendment to the Solid Waste Ordinance adding nuisance provisions as Chapter 50.07 originally presented at the April 13<sup>th</sup> Commissioners' Meeting and reviewed again on May 4<sup>th</sup> and June 8<sup>th</sup>. He explained that, due to some concerns with Item (H) regarding vegetation height, a meeting was held between Commissioners Mayberry and Lail and Planning & Zoning Members Buy Caywood and John Moore where the group agreed upon a height of two feet.

Vice-Chairman Mayberry requested an additional revision in wording of Item (H) to read:

*“The growth of weeds and other rank vegetation on a business, residential, or vacant lot to a height of greater than **two (2) foot** on the average or to permit such lot to serve as a refuge for rats, mice, snakes or vermin, as a collection place for trash and litter or as a fire hazard. It shall be the duty of the property owner to cut and remove all weeds and other rank vegetation as often as necessary so as to comply with the provision of this Ordinance. This provision does not apply to lots exceeding one (1) acre in size **and contiguous lots in single ownership that exceed one (1) acre in size**, nor to lots which are substantially covered with trees and bona-fide farm operations.”*

Mr. Pilkenton advised that this ordinance would be complaint driven. Property owners can be billed for any clean-up undertaken by the County and a lien can be placed on the property if not paid.

Vice-Chairman Mayberry made a motion to approve Chapter 50.07 Conditions Constituting a Nuisance to the Solid Waste Ordinance with amended language to Item (H). Commissioner Lail seconded the motion, which passed unanimously.

## **NC STATE BOARD OF ELECTIONS MERGER OF VOTING PRECINCTS**

Judy Lail, Elections Director, advised that, due to early voting turnout exceeding that of Election Day as well as the need for replacement of voting machines, the Board of Elections began considering the possibility of merging several voting districts. In December 2014, staff began researching voter turnout statistics along with capacity and functionality of current precinct locations and possible future precincts.

On August 31, 2015, Elections staff received written approval from the State Board of Elections to merge the following precincts:

Gwaltney 1 & 2 – Gwaltney Community Building  
Little River and Sugar Loaf – Little River Community Building  
Sharpes 1 & 2 – Stony Point Fire Department Station 1  
Taylorsville 1, 4, & 5 – Alexander County Senior Center  
Taylorsville 2 & 3 - YMCA

The County Attorney has reviewed agreements for all new precinct locations and surveys have been completed for each building. George Brown, GIS Administrator, and Lisa Harrington, 911 Addressing Coordinator, are working with the State Board of Elections to map all new precincts. New verification cards will be mailed out to citizens and information is available on the Elections website.

Ms. Lail stated that reducing the number of precincts from 16 to 10 would be a significant cost savings because fewer voting machines would need to be purchased, there would be fewer precinct workers needed, and equipment rentals would be reduced. She also announced that 3 one-stop locations would be provided for 2016 including the Elections Office, Bethlehem Fire & Rescue, and Stony Point Fire Department Station 1.

## **SOIL & WATER FARM TOUR INVITATION**

Leslie Meadows, SWCD Education Coordinator, invited the Board to attend the Alexander County Soil & Water Farm Tour on Thursday September 17, 2015 beginning at 3:00 PM, noting that a small itinerary change had occurred due to the avian influenza outbreak which prompted removal of a poultry farm. The new schedule is as follows:

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|--------------|---|
| 3:00 PM      | Depart from SWCD parking lot via Greenway Public Transportation |
| 3:10-3:50 PM | Richie Herman – Beef Cattle Operation / Rotational Grazing Demo |

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|--------------|--|
| 4:00-4:15 PM | Trading Post Produce for refreshments and restroom break   |
| 4:35-5:10 PM | Scott “JD” Sink – Stony Point Nursery & Farms, ACHS FFA Officer Team, Alexander County Farmland Preservation Program |
| 5:20-5:30 PM | Hiddenite Elementary – Critical Area Planting / Stormwater Swales  |
| 5:45-5:55 PM | Alexander CVCC / Alexander County Maintenance Dept. – Cistern  |
| 6:00 PM      | Taylorsville First Baptist Church Fellowship Hall for dinner sponsored by Carolina Farm Credit, Taylorsville Branch  |

She thanked all involved with making the day a success and encouraged the Board to attend.

