

Draft

BOARD OF COMMISSIONERS
REGULAR MEETING June 4, 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
Jamie Starnes, Clerk to the Board

The Alexander County Board of Commissioners held a regular meeting on Monday, June 4, 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 Robertson led the Pledge of Allegiance to the Flag.

ADOPTION OF AGENDA

Chairman Mayberry requested the consideration of surplus items from the Sheriff's Department as Agenda Item #8A and the removal of Agenda Item #6 (Board Appointments & Reappointments).

Chairman Mayberry made a motion to adopt the agenda as amended. Commissioner Robertson seconded the motion. The Board voted unanimously in favor of the motion.

PUBLIC COMMENT

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

PUBLIC HEARING: 2012-2013 ALEXANDER COUNTY PROPOSED BUDGET

Rick French, County Manager, provided the following budget message for the 2012-2013 Alexander County proposed budget:

The proposed 2012-2013 budget for the Alexander County General Fund is \$31,380,390 and includes no tax increase. The 2012-2013 proposed budget is 4% more than the 2011-2012 budget of \$1,419,668.

The new Alexander County Law Enforcement and Detention Center, which should be open by November 2012 and cost \$8.5 million to construct, will cost nearly \$500,000 more to operate than the existing jail during the fiscal year. The proposed budget basically appropriates funding to operate the current jail for 6 months and the new jail for 6 months. The new detention facility, designed by Hemphill-Randel Associates, is modeled after the Ashe County Detention Center which was completed nearly 2 years ago and currently costs \$1,609,807 to operate. The Ashe County facility has 164 beds, the same as Alexander County's new facility. Same design, same architect. The Ashe County facility operates with 19 employees. Ten new employees are proposed for the Alexander County facility. The new facility will cost more to operate from medical to meals; however, to offset this cost, we will house inmates from other counties as well as State programs in hopes of generating \$500,000 in revenue. Alexander County will also save on transporting inmates back and forth from Caldwell and Ashe Counties. Nearly \$400,000 is budgeted in 2011-2012 to house inmates in other counties and around 50% of that should be saved for half a year by not transporting them outside this county.

Current Detention Facility

- 26 beds
- 9 employees
- Transporting inmates to Caldwell & Ashe Counties

New Detention Facility

- 164 beds (same as Ashe)
- 19 employees
- Transporting inmates to other counties not necessary
- More operational costs
- Revenue from other counties and State programs

Inmates will have to be transported from the new detention facility to the courthouse.

The budget for the new facility proposed by the County Manager and reviewed at the May 28, 2012 work session is \$1,611,597. There are still some unresolved items in the new facility such as furniture. Cost estimates may not be available until after

the budget is adopted later this month. Courthouse renovations are also being scheduled in 2013.

The budget proposed by the Sheriff's Department to operate the new facility for the 2012-2013 fiscal year was \$3,405,890. The proposal included 32 employees to operate the facility, 23 of which would be new positions.

The Rocky Face Mountain Recreational Area opened on May 25, 2012. The park operates 7 days a week. Two new full-time positions are proposed to operate the park. One full-time position is on hold. Three part-time positions are also included. The park property is over 300 acres with hiking trails and picnic facilities. Paid staff is necessary for safety purposes. The proposed budget is \$169,925.

Alexander County staffs the office of Economic Development. The proposed budget reinstates the second position in this department that will work with small businesses and on special economic development projects as directed by the Economic Development Director. The budget proposed is \$155,037.

One County staff addition is requested at the Alexander County Senior Center. This position will handle activities at the Center, work in the communities, and serve as an assistant to the Director. The proposed budget for the Senior Center is \$157,173.

Four new vehicles for the Sheriff's Department are proposed in the budget at a cost of \$133,260. One new replacement ambulance is also proposed for \$126,700. The budget also includes converting 10 County vehicles to propane gas in an effort to save money.

All in all, there are net 11 new positions in the budget:

- 10 jail employees
- 2 Rocky Face
- 1 Senior Center
- 2 positions from last year
- 11 positions

Alexander County will offer a retirement incentive for full-time employees who are eligible to retire as of July 1, 2012. Alexander County will require the employees to retire before January 1, 2013 to be eligible. A 5% incentive will be paid by the County.

