

Draft

**BOARD OF COMMISSIONERS**  
**REGULAR MEETING**     September 11, 2017

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

**PRESENT:**    Milton H. Campbell, Chairman  
                  Ronnie Reese, Vice-Chairman  
                  Josh Lail  
                  Ryan Mayberry  
                  Dr. Jeffrey P. Peal

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

The Alexander County Board of Commissioners held a regular meeting on Monday, September 11, 2017 at the CVCC / Alexander Center in Room 103, Taylorsville, North Carolina.

**CALL TO ORDER**

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

**INVOCATION & PLEDGE OF ALLEGIANCE**

Vice-Chairman Reese gave the invocation and following presentation of the colors by the Alexander County Emergency Services' Honor Guard in memory of the 2,753 people who died on September 11, 2001, Commissioner Peal led the Pledge of Allegiance to the Flag.

**COMMISSIONER'S REPORT**

Vice-Chairman Reese pointed out that the biennium budget recently passed by the NC General Assembly cuts over \$175 million in Single Stream Funding (non-Medicaid funds for mental health, substance abuse, and intellectual/developmental disability services for uninsured/underinsured) over the next two years. These cuts, in addition to the \$262 million already cut over the previous two fiscal years, will result in increased emergency room visits and inappropriate incarcerations across our 23-county region. He also attended the EMS 50<sup>th</sup> Anniversary Banquet held on August 26<sup>th</sup> and thanked all emergency personnel for their service.

**ADOPTION OF AGENDA**

Chairman Campbell advised that Commissioners Mayberry and Lail would present Agenda Items #5 & #6 (NCDEQ Clean Water Revolving Fund Water & Sewer Project) instead of County Manager Rick French.

Vice-Chairman Reese made a motion to adopt the agenda as amended. Commissioner Peal seconded the motion, which passed unanimously.

## **PUBLIC COMMENT**

The following comments were heard:

Alicia Addington invited the public to the annual Friends of the Library Book Sale on October 5<sup>th</sup> and 6<sup>th</sup> from 9:00 AM – 6:00 PM and October 7<sup>th</sup> from 9:00 AM – 1:00 PM at 153 Commercial Park Avenue. A preview sale will be held for Friends of the Library members on October 4<sup>th</sup> from 1:00 PM – 6:00 PM and memberships will also be available at that time. She thanked Bill Miller, Gale Clary, and Jenny Masters for their assistance with book sorting in preparation for the sale.

Judy Caywood promoted the 8<sup>th</sup> Annual Bethlehem Day sponsored by the Bethlehem Community Development Association scheduled for Saturday, September 16<sup>th</sup> from 10:00 AM until 4:00 PM at the crossroads of Hubbard, Rink Dam, and Shiloh Church Roads. Activities will include a classic car and truck show, children's inflatables, arts/crafts and food vendors, and live entertainment. Boy/Cub Scouts Troop #527 will present the colors and Pledge of Allegiance at 9:55 AM.

## **PUBLIC HEARING: REZONING CASE 17-2 - STEWART**

Jon Pilkenton, Director of Planning & Development, presented Rezoning Case 17-2 submitted by Barry and Jeanne Stewart who requested rezoning of property located at 34 Mt. Wesley Church Road from RA-20 (Residential-Agricultural) to H-C (Highway Commercial) to continue their auto repair business and also add an auto sales operation. The size of the property tracts are approximately two acres. Zoning within 100 feet of the property includes RA-20 on all sides and land uses within 100 feet include residential on all sides

He reviewed staff comments related to size of the tract, compatibility of the disputed zoning action with an existing comprehensive plan, benefits and detriments resulting from the zoning action for the petitioning property owner / neighbors / and surrounding community, and the relationship between the uses envisioned under the new zoning and the current uses of adjacent land and advised that the rezoning was NOT consistent with the 2008 Comprehensive Plan which identified this area as being designated for residential use. Therefore, rezoning these parcels would make the zoning inconsistent with adjoining parcels and growth patterns in the area. However, since the structure has been located on the property since 1992, prior to adoption of countywide zoning in 2001, and the current business has been in operation since 2002, staff

believes rezoning the property to H-C as requested would allow the business to continue as a conforming use with possibility of expansion in the future.

