

Draft

BOARD OF COMMISSIONERS
REGULAR MEETING February 4, 2019

ALEXANDER COUNTY
STATE OF NORTH CAROLINA

PRESENT: Dr. Jeff Peal, Chairman
 Ronnie Reese, Vice-Chairman
 Marty Pennell

ABSENT: Ryan Mayberry
 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, February 4, 2019 in Room 103 of the CVCC / Alexander Center in Taylorsville, North Carolina.

CALL TO ORDER

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

INVOCATION & PLEDGE OF ALLEGIANCE

Vice-Chairman Reese gave the invocation and Commissioner Pennell led the Pledge of Allegiance to the Flag.

COMMISSIONER'S REPORT

Chairman Peal mentioned the following items:

- The annual Veterans Committee sponsored golf tournament is scheduled for Saturday, March 16, 2019. He also stated that participation in veterans' organizations such as the VFW, DAV, and American Legion was declining nationwide and he encouraged citizens to get involved.
- An informational meeting for potential foster parents will be held at 6:00 PM on March 5th at Alexander County DSS.
- Nominations for the Commissioners' Choice Awards is now being accepted.

- Commissioner Yoder and County Manager Rick French recently attended the NCACC Legislative Goals Conference where several key goals were developed to benefit NC counties.
- Our local DSS distributes nearly \$5 million a year in just food benefits.

ADOPTION OF AGENDA

Chairman Peal requested the removal of Agenda Item #4 (Conditional Use Permit 19-1) due to withdrawal of the application. Vice-Chairman Reese made a motion to remove Agenda Item #4. Commissioner Pennell seconded the motion, which passed unanimously.

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

PUBLIC COMMENT

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

PUBLIC HEARING: REZONING CASE 19-1 – BROWN

Jon Pilkenton, Director of Planning & Development, presented Rezoning Case 19-1 submitted by Stephen Tyler Brown who requested rezoning of 3 parcels located at 214 S and K Road from RA-20 (Residential-Agricultural) to H-C (Highway Commercial) to allow for construction of mini storage units (expansion of current storage units located to the south of subject property). The sizes of the property tracts are one acre, 1.47 acres, and 1.5 acres. Zoning districts and land uses within 100 feet include RA-20 to the north, south, and west along with H-C on all sides.

After reviewing staff comments related to the 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, Mr. Pilkenton advised that the rezoning was consistent with the adopted goals and policies of the 2008 Comprehensive Plan which identifies this area as being designated for commercial use.

Letters were sent by first class mail to 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*.

In addition to staff's recommendation for approval, Mr. Pilkenton reported that the Planning & Zoning Commission held a public hearing on January 3, 2019 to review the request and voted unanimously to recommend approval based on the following:

1. The rezoning request is consistent with the future land use map in the 2008 Comprehensive Plan and its adopted goals and policies.
2. The request will not negatively impact the surrounding properties with regards to commercial development.

After a motion by Vice-Chairman Reese, second by Commissioner Pennell, and unanimous vote, Chairman Peal called the public hearing to order and requested any comments.

Public Comment

Due to a question posed by Commissioner Pennell, Stephen Brown responded that Woodring Lane would serve as the ingress/egress location for the proposed storage units; however, Mr. Brown also has an easement for S and K Lane if needed.

There being no further comment, Chairman Peal made a motion to close the public hearing. Vice-Chairman Reese seconded the motion, which passed unanimously.

Vice-Chairman Reese made a motion to approve Rezoning Case 19-1 based on recommendations from staff and the Planning & Zoning Commission that the rezoning request is consistent with the future land use map, adopted goals, and policies in the 2008 Comprehensive Plan and would not negatively affect the surrounding properties in regards to commercial development. Commissioner Pennell seconded the motion, which passed unanimously.

