

Draft

BOARD OF COMMISSIONERS
REGULAR MEETING November 9, 2009

ALEXANDER COUNTY
STATE OF NORTH CAROLINA

PRESENT: W. Darrell Robertson, Chairman
 Wes Bolick, Vice-Chairman
 Ryan Mayberry
 Harold M. Odom
 Larry G. Yoder

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

MEDIA: Micah Henry, The Taylorsville Times

The Alexander County Board of Commissioners held a regular meeting on Monday, November 9, 2009 in the CVCC / Alexander Center Multipurpose Room, Taylorsville, North Carolina.

CALL TO ORDER

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

INVOCATION & PLEDGE OF ALLEGIANCE

Commissioner Bolick gave the invocation and members of the ACHS Naval JROTC were present to lead the Pledge of Allegiance to the Flag. Those in attendance included Travis St.Clair, Gregory Sigmon, Samuel Martin, Kattie Brewer, Jonathan Cutler, and Nathaniel Wall.

RECOGNITION OF BOY SCOUTS TROOP

Chairman Robertson announced that Boy Scouts Troop #280 from Hiddenite was attending tonight's meeting for the "Citizenship in the Community" merit badge. Scout Master Allen Hefner stated that the troop was sponsored by Hiddenite Methodist Church. Troop members present were Justin Hefner, Seth Sherrill, Chase Smeeks, Tyler Resecker, Jacob Burkes, and Brady Hefner.

COMMISSIONER'S REPORT

Chairman Robertson urged citizens to thank as many veterans as possible on Wednesday, November 11, 2009 for the freedoms we so often take for granted.

Commissioner Yoder thanked everyone involved in the Adoptive and Foster Parents Banquet held recently.

ADOPTION OF AGENDA

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

PUBLIC COMMENT PERIOD

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

Chairman Robertson took this opportunity to convey his appreciation to those who watch the Commissioners' Meetings and keep up with what's going on in the county.

PUBLIC HEARING: TEXT AMENDMENT 09-1 – ZONING ORDINANCE

Sylvia Turnmire, Director of Planning & Development, presented Text Amendment 09-2 originally reviewed at the October 26, 2009 Commissioners' Meeting. After consideration of comments and suggestions made at that meeting, the following text was drafted:

- Section 154.006 Definitions. (add the definitions listed below)

Indoor Firing/Shooting Range – An enclosed, permanent structure open to the public or to members of an organization, where firearms are discharged at targets regardless of whether a fee is paid to the owner or proprietor of the facility.

Outdoor Firing/Shooting Range – A facility open to the public or to members of an organization, where firearms are discharged at targets regardless of whether a fee is paid to the owner or proprietor of the facility.

Tactical Training Center – The use of privately owned land, structures or buildings for the provision of training in various skills which may include, but are not limited to, law enforcement, fire, military and other governmental agencies.

- Section 154.202 Schedule of Uses and Permissible Conditional Uses.

<u>Use</u>	<u>District</u>						
	<u>R-20</u>	<u>RA-20</u>	<u>R-SF</u>	<u>N-B</u>	<u>H-C</u>	<u>L-I</u>	<u>H-I</u>
Indoor Firing/Shooting Range		C			C		C

Outdoor Firing/Shooting Range	C	C	C
Tactical Training Center	C		C

- Section 154.142 Conditional Uses.

The uses listed with a “C” in specific zoning districts may be permitted as a conditional use subject to review and approval by the County Board of Commissioners. All of the conditions set forth in Section 154.143 as it pertains to group housing projects, condominiums and townhouses; and 154.144 as it pertains to tactical training centers and shooting ranges; must also be met.

- Section 154.144 Tactical Training Centers and Firing/Shooting Ranges.

Tactical training centers and shooting ranges are permissible as a conditional use subject to the following requirements:

