

Draft

BOARD OF COMMISSIONERS
REGULAR MEETING June 21, 2021

ALEXANDER COUNTY
STATE OF NORTH CAROLINA

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

ABSENT: Josh Lail

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

The Alexander County Board of Commissioners held a regular meeting on Monday, June 21, 2021 in Room 103 of the CVCC / Alexander Center 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 Vice-Chairman Reese led the Pledge of Allegiance to the Flag.

COMMISSIONER'S REPORT

Chairman Yoder attended the WPCOG Mayors / Chairs / Managers Meeting in Morganton last week where discussion related to the American Rescue Plan Act took place. He stated that many municipalities were planning to invest this funding into infrastructure projects such as water and sewer.

In addition, Chairman Yoder also mentioned that the Summer on the Square Concert Series, sponsored by the Hiddenite Arts & Heritage Center and Alexander County, began on Friday, June 18, 2021.

ADOPTION OF AGENDA

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

PUBLIC HEARING: CONDITIONAL USE CASE 21-5 – SERUSA

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.

Bill Rogers, Chief Code Enforcement Officer, presented Conditional Use Case 21-5 submitted by Daniel and Beth Serusa who requested conditional use approval for an outdoor artist market on property located at 449 NC Highway 16 North. The size of the property is 2.81 acres, zoned H-C, and the current land use is vacant. Zoning districts within 100 feet of the property are H-C on all sides.

Although outdoor artist markets are not listed in the Zoning Ordinance use matrix, they are similar to a flea market in that they are open to multiple vendors in an outdoor setting. Outdoor flea markets are an allowable use in the H-C zoning district with a conditional use permit. Mr. Rogers informed the Board that the applicants proposed 30 vendor spaces and 50 parking spaces, with a maximum of two weekly events. Proposed hours are from 9:00 AM to 2:00 PM on Tuesdays and Saturdays from June through October.

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. Rogers reported that, based on the submitted site plan, staff recommended approval with the following conditions:

1. All relevant sewage disposal and water supply must be approved by Alexander County Environmental Health;
2. All solid waste must be contained and disposed of in accordance with the Alexander County Solid Waste Ordinance;
3. Operating hours will be limited to 8:00 AM to 8:00 PM;
4. Operations will be limited to no more than two days per week;
5. A driveway permit must be obtained from the NC Department of Transportation if required;
6. No outside storage of goods or wares will be allowed beyond operating hours.

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 Commissioner Peal, second by Commissioner Pennell, and unanimous vote, Chairman Yoder called the public hearing to order and requested any comments. No comments were offered.

Due to several questions related to buffers and location of portable restrooms that could not be answered without attendance by the applicants, Vice-Chairman Reese made a motion to table consideration of Conditional Use Case 21-5 and continue the public hearing until the July 19, 2021 Commissioners' Meeting. Commissioner Pennell seconded the motion, which passed unanimously.

PUBLIC HEARING: NUISANCE CASE #20201101 – MINTON

Bill Rogers, Chief Code Enforcement Officer, presented Nuisance Case #20201101 for property located at 134 Fire Lane that was tabled from the May 24, 2021 Commissioners' Meeting. He provided updated photos that were taken last week and pointed out that no cleanup efforts had been made with the exception of a small trailer being removed. In addition, Mr. Rogers reiterated that the singlewide mobile home had been placed on the property without required permits and that power was being obtained unlawfully. Due to these issues and continued complaints from neighbors, Mr. Rogers recommended the property be deemed a nuisance and an order of abatement be issued.

After a motion by Vice-Chairman Reese, second by Commissioner Pennell, and unanimous vote, Chairman Yoder called the public hearing to order and requested any comments. There being none, Commissioner 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 134 Fire Lane a nuisance and issue an order of abatement effective on the date signed by Chairman Yoder. Commissioner Peal seconded the motion, which passed unanimously.

In regards to the other properties discussed at the May 24th Meeting, Mr. Rogers stated that Matt Taylor had made significant progress at 152 Fire Lane; however, he explained that staff had determined that a legal transfer of 184 Fire Lane to Matt Taylor never occurred upon the deaths of Trustee Bobby Dean Phillips or David and Susie Taylor. Therefore, legal assistance will be needed to determine ownership before an abatement order can be issued.

PUBLIC HEARING: CLOSEOUT OF STONY POINT ELEMENTARY CDBG-I SEWER PROJECT

Rick French, County Manager, provided a final report for the Stony Point Elementary School CDBG-I Sewer Project that installed 2,180 linear feet of force main lines, 820 linear feet of gravity lines, and a new pump station and generator at Stony Point Elementary School. In addition, two existing/failing septic tanks (installed in 1975 and 2002) were abandoned. The benefit to low and moderate-income persons was 65.9%.

The total project including construction and engineering expenses was completed for lower than expected. The original contract with Locke-Lane Construction, Inc. was \$644,710.57 which was reduced to \$634,945.89 after two change orders. Of the \$894,750 awarded, only \$741,863.25 was spent; therefore, \$152,886.75 will be de-obligated and returned to the State. Alexander County spent \$78,243.93 for project administrative expenses.

