

Draft

BOARD OF COMMISSIONERS
REGULAR MEETING October 7, 2019

ALEXANDER COUNTY
STATE OF NORTH CAROLINA

PRESENT: Dr. Jeff Peal, Chairman
 Ronnie Reese, Vice-Chairman
 Larry Yoder
 Ryan Mayberry
 Marty Pennell

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

The Alexander County Board of Commissioners held a regular meeting on Monday, October 7, 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

Commissioner Yoder gave the invocation and Chairman Peal led the Pledge of Allegiance to the Flag.

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

Rick French, County Manager, introduced Cherry Kilby, Alexander County's new Veterans Service Officer, who earned her Bachelor's Degree in Psychology from Lenoir-Rhyne University in 2013 and is State and Internationally certified in substance abuse counseling. Ms. Kilby, who is married to retired Staff Sgt. Travis Kilby and has 4 children, stated that she was looking forward to using her training to help Alexander County veterans.

COMMISSIONER'S REPORT

Commissioner Yoder reported that, according to local and district NCDOT staff that attended last week's TCC/TAC Meeting, it could be April or May 2020 before any repairs were made to Liledoun Road (damage sustained from heavy rain and flooding in June). Bids for the project were

rejected because they came in extremely high and, due to lack of a State budget, all emergency funds for natural disasters have been depleted and 1,000 NCDOT employees have been or will be laid off.

ADOPTION OF AGENDA

Chairman Peal requested the addition of a NC Department of Commerce Building Reuse Funds resolution during Other Business.

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

PUBLIC COMMENT

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

PUBLIC HEARING: CONDITIONAL USE PERMIT 19-2 – FERGUSON

Chairman Peal reviewed the order of proceedings and Jamie Starnes, Clerk to the Board, gave an oath of sworn testimony to all individuals wishing to speak during the conditional use hearing.

Jon Pilkenton, Director of Planning & Development, presented Conditional Use Permit 19-2 submitted by Landon Ferguson who requested conditional use approval for an indoor firing/shooting range on property located at 5646 NC Highway 16 South currently owned by SPL Holdings, LLC. The size of the property is 9.023 acres, zoned H-C, and the current land use is vacant/warehouse/industrial. Zoning and land uses within 100 feet of the property are RA-20 to the north and east, H-C to the east, and R-20 to the south and west.

Background information showed that the Board rezoned this property from L-I (Light Industrial) to H-C (Highway Commercial) in May 2019 to allow the applicant to conduct retail sales on the premises. An indoor firing range is an allowable use in the current zoning with conditional use approval from the Board. The applicant has applied for the conditional use permit under Section 154.140.5 of the Alexander County Zoning Ordinance titled Tactical Training Centers and Firing/Shooting Ranges, which focuses mainly on outdoor ranges and is somewhat silent on the requirements for indoor ranges other than stating they must meet all State and Federal laws.

Mr. Pilkenton explained that all improvements made to up-fit the facility for an indoor shooting range must be submitted by a professional ballistics engineer; therefore, Mr. Ferguson outsourced the design and construction of the range to a firm in Utah (engineered plans include a 5-stall platform). The Alexander County Building Inspections Department will be responsible for ensuring construction is completed in accordance with the submitted plans and all OSHA regulations related to HVAC, employee lead testing, etc. will apply. He advised that the ATF regulated the sale and/or trade of firearms but not shooting ranges.

Letters were sent by first class mail to adjoining property owners, a sign was posted on the property, and a notice was placed in *The Taylorsville Times* to announce the public hearing.

Mr. Pilkenton reported that the Planning & Zoning Commission held a public hearing on October 3, 2019 to review the proposed plan. Although a formal recommendation is not required, the PZC did vote favorably to approve the project as submitted. Staff also recommends approval with the understanding that the facility be constructed in accordance with the engineered plans and the applicant adhere to all State and Federal laws regarding the construction and operation of this type of facility.

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

Public Comment

Patrick Watkins spoke in favor of the location choice for the shooting range, a business venture he felt was best suited indoors. He encouraged the Board to implement guidelines and procedures for the oversight/regulation of shooting ranges and to develop a plan of action that would benefit range owners, encourage proper gun safety and practices, and keep Alexander County citizens safe.

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

Commissioner Mayberry made a motion to approve Conditional Use Permit 19-2 with the following conditions:

1. The project must comply with all provisions of Section 154.140.5 of the Alexander County Zoning Ordinance (Tactical Training Center and Firing/Shooting Ranges); and
2. The project must not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use; and
3. The project must not be detrimental to the public welfare or injurious to property or public improvements in the neighborhood; and
4. The facility must be constructed and operated in accordance with the submitted engineer's plans and drawings.

Commissioner Pennell seconded the motion, which passed unanimously.