## **HIGHLY PATHOGENIC AVIAN INFLUENZA REPORT**

Russell Greene, Emergency Services Director, reported that as of December 2014 there had been 21 states and 232 premises infected with the Highly Pathogenic Avian Influenza resulting in 50 million birds that have died or been euthanized. The concern is that migratory flight paths will bring the disease to the east coast. The last reported case was in June in Kentucky.

USDA has spent \$700 million in response and another \$180 million towards bird owners (not growers). He advised that some companies in the Midwest had chosen to share that funding with growers to put birds back in houses; however, some did not and those growers have gone out of business. A task force has been developed to respond to farms if needed and North Carolina will declare a State of Emergency with the first confirmed case.

Mr. Greene has met with several local agencies to begin discussions on how avian influenza will be handled locally. For the time being, he suggested all farms install gates and adhere to biosecurity precautions as suggested by their producer.

More information is available at [www.ncagr.gov/avianflu](http://www.ncagr.gov/avianflu).

## **SCHOOL EXERCISE AFTER ACTION REPORT**

Russell Greene, Emergency Services Director, provided photos and gave a brief report of a full scale exercise held on Friday, August 21, 2015 at East Alexander Middle School. The scenarios included (1) an armed gunman, (2) a hostage situation, and (3) a student concealing a weapon. Feedback has been provided to a consultant for an official after action report. Once received, a meeting will be held with all agencies involved to discuss strengths, weaknesses, and lessons learned.



He thanked all individuals involved including Dr. Jennifer Hefner and the 350 school staff members who participated, Sheriff Chris Bowman and Alexander County Sheriff's Department staff, Taylorsville Police Department, NC Highway Patrol, Probation and Parole, and over 65 County Emergency Services personnel.

He also promoted September as National Preparedness Month and urged every family to have an emergency plan in place.

### **REQUEST TO PIGGYBACK CONTRACT FOR AMBULANCE**

Doug Gillispie, EMS Director, requested the Board to consider a waiver of the bid procedure for letting of public contracts pursuant to N.C.G.S. 143-129 and "piggyback" off Davidson County's contract with Northwestern Emergency Vehicles for the purchase of a Type III ambulance manufactured by American Emergency Vehicles. He advised that he would present the final contract with Northwestern for approval at the October 5<sup>th</sup> meeting.

Chairman Yoder made a motion to waive the formal bidding process, piggybacking off Davidson County's contract and proceed with negotiations with Northwestern Emergency Vehicles. Vice-Chairman Mayberry seconded the motion, which passed unanimously.

Rick French, County Manager, announced that Mr. Gillispie was promoted to EMS Director effective today.

### **SCHEDULING OF SECOND MEETING IN OCTOBER**

Rick French, County Manager, requested a second meeting on October 19<sup>th</sup> solely for awarding of bids for the Alexander Applied Technologies Project. The bid opening will be held on October 15<sup>th</sup>.

Vice-Chairman Mayberry made a motion to approve the second meeting on October 19<sup>th</sup> at 6:00 PM at a location to be determined. Commissioner Lail seconded the motion, which passed unanimously.

### **SALES TAX REPORT**

Rick French, County Manager, reported that \$3,888,297.52 had been collected in sales tax revenue for the 2014-2015 budget year. This is \$283,297 or 6.3% more than last year.

### **BOARD APPOINTMENTS & REAPPOINTMENTS**

Rick French, County Manager, requested the following appointments and reappointments:

Council on Aging – Appoint Chris Howes and Jean Fox for 3 years.

Jury Commission – Appoint Harry Robertson for 2 years.

Planning & Zoning Commission – Appoint Steve Icenhour to replace Dana Beach whose term expires 4/2016.

WPCOG Region E Development Corporation – Reappoint David Icenhour and Doug Caudle for 3 years.

WPCOG Region E Adult Care & Nursing Home CAC – Appoint Kathleen Harvey for one year.

