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**BOARD OF COMMISSIONERS**  
**REGULAR MEETING**     March 12, 2012

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

**PRESENT:** Ryan Mayberry, Chairman  
James “Burkie” Jennings, Vice-Chairman  
Judy M. Moose  
W. Darrell Robertson  
Larry Yoder

**STAFF:** Rick French, County Manager

The Alexander County Board of Commissioners held a regular meeting on Monday, March 12, 2012 at the CVCC / Alexander Center in Room 103, Taylorsville, North Carolina.

**CALL TO ORDER**

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

**INVOCATION & PLEDGE OF ALLEGIANCE**

Commissioner Jennings gave the invocation and Commissioner Moose led the Pledge of Allegiance to the Flag.

Commissioner Jennings stated that Jim Blackburn, former NCACC General Counsel, passed away yesterday. He expressed his condolences to Mr. Blackburn’s family.

**COMMISSIONER’S REPORT**

Commissioner Yoder commended the Alexander Central High School Girls and Boys basketball teams on an outstanding season.

**\*\*\*SPECIAL RECOGNITIONS\*\*\***

Commissioner Yoder presented a Key to the County to Richard Gwaltney for 44 years of service to the citizens of Alexander County through his practice of law and community involvement. He stated that Mr. Gwaltney, who recently retired, had practiced law in Taylorsville since 1968, noting that he had been very instrumental at Brushy Mountain Golf Course as well as

Taylorsville Savings Bank. Mr. Gwaltney is also an avid golfer. Commissioner Jennings mentioned that Mr. Gwaltney was first an associate of his father, Attorney Ray Jennings.

Chairman Mayberry presented a Key to the County to Jerry Campbell for 53 years of service to the citizens of Alexander through his practice of law and community involvement. Mr. Campbell, who also recently retired, began his practice in 1958. Commissioner Yoder added that Mr. Campbell was a supporter of the Boy Scouts.

## **ADOPTION OF AGENDA**

Chairman Mayberry requested the addition of Budget Amendment #38 under Agenda Item #10 and therefore made a motion to adopt the agenda as amended. Commissioner Jennings seconded the motion. The Board voted unanimously in favor of the motion.

## **PUBLIC COMMENT**

The following comments were heard:

Dru Deuel, resident of Oliver's Landing, discussed the October 2011 closing of their golf course as well as the need for some minimum standards for the upkeep of commercial property, specifically golf courses and other recreational facilities. She presented a petition signed by resident's of Oliver's Landing requesting the Board to adopt an ordinance for the Bethlehem Community similar to ordinances in place by the City of Hickory to protect the property values and the health and safety of residents living nearby. The petition also requests the ordinance to address the height of grass/weeds to be maintained below 12 inches, rubbish and trash, rats and other creatures, and stagnant water that breeds insects. She felt that real estate agents would stop bringing potential buyers into the community once the property became overgrown and unsightly, resulting in the lack of growth and tax revenues.

Billy Presnell stated that his wife, who is on a waiting list for a kidney transplant, went to the Health Department to receive a required series of hepatitis vaccinations. The Health Department refused to take her insurance (Medicare and United Health Care supplemental) which meant she would have to pay \$65 per shot. He questioned the reason for this practice. Mr. Presnell also expressed concerns with recreation coaches that get angry and scream at their team. He pointed out that many kids had refused to sign up for recreation sports once they learned who their coach would be. He felt that umpires should control the games and that coaches should be suspended if need be.

Chairman Mayberry responded that the County Manager would look into the Health Department matter and also that each community was responsible for choosing coaches, not the County.

Kathy Riddle invited the public to attend a Community Voices event sponsored by the Friends of the Alexander County Library on Sunday, March 18, 2012 at 2:30 PM at Reformation Lutheran Church. Educator Jeremy Aten, who recently toured Greece and Turkey, will be speaking.