PUBLIC HEARING: SPECIAL EVENTS ORDINANCE

Rick French, County Manager, stated that this was the first of two public hearings regarding the proposed Special Events Ordinance that would establish a structured process for permitting and

staging of planned public events to ensure adequate allocation of county resources. He reviewed the following specifics:

- Applies to planned events open to the general public involving the gathering of 300 or more persons on public or private property in which the following apply – use/sale/display of fireworks, sale/purchase/consumption of alcoholic beverages, live entertainment, overnight activities such as camping, racing of (non)motorized vehicles, activities located on public rights-of-way, physical contact sports, film or television production events.
- Will not apply to local, state, or federal government agencies, schools, church or worship activities, or businesses holding events in venues designated to hold large numbers of people.
- Applications must be submitted at least 90 business days prior to the date of the event. The County Manager or designee can reduce this timeframe for good cause shown.
- Applications will be reviewed by a Special Event Application Review Committee consisting of representatives of law enforcement, EMS, Fire Marshal/Emergency Management, Public Works, Health Department/Environmental Health, and Building Inspections.
- Any event held on real property owned by Alexander County but located within Town limits shall comply with this ordinance. Applications will also be forwarded to the Town of Taylorsville to also be considered under their application process.
- Applicants may be required to pay for fire/rescue/medical standby/law enforcement services as well as additional fees if County facilities are used.
- Events must meet all NC Building Codes, National Electric Code, and ADA requirements.
- A valid ABC permit will be required for any event where alcohol is served or sold.
- Proof of liability and/or special events insurance coverage is required and Alexander County must be named as additionally insured for events held on county-owned property.
- Events of 1,000 or more people must have a trained crowd control manager for every 250 people (per NC Fire Code) provided by the event organizer.
- Permit and other required fees may be waived by the County Manager or designee for non-profits or for other factors justifying a fee waiver.

Chairman Peal felt this ordinance could potentially impact a lot of people/organizations and in an effort to be fair to all, he encouraged the public to review it and attend the next public hearing or contact County staff with questions.

Commissioner Mayberry pointed out that this ordinance would also assist law enforcement and emergency organizations to coordinate during events, especially when several were held on the same day.

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

BETHLEHEM SEWER EXTENSION PROJECT UPDATE & BUDGET ORDINANCE AMENDMENTS #17 & #18

Engineer Dan Shabeldeen announced that final approval on the plans for the Bethlehem Sewer Extension Project had been received today from the State; therefore, the project can be put out for bid within the next week or so. Following approval of a resolution by the County to accept the low bid in December and approval of the bid by the State, he estimated that work could begin in mid-January 2020 and would take approximately 18 months to complete.

He stated that the process thus far had been a complicated and lengthy one and he explained the different types of permitting procedures required by Duke Energy, FERC, NCDOT, and NCDEQ/DWI, which had taken 6 months to complete.

Chairman Peal asked for clarification regarding planned replacement of active lines such as those at Wittenburg Access and along Shiloh Church Road. Mr. Shabeldeen replied that upsizing of some lines was necessary to prepare for expected growth in Bethlehem that would affect capacity.

Commissioner Yoder expressed concerns with how the planned widening of Highway 127 would impact this project as well as the most recent cost estimate submitted by Shabeldeen Engineering (\$907,050 increase), especially when considering that bids have been coming in high which will add even more expense. He urged Mr. Shabeldeen to discuss any plan or design changes with County Manager Rick French and clarified that there should be no planning for a Phase II at this time.

Commissioner Mayberry mentioned that a sewer committee consisting of himself, then Commissioner Josh Lail, and County Manager French had met with Mr. Shabeldeen and other engineers frequently and had discussed specific design changes. He also pointed out that 1) a final cost could not be determined on any project until specific plans were prepared and 2) construction costs and materials have increased significantly since the original cost estimate for this project was developed two years ago.

Mr. Shabeldeen provided a breakdown for the increased cost that included an additional \$480,000 for bore and jack required by NCDOT, another \$100,000 for rock excavation required by DWI, another \$184,000 to include a pump station upgrade at Heritage Village, along with various pipe size adjustments.

Commissioner Mayberry felt a long-term sewer plan for Alexander County was needed.

Rick French, County Manager, reviewed the purpose of Budget Amendments #17 & #18 as follows, also pointing out that the County could apply for an additional 10% in loan funding from DWI once the project is bid:

Budget Amendment #17 – To budget adjust the Bethlehem Sewer Extension Project budget for revised construction cost estimates.

Budget Amendment #18 – To increase the General Fund local match for the Bethlehem Sewer Extension Project based on revised estimates for construction costs (\$907,050).

Commissioner Mayberry made a motion to approve Budget Amendments #17 & #18. Vice-Chairman Reese seconded the motion, which passed unanimously.

