

Draft

BOARD OF COMMISSIONERS
REGULAR MEETING September 8, 2014

ALEXANDER COUNTY
STATE OF NORTH CAROLINA

PRESENT: Larry Yoder, Chairman
 Ryan Mayberry, Vice-Chairman
 Andrew Ferguson
 James “Burkie” Jennings
 Judy M. Moose

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

The Alexander County Board of Commissioners held a regular meeting on Monday, September 8, 2014 at the CVCC / Alexander Center in Room 103, Taylorsville, North Carolina.

CALL TO ORDER

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

INVOCATION & PLEDGE OF ALLEGIANCE

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

*****SPECIAL RECOGNITION*****

Commissioner Jennings presented a Key to the County to Timothy A. Glass for his many years of outstanding service to the State of NC and Alexander County, noting that Mr. Glass had been elected to both the Board of Education (served 4 years) and the Board of County Commissioners (served 12 years), in addition to serving on various committees including the Board of Health, Equalization & Review Board, County and Regional EMS Boards, Sesquicentennial Celebration Committee, NCACC Board of Directors (President in 1992), statewide Education Committee, NC Poultry Federation, and the Sugar Loaf Fire Department Board of Directors. Mr. Glass, who was selected as the NCACC Outstanding County Commissioner in 1996, introduced the Farmland Preservation effort in 1990 and serves on the current board.

Matt Cooksey with Habitat for Humanity presented a \$200 check to the Taylorsville Firemen’s Fund in appreciation of the volunteers who helped make this year’s Independence Day

Celebration a success. The check was accepted by Russell Greene, Emergency Services Director.

COMMISSIONER'S REPORT

Commissioner Jennings discussed a letter mailed to Representative Virginia Fox from VFW 5466 Commander John Maddy regarding the delay and denial of veterans' health care by Veterans Administration clinics.

Commissioner Ferguson thanked the Town of Taylorsville, Rescue Squad, EMS, Sheriff's Department, Emergency Management and all volunteers involved in the Governor's Run held this past Saturday. In addition, he mentioned that September was National Preparedness Month and encouraged the public to invest in 72-hour emergency kits with items listed on either the County Emergency Management website or www.readync.org.

Vice-Chairman Mayberry reported that building permits for the region had increased over the past several years, an indication that the housing market had picked up and was stabilizing.

ADOPTION OF AGENDA

Chairman Yoder requested that Item #2 (Public Hearing: Conditional Use Permit 14-2) be removed from the agenda and postponed until a future meeting.

Commissioner Jennings made a motion to adopt the agenda as amended. Commissioner Ferguson seconded the motion, which passed unanimously.

PUBLIC COMMENT

Judy Caywood with the Bethlehem Community Development Association promoted the 5th annual Bethlehem Day scheduled for Saturday, September 27, 2014 from 10:00 AM until 4:00 PM at the Bethlehem branch library and Shiloh Lutheran Church. Activities include a classic car & truck show, children's inflatables, arts/crafts and food vendors, and the Ride for Pride Freightliner Truck and Lions Club Vision Van will be on-site.

PUBLIC HEARING: REZONING CASE 14-4 – OWEN OPPORTUNITY FUND, LLC

Seth Harris, County Planner, presented Rezoning Case 14-4 submitted by Owen Opportunity Fund, LLC who requested rezoning of property located at 1157 Player's Ridge Road from R-20 (Residential) to C-R (Commercial Recreational) to allow for a golf course, restaurant, and a distillery. The size of the property tract is 1.488 acres and the current land use is a golf course and restaurant. Zoning within 100 feet of the property is R-20 on all sides and land uses within 100 feet of the property include residential on all sides.

Owen Opportunity Fund, LLC purchased the subject property in 2013 and the owners are currently operating the golf course at the Oliver's Landing subdivision as well as a restaurant and pro shop at the clubhouse. Plans are to add a distillery in the lower section of the club house which must be federally licensed and approved by the NC ABC Commission before production can begin. This use will also require Conditional Use approval by the Board of Commissioners.

He explained that, because the property was completely surrounded by a zoning district considerably different from the requested district, this was a "small scale rezoning" or spot zoning request which is "invalid or illegal unless there is a clear reasonable basis for treating the singled out property differently from adjacent land." In any case involving spot zoning, the following questions must be addressed:

1. Did the zoning activity in the case constitute spot zoning as our courts have defined that term?; and
2. If so, did the zoning authority make a clear showing of a reasonable basis for the zoning by determining the following 4 factors?:
 - a. The size of the tract.
 - b. The compatibility of the disputed zoning action with an existing comprehensive plan.
 - c. The benefits and detriments resulting from the zoning action for the petitioning property owner, neighbors, and surrounding community.
 - d. The relationship between the uses envisioned under the new zoning and the current uses of adjacent land.

