

Draft

**BOARD OF COMMISSIONERS**  
**REGULAR MEETING**     February 7, 2022

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

**PRESENT:**    Ronnie Reese, Chairman  
                 Marty Pennell, Vice-Chairman  
                 Kent Herman  
                 Josh Lail  
                 Larry Yoder

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

The Alexander County Board of Commissioners held a regular meeting on Monday, February 7, 2022 in Room 103 of the CVCC / Alexander Center in Taylorsville, North Carolina.

**CALL TO ORDER**

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

**INVOCATION & PLEDGE OF ALLEGIANCE**

Chairman Reese gave the invocation and Commissioner Lail led the Pledge of Allegiance to the Flag.

**COMMISSIONER'S REPORT**

Chairman Reese stated that he and Vice-Chairman Pennell attended the ribbon cutting for Bumgarner Oil / Cubbard Express, Dunkin' Donuts, and Little Caesars last week, also noting that the grand opening for Burkes Outlet was planned for February 17, 2022.

Vice-Chairman Pennell, who attended the January Veterans Committee Meeting, mentioned that the group had a full event calendar this year and planned to be very proactive.

**ADOPTION OF AGENDA**

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

## **PUBLIC COMMENT**

No one spoke during the Public Comment Period.

## **PUBLIC HEARING: NUISANCE CASE #14726 – ELDER**

Cody Bowers, Code Enforcement Officer, presented Nuisance Case #14726 for property located at 465 Jimmy Duncan Lane owned by David Elder that was tabled at the December 6, 2021 Commissioners' Meeting. He discussed background information on the case including dates of complaints, inspections, and notices of violation to the property owner, reiterating that N.C.G.S. 20-4.01(33)(f) defined a junk motor vehicle as *“a motor vehicle which is incapable of operation or use upon the highways and has no resale value except as a source of parts or scrap, and shall not be titled or registered.”* In addition, the Alexander County Zoning Ordinance states *“the storage on a lot not in use as a repair garage of one or more wrecked or broken down vehicles titled in the name of the property owner for more than 90 days shall be deemed a salvage yard.”*

Mr. Bowers provided photos taken last week, which showed that some progress had been made towards clean-up; however, he felt further efforts were needed to be in compliance.

Because it had been continued at the December and January Commissioners' Meetings, no motion was needed to open the public hearing. Therefore, Chairman Reese requested comments from the audience. There being none, Chairman Reese made a motion to close the public hearing. Commissioner Yoder seconded the motion, which passed unanimously.

Since progress had been made, Chairman Reese felt additional time should be given to the property owner to continue clean-up efforts. He made a motion to allow Mr. Elder an additional 30 days to comply.

Commissioner Lail pointed out that approx. two months had passed since this case came before the Board in December, time that Mr. Elder could have remedied these issues. He felt allowing another 30 days set a precedent for future nuisance cases and required additional time and effort by County employees that was unnecessary.

After discussion, Chairman Reese withdrew his motion to allow Mr. Elder an additional 30 days and made an alternate motion to deem the property located at 465 Jimmy Duncan Lane a nuisance and issue an order of abatement at the March 7, 2022 Commissioners' Meeting if the nuisance has not been remedied by that date. Commissioner Yoder seconded the motion, which passed 4/1 (one abstention by Commissioner Pennell due to a business relationship that could be considered a conflict of interest).

## **PUBLIC HEARING: TEXT AMENDMENT 22-1 – LOCATION OF ACCESSORY STRUCTURES**

Scott Berson, WPCOG Planner, presented Text Amendment 22-1 to Sections 154.071 (A) and (B) of the Alexander County Zoning Ordinance that would allow accessory structures within the front yards of properties with a minimum of 3 acres and zoned RA-20, so long as the proposed structure would not be located within the required setback. He explained that this amendment had been requested by property owner Martin Moretz who wishes to build an in-ground swimming pool in the front portion of his property. Staff as well as the Planning & Zoning Commission agree that the request is reasonable in rural areas; therefore, approval of the text amendment is recommended with clarification that front-yard accessory structures would only be allowed within the County's jurisdiction, not in the Town of Taylorsville.