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 a notice was placed in *The Taylorsville Times*.

Mr. Pilkenton informed the Board that, in addition to staff's recommendation of approval, the Planning & Zoning Commission held a public hearing on July 27, 2017 to review the request and voted unanimously to recommend approval based on the following:

1. The property has been operated as a commercial business prior to adoption of countywide zoning.
2. At the time that countywide zoning was adopted, consideration should have been given to zoning the property for commercial use.

He advised that based on the information provided, the Board must determine whether the rezoning request meets the guidelines set forth 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 proposes.

After a motion by Commissioner Mayberry, second by Vice-Chairman Reese, and unanimous vote, Chairman Campbell called the public hearing to order and requested any comments. There being none, Commissioner Mayberry made a motion to close the public hearing. Commissioner Lail seconded the motion, which passed unanimously.

Vice-Chairman Reese made a motion to approve Rezoning Case 17-2 based on recommendations from staff and the Planning & Zoning Commission that because the property had been operated as a commercial business prior to adoption of countywide zoning, consideration should have been given to zoning the property for commercial use at that time. Commissioner Peal seconded the motion, which passed unanimously.

## **HISTORY ROOM NAMING RECOMMENDATION & HISTORY ROOM POLICY**

Laura Crooks, Library Director, reported that the Library Board of Trustees voted at their August 14<sup>th</sup> meeting to recommend to the County Commissioners that the history room at the Library be named the "Opal Watts Harrington Local History Room" in recognition of Ms. Harrington's lifelong commitment to preserving the history of Alexander County.

In addition, Ms. Crooks requested approval of an updated Local History Room Policy, noting that major changes included clarification of room use as "primarily for the purpose of local history and genealogical research. Other acceptable uses include small meetings, quiet study, etc. as needed by patrons and library programs. The room is open to the public...room may not be reserved...food and drinks are not permitted." She pointed out that the policy had been updated in an effort to remain in compliance with the NC Administrative Code regarding receipt of State aid.

Commissioner Lail made a motion to accept the recommendation of the Alexander County Library Board of Trustees to name the History Room in memory of Opal Watts Harrington and to approve the updated Local History Room Policy. Vice-Chairman Reese seconded the motion, which passed unanimously.

Commissioner Mayberry appreciated any effort to honor deserving citizens but felt renaming buildings, rooms, etc. should be used in rare incidences to avoid disagreements and varied opinions involved.

## **BROADBAND FEASIBILITY STUDY RECOMMENDATION**

Greg Cronk, Information Technology Director, provided the results of the Internet Assessment Survey conducted March 29 – May 31, 2017 as follows below, which was available on the County website and social media outlets as well as numerous Alexander County government offices. Paper copies were distributed at convenience sites / landfill and were also sent home with students throughout the school system. Staff mailed surveys directly to churches, civic organizations, and businesses / industries and promoted efforts through media blitzes with the local radio station and articles in the newspaper.

- A total of 1,954 surveys were received (1,769 usable after duplicates and incompletes were removed) accounting for 12% of Alexander County households (state average is 10-15%). The NC Broadband Office reports that Alexander County had the second highest survey response in the state.
- More than 90% of surveys taken were residential users and 62% had students in the home.
- Over 84% reported currently purchasing some type of internet service, primarily from cable and telephone providers, and 50% felt the service received was adequate. Speed and reliability were mostly mentioned by those who felt the service they utilized was not adequate.
- Lack of availability (65%) was the most common reason noted for those who did not purchase internet service followed by affordability.
- Approximately 83% answered that they would be interested in purchasing additional internet services if available in their area.