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

Vice-Chairman Reese made a motion to approve the Stony Point Elementary School CDBG-I Project final report and closeout the project. Commissioner Peal seconded the motion, which passed unanimously.

WITTENBURG ACCESS TRAIL IMPROVEMENTS BID

Rick French, County Manager, reported that a bid opening was held on May 13, 2021 for the trail improvements portion of the Wittenburg Access Project where two bids were received. The lowest responsive, responsible bidder was YRU Contracting, Inc. from Weiser, Idaho who submitted a total base bid of \$61,153.68. YRU Contracting is appropriately licensed with the NC Landscape Contractors' Licensing Board and is qualified to perform the trail improvements. Mr. French pointed out that YRU Contracting had constructed the trails at Rocky Face Park.

Commissioner Peal made a motion to approve the bid submitted by YRU Contracting, Inc. in the amount of \$61,153.68 for the Wittenburg Access trail improvements. Vice-Chairman Reese seconded the motion, which passed unanimously.

BOARD APPOINTMENTS & REAPPOINTMENTS

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

I-CARE, Inc. Board of Trustees – appoint Michael Ratchford for 3 years.

Region E Aging Advisory Committee – reappoint Billie Walker for two years.

Commissioner Peal made a motion to approve the appointment and reappointment. Commissioner Pennell seconded the motion, which passed unanimously.

BUDGET ORDINANCE AMENDMENTS #88 - #92

Rick French, County Manager, reviewed the purpose of Budget Amendments #88 - #92 as follows:

Budget Amendment #88 –To budget for the closeout of the Stony Point Elementary School CDBG-I Sewer Project, de-obligate \$152,886 in unused CDBG funds, and transfer the remaining cash balance of local funds back to the General Fund.

Budget Amendment #89 – To budget for a reimbursement to the County Water & Sewer Fund for the NCDEQ loan-eligible expenses that were paid prior to the use of a separate project fund for the Water System Extension Project.

Budget Amendment #90 – To adjust General Fund revenues based on year-to-date actuals for 1) decrease in Detention Center revenue due to not accepting out-of-county inmates during the COVID-19 pandemic, 2) increase of estimated interest earned, and 3) increase of the State Medicaid Home Harmless revenue distribution estimate.

Budget Amendment #91 – To adjust the multi-year capital project budget to add a splash pad and other amenities to the Courthouse Park Project.

Budget Amendment #92 – To increase the budget for the FY 2021 General Fund transfer to the Park Improvements Project line item for the estimated cost to add a splash pad and other amenities to the Courthouse Park Project.

Chairman Yoder explained that, due to the overwhelming response and input from the public, the Board had agreed to move forward with construction of a splash pad, playground equipment, and a picnic shelter at the Courthouse Park instead of waiting until a later date as originally planned.

In response to a question asked by Commissioner Pennell, Mr. French stated that the anticipated completion date for the entire project was November 2021; however, he pointed out that shortages for steel and other construction materials may cause delays.

Commissioner Pennell made a motion to approve Budget Amendments #88 - #92. Vice-Chairman Reese seconded the motion, which passed unanimously.

OTHER BUSINESS

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

- A. Several staff members met today to discuss plans for the annual Christmas Parade that is scheduled for December 4, 2021.
- B. An attorney representing the NC Association of County Commissioners is planning to attend the July Commissioners' Meeting to review the NCACC Opioid Settlement.
- C. The Alexander County Soil & Water Conservation District Board of Supervisors has asked the County to utilize FEMA Public Assistance funds for stream debris removal on private property damaged during Tropical Storms Zeta and Eta in 2020. Approximately 30 sites

in the county have been identified as still having debris in streams that will cost between \$500,000 and \$1 million to remove. Mr. French explained that, although these grants only required a 25% match, the County would be required to pay all upfront costs that would be reimbursed by FEMA at a later date, which could have a significant impact on the budget. More information will be provided as it is available.

*** At this time, the applicant for Conditional Use Case 21-5 entered the meeting. Chairman Yoder explained the action taken by the Board to table the case and continue the public hearing until July 19, 2021.

CONSENT AGENDA

- A. Tax Release Requests (\$436.87) and Tax Refunds (\$908.13) for June 1-13, 2021.
- B. Minutes from the May 24, 2021 and June 7, 2021 Regular Meetings.
- C. Agreement with the WPCOG for the Provision of Technical Planning Assistance for July 1, 2021 – June 30, 2022.
- D. Surplus a 1988 Ford F350 Command Unit, VIN #1FDKE30M2JHA51934 with 35,765 miles.

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

Chairman Yoder made a motion to enter into Closed Session at 6:49 PM to discuss economic development, contractual matters, and personnel issues pursuant to N.C.G.S. 143-318.11(a)(4, 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 7:17 PM. Commissioner Pennell seconded the motion, which passed unanimously.

Larry G. Yoder, Chairman

Jamie M. Starnes, Clerk to the Board