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

Commissioner Lail made a motion to approve Text Amendment 22-1 to Sections 154.071 (A) and (B) of the Alexander County Zoning Ordinance due to its consistency with the 2008 Comprehensive Plan. Commissioner Herman seconded the motion, which passed unanimously.

#### **PUBLIC HEARING: TEXT AMENDMENT 22-2 – SENATE BILL 300 (S.L. 2021-138)**

Scott Berson, WPCOG Planner, presented Text Amendment 22-2 to Section 154.274 of the Alexander County Zoning Ordinance and Section 157.012 of the Subdivision Ordinance to decriminalize certain land use violations in accordance with Senate Bill 300 (S.L. 2021-138). He explained that on September 21, 2021, Governor Roy Cooper signed legislation that prohibits local governments from enforcing criminal penalties on certain regulations, which includes land use planning and development. Due to this change, current provisions in the Zoning and Subdivision Ordinances that permit the County to charge violators with misdemeanors are no longer enforceable; however, civil penalties are still allowed and are retained in the proposed amendment.

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

Commissioner Lail made a motion to approve Text Amendment 22-2 to Section 154.274 of the Alexander County Zoning Ordinance and Section 157.012 of the Subdivision Ordinance due to its consistency with the 2008 Comprehensive Plan. Commissioner Yoder seconded the motion, which passed unanimously.

#### **WIRELESS BROADBAND EXPANSION PROJECT UPDATE**

Nick Steward, Open Broadband Western NC Manager, gave a slideshow presentation on the Wireless Broadband Expansion Project that included the following information:

- Open Broadband, LLC installed the final piece of equipment (backhaul radio) on the Linney's Mountain tower on January 20, 2022 that will serve the Stony Point area. A failed radio and switch serving the Ellendale area was also replaced.
- A new hub location was identified on Vista Pointe Drive off County Line Road in the Stony Point area that will provide service to a number of homes not reachable by traditional line-of-sight radios.
- The Stony Point tower site should be operational within the next few weeks once final electrical work is completed.
- A property owner on Three Forks Church Road agreed to placement of a 70-foot private tower that will provide service to 15 homes in the area.
- Open Broadband and County staff are still working to identify a suitable site in the northeast area. Negotiations are currently underway with a property owner but an agreement has not been reached.
- As of today, 233 installations have been completed. In an effort to increase the pace of connections, Open Broadband hired additional staff and is offering installation of required yard equipment poles for an extra fee instead of waiting for homeowners to purchase them.

David Moose, Compliance & Procurement Specialist, informed the Board that S.L. 2020-180 appropriates \$480 million of ARPA funds to the Completing Access to Broadband Grant Program, expected to launch this spring. This program allows NC counties to partner with NCDIT to fund broadband deployment projects in unserved areas. Counties will be capped at \$4 million per year and a match will be required (amount TBD).

Mr. Steward added that ISP's were now eligible to apply for NC GREAT Grant Program funding, noting that Open Broadband intended to apply on behalf of Alexander County.

## **EMERGENCY WATERSHED PROTECTION & OTHER STREAM DEBRIS REMOVAL PROJECTS**

Pamela Bowman, SWCD Education Coordinator / Administrator, discussed several stream debris removal programs as follows:

- Emergency Watershed Protection Program – this Federal program helps communities recover after a natural disaster and requires the potential for future loss of life to be eligible. Alexander County Soil & Water requested participation in this program after the November 2020 flooding caused by Tropical Storm Eta to address stream debris with the potential to destroy bridges and roads during future storms. Staff worked with County Emergency Management and USDA/NRCS to identify potential locations and was approved for \$79,500 for 3 sites (Houser Farms off Sulphur Springs Road, Lackey Farm off Alspaugh

Dam Road, and Jimmy Lambert property off Huckleberry Ridge Road). Because bids received in the fall were much higher than anticipated, the project is out for bids a second time. Staff plans to present the lowest bid at the March 7, 2022 meeting for approval by the Board.

