

Draft

BOARD OF COMMISSIONERS
REGULAR MEETING May 24, 2021

ALEXANDER COUNTY
STATE OF NORTH CAROLINA

PRESENT: Larry Yoder, Chairman
 Ronnie Reese, Vice-Chairman
 Josh Lail
 Dr. Jeff Peal
 Marty Pennell

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

The Alexander County Board of Commissioners held a regular meeting on Monday, May 24, 2021 in Room 103 of the CVCC / Alexander Center in 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 Pennell led the Pledge of Allegiance to the Flag.

COMMISSIONER'S REPORT

Vice-Chairman Reese attended a ribbon cutting for S&P Tinting, LLC located on Highway 16 South last Friday.

Commissioner Pennell congratulated the ACHS Cheer Team that competed in the 2021 NCCCA Cheerleading State Championship.

Commissioner Peal congratulated the ACHS Softball Team who competed in the 2021 NCHSAA 3A Softball State Championship.

ADOPTION OF AGENDA

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

PUBLIC HEARING: NUISANCE CASES #20201101, #20201102, & #20201104

Bill Rogers, Chief Code Enforcement Officer, presented Nuisance Cases #20201101 for property located at 134 Fire Lane (owned by Abner Inscoe), #20201102 located at 152 Fire Lane (owned by Matt Taylor), and #20201104 located at 184 Fire Lane (owned by Bobby Dean Phillips, Trustee for David and Susie Taylor).

On November 3, 2020, a complaint was filed concerning the structures along Fire Lane as well as blocking of NCDOT right-of-way. An inspection was conducted on November 5, 2020 and all 3 parcels were found in violation of the Alexander County Nuisance Ordinance due to the condition of multiples structures, abandonment of junked motor vehicles, and accumulation of trash or junk to cause the inhabitation of vermin. In addition, a singlewide mobile home was found on 134 Fire Lane that had been placed without obtaining required permits from the County. A notice of violation was drafted to the property owners the same day, which outlined Ordinance violations and gave the owner 30 days to abate the nuisance. Mr. Rogers pointed out that NCDOT must address the blocking of right-of-way as the County did not have jurisdiction.

Upon a second inspection on March 23, 2021, no significant changes to the conditions of the properties were found. Therefore, a second letter of violation was sent giving the owners an additional 10 days to abate the nuisance. To date, all violations still exist.

Mr. Rogers provided a staff recommendation that these properties be deemed a nuisance and orders of abatement be issued. If the owners fail to abate the nuisance within 20 days from receipt of the orders, the Board shall cause the violations to be removed with all costs incurred by the County to be charged to the property owner pursuant to N.C.G.S. 160A-193.

After a motion by Commissioner Lail, second by Commissioner Pennell, and unanimous vote, the public hearing was called to order and comments requested.

Public Comment

Matt Taylor reported making significant changes at 152 and 184 Fire Lane since receiving the first violation letter, such as the removal of 14 vehicles and 17 trailer loads of debris. Because he has focused his efforts at the back of the property and was working upward, he felt this may have given the appearance that no cleanup had taken place. After providing cell phone photos of his progress, he pointed out the difficulty in removing all violations within the timeframe given in the letters, especially when considering he was hospitalized twice, which hindered progress, and because many items belonged to his 8 siblings.

Brantly Minton informed the Board that his grandfather signed over 134 Fire Lane to him approximately one month ago, so he is just now beginning to address the violations including removal of the couch and entertainment center from the roadway as well as several animals. He clarified that the mobile home had been placed on the property for

storage purposes only and was never intended for use as a residence; however, he recently learned of squatters that have now been vacated. Having just received ownership of the property, Mr. Minton requested additional time to address the violations.

Commissioner Lail asked if there was an immediate impact to emergency vehicle access on Fire Lane due to the violations. Mr. Rogers replied that concerns had been voiced regarding the inability for fire trucks as well as school buses to turn around at the end of Fire Lane. He also reported junk being dumped on the tract behind 184 Fire Lane that is owned by the Stony Point Fire Department.