## **PUBLIC HEARING: 2011 CDBG SCATTERED SITE HOUSING PROGRAM**

Nancy Coley, WPCOG Community Development Administrator, stated that this was the second public hearing for the 2011 CDBG Scattered Site Housing Program, which is available to improve the housing conditions of very low income households with incomes at or below 50% of the area median income. She explained that these grants were made on a non-competitive basis to each county every 3 years and that all units must be selected prior to submitting the application to the Department of Commerce. The total grant amount was \$400,000, including \$40,000 for administration and planning. In addition, counties can use \$40,000 for an Emergency Repair Local Option Project.

She stated that staff had verified income/home ownership and that she and the WPCOG Housing Inspector had visited each home to inspect the needed repairs. All rehabilitation loans to the homeowners will be a no interest, deferred forgivable loan meaning residents do not have to pay the loan back if they stay in their homes for a period of time (usually 8 years if the loans are over \$20,000). The Housing Selection Committee met on Tuesday, March 6, 2012 and selected 6 low income homeowners to receive assistance as well as two alternates:

Clearance and Reconstruction – Lloyd & Cindy Payung at 919 Lewittes Road

Rehabilitation – Billy & Janice Matthews at 450 Caldwell Pond Road, Mary Ann McAlpin at 3090 Highway 127, Bessie Flowers at 230 Clearview Lane, Larry Dean Hollified at 255 1<sup>st</sup> Avenue Drive SE, and Carol Ann Hollenbeck at 8117 Highway 90 East

Alternates – Betty Banks at 894 Hunter Bridge Road and Iris Bryant at 290 Watson Road

Ms. Coley presented an Authorizing Resolution and recommended approval of the submittal of the 2011 Scattered Site Housing Program application to the Division of Community Assistance, Community Investment and Assistance.

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

Commissioner Yoder made a motion to approve the Authorizing Resolution and to submit the 2011 CDBG Scattered Site Housing Program application as recommended. Commissioner Robertson seconded the motion. The Board voted unanimously in favor of the motion.

## **ANNUAL COMMUNITY CHILD PROTECTION TEAM REPORT**

Holly Yongue, Children's Services Program Manager, reported that the Community Child Protection Team reviewed 26 cases for calendar year 2011, including 4 fatalities. The 3 most recurring protection issues in all cases reviewed were substance abuse by a parent/caretaker, parent/child mental health issues, and domestic violence. She stated that of the 604 reports accepted by DSS for investigation during FY 2010-2011, 47% of those involved families with allegations of substance abuse issues, the majority of which were prescription drug abuse. Another 18% involved domestic violence situations and 11% involved both substance abuse and domestic violence combined. Ms. Yongue advised that since July 1, 2011, DSS has brought in 47 children to foster care with 58% of those cases due to substance abuse in the home.

She mentioned the new DSS website that provides information on making child abuse reports, becoming a foster parent, etc. This information is also available on the PEG Channel. Ms. Yongue added that NC was a "mandated reporting" state, meaning that anyone that sees or suspects abuse or neglect is mandated by law to report the knowledge to authorities. Reporters can remain anonymous; however, anonymous callers are not entitled to any information after the report is made. Ms. Yongue also discussed the limited number of mental health providers in the county.

## **SUBSTANCE ABUSE AWARENESS & OUR COALITION**

Fred Brason, President and CEO of Project Lazarus, gave a slide show presentation on Project Lazarus, a community-based drug overdose prevention program, which began in Wilkes County. He explained that the program model included 1) community knowledge, 2) epidemiologic monitoring, 3) prevention, 4) rescue, and 5) program evaluation.

Community knowledge – increase community awareness through forums, workshops, and coalitions.

Epidemiologic monitoring – tracking unintentional and undetermined intent poisoning deaths by county and state as well as the source of illicit drugs in Americans age 12 and older.

Prevention – Chronic Pain Initiative is a set of inter-related programs designed to improve the medical care received by chronic pain patients and reduce the misuse, abuse, and potential diversion and overdose from opioid medication.