- State Emergency Disaster Funds – these funds will be used for stream debris projects caused by Tropical Storm Eta that did not qualify for the EWP Program. A total of \$381,304 was requested for 10 sites but only \$174,287 was received, \$18,674 of which will be used toward grant administration. Due to higher cost projections, staff estimates that only 3 of the 10 sites will be repaired with available funding.
- Streamflow Rehabilitation Assistance Program – this new program aims to reduce flooding across NC waterways by allocating funds to protect and restore the integrity of drainage infrastructure, which includes clearing of debris or sediment from blocked streams and stabilizing/restoring streambanks. Because projects do not have to be tied to a particular storm, any interested landowner can apply. Applications are being accepted by Soil & Water staff through February 18, 2022.
- Stream Debris Best Management Practices – this online program will be available through the Alexander SWCD Agriculture Cost Share Program to assist smaller sites throughout the county. Funds are capped at \$15,000 and landowners are reimbursed 75% of costs.

In response to several questions asked by Commissioner Herman related to the significantly low cost estimates submitted for the EWP funding, ranking of streams, and distance to major highways, Ms. Bowman explained that estimates for the EWP Program were provided by NRCS, who also ranked the streams based on immediate threat to life. She pointed out that the EWP Program was new to Western NC, with Alexander County being one of the first in the region to participate, which she felt affected the estimates (mainly due lack of experience with the program). However, she advised that additional funding could be requested from NRCS and the NC Division of Soil & Water if the bids were higher than the amount needed to repair the selected streams.

In regards to the State Emergency Disaster Funds, she replied that streams were ranked based on loss of land, erosion, and stream blockage as well as distance to an EWP stream site. Distance to roads was also considered, but priority was given to secondary roads over major highways. Ms. Bowman explained that staff felt secondary roads were not built as sturdy and would be damaged by floodwaters much quicker.

Commissioner Yoder suggested compiling a list of all streams in Alexander County affected by storm debris as well repair cost estimates that could be provided to our General Assembly legislation.

## **2022-2023 BUDGET CALENDAR**

Rick French, County Manager, presented the 2022-2023 budget calendar as follows:

February 11, 2022	Budget information distributed to department heads and mailed/mailed to outside agencies.
February 25 <sup>th</sup>	Technology request forms due from department heads to IT Department.
March 11 <sup>th</sup>	Budget requests and revenue estimates from County departments as well as requests from outside agencies due to Finance.
April 4 <sup>th</sup>	Finance provides first budget printout to County Manager.
April 18 <sup>th</sup>	Commissioners' Meeting – discussion of budget topics.
April 25 <sup>th</sup> -28 <sup>th</sup>	Budget work sessions as needed.
April 29 <sup>th</sup>	School System budget request due to County Manager.
May 2 <sup>nd</sup>	Commissioners' Meeting – County Manager submits budget and Budget Message to the Board and files a copy with the Clerk for public inspection. Clerk makes copies available to news media.
May 4 <sup>th</sup>	Clerk publishes public hearing notice.
May 4 <sup>th</sup> -12 <sup>th</sup>	Budget work sessions as needed.
May 16 <sup>th</sup>	Commissioners' Meeting – budget public hearing.
May 18 <sup>th</sup> -June 2 <sup>nd</sup>	Budget work sessions as needed.
June 6 <sup>th</sup>	Commissioners' Meeting – budget adoption.

## **BUDGET ORDINANCE AMENDMENTS #56 - #66**

Rick French, County Manager, reviewed the purpose of Budget Amendments #56 - #66 as follows:

Budget Amendment #56 – To increase the budget for additional fogging and cleaning equipment at County facilities and to purchase a digital sign for the Services Center.