Commissioner Lail made a motion to approve the appointments and reappointments as presented. Vice-Chairman Mayberry seconded the motion, which passed unanimously.

## **BUDGET ORDINANCE AMENDMENTS #5 - #8**

Rick French, County Manager, reviewed the purpose of Budget Amendment #5 - #8 as follows:

Budget Amendment #5 – To increase the Library Budget for the NC Cardinal Migration Grant (provided by federal Library Services and Technology Act funds being passed through the State Library of North Carolina to switch the County library from its current online catalog system to the State’s online catalog of books from all NC Cardinal member libraries).

Budget Amendment #6 – To increase the 911 Communications budget by \$19,000 for the 911 Microwave System Project (project will replace the current Telco circuits with County-owned system to the Vashti site and move the current Vashti tower site to a State-owned site on Fox Mountain).

Budget Amendment #7 – To increase the Sheriff’s Department budget to 1) purchase two guns safes with funding from the Wal-Mart Community Grants Program, 2) for receipt of a Livescan fingerprint machine to support the civilian fingerprinting efforts, and 3) to purchase bar code evidence tracking technology with federal grant funds passed through the NC Department of Public Safety.

Budget Amendment #8 – To increase the Sheriff’s Department capital outlay budget for the estimated cost of a security system to be added to the building being leased for evidence storage.

Commissioner Campbell made a motion to approve Budget Amendments #5 - #8. Commissioner Lail seconded the motion, which passed unanimously.

## **OTHER BUSINESS**

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

- A. Photos of several projects were shown including grading at the Industrial Park for the speculative building, the water project on Highway 64, and installation of the US Motto on the courthouse.
- B. A Rock Climbing Festival will be held at Rocky Face Park on October 24<sup>th</sup> from 9:00 AM until 12:00 Noon. There will be contests, food, and children's activities.
- C. The 9<sup>th</sup> Annual Hiddenite Festival Road Race is set for this Saturday, September 26<sup>th</sup>. Registration for any Alexander County citizen or employee is free. Volunteers are needed.
- D. The Friends of the Library are holding "A Really Big Book Sale" on October 1-3<sup>rd</sup> at the small Taylor Togs building next to the Sheriff's Department.

Commissioner Lail mentioned that Bethlehem Day, held this past Saturday, September 19<sup>th</sup> was a success.

Commissioner Campbell thanked all School System employees for their efforts to educate our children given the frustrations with the State budget process.

## **CONSENT AGENDA**

- A. Minutes from the August 3, 2015 Regular Meeting and SWOT Analysis on August 17, 2015.
- B. Tax Release Requests (\$24,474.15) and Tax Refunds (\$2,486.11) for July 25 – September 3, 2015.
- C. Stepping Up Initiative Resolution to Reduce the Number of People with Mental Illnesses in Jails.
- D. Resolution Opposing the Clean Water Rule and Supporting any Legislative Means that Would Stop the Final Clean Water Rule Until Implementation Issues are Resolved.

Vice-Chairman Mayberry made a motion to approve the Consent Agenda. Commissioner Reese seconded the motion, which passed unanimously.

**CLOSED SESSION – N.C.G.S. 143-318.11(a)(1, 3, 4, 5, & 6) TO PREVENT THE DISCLOSURE OF CONFIDENTIAL INFORMATION, ATTORNEY/CLIENT PRIVILEGE, ECONOMIC DEVELOPMENT, CONTRACTUAL, & PERSONNEL**

Chairman Yoder made a motion to enter into Closed Session at 8:14 PM to prevent the disclosure of confidential information, for the purpose of attorney/client privilege, and to discuss economic development, contractual matters, and personnel issues pursuant to N.C.G.S. 143-318.11(a)(1, 3, 4, 5, & 6). Commissioner Campbell seconded the motion, which passed unanimously.

## **ADJOURNMENT**

There being no further business, Chairman Yoder made a motion to adjourn at 9:45 PM. Vice-Chairman Mayberry seconded the motion, which passed unanimously.

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Larry G. Yoder, Chairman

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Jamie M. Starnes, Clerk to the Board