Mr. Taylor stated that he had removed items from the Stony Point Fire Department property. He also admitted that his vehicle does block the school bus and that the fire department had contacted him in the past regarding hindrance of emergency access; however, a State Trooper told him it was fine for him to park in that specific location.

In response to a question asked by Commissioner Pennell related to a sufficient timeframe to be in compliance (such as two weeks), Mr. Taylor agreed that two weeks was enough; however, Commissioners Lail and Peal both pointed out that 6 months had passed since the first violation notice had been sent without significant progress made. Mr. Taylor advised that after receiving the first notice in November, he spoke with Mr. Rogers who stated that the County would work with him as long as he was making steady progress. Over the next two weeks, Mr. Taylor worked to clear and remove items but, because no further correspondence was received from the County, he believed the matter was over. Therefore he stopped working until receipt of the second violation letter in March.

Mr. Rogers confirmed that progress was made by Mr. Taylor during those two weeks after the first violation letter was sent but reported that conditions became worse after that timeframe. He felt any efforts made recently were only in preparation of tonight's public hearing.

Mr. Taylor reiterated that the property may have only appeared to be in worse shape because he was bringing items from the back of the property forward during his cleanup efforts.

Mr. Minton informed the Board that he had personally seen major progress at 152 and 184 Fire Lane, also noting that he and Mr. Taylor planned to work together to be in compliance. He mentioned the need to borrow resources (such as a truck and trailers) to haul items to the landfill or scrap metal yards but pointed out that normal hours of operation would limit the amount disposed of each day.

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

After discussion, Commissioner Peal made a motion to deem the properties located at 152 and 184 Fire Lane a nuisance and issue orders of abatement effective on the date signed by Chairman Yoder. Commissioner Pennell seconded the motion, which passed unanimously.

Due to Mr. Minton only having ownership for one month, Commissioner Lail made a motion to table consideration of 134 Fire Lane until the June 7, 2021 Commissioners' Meeting to allow additional time for cleanup efforts. Vice-Chairman Reese seconded the motion, which passed unanimously.

****It was determined after the meeting that, because Bobby Dean Phillips as well as David and Susie Taylor were deceased, and a legal transfer of property to Matt Taylor had not occurred, the violation notices for 184 Fire Lane should have been sent to Mr. Phillips descendants, Bobby Phillips, Jr. and Gaye Aponte. Therefore, staff must reinitiate the process from the beginning.*

In addition, in order to allow for the required 20 days' notice of nuisance public hearings, further consideration for 134 Fire Lane will be held at the June 21, 2021 Meeting instead of June 7, 2021.

PUBLIC HEARING: PARAGON FILMS PROPERTY CONVEYANCE

David Icenhour, Economic Development Director, requested the Board's consideration to convey 25.613 acres of County-owned property, located on White Plains Road adjacent to the Industrial Park, to Paragon Films for the purpose of aiding and encouraging job growth via continued operations and future expansions. He advised that Paragon Films had offered \$600,000 to purchase the property.

Brandon Kale, Paragon Films Plant Manager, explained that Paragon planned to relocate its warehousing operations to the White Plains Road property, which will free up space in their current facility for manufacturing. Paragon has an aggressive approach for the next 5 years and hopes to double their current blueprint.

After a motion by Commissioner Lail, second by Commissioner Pennell, and unanimous vote, Chairman Yoder called the public hearing to order and requested any comments. There being none, Vice-Chairman Reese made a motion to close the public hearing. Commissioner Lail seconded the motion, which passed unanimously.

Commissioner Pennell made a motion to accept the offer of \$600,000 and approve conveyance of the White Plains Road tract to Paragon Films subject to completion of a sales agreement. Vice-Chairman Reese seconded the motion, which passed unanimously.

