

Draft

BOARD OF COMMISSIONERS
REGULAR MEETING February 1, 2021

ALEXANDER COUNTY
STATE OF NORTH CAROLINA

PRESENT: Larry Yoder, Chairman
 Ronnie Reese, Vice-Chairman
 Josh Lail
 Dr. Jeff Peal
 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, February 1, 2021 via Zoom in Taylorsville, North Carolina.

CALL TO ORDER

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

INVOCATION & PLEDGE OF ALLEGIANCE

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

COMMISSIONER'S REPORT

Chairman Yoder passed along special thanks from Sheriff Chris Bowman for the Board's recent approval of a budget amendment that allowed for the purchase of a drone. The drone's thermal-imaging capabilities aided in locating an elderly man last Thursday who had gone missing from his home in the Stony Point community.

On January 12, 2021, Commissioner Lail attended the grand opening of the new location for Price & Associates, CPAs, PLLC on Shiloh Church Road.

Vice-Chairman Reese mentioned attending the grand opening of Sam Davis Properties, former Cooper Southern Properties, on January 15, 2021.

ADOPTION OF AGENDA

After requesting discussion of a letter regarding the Board of Education's proposal for Old Wittenburg School as Agenda Item #10C, Chairman Yoder 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 21-1 – KIZIAH

Seth Harris, Zoning Administrator, presented Rezoning Case 21-1 submitted by Greg Kiziah (dba Ashley Brooke Property Group, LLC) who requested rezoning of property located on Highway 127 from H-C (Highway Commercial) to RA-20 (Residential-Agricultural) to allow for multi-family apartments. The size of the property is 3.09 acres, which is currently vacant. Zoning districts within 100 feet include H-C to the north and west, RA-20 to the South, and R-20 to the east.

After reviewing staff comments, Mr. Harris reported that the future land use map contained within the 2019 Bethlehem Community Plan designates this property as being a residential 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 public hearing notices were placed in *The Taylorsville Times*.

In addition to staff's recommendation for approval, the Planning & Zoning Commission reviewed the request on January 7, 2021 and voted unanimously to recommend approval based on the following:

1. The rezoning request is consistent with the intent of the Bethlehem Community Plan.

Mr. Harris 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 public interest, considering all uses within the requested zoning district, not merely the use that the applicant proposes.

After several Board members expressed concerns with considering this rezoning when the applicant had failed to meet conditions required in a previous case (construction of sidewalks, landscaping, and use of certain building materials), Mr. Harris explained that those conditions were specific to Conditional Use Permit 17-1 that became null/void when Mr. Kiziah changed his construction plans from a mixed-use development (that required a conditional use permit) to multi-family apartments (that required rezoning). Due to this change, Planning & Zoning staff submitted a request from Mr. Kiziah on October 1, 2018 to have the property rezoned from H-C to RA-20 to allow for the Lake Vista Apartments, which was approved by the Board of Commissioners. In

addition, Conditional Use 17-1 officially expired in January 2018, one year after it was approved and before any construction began on the project.

Further discussion was held regarding the ability to place stipulations or conditions on this rezoning case; however, Mr. Harris advised that the Board did not have legal authority to do so in rezoning cases, only conditional use permits.

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

Commissioner Pennell made a motion to approve Rezoning Case 21-1 based on recommendations from staff and the Planning & Zoning Commission that the rezoning request is consistent with the intent of the Bethlehem Community Plan. Commissioner Lail seconded the motion, which passed unanimously.

PUBLIC HEARING: CONDITIONAL USE PERMIT 21-1 – HARBOUR TOWN HOLDINGS, LLC

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

Seth Harris, Zoning Administrator, presented Conditional Use Permit 21-1 submitted by Josh Lail (dba Harbour Town Holdings, LLC) who requested conditional use approval for townhomes on property located on Heritage Farm Road. The size of the property is 11.78 acres, zoned R-20, and the current land use is vacant. Zoning districts within 100 feet of the property are R-20 on all sides.

Townhomes are an allowable use in the R-20 district with an approved conditional use permit and are subject to the conditions outlined in Section 154.140.4 of the Alexander County Zoning Ordinance titled Condominium / Townhouse Developments. The applicant plans to construct 11 buildings totaling 44 units.

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

Mr. Harris reported that, based on the submitted site plan, staff recommended approval with the understanding that all of the conditions listed in Section 154.140.4 are met, as well as the following:

1. Screening must be installed or planted along the western and southern property lines where abutting single-family residences are located.

He advised that based on the information provided, the Board must determine whether the conditional use meets the guidelines set forth, will not adversely affect the health or safety of citizens residing or working in the area, and will not be detrimental to the public welfare or injurious to property or public improvements.