PUBLIC HEARING: NUISANCE CASE 1807102 – MOGRAY

Jon Pilkenton, Director of Planning & Development, presented Nuisance Case 1807102 for property located at 150 Bridge Pointe Lane owned by Kenneth C. Mogray. The subject property was obtained by Mr. Mogray in 2004 and, according to Tax Office records, contains a structure built in 1955.

On July 12, 2018, a complaint was filed concerning the structure. An inspection was conducted by Seth Harris, Zoning Administrator, that same day and the property was found in violation of the Alexander County Nuisance Ordinance due to roof collapse, multiple holes in the roof, and the inside of the home being open to the elements. A notice of violation was served to the property owner on July 19, 2018, which outlined Ordinance violations and gave the owner 30 days to abate the nuisance.

Upon the second inspection on September 15, 2018, the violations present at the initial inspection had not been corrected. Therefore, a second letter of violation was served on September 29, 2018. Subsequent communications with Mr. Mogray indicated he was willing to remove the home from the property and was consulting with contractors. However, as of January 24, 2019, the violation had not been remedied.

Mr. Pilkenton provided a staff recommendation that the property be deemed a nuisance and the structure be removed. He explained that if the Board agreed that such a nuisance exists, the property owner will be notified and required to abate the nuisance within 20 days of receipt of the order. If the owner fails to abate the nuisance within those 20 days, the Board shall cause the structure to be removed with all costs incurred by the County to be charged to the property owner pursuant to N.C.G.S. 160A-193.

Mr. Pilkenton added that since receiving notification that a Nuisance Case was to be presented to the Board of Commissioners, Mr. Mogray has obtained a demolition permit and hired a contractor.

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

Vice-Chairman Reese made a motion to deem the property located at 150 Bridge Pointe Lane a nuisance and proceed as outlined in the Alexander County Nuisance Ordinance. Commissioner Pennell seconded the motion, which passed unanimously.

STONY POINT ELEMENTARY SCHOOL CDBG-I SEWER PROJECT FAIR HOUSING

Paul Teague, WPCOG Community & Economic Project Developer, advised that a requirement of the Stony Point Elementary School CDBG-I Sewer Project was engagement with the public regarding the Fair Housing Act. He requested Board input regarding activities to provide awareness and seek input from residents, noting that staff would return at the March Commissioners' Meeting with a full Fair Housing outline for consideration in order for the project to bid later in the spring.

After discussion, the Board agreed that the Public Information Officer would develop press releases for print and social media outlets requesting comments from citizens. In addition, Board members later decided to place printed Fair Housing surveys at several County departments (all Library and Senior Center branches, DSS, Health Department, and Administration), to distribute surveys to civic and veterans organizations, and provide to the local radio station for announcement.

Mr. Teague mentioned that a Fair Housing workshop would be held at the WPCOG on Thursday, March 14th from 1:00-4:00 PM.

DUKE ENERGY LEASES FOR DUSTY RIDGE & WITTENBURG ACCESS

Rick French, County Manager, provided an updated lease with Duke Energy for Dusty Ridge Park as well as a new lease for Wittenburg Access, both for 40 years with an effective date of November 1, 2015 as required by FERC. Approval of these leases will make the County eligible to apply for

grant funding through the NC Parks and Recreation Trust Fund to upgrade these facilities and provide added benefits for the public. Plans include:

Wittenburg Access – picnic areas, walking and biking trails, bank fishing areas, disc golf, additional restrooms and parking.

Dusty Ridge Park – picnic areas, walking and biking trails, soccer fields, disc golf, additional restrooms and parking.

Staff intends to begin with the Wittenburg Access proposal by submitting a grant application to PARTF by the May 1st deadline.

Vice-Chairman Reese made a motion to approve the leases with Duke Energy for Dusty Ridge Park and Wittenburg Access. Commissioner Pennell seconded the motion, which passed unanimously.

BUDGET ORDINANCE AMENDMENTS #25 - #29 & PROJECT BUDGET ORDINANCE #P-5

Rick French, County Manager, reviewed the purpose of Budget Amendments #25 - #29 and Project Budget Ordinance #P-5 as follows:

Budget Amendment #25 – To increase the Health Department budget for additional State funding for Maternal Health and Child Health.