Funds are budgeted to renovate the Alexander County Animal Shelter in the amount of \$125,000. The shelter was opened in 2002.

The only increases in the budget are as follows:

- A 5% water rate increase is proposed to offset an increase from the City of Hickory.
- A small fire tax increase is proposed by the Vashti Fire Department. The increase would be .058 (currently .0490).

There are no increases in the landfill fees, inspection fees, or any other fees.

County staff is working on several unresolved issues which will have a very minimal impact on the budget including transportation, furniture, and other equipment for the new Law Enforcement and Detention Facility, economic development, and capital costs associated with the renovation of the Alexander County Courthouse.

Mr. French advised that the Budget Ordinance would be presented at the June 18, 2012 Commissioners' Meeting for consideration. He thanked Jennifer Herman, Finance Director, and her staff for their work during the budget process.

Commissioner Robertson thanked Mr. French, Ms. Herman, and all County employees for being conscientious of costs the past few years in an effort to reduce spending.

Chairman Mayberry also thanked the Finance Committee as well as the employees for saving the taxpayers' money.

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

PUBLIC HEARING: CONDITIONAL USE PERMIT 12-1 = WHITE

Seth Harris, County Planner, presented Conditional Use Permit 12-1 submitted by Jimmie White who requested conditional use approval for an off-road vehicle membership organization at property located on Three Forks Church Road. The size of the property is 52.36 acres, zoned RA-20. The current land use is vacant. Mr. Harris stated that zoning within 100 feet of the subject property was RA-20 on all sides. Land uses within 100 feet include vacant property to the north, south, and east, agricultural to the south, east, and west, as well as Lower Little River to the south and single-family residential to the west.

He explained that Tax Office records indicated that Mr. White acquired the subject property in 1994 and has allowed friends and family to ride motorcycles and off-road vehicles there for several years. Mr. White is a member of the NC Hare Scramblers Association, a group that sanctions road motorcycle races and sponsors events in Alexander County; however, Mr. White does not currently hold sanctioned events on the property. He does request users of his property to make donations to facilitate trail creation and maintenance.

The RA-20 District allows membership organizations with conditional use approval from the Board. The proposed membership organization will hold events up to 8 times per year that will be limited to weekends and held from 9 AM – 5 PM on Saturdays and 12 PM – 5 PM on Sundays. Events will be limited to 40 members per event. Mr. Harris advised that natural buffers between the current use and adjacent property owners exist but several trails are in close proximity to property lines. The existing riding trails also extend beyond the boundary of the subject property.

Letters were sent by first class mail to adjoining property owners, a sign was posted on the property, and a legal advertisement was placed in *The Taylorsville Times* to announce the public hearing. Staff received one call in favor of the request and 3 calls against. Complaints related to destruction of property along the shared right-of-way, future expansion of the use, and simple dislike of the proposed use.

The Zoning Ordinance states that in granting a conditional use permit, the Board must find that:

- a) **The application meets all of the regulations in the zoning district in which it is proposed;**

Membership organizations and their related activities are allowed in the RA-20 Zoning District.

Overnight camping for members of the organization would require additional approval from the Board

- b) **The use for which the conditional use permit is sought will not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use;**

The Board must determine what affect the proposed use will have upon the neighborhood.

- c) **Will not be detrimental to the public welfare or injurious to the property or public improvements in the neighborhood;**

The Board must determine the impact to property and on public improvements in the neighborhood.

Mr. Harris reported that staff recommended approval of the conditional use permit with the following conditions:

1. Events held on the subject property shall be limited to members of the membership organization.
2. The membership organization shall hold a maximum of 8 events per calendar year.

3. Events shall be limited to a maximum of 40 members.
4. Events shall be limited to the hours of 9:00 AM to 5:00 PM on Saturdays and 12:00 PM to 5:00 PM on Sundays.
5. Activities of the membership organization shall be confined to the subject property.
6. Any new trails must be a minimum of 10 feet from adjacent property lines.
7. Overnight camping shall not be allowed on the subject property without additional conditional use approval from the Board of Commissioners.