Budget Amendment #57 – To increase the Fire / Emergency Services budget to begin leasing the fairgrounds property for \$1,200 per month through June 2022 and for concrete pads for trailer storage.

Budget Amendment #58 – To budget for the payout of Industrial Development Incentive funds to the EDC who will disburse the incentives to industries.

Budget Amendment #59 – To increase the Sheriff’s Office budget for the receipt of insurance proceeds for a 2019 Dodge Charger that was totaled after an accident in December 2021 and for the removal of radio and other equipment from two Sheriff’s Office vehicles.

Budget Amendment #60 – To increase the Health Department Health Promotion budget for the Med-South Lifestyle research study.

Budget Amendment #61 – To increase the EMS budget to replace the generator at the Bethlehem station.

Budget Amendment #62 – To budget for DSS Representative Payee Fund client payouts, a Social Security Program where DSS receives and manages money for minor children and certain adults.

Budget Amendment #63 – To transfer the American Rescue Plan Act funds to a separate multi-year capital project fund called the American Rescue Plan Water Line Extension Capital Project Fund for accounting purposes.

Budget Amendment #64 – To budget for local matching funds for the Paul Robert Chair Building Reuse Grant Project.

Budget Amendment #65 – To adjust the multi-year capital project budget for Courthouse Park for the cost of playground equipment, picnic tables, benches, etc.

Budget Amendment #66 – To increase the budget for the FY 2022 General Fund transfer to the Park Improvements Project budget to cover the cost of playground equipment, picnic tables, benches, etc. needed to complete the Courthouse Park Project.

Commissioner Yoder made a motion to approve Budget Amendments #56 - #66. Commissioner Herman seconded the motion, which passed unanimously.

## **BOARD APPOINTMENTS & REAPPOINTMENTS**

Rick French, County Manager, requested that Dale Fox be appointed to the Planning & Zoning Commission for a 3-year term.

Commissioner Lail made a motion to approve the appointment. Commissioner Yoder seconded the motion, which passed unanimously.

## **OTHER BUSINESS**

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

- A. He recommended reduced water tap fees for the remainder of FY 2022 to be revisited during 2022-2023 budget discussions. The reduced tap fee is \$541, a savings of \$602.
- B. Human Resources staff plan to move ahead with a pay study for all County employees. Funds are available in the current budget.
- C. The dedication for Courthouse Park and a special concert is scheduled for Sunday, May 15, 2022.

## **CONSENT AGENDA**

- A. Tax Release Requests (\$749.20) and Tax Refunds (\$5,664.35) for January 1-31, 2022.
- B. Minutes from the January 10, 2022 Regular Meeting.
- C. Alexander County Historic Preservation Committee 2021 Annual Report.
- D. JCPC Annual Plan and Certification.
- E. Surplus a totaled 2019 Dodge Charger, VIN #2C3CDXKTXKH735007 with 32,888 miles; a totaled 2014 Dodge Charger, VIN #2C3CDXAT6EH367351 with 129,084 miles; a totaled 2016 Dodge Charger, VIN #2C3CDXATXGH272794 with 135,201 miles; and a totaled 2002 Ford F250 truck, VIN #1FDSW31L92EC61579 with 159,487 miles.

Commissioner Yoder made a motion to approve the Consent Agenda. Commissioner Herman seconded the motion, which passed unanimously.

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

Chairman Reese made a motion to enter into Closed Session at 7:10 PM to discuss economic development, contractual matters, and personnel issues pursuant to N.C.G.S. 143-318.11(a)(4, 5, & 6). Commissioner Yoder seconded the motion, which passed unanimously.

## **ADJOURNMENT**

There being no further business, Commissioner Lail made a motion to adjourn at 8:03 PM. Vice-Chairman Pennell seconded the motion, which passed unanimously.

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Ronnie L. Reese, Chairman

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Jamie M. Starnes, Clerk to the Board