- (a) A minimum lot size of 25 acres is required for a tactical training center.
- (b) A minimum lot size of 10 acres is required for outdoor firing/shooting ranges.
- (c) No portion of the facility shall be closer than 300 feet to any exterior property line.
- (d) There shall be a 50 foot setback between structures.
- ~~(e) All local, state and federal requirements must be met.~~
- (f) A **bullet-proof** backstop, consisting of concrete, steel, earth or any combination, at least 15 feet in height must be erected and maintained behind all target areas and expanding out to the sides of each target by 15 feet.
- (g) The light source of outdoor lighting fixtures must not be directly visible from adjoining properties.
- (h) No retail sales shall be conducted on the site of a tactical training center ~~or an outdoor firing range~~. Retail sales may be conducted inside the structure of an indoor **or outdoor** firing range if the use is located within a Highway-Commercial Zoning District. **For the purposes of this subsection, retail sales shall include weapons, ammunition and related accessories only; and is subject to approval by Alcohol, Tobacco and Firearms (ATF).**
- (i) The ~~facility~~ **property on which a tactical training center or outdoor firing/shooting range is located** must ~~be surrounded by~~ **contain** a vegetative buffer of at least 100 feet in width and **extending from all property lines of the subject tract**. The initial 20 feet shall consist of two rows and comply with all other requirements in Section 154.039. The subsequent 80 feet shall remain vegetative in nature.
- (j) No firing or explosive training activities shall occur daily between the hours of **7:00pm** and 7:00am. **Training activities may be conducted after 7:00pm with additional permit issuance by the Planning Department and approval by the Alexander County Sheriff’s Office.**
- (k) The ~~facility~~ **center or range** must comply with all required permits and regulations, including but not limited to: Alcohol, Tobacco and Firearms (ATF) permits, National Fire Protection Association Standards, International Building Code (Fire Prevention) and local ordinances, as amended.

(l) The facility **center or range** and all individuals working with firearms or explosives at the facility shall be certified and permitted by Alcohol, Tobacco and Firearms (ATF) to conduct such operations in compliance with its permits.

- Section 154.145 Area, Bulk and Sign Regulations and Off-Street Parking Requirements. (renumbering only)

Commissioner Mayberry questioned Section 154.144 (a) and asked if the minimum lot size of 25 acres would allow for EMS and fire accessibility. Ms. Turnmire replied that the text amendment was written as general guidelines and that more specific requirements could be placed upon conditional use permits as they were presented to the Board.

Commissioner Yoder clarified that Section 154.144 (h) only restricted the sale of firearms and ammunition and not food, drinks, clothing, etc.

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

Commissioner Bolick made a motion to approve Text Amendment 09-1 as presented. Commissioner Odom seconded the motion. The Board voted unanimously in favor of the motion.

PUBLIC HEARING: CONDITIONAL USE PERMIT 09-5 – TROYUMUS

Sylvia Turnmire, Director of Planning & Development, presented Conditional Use Permit 09-5 submitted by Troyumus, Inc. (Randy Martin) who requested conditional use approval to construct a tactical training center located at 292 Reganswood Drive. The size of the property is 79.922 acres, zoned RA-20, and the current land use is a legal, non-conforming paintball field. Ms. Turnmire stated that zoning with 100 feet of the subject property was RA-20 to the north, south, and east and R-20 to the north, south, and west. There is single-family site-built to the north, east, and west, vacant property to the north, south, and west, as well as agricultural to the south and a doublewide manufactured home to the east.

She advised the Board that the proposal included a tactical training center with several container buildings to be placed on the property.

Ms. Turnmire stated that the RA-20 Zoning District allowed the proposed use with conditional approval by the Board while considering the following:

Transportation – the subject property has access to Richey Road via Reganswood Drive, a private roadway. If future expansion required extension of Reganswood Drive, a recorded right-of-way would be required.

Environmental conditions – the property lies within a Class IV Protected Area of the Lake Hickory Watershed. The facility will have access to a public waterline and will utilize a private septic system. The project will disturb 3 acres; therefore, sedimentation and erosion control plan approval is required from NCDENR.

Landscaping – a vegetative buffer is required along all property lines and must conform to the requirements of Section 154.144 of the Zoning Ordinance.

Development and dimensional requirement – no portion of the facility shall be closer than 300 feet to any exterior property line, a setback of 50 feet between structures is required, and the property must contain a vegetative buffer of at least 100 feet in width extending from all property lines of the subject tract.

She stated that letters were sent by first class mail, a sign was posted on the property, and a legal advertisement was placed in *The Taylorsville Times* to announce the public hearing. Staff did not receive any calls or visits regarding the request.

Ms. Turnmire reported that staff recommended approval of the conditional use permit with the following conditions:

1. Submission of a scaled site plan to staff, prior to the issuance of a zoning permit, including property and structure setbacks as well as a landscaping plan with conformance to Section 154.144, (which was submitted prior to the Commissioners' Meeting).
2. Sedimentation and Erosion Control plan approval from the NCDENR.
3. Removal of the portable containers utilized to construct a mock village within 90 days of the use being discontinued.
4. Compliance with all other requirements of Section 154.144. Any variation in the use as specifically stated herein shall require additional review by the Board of Commissioners.

Chairman Robertson called the public hearing to order and requested any public comment.