He informed the Board that staff received a complaint last year about the activities on Mr. White's property and after consulting with the County Attorney, it was determined that a conditional use was the best solution to satisfy that complaint.

Commissioner Jennings questioned the use of trails extending beyond the subject property. Mr. Harris replied that the conditional use permit would pertain to the subject property only and that use of trails located on other parcels would not be allowed unless those owners applied for a conditional use permit as well.

Commissioner Robertson asked who would be responsible for maintenance of dust, runoff, mud on roadway, etc. according to NCDENR regulations as well as liability in case of an accident. Mr. Harris replied that the property owner would be responsible for compliance and that members would be required to sign a waiver form releasing the property owner of any liability.

Chairman Mayberry called the public hearing to order and requested any public comment. The following comments were heard:

Public Comment

Jimmie White, property owner, specified that the so called "events" were just family, friends, and members of the NC Hare Scramblers Association riding motorcycles and off-road vehicles on his property. He responded to Commissioner Robertson's comments, stating that the trails did not cross any creeks and that he had repaired trails and other areas for minimal washing. He is also the only person who maintains the right-of-way.

Mr. White did note that he and his family may ride every other weekend but that the "events" were for when other Association members were there.

Terry White, adjoining property owner and cousin, stated that he no longer allowed riding on his property due to liability concerns. He was against any camping and open fires and felt that allowing this conditional use could lead to increased noise, drinking, etc.

Chad Hefner felt Mr. White was doing a good thing for the youth in the county by allowing them to ride on his property, especially when they could be getting into trouble doing something else. He also said that Mr. White took care of the property,

had runoff ponds, and required everyone to be respectful of adjoining property owners.

Lance White, son of Jimmie White, felt it was his family's constitutional right to enjoy a hobby they loved on their own property, which had been in the family for more than 100 years. He stated that this was no more a "membership organization" than a cookout was restaurant and that this had been caused by the greed of a recreational park owner in the county. Mr. White advised that there had never been and never would be any drinking or partying on the property and that there would be no more mud on the road than what was left behind by tractors.

Ed Brannick stated that the noise level was very minimal and even obsolete in areas and he noted that there was no drinking, guns, partying, etc. He mentioned that riders came by invitation only and that those who did not follow the rules were not invited to come back. He felt that no one would do anything to jeopardize having a place to enjoy their hobby.

Todd Lail informed the Board that the only reason this had become an issue was because Richard Mull, owner of Brushy Mountain Motor Sports, was afraid of the impact to his business, which Mr. Lail felt was ridiculous considering that Mr. Mull had 1,400 acres compared to Mr. White's 52 acres. He stated that Mr. White was not trying to run a business like Richard Mull and felt the kids were the ones who would suffer from this.

Von Starnes advised that the Association had noise limitations for mufflers. He also stated that Mr. White instructed everyone where to ride and to be respectful.

Terry White approached again, stating that Mr. White and his family used to be the only ones riding, but that was not the case anymore.

Lance White asked Terry White if it was not fact that his own sons and their friends visited the property frequently to ride. Terry White did not answer and left the room.

Chad Alexander agreed that the noise levels were obsolete once in the woods. He also pointed out that no one rides when its' muddy so the mud tracks on the road would not be an issue.

Kyle Setzer said that Mr. White loved kids and made his trails kid friendly. He stated that his children, ages 8 and 11, only rode at Mr. White's because they felt safe there.

Chad Hefner asked the Board to support the sport of motorcycles and off-road vehicles, noting that it brought in a lot of revenue to the county.

Commissioner Yoder asked Mr. Harris where the complaint had originated. Mr. Harris verified that Richard Mull, owner of Brushy Mountain Motor Sports, had submitted the complaint.

Chairman Mayberry suggested the following conditions in addition to those given by Planning & Development staff:

- A sign will be placed at the property 7 days prior to any event.
- Inspections will be allowed at any time to determine if conditions are being adhered to.
- Trails extending beyond subject property will be closed and signs placed to warn riders.
- Natural buffers will be maintained.