He advised that the next step in the process was the Broadband Assessment and Feasibility Study made possible through a \$10,000 ARC grant requiring at least a \$10,000 match from the County. RFP's were released on June 23, 2017 and accepted until 5:00 PM on July 24, 2017. A total of 7 proposals were received ranging in cost from \$164,862 to \$20,000. Mr. Cronk explained that County staff along with Keith Conover, Technical Analyst with the NC Broadband Infrastructure Office, reviewed the 3 lowest proposals for experience, knowledge of NC regulations, response

to the RFP as requested, proven track record and experience with conducting this type of analysis, and references. During that meeting, it was determined that Items #5 (Perform Gap Analysis of Current Broadband Environment) and #6 (Assess NC's Regulatory Environment) requested in the RFP could be eliminated from all proposals since those services could be provided by the NC Broadband Office at no charge.

Of the 3 lowest proposals, one focused more on construction of a middle mile network (backbone) instead of last mile (directly to home) and an overall business plan, which was the intent of the RFP. In addition, this firm had only completed one related project that was not located in NC. Another had considerable experience with broadband studies and business plans but again none in NC. The final company, Open Broadband, LLC, was a staff favorite based on:

- Both principals of the company each have over 20 years of experience in the field.
- The firm has considerable experience with this type of study and analysis with several NC counties / cities / towns.
- They have an excellent understanding of the current and proposed NC legislative regulations concerning broadband and local governments.

Mr. Cronk reported that the Alexander County Broadband Committee met on August 21, 2017 to review the proposals and unanimously voted to recommend Open Broadband, LLC to the Board of Commissioners to conduct the Broadband Assessment and Feasibility Study for a total cost of \$24,500. Staff is also working with Mr. Conover to host a provider meeting in late October or early November to bring together current and prospective broadband providers.

Commissioner Mayberry made a motion to accept the proposal submitted by Open Broadband, LLC to conduct the Alexander County Broadband Assessment and Feasibility Study for \$24,500. Commissioner Lail seconded the motion, which passed unanimously.

## **NCDEQ CLEAN WATER REVOLVING FUND ENGINEER RECOMMENDATION FOR WATER / SEWER PROJECTS**

Commissioner Mayberry informed the Board that, after receiving notification from the State that Alexander County would receive low interest loans from the NCDEQ Clean Water Revolving Loan Fund for water and sewer projects, an RFQ was released on July 31, 2017 for engineering services and he noted that a total of 8 responses were received. Meetings were held last week with representatives from McGill Associates and Shabeldeen Engineering / McKim & Creed along with Commissioners Lail and Mayberry, County Manager Rick French, and County Engineer Darrell Robertson.

Due to some unanswered questions and concerns, Commissioner Mayberry felt this item should be tabled; however, due to the December 1, 2017 deadline for preliminary engineering reports for both projects to be submitted to the State, he suggested a conference call be held tomorrow, September 12, 2017 at Noon for the Board to take action, allowing adequate time for him to contact both firms for clarification.

Therefore, Commissioner Lail made a motion to table Agenda Items #5 & #6 (NCDEQ Clean Water Revolving Fund Water & Sewer Project) and hold the conference call tomorrow as requested. Vice-Chairman Reese seconded the motion, which passed unanimously.

## **RELINQUISHMENT OF VETERANS COMMITTEE**

Rick French, County Manager, submitted a request from the Veterans Committee to disassociate with Alexander County and move forward with the process to become a 501(c)3 organization. The committee is heavily involved in fundraising activities and would like to be able to provide receipts to donors for tax purposes. All funding collected is used locally to assist, honor, or recognize veterans.

Vice-Chairman Reese made a motion to relinquish authority of the Veterans Committee to allow them to become a 501(c)3 organization. Commissioner Peal seconded the motion, which passed unanimously.

## **CONSTITUTION & CITIZENSHIP DAY / CONSTITUTION WEEK PROCLAMATION**

Commissioner Mayberry made a motion to approve a proclamation declaring September 17, 2017 as Constitution Day and Citizenship Day as well as September 17-23, 2017 as Constitution Week. Commissioner Peal seconded the motion, which passed unanimously.