Budget Amendment #26 – To increase the Library budget for the receipt of federal grant funds passed through the NC Humanities Council for the Let's Talk About It lecture events.

Budget Amendment #27 – To reimburse the Emergency Telephone System Fund for FY 2018 expenditures that should have been paid from the General Fund (transfer required by the NC 911 Board).

Budget Amendment #28 – To increase the Sheriff's Office budget for the use of Federal Equitable Share Funds for two pistols, two rifles, and accessories for narcotics officers.

Budget Amendment #29 – To increase the Sheriff's Office budget to purchase specialized equipment with federal grant funds passed through the NC Department of Public Safety/Governor's Crime Commission including a hostage negotiation system, an infrared camera for investigations, tactical trauma aid kits, and an evidence drying cabinet.

Project Budget Ordinance #P-5 – To budget for the Borealis Compounds, Inc. One NC Grant Project.

Commissioner Pennell made a motion to approve Budget Amendments #25 - #29 and Project Budget Ordinance #P-5. Vice-Chairman Reese seconded the motion, which passed unanimously.

BOARD APPOINTMENTS & REAPPOINTMENTS

Rick French, County Manager, requested the following reappointments:

Library Board of Trustees – Reappoint Andrew Ferguson, Amy Bucknam, and Dawn Chumley for 3 years.

Equalization & Review Board – Reappoint Doug Ramsey, David Odom, Linda Barnette, Bobby Norton, and Donovan Douglas for one year.

Health Board – Appoint Hazel Yoder and reappoint Betty Long for 3 years.

WPCOG Sister Cities Association – Appoint Karl Lenz and reappoint David Icenhour as alternate for two years.

Juvenile Crime Prevention Council – Appoint Chasity Hamby for two years.

Commissioner Appointments – Appoint Chairman Peal to the Library Board of Trustees and the Parks & Recreation Advisory Board.

Appoint Commissioner Mayberry to the Partnership for Children Board of Directors and as the WPCOG Policy Board alternate.

Appoint Commissioner Yoder to the WPCOG TCC / TAC Committees.

Appoint Commissioner Pennell to the Animal Control Advisory Committee, DSS Board, Minimum Housing Committee, and Senior Center Advisory Committee.

Vice-Chairman Reese made a motion to approve the appointment and reappointments. Commissioner Pennell seconded the motion, which passed unanimously.

OTHER BUSINESS

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

- A. A total of \$1,936,300.40 has been collected in sales tax revenue through January 2019 (\$634,165.06 is new sales tax for economic development, public education, and community colleges). This amount is 41.22% of the \$4,698,000 budgeted with 41.67% of the budget year expired and an increase over last year of 3.82%.
- B. The Alexander County Services Center Project is near completion. The tubes for the drive-thru are being installed, fire extinguishers are ordered, outdoor lettering will be up soon, and final inspections are not far away.

CONSENT AGENDA

- A. Minutes from the January 7, 2019 Regular Meeting and the January 14, 2019 work session.
- B. Tax Release Requests (\$2,989.82) and Tax Refunds (\$3,350.24) for January 1-24, 2019.

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

CLOSED SESSION – N.C.G.S. 143-318.11(a)(5 & 6) CONTRACTUAL & PERSONNEL

Vice-Chairman Reese made a motion to enter into Closed Session at 6:37 PM to discuss contractual matters and personnel issues pursuant to N.C.G.S. 143-318.11(a)(5 & 6). Commissioner Pennell seconded the motion, which passed unanimously.

ADJOURNMENT

There being no further business, Vice-Chairman Reese made a motion to adjourn at 7:16 PM. Commissioner Pennell seconded the motion, which passed unanimously.

Jeffrey P. Peal, Chairman

Jamie M. Starnes, Clerk to the Board