BUDGET ORDINANCE AMENDMENTS #13 - #16

Rick French, County Manager, reviewed the purpose of Budget Amendments #13 - #16 as follows:

Budget Amendment #13 – To budget for 1) FY 2020 Planning Department revenues from the contract with the Town of Taylorsville to provide planning & zoning services and 2) a reduction in the FY 2020 estimated Inspections Department revenues due to no longer billing for Town inspections.

Budget Amendment #14 – To budget for a Senior Center general-purpose grant from the State requiring a 25% local match.

Budget Amendment #15 – To budget for a proposed engineering services contract for the Bethlehem Water System Hydraulic Study & Capital Improvements Plan.

Budget Amendment #16 – To increase the DSS budget for salary increases proposed by the Consolidated Human Services Director (State funds may offset some costs).

Vice-Chairman Reese made a motion to approve Budget Amendments #13 - #16. Commissioner Pennell the motion, which passed unanimously.

BID RESULTS FOR INDUSTRIAL PARK SHELL BUILDING

David Icenhour, Economic Development Director, advised that a bid opening for the Industrial Park Shell Building was held on August 29th where 11 bids were received. G.L. Wilson Building Company was the lowest responsive, responsible bidder with a total bid of \$3,118,040. However, due to the bids coming in higher than expected, Mr. Icenhour discussed several cost saving measures that included:

- After negotiations with G.L. Wilson, \$174,000 was deducted from the original bid and the company has agreed to defer payment of \$150,000 until the time of sale.
- Alexander Railroad will provide a \$500,000 zero-interest loan to be paid at the time of sale.
- Alexander County EDC will provide a \$200,000 zero-interest loan to be paid at the time of sale.

Chairman Peal conveyed his appreciation to County staff for the effort put forth but felt this project should be placed on hold when considering costs as well as other major projects currently underway. Other Board members agreed.

After discussion, Commissioner Mayberry made a motion to reject the Industrial Park Shell Building Project bids to be revisited at a later date. Commissioner Pennell seconded the motion, which passed unanimously.

2020 CENSUS PARTNERSHIP RESOLUTION

Commissioner Mayberry made a motion to approve the 2020 Census Partnership resolution as read by Chairman Peal. Vice-Chairman Reese seconded the motion, which passed unanimously.

BOARD APPOINTMENTS & REAPPOINTMENTS

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

Region E Adult Care & Nursing Home CAC – Reappoint Kathleen Harvey for 3 years.

Animal Control Advisory Board – Appoint Whitnee Price and Jason Moore and reappoint Lianne Whisnant, Mike Deal, Garrett Davis, Maggie Dahlstrom, and Dr. Hannah Shaffer, all for two years.

Jury Commission – Appoint Dale Fox for two years.

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

SALES TAX REPORT

Rick French, County Manager, reported that a total of \$452,798.04 has been collected in sales tax revenue through September 2019 (\$135,699.76 is new sales tax for economic development, public

education, and community colleges). This amount is 8.86% of the \$5,113,000 budgeted with 8.33% of the budget year expired and an increase over last year of 6.33%.

OTHER BUSINESS

The following issues were discussed during Other Business:

- A. David Icenhour, Economic Development Director, requested approval of a resolution authorizing the submittal of a formal application to the NC Department of Commerce's Building Reuse Grant Program to assist Project Par 3 (a code name to be used until a formal announcement is made by the Governor's Office) in the addition of new industrial space that will create 11 jobs.

Commissioner Mayberry made a motion to approve the resolution for Project Par 3. Vice-Chairman Reese seconded the motion, which passed unanimously.

- B. Mr. French was happy to report that the Water System Extension Project was now underway. Crews began work in the Wittenburg Springs subdivision to replace a substandard line.
- C. Several upcoming events include the Apple Festival and Apple Festival 5K on October 19th, Clean Alexander (free) Day on October 26th, and Rock Climbing Festival and Run for the Dogs Trail Race on November 2nd at Rocky Face Park.

CONSENT AGENDA

- A. Minutes from the September 9, 2019 Regular Meeting.
- B. Tax Release Requests (\$17,020.58) and Tax Refunds (\$5,601.27) for September 1-30, 2019.
- C. Proposed fee for Application for Certificate of Appropriateness.
- D. Revisions to the Bethlehem Community Plan.

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 7:41 PM to discuss economic development, contractual matters, and personnel issues pursuant to N.C.G.S. 143-318.11(a)(4, 5, & 6). Vice-Chairman Reese seconded the motion, which passed unanimously.

ADJOURNMENT

There being no further business, Commissioner Mayberry made a motion to adjourn at 8:37 PM. Vice-Chairman Reese seconded the motion, which passed unanimously.

Jeffrey P. Peal, Chairman

Jamie M. Starnes, Clerk to the Board