## **BOARD APPOINTMENTS & REAPPOINTMENTS**

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

Jury Commission – Reappoint Harry Robertson for two years.

Animal Control Advisory Board – Appoint Maggie Dahlstrom and reappoint Dr. Hannah Shaffer, Leeanne Whisnant, Tod Jones, Dottie Ferguson, Mike Deal, and Garrett Davis, all for two years.

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

Commissioner Lail made a motion to approve the appointments and reappointments as requested. Vice-Chairman Reese seconded the motion, which passed unanimously with the exception of Chairman Campbell recusing himself from the vote for his reappointment to the Region E Development Corporation.

## **BUDGET ORDINANCE AMENDMENTS #7 - #11**

Rick French, County Manager, reviewed the purpose of Budget Amendments #7 - #11 as follows:

Budget Amendment #7 – To budget for labor and materials to reclaim Freon from chiller, replace new filter core dryers, and recharge with new Freon and oil in units at the courthouse.

Budget Amendment #8 – To increase the DSS budget for grant funds carried forward by NCDOT to be used in the 2017-2018 year to provide transportation to the elderly to nutrition sites, doctor appointments, adult daycare, etc.

Budget Amendment #9 – To increase the budgeted revenue to match the allocation from the Home and Community Care Block Grant for Senior Center operations.

Budget Amendment #10 – To adjust the project budget for revised cost estimates for the Broadband Feasibility Study following the RFP process.

Budget Amendment #11 – To increase the General Fund local match for the Broadband Feasibility Study Project for revised cost estimates following the RFP process.

Commissioner Peal made a motion to approve Budget Amendments #7 - #11. Commissioner Mayberry seconded the motion, which passed unanimously.

## **SALES TAX & FINANCIAL REPORT**

Rick French, County Manager, reported that a total of \$4,333,596.82 had been collected in sales tax revenue through August 2017 (\$1,352,019.40 is new sales tax for economic development, public education, and community colleges). This amount is 100% of the \$4,422,000 budgeted with 100% of the budget year expired and an increase over last year of 4.70%.

## **OTHER BUSINESS**

Rick French, County Manager, mentioned the Letters of Intent to Fund received from the State regarding the previously discussed water and sewer projects which included the following milestones:

<b>Milestone</b>	<b>Date</b>
Engineering report submittal	December 1, 2017
Engineering report approval	May 1, 2018
Bid and design package submittal	November 1, 2018
Bid and design package approval	March 1, 2019
Advertise, receive bids, submit bid info, receive authority to award	July 1, 2019
Execute construction contract	August 1, 2019

## **CONSENT AGENDA**

- A. Minutes from the August 7, 2017 Regular Meeting.
- B. Tax Release Requests (\$16,273.18) and Tax Refunds (\$3,083.71) for August 1-31, 2017.
- C. Revised Home and Community Care Block Grant SFY 2017-2018.
- D. Surplus a 928G Caterpillar wheel loader, VIN #CAT0928GPDJD02571 with 14,810 hours; a Great Dane zero turn mower, VIN #457833 with 2,574 hours; another Great Dane zero turn mower, VIN #349707 with 3,018 hours; and a 2004 Ford Crown Victoria, VIN #2FAFP71W24X157298 with 198,283 miles.
- E. MOA between the Alexander County Health Department and Alexander County Schools for School Health Program.
- F. Contract for School Nursing Services between the Alexander County Health Department and Alexander County Schools.

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

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

Commissioner Mayberry made a motion to enter into Closed Session at 7:16 PM to discuss economic development, contractual matters, and personnel issues pursuant to N.C.G.S. 143-318.11(a)(4, 5, & 6). Commissioner Peal seconded the motion, which passed unanimously.

## **ADJOURNMENT**

There being no further business, Commissioner Mayberry made a motion to adjourn at 7:45 PM. Commissioner Peal seconded the motion, which passed unanimously.

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Milton H. Campbell, Chairman

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Jamie M. Starnes, Clerk to the Board