Commissioner Robertson felt a set of membership rules was also needed and that Mr. White should contact someone from NCDENR to take a look at the property. He stated that this was to protect Mr. White in case more complaints were submitted.

Commissioner Jennings suggested including the decibel limitations as a condition.

Jimmie White clarified that there would be no races held on the property and that there was no membership involved – simply family and friends riding on his land. He also stated that he had spent \$350 on the conditional use application, which is all he would collect in donations for an entire year, so the costs of hiring an attorney to draft a policy and having signs made would come out of his own pocket.

Commissioner Yoder was disappointed that this case had even come before the Board, all because someone complained. He encouraged the kids to ride their motorcycles, wear their helmets, and be safe.

There being no further comment, Chairman Mayberry made a motion to close the public hearing, Commissioner Robertson seconded the motion. The Board voted unanimously in favor of the motion.

Commissioner Moose made a motion to table Conditional Use Permit 12-1 until a set of rules were drafted and Mr. White contacted NCDENR. Commissioner Jennings seconded the motion. The Board voted unanimously in favor of the motion.

RESOLUTION IN SUPPORT OF SENATE BILL 433

Chairman Mayberry read a resolution supporting Senate Bill 433 which would give counties the flexibility to organize local human services to minimize administrative costs and maximize services. He stated that most DSS and Health Departments were against S433; however, he assured the public that this would in no way affect services in Alexander County.

Commissioner Jennings made a motion to approve the resolution. Commissioner Moose seconded the motion. The Board voted unanimously in favor of the motion.

SALES TAX REPORT

Rick French, County Manager, reported that \$348,765 in sales tax revenue had been collected this month. For the year, \$1,287,640 has been collected for Article 39 (82% collected), \$1,102,031.69 has been collected for Article 40 (80% collected), and \$285,035 has been collected for Article 46 (87% collected). He stated that we were currently \$261,848 ahead of last year's collections or 10.79%.

Commissioner Yoder thanked the citizens for approving sales taxes, which kept property taxes low.

BUDGET ORDINANCE AMENDMENTS #45 & #46

Rick French, County Manager, discussed the purpose of Budget Amendments #45 and #46 as follows:

Budget Amendment #45 – To adjust the Senior Center budget to reflect the 25% local match required for the General Purpose Grant Funds. To increase the appropriation to the CVCC / Alexander Center for recruitment and advising of a specialist position. To increase the Board of Elections contingency line item for estimate of funds available from the HAVA grant – if funds are awarded, the grant will reimburse the Board of Elections for the cost of election coding for the May 8, 2012 Primary Election.

Budget Amendment #46 – To adjust the budget estimate for sales tax hold harmless funds to the school system based on year-to-date receipts. To budget for a transfer to the School Capital Improvements Fund based on FY 2011 school sales tax revenue in excess of FY 2011 school debt service payments.

Commissioner Yoder made a motion to approve Budget Amendments #45 and #46. Commissioner Jennings seconded the motion. The Board voted unanimously in favor of the motion.

OTHER BUSINESS

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

- A. Rocky Face Mountain Recreational Area opened May 25, 2012. During the first 4 days of operation, 389 people visited the park including people from 6 different counties and 3 different states.
- B. A welcome reception for Dr. M. Brock Womble, Alexander County Schools Superintendent, will be held on Tuesday, June 12, 2012 from 3:30 to 5:30 PM at the ACHS Auditorium lobby.
- C. He requested the surplus of 28 Smith & Wesson M&P, mid-size, 45 caliber pistols from the Sheriff's Department, each with 4 magazines and 3 grip sizes.

Commissioner Yoder made a motion to approve the surplus of the weapons. Commissioner Jennings seconded the motion. The Board voted unanimously in favor of the motion.

CONSENT AGENDA

- A. Tax Release Requests for May \$3,020.21 and Tax Refunds for May \$2,476.78.

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 7:33 PM to prevent the disclosure of confidential information and to discuss economic development, contractual, & 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 Yoder made a motion to adjourn at 8:10 PM. Commissioner Jennings seconded the motion. The Board voted unanimously in favor of the motion.

Ryan Mayberry, Chairman
Board

Jamie M. Starnes, Clerk to the