Mr. Harris addressed staff comments in regard to these 4 factors to show a reasonable basis for zoning, which included:

2a. The size of the tract:

The size of the subject property is 1.488 acres. The sizes of surrounding properties are:

- North – 123.5 acres and .27 acre
- South – 123.5 acres and .77 acre
- East – lots ranging from .46 to .52 acre
- West – lots ranging from .25 to .36 acre

2b. The compatibility of the disputed zoning action with an existing comprehensive plan:

1. Section 154.150 of the Alexander County Zoning Ordinance states that the R-20 District is established to provide quiet, low-density living areas consisting of only single-family and related uses necessary for sound neighborhoods.

2. Section 154.140 states that the C-R District is to provide suitable locations for those commercial activities which provide leisure, entertainment, lodging, and dining type facilities.
3. The 2008 Comprehensive Plan shows the proposed future use of the area labeled as parks and open space.

2c. The benefits and detriments resulting from the zoning action for the petitioning property owner, neighbors, and surrounding community:

The Board must determine what impact the rezoning will have upon the adjacent property owners and the surrounding community. The benefits of the rezoning should outweigh any potential inconvenience or harm to the community.

2d. The relationship between the uses envisioned under the new zoning and the current uses of adjacent land:

The existing golf course and associated uses has coexisted with the surrounding neighborhood since its inception. The uses allowed in the new zoning district are consistent with those usually associated with a leisure destination.

Letters were sent by first class mail to the property owners within 100 feet of the parcel boundary, a sign was posted on the property, and an advertisement was placed in *The Taylorsville Times*. Staff received calls from adjoining property owners with concerns about the future distillery.

He informed the Board that Planning & Development staff recommended approval of the request due to the following:

1. Current uses existed prior to the adoption of countywide zoning.
2. The request allows for the continuance of the existing use and for the addition of uses that would help to establish a neighborhood center.

The Planning & Zoning Commission held a public hearing on August 7, 2014 to consider the request and unanimously voted to recommended approval based on the following supporting facts:

1. Consistency with the 2008 Comprehensive Plan.
2. Benefits for the surrounding neighborhood outweigh any perceived detriments including the creation of a neighborhood center.
3. The existence of the current uses existed prior to countywide zoning and the proposed use would enhance and promote the existing uses.

Mr. Harris advised that based on the information provided, the Board must determine whether the rezoning request meets the guidelines set forth above and is reasonable in regards to the

public interest, considering all uses within the requested zoning district, not merely the use of which the applicant is applying.

Chairman Yoder called the public hearing to order and requested any comments. There being none, Commissioner Moose made a motion to close the public hearing. Commissioner Ferguson seconded the motion, which passed unanimously.

Commissioner Moose made a motion to approve Rezoning Case 14-4. Commissioner Jennings seconded the motion.

Chairman Yoder advised that the motion for approval must include supporting factors. Therefore, Commissioner Moose withdrew her motion, Commissioner Jennings withdrew his second, and Vice-Chairman Mayberry then made a motion to approve Rezoning Case 14-4 based on supporting facts from the Planning & Zoning Commission as follows:

1. Consistency with the 2008 Comprehensive Plan.
2. Benefits for the surrounding neighborhood outweigh any perceived detriments including the creation of a neighborhood center.
3. The existence of the current uses existed prior to countywide zoning and the proposed use would enhance and promote the existing uses.

Commissioner Jennings seconded the motion, which passed 4 in favor of the motion (Commissioners Ferguson, Jennings, Mayberry, and Moose) and one against (Commissioner Yoder). The motion carried.

ADOPTION OF THE 2015 SCHEDULE OF VALUES

Guy Kerley, Tax Administrator, requested approval of the 2015 Schedule of Values, noting that the schedule had been originally presented at the August 4th Commissioners' Meeting and a public hearing held on August 18th as outlined by NC General Statutes. He briefly reviewed the appeal process and noted that new values would be mailed to property owners in January 2015.

Commissioner Ferguson made a motion to approve the 2015 Schedule of Values as presented. Vice-Chairman Mayberry seconded the motion. The Board voted unanimously in favor of the motion.

ECONOMIC DEVELOPMENT UPDATE

David Icenhour, Economic Development Director, provided an update on current projects and activities occurring within the Economic Development Office which included:

- The Economic Development Board approved an additional two members for a total 7-member board. Board members are President Andrew Jackson, Vice-President Rick

French, Secretary Doug Caudle, Ryan Mayberry, Renee Meade, Tim Holder, and Dale Starnes.