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

Because he is the property owner, Commissioner Lail requested recusal from consideration of this conditional use case. Therefore, Commissioner Peal made a motion to allow Commissioner Lail to abstain. Vice-Chairman Reese seconded the motion, which passed unanimously.

Public Comment

Robert Smith provided a compiled list of questions to address his and other neighbors' concerns (answers in red provided by Josh Lail as property owner or Seth Harris):

1. Will grading and development of the property cause any drainage issues that will affect neighboring property owners and if so, who will be responsible for repairs?
No drainage issues are anticipated due to the slope of the land.
2. Will utilities be provided via Heritage Farm Road or Riley Drive? **Water to all buildings and sewer to the first two buildings will be provided via Heritage Farm Road. Sewer for the remaining buildings will tie into the Wittenburg Springs system via Riley Drive.**
3. Will there be a parking lot abutting residential properties that would cause vehicle headlights to glare into homes? **The development will not include a parking lot and the proposed plan includes screening to property lines abutting residences.**
4. Will there be a barrier between the proposed development and adjacent property owners such as evergreens, fencing, etc. **A vegetative buffer to the western and southern property lines is included in the proposed plan and is also a requirement of the conditional use permit.**
5. How close will the townhomes be to the property line? **The rear yard setback depth is 30 feet.**
6. Will the townhomes include a driveway and garage? **Each unit will include a driveway and single garage.**
7. What is the basic design of the townhomes (duplex, multi-story, etc.)? **Each unit will be single story with two bedrooms.**
8. How many units will be built? **The proposed plan includes 11 buildings and each building will house 4 units for a total of 44 units.**

9. Will the development include a clubhouse or swimming pool? **A clubhouse or swimming pool is not in the initial plan but could be considered by the HOA in the future.**
10. Will the development have a HOA? **The development will have an HOA that will be responsible for maintaining driveways, common areas, landscaping, etc.**

Mr. Lail pointed out that that his intentions were to be a good neighbor and prevent any adverse effects to surrounding property owners.

Chairman Yoder asked if the development would include sidewalks. Mr. Lail replied that sidewalks had not been considered to date. Mr. Harris added that Section 154.140.4 of the Zoning Ordinance required 10% open space, which would be located on the north side of the subject property in this case. Walking trails and other recreational activity would be possible in this area.

There being no further comments, Vice-Chairman Reese made a motion to close the public hearing. Commissioner Pennell seconded the motion, which passed 4/1 (one abstention).

Vice-Chairman Reese made a motion to approve Conditional Use Permit 21-1 with the following conditions:

1. The project must comply with all provisions of Section 154.140.4 of the Alexander County Zoning Ordinance; and
2. Screening must be installed or planted along the western and southern property lines where abutting single-family residences are located.

Commissioner Peal seconded the motion, which passed 4/1 (one abstention).

STONY POINT ELEMENTARY SCHOOL CDBG-I SEWER PROJECT REPORT

Benjie Thomas with West Consultants provided photos of the Stony Point Elementary School CDBG-I Sewer Project that included a pump station and gravity line designed to eliminate the failing septic system at Stony Point Elementary School. The original contract with Locke-Lane Construction totaled a little over \$644,000 but a change order reduced that amount to \$640,569.57. The school is now connected to the new system and the old septic system has been abandoned.

Mr. Thomas advised that substantial completion was achieved on November 9, 2020, only two days past the deadline. The final inspection on January 22, 2021 identified a few minor punch list items that will be taken care of in the next few weeks.

BETHLEHEM SEWER EXTENSION PROJECT REPORT

Benjie Thomas with West Consultants gave a progress report on the Bethlehem Sewer Extension Project, noting that he was providing oversight and assisting with financial/administration efforts.

To date, all gravity sewer has been installed, tested, and has passed inspection. Force main from the Heritage Village pump station has been installed and tested and force main from the Wittenburg Springs pump station is now under construction.

He provided Change Order #3 that included the following:

- Highway 127 bore upscale (30-inch to 36-inch) – net increase of \$62,175.
- Wittenburg Springs bore – net increase of \$8,000.
- Removal of gravity sewer on Rink Dam Road to Wittenburg Springs Drive – net deduct of \$355,970.78
- Total net deduct from project – \$285,795.78

The deadline for substantial completion remains on March 11, 2020. Mr. Thomas stated that he did not anticipate any problems with meeting that deadline.

Commissioner Peal asked if a larger pipe would result in build up or odor. Mr. Thomas explained that all sewer lines must be designed and constructed at a certain slope for velocity to keep solids moving, which would alleviate any odor issues regardless of pipe size.

Vice-Chairman Reese made a motion to approve Change Order #3 for the Bethlehem Sewer Extension Project. Commissioner Lail seconded the motion, which passed unanimously.