Public Comment

Randy Martin, President of Troyumus, Inc., presented a slide show presentation related to services provided by Troyumus and their plans for the subject property. He introduced Thomas Dumaresq, VP and founding partner. Mr. Martin explained that they planned to construct a solar powered mock town out of containers to provide tactical training for law enforcement, military, firefighters, hospital staff, corporate executives, etc. He explained there would be no live ammunition used; however, he requested the use of breaching rounds for SWAT door entry – a plastic bullet of refined powdered steel with a path of one foot as well as a stun grenade.

Chairman Robertson pointed out that the conditional use had been submitted for paintball markers only. He suggested either the consideration of only that specific use or tabling consideration of the permit to allow for updated paperwork. Mr. Martin stated that the SWAT breaching rounds could be considered at a later date if needed.

Larry Bolick, adjoining property owner, was not opposed to the training but was concerned about the noise generated from the training center and the devaluation of property in the area. He also asked about live ammunition ricocheting off the metal containers and possibly injuring his cattle. Mr. Bolick felt the Board needed to visit a similar facility before approving this one.

Mr. Martin assured Mr. Bolick that the type of firearms used for training would not be as loud as the paintball guns currently being used on the property and he noted that they would also be used inside the containers. He stated that no live ammunition would be used unless the Board considered the breaching rounds at a later date. Mr. Martin informed the Board that Troyumus planned to invite all adjoining property owners to visit the facility when completed and take part in training. He noted that their goal was to help people, bring in federal dollars, and not destroy anyone's way of life.

Andrew Ferguson, owner of the current paintball operation, stated that the sound emitted from a paintball gun was 70 to 85 decibels – similar to that of normal conversation to a door slamming and he noted that the sound generated from the firearms used by the training facility would be significantly less. He explained that the paintballs used were biodegradable; doubling as a fertilizer and he noted that there would be less traffic to the training facility than that of the current paintball operation.

Mr. Bolick pointed out that he had 7 calves to die from copper toxic poisoning in the water several years before the paint ball operation started. He was concerned that the paintball rounds could harm his cattle.

Mr. Martin, however, advised that his weapons used marking rounds which were different than the paintballs guns. He stated that he was unaware if they were biodegradable or not but noted that the training would take place indoors which would eliminate that concern.

Chairman Robertson asked who would be responsible for inspection of the containers. Mr. Martin replied that the containers would be constructed according to NC Building Code and inspected by the County.

Commissioner Mayberry felt the requirement of a 50 foot setback between structures was too restrictive for these type structures. Ms. Turnmire explained that 25 feet was standard; however, given the size of the property, staff felt 50 feet was necessary for fire separation in case of emergencies. She did mention that the Board could specify the setback. Chairman Robertson suggested defining the containers as “modular training structures” to designate them from a normal home structure or storage shed so that the NC Building Code could be used to determine the setback.

Commissioner Bolick asked if overnight lodging would be provided. Mr. Martin replied that lodging containers would be constructed at a later date if business was profitable but that clients would lodge locally for the time being.

Commissioner Bolick inquired about the accreditation of instructors. Mr. Martin reported that all instructors would be certified and that all clients would undergo thorough background checks.

Commissioner Bolick asked if any type of training would be offered to homeowners to protect their property. Mr. Martin replied that home invasion and active shooter programs would be offered.

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

Chairman Robertson suggested Troyumus provide information related to the type of firearms and paint markers to Planning & Zoning as well as Mr. Bolick to ensure that neighbors were environmentally protected and that no problems would be created in the soil, air, or water.

Commissioner Yoder asked that Ms. Turnmire contact Environmental Health and schedule testing of the water supply for Mr. Bolick.

Commissioner Yoder made a motion to approve Conditional Use 09-5 for Troyumus, Inc. to construct a tactical training facility with the following conditions:

1. Adhere to the 4 recommendations submitted by the Planning & Zoning staff.
2. No live ammunition to be used on the property – paintball material only.

Chairman Robertson suggested adding the definition for the containers as “modular training structure” as previously discussed for setback designation. Commissioner Yoder agreed to amend his motion. Commissioner Odom seconded the amended motion.

Commissioner Bolick stated that he did not have enough information to vote in favor of the use and he agreed with Mr. Bolick that the Board needed to visit a similar facility before making a decision. He also felt the citizens were unaware of what this facility was and he was still unsure himself.

Therefore, the Board voted four in favor of the motion (Commissioners Mayberry, Odom, Robertson, and Yoder, and one against (Commissioner Bolick). The motion carried.