PUBLIC HEARING: 2021-2022 ALEXANDER COUNTY PROPOSED BUDGET

Rick French, County Manager, stated that the proposed General Fund budget for Alexander County for fiscal year 2021-2022 totaled \$45,598,762, with requests from County departments totaling \$48,009,438. The original budget for fiscal year 2020-2021 totaled \$42,892,442 and currently stands at \$49,082,437. He advised that no property tax increase was proposed in the 2021-2022 budget; however, several fee increases are recommended including a \$5 increase in both C&D (construction and demolition) and MSW (municipal solid waste) at the landfill to

replace the floor at the transfer station and EMS fees due to lost revenue from Medicare, Medicaid, and other insurance companies. The City of Hickory is also proposing a 3% increase effective July 1, 2021 with approval by the Hickory City Council. The reduced water tap fees that began in June 2019 will remain in effect until January 2022. Mr. French informed the Board that the next step in the budget process was adoption of the Budget Ordinance which is scheduled for June 7, 2021.

Commissioner Lail was pleased that the County was able to do some positive things, such as a COLA for employees, adding a 5th EMS crew, etc. without having to increase property taxes.

Vice-Chairman Reese agreed, also pointing out the water and sewer upgrades that had occurred recently.

After a motion by Commissioner Peal, second by Commissioner Pennell, and unanimous vote, Chairman Yoder called the public hearing to order and requested any comments. There being none, Commissioner Lail made a motion to close the public hearing. Commissioner Pennell seconded the motion, which passed unanimously.

CHAPTER 160D ZONING & SUBDIVISION ORDINANCE UPDATES

Johnny Wear, WPCOG Assistant Community & Regional Planning Director, explained that the new Chapter 160D of the NC General Statutes consolidates current city and county enabling statutes for development regulations (previously Chapters 153A and 160A) into a single, unified chapter, that requires all zoning, subdivision, and other development regulations to be updated by July 1, 2021. While the new law does not make major policy changes, it provides clarification and statewide consensus.

He reviewed the proposed changes to the Alexander County Zoning and Subdivision Ordinances that mostly included updates to definitions as well as the following:

Zoning Ordinance

- Zoning maps must be maintained for public inspection at all times and it is suggested that current and outdated maps be available.
- Conditional use permits will be termed special use permits.
- Guidelines on when recusal from Board of Adjustment members is necessary has been clarified.
- It is suggested that staff be allowed to perform minor modifications to special use permits such as reconfiguring parking design, changing landscaping or buffering arrangements, or slightly altering road and lot configurations.

- Zoning permits will expire one year after issuance unless work has substantially commenced. A site specific plan or PUD shall remain vested for more than two years but not exceeding 5 years. A multi-phase development shall remain vested for 7 years from the time a site plan is approved.
- Written notice will be required when a zoning permit is denied that includes the reasoning behind the denial.
- Public hearing notices are no longer required to be sent to property owners separated by a street or railroad from the subject property.
- Zoning amendments that are “inconsistent” with the Comprehensive Plan and future land use map are allowed; however, the land use map must be updated upon approval of such amendments.

Subdivision Ordinance

- State-required language applying to improvement installation or guarantees is added.
- Updates are needed to address variances due to prior statute changes not related to Chapter 160D.

Mr. Wear reported that cities and counties with zoning ordinances are also required to have an up-to-date comprehensive or land use plan by July 1, 2022.

FIRE DEPARTMENT GRANTS

Mark Earle, Fire Marshal / Assistant Emergency Management Coordinator, announced that 7 of Alexander County’s 8 fire departments had received a 2021 State Fire Grant through the NC Office of the State Fire Marshal Volunteer Fire Department Fund. Recipients include:

Central Alexander - \$17,150.17
 Ellendale - \$14,999.99
 Hiddenite - \$9,737.50
 Stony Point - \$24,751.66
 Sugar Loaf - \$14,479.59
 Vashti - \$4,185.00
 Wittenburg - \$28,850.31

Bethlehem Fire & Rescue also applied but did not receive a grant due to “lack of funds” according to letter they received. Mr. Earle stated that grants would be used to replace aging equipment and purchase thermal imaging cameras, pagers, radios, etc. He thanked each department for their initiative in applying for these grants and for the service they provide to Alexander County.