- Website Grant Program, Building Improvement Grant Program, and social media efforts including Business Spotlights, Alexander Now video, and the Reader's Choice Contest.
- 3-year contract with Retail Strategies to aide in the recruitment of retail business.
- Assistance with grants, water/sewer/natural gas for the recruitment and retention of industry. Over \$1 million has been awarded in NC Rural Center Building Reuse grants in the past 4 years.
- Over \$325,000 has been loaned from the Revolving Loan Fund and over \$900,000 in Industrial Development Incentive Grants given.

Mr. Icenhour advised that the top issue for Alexander County in the recruitment of industry was the lack of facilities with adequate size and ceiling height and felt a "speculative" building was needed, noting that he had been in contact with a company interested in constructing a spec building in Alexander County.

REQUEST TO PIGGYBACK CONTRACT FOR TYPE III AMBULANCE

Doug Gillispie, Interim EMS Director, requested the Board consider a waiver of the bid procedure for letting of public contracts pursuant to N.C.G.S. 143-129 and "piggyback" off Wake County's contract with Northwestern Emergency Vehicles for the purchase of a Type III ambulance manufactured by American Emergency Vehicles. He advised that he would present the final contract with Northwestern for approval at the October 6, 2014 meeting.

Vice-Chairman Mayberry made a motion to waive the formal bidding process, piggybacking off Wake County's contract and proceed with negotiations with Northwestern Emergency Vehicles. Commissioner Jennings seconded the motion, which passed unanimously.

EMS PILOT PROGRAM

Doug Gillispie, Interim EMS Director, discussed a proposal for a one-year EMS Pilot Program developed following the WPCOG Response Time Analysis provided in April which suggested the need for an additional crew and EMS station. The proposal request included hiring 6 new part-time EMT Paramedics which would aide in providing an extra crew during peak times and cut fuel costs and wear on ambulances. He explained that a current crew would be split during peak hours and a part-time EMT would be added to each half crew to create the 4th crew at less cost. The two split crews would be stationed at Wittenburg and Stony Point Fire Departments. Mr. Gillispie added that utilizing the 4th crew could possibly generate approximately \$20,000 in revenue due to the ability to respond to convalescent calls.

The cost for one year totals \$58,035 and includes salaries, fire department leases, uniforms, and third person ride time. Mr. Gillispie assured the Board that no overtime would be accrued and that employees would not exceed the 1,000 hours per rolling calendar year limit.

Commissioner Ferguson made a motion to move forward with the one-year EMS Pilot Program as requested. Commissioner Jennings seconded the motion, which passed unanimously.

REQUEST FOR 6 PART-TIME DSS POSITIONS

Cindy Holman, DSS Director, requested 6 part-time positions to aid staff with increased workload due to new automated systems (NC FAST, NTRACKS, E-CAP, and SEEK) and reduce continued accumulation of comp time. The positions included an Adult Medicaid income maintenance caseworker, and Family & Children's Medicaid income maintenance caseworker, a front desk processing assistant, an accounting processing assistant, a Medicaid Transportation income maintenance caseworker, and an Adult Protective Services social worker at a cost of \$100,165 for 10 months. These positions would be temporary part-time with no benefits.

She advised that a recent change in the Medicaid reimbursement from the federal government had changed from 50/50 to 75/25 for functions performed in NC FAST which could generate \$126,022, exceeding the amount needed to fund these positions. However, she stated that these positions could be eliminated at the end of the year if revenues were not collected as projected.

Commissioner Jennings made a motion to approve the 6 part-time positions for DSS as requested. Vice-Chairman Mayberry seconded the motion, which passed unanimously.

Rick French, County Manager, mentioned that a budget amendment would need to be prepared and approved before any hiring could take place.

APPROVAL OF U.S. DEPARTMENT OF COMMERCE EDA AWARD

Rick French, County Manager, announced that the Department of Commerce's Economic Development Administration had approved the application for a \$1.5 million EDA investment for renovation of the former Taylor Togs building to create the Alexander Applied Technologies Program. He asked for permission to move forward with signing the Financial Assistance Award document and agreeing to the terms and conditions.

Commissioner Jennings made a motion to allow Mr. French to sign the necessary documents as requested. Commissioner Ferguson seconded the motion, which passed unanimously.

HIDDENITE CELEBRATION OF THE ARTS WEEK PROCLAMATION

Chairman Yoder presented a proclamation declaring Monday, September 22 – Saturday, September 27, 2014 as the Hiddenite Center Celebration of the Arts Week and made a motion to approve. Vice-Chairman Mayberry seconded the motion, which passed unanimously.