Rescue – Naloxone is an antidote to opioid overdose carried by EMS and emergency departments. Project Lazarus is the first pilot in the country pushing for Naloxone to be available to opioid users. Wilkes County is distributing the antidote as well as Fort Bragg, Fort Campbell, and the Cherokee Indian Reservation.

Program evaluation – There has been a 69% drop in Wilkes County’s overdose rate and hospital emergency visits are down 15% since beginning Project Lazarus.

Leeanne Whisnant, Health Director, mentioned the National Take Back Campaign to be held on April 28, 2012 to allow citizens safe disposal of unneeded or expired prescription medications. Locations include the Health Department parking lot and Lowes Foods parking lot in Bethlehem.

## **ANIMAL CONTROL WEAPONS POLICY**

Leeanne Whisnant, Health Director, presented the following amendments to the Animal Control Weapons Policy:

- Under III. – Use of Force add “In all situations, the Animal Control Enforcement Officer shall weigh the use of a less than lethal instrument that would prevent the killing of an animal prior to using deadly force.”
- Under III. - “The use of a firearm against a person(s) is justified in the following situation:
  - A. To protect the Animal Control Enforcement Officer from an imminent deadly threat from a person(s) during the officer’s course of duty. All uses of less than lethal force will be exhausted prior to the use of a weapon against another person.”
- Under VII. – “If an employee has a debilitating sickness or is currently taking any medication that can, or has the ability to, alter in any way the mental status of an individual, the Animal Control Director or assigned staff acting in that capacity has the authority to take said weapon and corresponding ammunition from the employee. The Director will return the weapon once the employee is free of any symptoms of the sickness and is no longer taking the medication in question.”

Commissioner Jennings asked how often this policy would be reviewed with staff. Ms. Whisnant responded that staff was highly involved in the creation of this policy and normally reviewed it annually. She also noted that staff participated in firearm training with the Sheriff’s Department. Commissioner Robertson asked Ms. Whisnant to make sure staff was aware of the policy and review it several times.

Commissioner Yoder made a motion to approve the amendments to the Animal Control Weapons Policy as presented. Commissioner Moose seconded the motion. The Board voted unanimously in favor of the motion.

### **Response from Public Comment**

Ms. Whisnant responded to comments made by Billy Presnell regarding the refusal of insurance for the hepatitis immunizations. She explained that because the Health Department was a small agency, it was not listed as a preferred provider with some

insurance companies. She stated that United Health Care was one of those who did not allow the Health Department to bill their insurance. In those situations, staff referred the individual to another provider who could meet the citizen's needs at a lower or no cost which was what took place in Ms. Presnell's case.

Commissioner Yoder asked Ms. Whisnant to make contact with Mr. Presnell to explain the situation. Commissioner Robertson suggested placing that information on the Health Department website and also advertising it through the local radio station.

## **REQUEST FOR NCACSP DISTRICT TECHNICIAN POSITION**

Bill Chapman, SWCD Supervisor, requested continued funding of the NCACSP District Technician position within the Soil & Water Department and permission to advertise.

Lee Holcomb, NRCS District Conservationist, informed the Board that he formally filled the position of NCACSP Technician for the last 5 ½ years providing technical assistance and conservation planning to farmers and rural land owners in the county and operating Ag Cost Share programs. Since November 2006 (his hire date), the following have been installed through the NCACSP Technician position:

NC Ag Cost Share Monies – livestock exclusions, drought pasture renovation, poultry litter storage structures, poultry composters, access road, erosion control, etc. to improve water quality in Alexander County - \$514,819

Community Conservation Assistance Program – constructed a storm water wetland at West Alexander Middle School to remediate an existing gulley from storm water off the school bus parking lot, trailers, and half of the school roof - \$19,125

He advised that as of February 14, 2012, there were remaining funds to be implemented on farms in Alexander County that the new technician would be responsible for:

NC Ag Cost Share - \$53,906

NC Foundation for Soil & Water Conservation Districts, Inc. EEGP Grant, 2 waste storage pond closures on dairy farm - \$13,875

Mr. Holcomb explained that the NCACSP Technician position was funded 47.7% by the state or \$24,226.53 and 53.3% by the County or \$25,373.36.