EMERGENCY BROADBAND BENEFIT PROGRAM

Gary Herman, Public Information Officer, announced that the Federal Communications Commission was now accepting applications for the Emergency Broadband Benefit Program that will provide eligible households with either a \$50 per month discount on broadband service and associated equipment OR a one-time discount of up to \$100 to purchase a laptop, tablet, or desktop computer. To qualify, one household member must meet one of the below eligibility requirements:

- Income at or below 135% of Federal poverty guidelines, or
- Household experienced a substantial loss of income due to job loss or furlough since February 29, 2020 and your household income in 2020 was the same or less than \$99,000 for single filers or \$198,000 for joint filers, or
- Participation in any one of these government benefit programs – Lifeline, Supplemental Nutrition Assistance Program, Medicaid, Federal Public Housing Assistance, Veterans Pension and Survivors Benefit, Supplemental Security Income, Free and Reduced School Lunch or Breakfast in 2019-2020 or 2020-2021, or Federal Pell Grant (current award year).

Citizens may apply by visiting www.GetEmergencyBroadband.org. All major providers are participating in the Emergency Broadband Benefit Program and Open Broadband, LLC has completed an application to also participate. Providers are required to notify customers 30 days prior to sunset of the program discount.

In addition, Mr. Herman urged citizens to take the NC Department of Information Technology Broadband Survey by visiting www.ncbroadband.gov/survey.

BUDGET ORDINANCE AMENDMENTS #79 - #82

Rick French, County Manager, reviewed the purpose of Budget Amendments #79 - #82 as follows:

Budget Amendment #79 – To adjust the DSS budget for a revision to the HCCBG funds for FY 2021.

Budget Amendment #80 – To increase the multi-year Industrial Timber grant project budget for additional expenses to be paid by the industry.

Budget Amendment #81 – To budget for the closeout of the Borealis Compounds, Inc. One NC Grant Project.

Budget Amendment #82 – To increase the Library budget for an American Library Association grant: Libraries Transforming Communities.

Vice-Chairman Reese made a motion to approve Budget Amendments #79 - #82. Commissioner Pennell seconded the motion, which passed unanimously.

OTHER BUSINESS

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

- A. As directed by Board members, staff has gathered a list of agencies that provide food assistance within Alexander County for possible financial aid in the fiscal year. Mr. French advised that there were currently 6 non-County funded or sponsored organizations and that funding would be set aside in Contingency if the Board chose to move forward at a later date.
- B. Two proposed house bills may have an effect on counties. HB 783 (Create a State Building Code Permit Certification) will require testing and (re)certifications for Inspections staff and HB 947 (G.R.E.A.T. Broadband Expansion Act) may provide assistance with broadband, water, and sewer projects.

CONSENT AGENDA

- A. Tax Release Requests (\$966.07) and Tax Refunds (\$238.18) for May 1-12, 2021.
- B. Minutes from the May 10, 2021 Regular Meeting.
- C. MOU renewal with Iredell County for Backup PSAP.

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

CONSOLIDATED HUMAN SERVICES BOARD ACTIVITIES

At 7:19 PM, the Board transitioned into the Consolidated Human Services Board Meeting and proceeded as follows:

- Public Comment – there was no one signed up to speak.
- Public Health Report – the following information was reviewed:
 - COVID-19 Update – Billie Walker, Assistant Health Director, reported that Alexander County's cumulative total for positive COVID-19 cases is now at 4,407 with 2 hospitalized and 86 deaths (no deaths since early March). All outbreaks are now closed and NC has the lowest rate of infection since June 2020. The Health Department is continuing testing on M/W/F at 10:00 AM and to date 13,000 vaccine doses have been given. She mentioned that the Pfizer vaccine was now

approved for ages 12-15 and she briefly discussed new mask and social distancing requirements.