STATE HOLIDAY SCHEDULE REQUEST

Rick French, County Manager, reported that the state 2014 holiday schedule allowed for an additional holiday on Friday, December 26, 2014. He advised that the County typically followed the state schedule and therefore requested the Board grant the additional holiday as well.

Commissioner Ferguson made a motion to allow the additional holiday on Friday, December 26, 2014. Commissioner Jennings seconded the motion, which passed unanimously.

SALES TAX UPDATE

Rick French, County Manager, reported that \$3,659,108 had been collected in sales tax revenue for the 2013-2014 fiscal year which is \$13,918 more than this time last year and .38% more than what was budgeted. The hold harmless total is at \$128,133.

BOARD APPOINTMENTS & REAPPOINTMENTS

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

WPCOG Region E Aging Committee – Appoint Shirley Flowers and Kay Ivey for 2 years.

Planning & Zoning Commission – Appoint John Moore to fill the unexpired term of Cathy Chatham whose term expires 2/2016).

WPCOG Region E Development Corporation – Reappoint Milton Campbell for 3 years.

Vice-Chairman Mayberry made a motion to approve the appointments and reappointments as presented. Commissioner Jennings seconded the motion, which passed unanimously.

BUDGET ORDINANCE AMENDMENTS #8 & #9

Rick French, County Manager, discussed the purpose of Budget Amendments #8 and #9, as follows:

Budget Amendment #8 – To increase the Planning budget for the WPCOG contract to develop a minimum housing code approved in FY 2014. To increase the Human Resources budget to provide mandated ADA and Title VII training of all

managers/supervisors per negotiated EEOC agreements. To increase the Inspections budget for a temporary clerical employee to cover the office while staff is in software training. To increase the Health Department budget for 1) Medicaid reimbursement funds carried forward from prior years that must be spent in FY 2015 for Pregnancy Care Management and Care Coordination Programs and 2) Communicable Disease cash receipts for FY 2014 to be spent in FY 2015. To adjust the Senior Center budget revenue line items to match the grant contract with the state.

Budget Amendment #9 – To increase the EMS budget for the Pilot Program and place two EMS units at volunteer fire department locations, staffed by part-time EMS employees (\$50,000 was set aside in Contingency when budget was approved and \$8,278 is from fund balance). To increase the Sheriff's Office budget to 1) purchase small equipment items for use in investigative operations from US Marshal's Service funding, 2) to purchase 35 bulletproof vests from funds approved at budget adoption, and 3) to purchase a GPS tracker unit and 4 VIPER radios from Federal Equitable Share funds received in prior years. To increase the 911 Communications budget for the installation of equipment to switch from the current AT&T data circuits to County-owned fiber.

Vice-Chairman Mayberry made a motion to approve Budget Amendments #8 and #9. Commissioner Moose seconded the motion, which passed unanimously.

OTHER BUSINESS

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

- A. The NCACC Legislative Goals process is underway. The deadline to submit proposals is September 19, 2014. The Legislative Goals conference is scheduled for January 15-16, 2015.
- B. County staff is organizing and working the finish line for the 8th annual Hiddenite Festival Road Race set for Saturday, September 27th in conjunction with the Hiddenite Celebration of the Arts.

CONSENT AGENDA

- A. Minutes from the August 4, 2014 Regular Commissioners' Meeting and August 18, 2014 Special Called Meeting.
- B. Tax Release Requests (\$12,395.77) and Tax Refunds (\$2,329.32) for July 26 – August 31, 2014.

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

CLOSED SESSION – N.C.G.S. 143-318.11(a)(1, 2, 4, 5, & 6) TO PREVENT THE DISCLOSURE OF CONFIDENTIAL INFORMATION, DEGREES/PRIZES/AWARDS, ECONOMIC DEVELOPMENT, CONTRACTUAL, & PERSONNEL

Chairman Yoder made a motion to enter into Closed Session at 8:15 PM to prevent the disclosure of confidential information and to discuss degrees/prizes/awards, economic development, contractual matters, and personnel issues pursuant to N.C.G.S. 143-318.11(a)(1, 2, 4, 5, & 6). Vice-Chairman Mayberry seconded the motion, which passed unanimously.

ADJOURNMENT

There being no further business, Commissioner Ferguson made a motion to adjourn at 8:30 PM. Commissioner Jennings seconded the motion, which passed unanimously.

Larry Yoder, Chairman

Jamie M. Starnes, Clerk to the Board