WIRELESS BROADBAND EXPANSION PROJECT RFP RESULTS

David Moose, Compliance & Procurement Specialist, gave a slide show presentation on the Broadband Expansion Project, which included the following:

- High speed internet service availability gaps are primarily concentrated in the northwestern, eastern, and southeastern portions of the county. The COVID-19 pandemic brought emphasis to these gaps with a dramatic increase in telework and remote learning demands.
- N.C.G.S. 153A-456 authorizes counties to provide grants to private providers to expand service in unserved areas.
- An RFP to solicit broadband internet expansion proposals was released in November 2020. The RFP offered a grant of up to \$200,000 to a qualified provider with a match requirement of \$200,000 or greater.
- Proposals were received from Carolina West Wireless, Open Broadband, LLC and River Street Networks. County staff met in January 2021 to review proposals and begin contract negotiations with the selected provider, Open Broadband.

Mr. Moose recommended the Board tentatively award the Broadband Expansion Grant to Open Broadband, LLC, noting that a finalized contract would be provided for consideration at the March 2021 Commissioners' Meeting.

Alan Fitzpatrick, CEO of Open Broadband, advised that this grant project would allow for installation of equipment at up to 5 locations throughout the northwestern, eastern, and southeastern sections of the county to provide service to an estimated 500 homes with 75% of those at speeds greater than 25Mbps. He stated that Open Broadband would work closely with County staff to identify County-owned assets that could be used to help expand service availability and expedite deployment.

Commissioner Lail made a motion to tentatively award the Broadband Expansion Grant to Open Broadband. Commissioner Pennell seconded the motion, which passed unanimously.

COVID-19 UPDATE

Leeanne Whisnant, Consolidated Human Services Director, reported that Alexander County's cumulative total for positive COVID-19 cases was now at 3,514 with 13 hospitalized and 66 deaths. Staff saw the lowest number of weekly positive cases last week (67) compared to 109 the week before and 366 the last week of December. In addition, Alexander County has moved from a "red" county (critical community spread) to "orange" (substantial community spread).

Not including today's count, a total of 3,411 doses of COVID-19 vaccine have been administered by the Health Department (2,809 first doses and 602 second doses). Ms. Whisnant stated that, although Alexander County has not received additional first doses for the last two weeks, second doses are guaranteed and NCDHHS has confirmed that we will receive 300 more first doses each week for the next 3 weeks. A shipment of 300 Moderna vaccines will be delivered tomorrow or Wednesday.

Ms. Whisnant stressed the importance of citizens receiving the same brand for both doses and noted that the CDC now recommends waiting a minimum of 90 days after having COVID-19 to receive a vaccine. In an effort to simplify the process and avoid confusion, all first doses will now be given at the Senior Center on Thursdays and Fridays. Staff continues working with PIO Gary Herman on Code Red calls and press releases to keep the public informed.

Vice-Chairman Reese asked if the Health Department had requested assistance from the State. Ms. Whisnant responded that assistance had indeed been requested and only one person had been provided for contract tracing data entry. To date, no assistance for vaccine administration has been received; however, EMS paramedics, Emergency Management staff, and several pharmacists are assisting with vaccine administration and a list of registered nurses interested in volunteering was received today.

Commissioner Lail pointed out that inmates across the state were receiving their vaccines before teachers and child care workers and Chairman Yoder expressed his disappointment in the lack of vaccines being sent to rural counties. Ms. Whisnant pointed out that the priority list was created

by the State in conjunction with the CDC, also noting that health departments must follow the priority list or risk not receiving more vaccines.

Doug Gillispie, Public Services Director, stated that EMS call average was still above normal (700 per month) with approx. 75% related to possible or confirmed COVID-19 cases (55-60% are true COVID calls). EMS and Emergency Management have provided vaccines to many homebound citizens, volunteer fire departments, the Rescue Squad, and the Sheriff's Office. Local pharmacists are also being contacted regarding the need to develop plans for storage, ventilation, monitoring, etc. once they are given authority to administer vaccines, assistance his staff can provide. Mr. Gillispie also mentioned that the PPE supply was good and that more fit-testing was planned for March.

BOARD APPOINTMENTS & REAPPOINTMENTS

Rick French, County Manager, presented the following appointment and reappointment:

Local Emergency Planning Committee – Appoint Wesley Hester for 3 years.

Region E Adult Care & Nursing Home Community Advisory Committee – Reappoint Mary Inman for 3 years.

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

BUDGET ORDINANCE AMENDMENTS #45 - #55

Rick French, County Manager, reviewed the purpose of Budget Amendments #45 - #55 as follows:

Budget Amendment #45 – To transfer funds within the budget for group health insurance costs for the remainder of the 2020-2021 fiscal year.