Commissioner Yoder made a motion to continue funding of the NCACSP District Technician position as requested. Commissioner Robertson seconded the motion. The Board voted unanimously in favor of the motion.

## **AMENDMENT TO SOLID WASTE ORDINANCE / SOLID WASTE ENFORCEMENT**

Seth Harris, County Planner, presented several amendments to the Solid Waste Ordinance. In addition to changes due to legislative action, enforcement problems, and overall cleanup, the following amendments were proposed:

- Made Chapter 50.06 (Junk; Removal) consistent with the Zoning Ordinance by adding abandoned manufactured homes to the list of junk items and made enforcement measures consistent with N.C.G.S. 153A-123.
- Updated the definition of containers under Section 50.21 (Containers) to prevent an automobile from being used as a trash receptacle.
- Changed the requirements for multiple residential units under Section 50.22 (Residential Requirements) to specify manufactured home parks, duplexes, apartments, and condominiums and that, if a bulk container is not provided, a sufficient number of containers shall be provided to hold at least a week's accumulation of garbage.
- Added recyclable material requirements under section 50.25 (Recyclable Materials; Yard Waste) to prohibit recyclable materials from entering the waste stream pursuant to N.C.G.S. 130A-309.10.
- Added Section 50.41 (Casualty Damaged Solid Waste) prohibiting solid waste caused by structures damaged by fire, storm, etc. to remain on the premises for more than one year after the completion of investigations by the Fire Marshal and casualty insurance.

Commissioner Jennings felt the frequency of pickup needed to be addressed under Section 50.22.

Commissioner Robertson asked that the draft ordinance be made available for public viewing at several County offices as well as the website and that a public hearing be scheduled for the April 2, 2012 Commissioners' Meeting.

Josh Mitchell, Solid Waste Director, presented several before and after photos of garbage and debris dumped along dirt roads, on porches, and in yards throughout the county that had been cleaned up and removed through efforts of the Solid Waste Department. He advised that if he located a name among the trash collected, that person was held responsible for the cleanup.

Commissioner Moose encouraged all citizens to do their part to keep this county clean.

## **ANNOUNCEMENT OF SHRED IT DAY**

Josh Mitchell, Solid Waste Director, announced that the Solid Waste / Recycling Department would be sponsoring a Shred It Day on Saturday, April 7<sup>th</sup> from 9:00 AM until 1:00 PM. Locations include the Administration Building parking lot and the Bethlehem Park parking lot.

He stated that this was a great opportunity for citizens to dispose of documents containing personal information in a safe and environmentally sound manner.

Information regarding Shred It Day has been made available on the County website, the PEG Channel, and the local newspaper.

## **BOARD APPOINTMENTS & REAPPOINTMENTS**

Rick French, County Manager, presented the following appointments and reappointments to County boards and committees:

Chamber of Commerce Board of Directors – Reappoint Rick French for one year.

Planning & Zoning Commission – Reappoint Jim Herman for 2 years.

Voluntary Farmland Preservation Board – Appoint Eugene White for 3 years. Reappoint Tim Glass and Wendell Kirkham (ex-officio) for 3 years.

Veteran’s Committee – Appoint Jeff Peale (ex-officio).

Board of Equalization & Review – Reappoint Ron Roseman for one year.

Commissioner Jennings made a motion to approve the appointments and reappointments. Commissioner Robertson seconded the motion. The Board voted unanimously in favor of the motion.