2008-2009 AUDIT REPORT

Amber McGhinnis, Martin Starnes & Associates, and Jennifer Herman, Finance Director, presented a slide show presentation for the 2008-2009 Audit Summary, which included the following information:

- Fund balance history
- Total expenses history
- General fund revenues (ad valorem taxes, local option sales taxes, restricted intergovernmental, sales and services, permits and fees, interest, other)
- Property tax collections
- Sales tax collections
- Changes in Article 39 one-cent, Article 44 half-cent, Article 40 half-cent, Article 42 half-cent, and Article 46 quarter-cent sales taxes
- General fund expenditures (general government, public safety, environmental protection, economic and physical development, human services, culture and recreation, education, and debt service)
- Solid Waste Fund overview
- Water Funds overview

Commissioner Yoder made a motion to accept the 2008-2009 Audit Summary as presented. Commissioner Mayberry seconded the motion. The Board voted unanimously in favor of the motion.

BENEFITS FOR VETERANS

Barbara Poole, Veterans Service Director, extended her appreciation to all veterans in Alexander County and across the United States for their service to the country. She also encouraged veterans to visit her office for information and assistance in securing Veteran Administration benefits. Assistance is available for the following:

Presumptive Service Connected Conditions – a veteran that served in a certain place or was exposed to specific thing and develops a condition recognized to be caused by that exposure.

Vietnam – exposure to Agent Orange

WWII / Korea – exposure to radiation from nuclear testing

Gulf War – chronic “undiagnosed” illnesses resulting in permanent disability

Iraq – traumatic brain injuries due to explosions

Medical Care – health care at a VA facility

Education – Post 9-11 GI Bill for veterans

Scholarships – 4-year scholarship to children of veterans from the NC Division of Veteran’s Affairs and smaller scholarships from the NC Association of County Veterans Service Officers

Ms. Poole stated that veterans must apply for these benefits in order to be eligible and she noted that benefits were also available for non-service connected veterans and widows of veterans. She also informed the Board that the Veterans Administration reported \$9.9 million in benefits paid to Alexander County veterans in 2008 up from \$7.7 million in 2007.

ADOPTION OF ROCKY FACE PARK MASTER PLAN

Rick French, County Manager, presented the Rocky Face Park Master Plan and recommended adoption in order to begin the process of applying for a PARTF grant. The plan outlines phases of the park as well as cost estimates.

He advised the Board that the PARTF application would be submitted near the end of January or first of February 2010. Chairman Robertson noted that the property would be used as a match for the grant funding.

Commissioner Bolick made a motion to approve the Rocky Face Park Master Plan as requested. Commissioner Mayberry seconded the motion. The Board voted unanimously in favor of the motion.

BUDGET ORDINANCE AMENDMENT #16

Rick French, County Manager, discussed the purpose of Budget Amendment #16 to reimburse the E911 Special Revenue Fund for FY 2009 expenditures for radio annual maintenance that should have been paid from the General Fund's 911 Communication Department.

Commissioner Odom made a motion to approve Budget Amendment #15. Commissioner Yoder seconded the motion. The Board voted unanimously in favor of the motion.

OTHER BUSINESS

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

- A. The County performed 16 inspections in Town limits during the month of October and responded to 11 animal-related calls.
- B. Mr. French will be attending a mandatory CDBG workshop in Raleigh on Tuesday, November 10th in order to receive ARRA funds.
- C. The GIS Department would like to invite the commissioners to attend GIS Day on Wednesday, November 18th.

- D. Matt Cooksey, Habitat for Humanity Executive Director, has requested the refunding of building permit fees incurred by the local chapter for the Faith Works home.

Commissioner Mayberry made a motion to approve the County Manager's report to include the reimbursement of permit fees to Habitat for Humanity. Commissioner Bolick seconded the motion. The Board voted unanimously in favor of the motion.

CONSENT AGENDA

- A. Minutes from the October 26, 2009 Regular Commissioners' Meeting.
B. Tax Release Requests for October \$7,823.42 and Tax Refund Requests for October \$4,483.29.

Commissioner Bolick made a motion to approve the Consent Agenda. Commissioner Mayberry 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 Robertson made a motion to enter into Closed Session at 8:21 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 Mayberry seconded the motion. The Board voted unanimously in favor of the motion.

ADJOURNMENT

There being no further business, Commissioner Bolick made a motion to adjourn at 8:38 PM. Commissioner Odom seconded the motion. The Board voted unanimously in favor of the motion.

W. Darrell Robertson, Chairman

Jamie M. Starnes, Clerk to the Board