Budget Amendment #46 – To budget for humidity / temperature control equipment for the Register of Deeds' vital records vault.

Budget Amendment #47 – To decrease the estimated revenue for interest earned on investments for the 2020-2021 budget year due to decrease in interest rates.

Budget Amendment #48 – To budget for the Truist Bank 2020 loan proceeds used to pay off the Bank of America 2011 loan for the Law Enforcement & Detention Center and to restore funds to Contingency that were used to pay closing costs on the new Truist Bank loan.

Budget Amendment #49 – To budget for a contribution to The Bridge Community, a 501(c)3 non-profit agency, to assist with funding for an event to bring the NC MedAssist Mobile Unit to Alexander County in 2021.

Budget Amendment #50 – To adjust the budget for a 2.5% COLA effective on the 4/23/2021 pay date and the year-end payroll accrual that will affect the first two pay dates in July 2021.

Budget Amendment #51 – To adjust the budget for a 2.5% COLA effective on the 4/23/2021 pay date and the year-end payroll accrual that will affect the first two pay dates in July 2021.

Budget Amendment #52 – To adjust the budget for a 2.5% COLA effective on the 4/23/2021 pay date and the year-end payroll accrual that will affect the first two pay dates in July 2021.

Budget Amendment #53 – To adjust the multi-year Coronavirus Relief Project budget for final expenditures and to close out the grant project.

Budget Amendment #54 – To adjust the multi-year Courthouse Park capital project budget for updated engineering cost estimates.

Budget Amendment #55 – To increase the budget for the FY 2021 General Fund transfer to the Park Improvements Project for updated engineering cost estimates for the Courthouse Park Project.

Commissioner Peal made a motion to approve Budget Amendments #45 - #55. Commissioner Pennell seconded the motion, which passed unanimously.

OTHER BUSINESS

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

- A. The 2021-2022 Budget Calendar was presented.
- B. Staff is recommending a 7-month moratorium for solar farms to allow time to investigate steps taken by other counties and develop regulations. Mr. French advised that the County could not prohibit solar farms but could enforce screening requirements or restrict them to certain zoning districts to protect adjoining property owners.

Commissioner Pennell was opposed to restricting a use that could create a steady income for a landowner. Commissioner Peal questioned whether a full 7 months was necessary to which Mr. French replied that limited staff contributed to the requested timeframe. Commissioner Lail pointed out that any other activity, whether building a home, starting a

business, working a farm, was regulated within the Alexander County Zoning Ordinance and he felt it only fair to address solar farms.

Vice-Chairman Reese made a motion to approve the 7-month solar farm moratorium as requested. Commissioner Lail seconded the motion, which passed 4 in favor (Commissioners Lail, Peal, Reese, and Yoder) and one against (Commissioner Pennell).

- C. The Chairman of the Board of Education has requested the County's decision related to the purchase of the Old Wittenburg School in writing. Therefore, Mr. French asked the Board for their input.

Due to a possible conflict of interest, Commissioner Peal requested recusal from this particular topic. Commissioner Lail made a motion to allow Commissioner Peal to abstain. Vice-Chairman Reese seconded the motion, which passed 4/1 (one abstention).

After discussion, Commissioner Pennell made a motion to draft a letter stating that the Board of Commissioners is not interested in purchasing the Old Wittenburg School at the price of \$889,739; however, the Board would like to reserve the Right of First Refusal in the event the School System is presented an acceptable offer by another party to purchase the property. Commissioner Pennell seconded the motion, which passed 4/1 (one abstention).

CONSENT AGENDA

- A. Tax Release Requests (\$8,568.65) and Tax Refunds (\$30,795.14) for December 21, 2020 – January 20, 2021.
- B. Minutes from the January 4, 2021 Regular Meeting.
- C. Alexander County Historic Preservation Committee 2020 Annual Report.
- D. Request for additional fees to the Public Health Fee Schedule.
- E. Agreement with the WPCOG for the Provision of 160D Technical Assistance for January 1 – June 30, 2021.
- F. Updated CDBG-I Citizen Participation Plan.
- G. Surplus of a 2000 GMC pickup truck, VIN #1GTEC14W1YZ311574 with 143,104 miles.
- H. FY 2021 Audit Contract.

Commissioner Lail 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)(4, 5, & 6) ECONOMIC DEVELOPMENT, CONTRACTUAL, & PERSONNEL

Chairman Yoder made a motion to enter into Closed Session at 8:19 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 Lail made a motion to adjourn at 9:03 PM. Vice-Chairman Reese seconded the motion, which passed unanimously.

Larry G. Yoder, Chairman

Jamie M. Starnes, Clerk to the Board