- Cost Settlement – Leeanne Whisnant, Consolidated Human Services Director, provided yearly cost settlement amounts for 2019-2020 Medicaid services that totaled \$443,460 (\$364,990 for Medicaid medical services, \$10,704 for Medicaid family planning, and \$67,766 for NC Health Choice). Settlements for previous years totaled \$410,180 for 2018-2019 and \$358,416 for 2017-2018.
- Budget Update – areas of increases in the proposed 2020-2021 Health Department budget include the April 2021 COLA for employees, 100% of the CHS Director salary compared to only 35% in previous years, increases in group insurance/retirement/longevity, new items previously in other County budgets (janitorial, vehicle maintenance, pest control, and protective security), and increases in supply costs for PPE, vaccines, etc.
- NC Clean Water State Revolving Fund Septic Grants – Alexander is one of two counties statewide given an opportunity to take part in a pilot program to improve septic systems for low-income families. The County would serve as a pass-through for 0% interest loans. Ms. Whisnant mentioned that clarification was needed on several items found within the required MOU and therefore suggested further discussion at the next CHSB Meeting.
- DSS Report – Linda Clements, Assistant DSS Director, reviewed the following:
 - Economic Services – State COVID-19 procedures preventing termination of FNS and Medicaid cases continues and rolling of most recertifications has been extended. Open enrollment for Medicaid Managed Care, which begins July 1st, was extended an additional week and as of May 21st, 15% of Alexander County recipients were enrolled vs. 11% statewide. The transition for tailored plans has been delayed until 2023.
 - Child & Adult Protective Services – the April MAPP class was cancelled due to lack of applications but online options are being utilized for licensing of foster parents. An August 2021 MAPP class is being planned. Challenges with youth and adult placements continue. Ms. Clements advised that staff partnered with the Alexander County Guardian ad Litem Program to hold a Child Abuse Prevention Awareness event at the courthouse on April 22nd and would participate in World Elder Awareness Day on June 14th at Friendship Lutheran Church.
 - Emergency Preparedness – DSS is engaged with Public Services staff on emergency planning efforts including updating of emergency operations and action plans, participation in NCEM statewide and active shooter exercises, attendance at ICS-300 training, a tornado drill, and assistance at the Spring Fling / Safe Kids event.

- Budget Challenges – State and Federal reimbursements will never cover 100% of DSS expenses and increases in mandated services requirements without additional funding also contributes to County expenditures. To promote efficiency, a position was created to improve employee training efforts, reduce turnover, and cross train employees. Staff also seeks out grant opportunities and collaborates with other agencies to reduce costs (such as with the prison to reduce the number of adult guardianships based on place of conviction vs. incarceration or with Vaya Health for youth placement options).
- Budget Overview 2021-2022 – the largest expenses in the proposed budget are salaries and the following programs: LIEAP, CIP Emergency Assistance, NCDOT grant, Adult Services, Foster care food and provisions, and public assistance. Expected revenues for the year total \$3,596,363 leaving the County’s cost at \$3,777,232.
- MOU Performance – DSS is above target percentages on all areas but one (timely completion of Special Assistance for the Disabled applications). This accounts for point in time, not the entire year.
- Training Opportunities – The UNC School of Government is hosting Essentials for Social Services Governing Boards webinars on August 5th and 6th at 9:30 AM.

In response to a question by Commissioner Peal, Ms. Clements explained the foster care placement process and difference in monthly board payments for County-licensed foster homes vs. private homes.

CLOSED SESSION – N.C.G.S. 143-318.11(a)(4, 5, & 6) ECONOMIC DEVELOPMENT, CONTRACTUAL, & PERSONNEL

Closed Session was not held.

ADJOURNMENT

There being no further business, Vice-Chairman Reese made a motion to adjourn at 8:06 PM. Commissioner Lail seconded the motion, which passed unanimously.

Larry G. Yoder, Chairman

Jamie M. Starnes, Clerk to the Board