## **BUDGET ORDINANCE AMENDMENTS #32 - #38**

Rick French, County Manager, discussed the purpose of Budget Amendments #32 - #38 as follows:

Budget Amendment #32 – To increase the Register of Deeds’ Automation Enhancement and Preservation expense to complete the Online Index Books Project and purchase vital records binders for 2011 records. To increase the Sheriff’s Department budget for a camera purchase with funds from the Unauthorized Substance Tax distributions. To increase the Health Department budget for Infection Control Funds. To increase the Veteran’s Services Department budget for a Veterans Service Grant. To increase the DSS budget for Federal Low Income Home Energy Assistance Funds and Crisis Intervention Funds.

Budget Amendment #33 – To increase the budget for payment to the City of Hickory for the cost of materials for the Carlton Howell Road Water Line Extension Project.

Budget Amendment #34 – To transfer funds from Contingency to pay the final costs related to the Data Networking Infrastructure Upgrade Project.

Budget Amendment #35 – To use funds set aside for parks and recreation improvements to add a lower trail at Rocky Face Park and install fencing at the upper trail.

Budget Amendment #36 – To increase the DARE budget for proceeds from a fundraiser at Bo's Family Entertainment Center.

Budget Amendment #37 – To increase the Sheriff's Department budget for painting/repairs on the box truck purchased from Iredell County with state drug funds. To increase the Human Resources Department budget for June 2011 – December 2011 fee to participate in the Early Retiree Reinsurance Program.

Budget Amendment #38 – To budget for operating costs of the new Rocky Face Park during April – June 2012.

Commissioner Yoder made a motion to approve Budget Amendments #32 - #38. Commissioner Jennings seconded the motion. The Board voted unanimously in favor of the motion.

## **OTHER BUSINESS**

Rick French, County Manager, reviewed the following items during Other Business:

- A. We are running at \$175,832 ahead of last year's numbers minus the \$57,827 paid as Article 42 hold harmless set aside for school construction and debt service.
- B. Staff is ready to move forward with the 2010 DWSRF loan application to borrow \$4 million at 2.45% for 20 years. With the Board's approval, staff can write the NC Local Government Commission to begin the borrowing process. This is for water lines along Blankenship, Devil's Track, and Teague Town Roads, an elevated tank, and replacement pumps in Bethlehem.
- C. Scott Ross, Senior Center Director, will be retiring in July 2012. Mr. French recommended moving ahead with advertising the position so the new director could work with Mr. Ross until his retirement.

Commissioner Yoder made a motion to approve the County Manager's Report to include moving forward with contacting the LGC and advertising the Senior Center Director position. Commissioner Robertson seconded the motion. The Board voted unanimously in favor of the motion.

## **CONSENT AGENDA**

- A. Minutes from the February 6, 2012 Regular Commissioners' Meeting.
- B. Tax Release Requests for February \$26,204.35 and Tax Refunds for February \$1,160.10
- C. FY 2012 Audit Contract for Alexander County.
- D. FY 2012 Audit Contract for the Bethlehem Water District.
- E. Resolution Authorizing the Execution of a Copy Services Agreement for Alexander County.
- F. Memorandum of Understanding between the USDA Natural Resources Conservation Service, the USDA Consumer Services – Division of Soil and Water, the Alexander County Soil & Water Conservation District, and Alexander County.
- G. Statutory requirements for check signatures.
- H. Surplus vehicles – 1989 Chevrolet C-1500 Sierra SL white truck VIN #1GCDC14Z6KZ252616 and 2004 Ford AEV E-450 EMS cab and chassis VIN #1FDXE45P24HB20051.

Commissioner Robertson made a motion to approve the Consent Agenda. Commissioner Moose 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 Mayberry made a motion to enter into Closed Session at 8:30 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 Robertson seconded the motion. The Board voted unanimously in favor of the motion.

**ADJOURNMENT**

There being no further business, Commissioner Jennings made a motion to adjourn at 9:23 PM. Commissioner Robertson seconded the motion. The Board voted unanimously in favor of the motion.

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Ryan Mayberry, Chairman

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Jamie M. Starnes, Clerk to the Board