

Draft

**BOARD OF COMMISSIONERS**  
**REGULAR MEETING**     December 6, 2021

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

**PRESENT:**    Larry Yoder, Chairman  
                  Ronnie Reese, Vice-Chairman  
                  Kent Herman  
                  Josh Lail  
                  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, December 6, 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**

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

**COMMISSIONER'S REPORT**

Vice-Chairman Reese mentioned attending the ribbon cutting for United Country Real Estate / Big 6 Properties last week along with Commissioner Herman.

After comments from Sheriff Chris Bowman, the Board provided toys and monetary donations to the Santa Cops Program.

**ADOPTION OF AGENDA**

Commissioner Pennell made a motion to adopt the agenda as presented. Commissioner Herman seconded the motion, which passed unanimously.

## **PUBLIC COMMENT**

George Holleman, Town of Taylorsville Mayor, conveyed his appreciation to Rick French, County Manager, and County staff involved in organizing this year's Alexander County Christmas Parade held this past Saturday. He also thanked the Board for development of the Courthouse Park that will attract people to downtown Taylorsville for many years to come.

Jack Simms, Taylorsville Town Councilman, thanked the Board for allowing the Barn Art Project to be placed on the southeastern facing wall of the Services Center where it would be easily viewed from Courthouse Park.

## **ELECTION OF CHAIRMAN**

Commissioner Herman made a motion to approve the election of Ronnie Reese as Chairman for 2022. Commissioner Lail seconded the motion, which passed unanimously.

## **ELECTION OF VICE-CHAIRMAN**

Vice-Chairman Reese made a motion approve the election of Marty Pennell as Vice-Chairman for 2022. Commissioner Herman seconded the motion, which passed unanimously.

## **PUBLIC HEARING: REZONING CASE 21-5 – COTHREN**

Scott Berson, WPCOG Community & Regional Planner, began by introducing himself, noting that he would be filling in for Dustin Millsaps until mid-January. He presented Rezoning Case 21-5 submitted by Joseph Briar Cothren who requested rezoning of property located at 95 Shook Valley Court, owned by Joey Cothren, from RA-20 (Residential-Agriculture) to H-C (Highway Commercial) to bring the current non-conforming use (Cothren Pool Company) into compliance and allow for future internet vehicle sales. The size of the property is less than one acre and zoning districts within 100 feet include RA-20 on all sides.

After reviewing aerials of the property, Mr. Berson reported that rezoning this property would be a clear case of spot zoning, a process that shows favoritism to one property over others instead of following an overall countywide plan. Therefore, both staff and the Planning & Zoning Commission recommended denial of the rezoning request. He advised that the Board could approve the request if determined reasonable and consistent with the Comprehensive Plan. In response to a question by Chairman Yoder, Mr. Berson was not aware of any opposition to the request.

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, Vice-Chairman Reese made a motion to close the public hearing. Commissioner Lail seconded the motion, which passed unanimously.

Based on guidance from staff and the Planning & Zoning Commission, Commissioner Lail made a motion to deny Rezoning Case 21-5 due to the request being inconsistent with the 2008 Comprehensive Plan and incompatible with adjacent uses. Commissioner Herman seconded the motion, which passed unanimously.

### **PUBLIC HEARING: NUISANCE CASE #14726 – ELDER**

Cody Bowers, Code Enforcement Officer, presented Nuisance Case #14726 for property located at 465 Jimmy Duncan Lane owned by David Elder. The first complaint was received in April 2021, but because the Alexander County Nuisance Ordinance did not provide a clear definition of an abandoned/junked vehicle, the case was closed; however, after a second complaint in July, staff researched the NC General Statutes and located N.C.G.S. 20-4.01(33)(f) that gives the following definition of a junk vehicle: *“a motor vehicle which is incapable of operation or use upon the highways and has no resale value except as a source of parts or scrap, and shall not be titled or registered.”*

During the first inspection conducted in early July, staff observed many vehicles parked in the front yard. A notice of violation was sent on July 9, 2021. Upon a second inspection in early August, it appeared that some of the vehicles found previously had been moved but several junked/untagged vehicles were observed to the rear of the property; therefore, a second notice of violation was sent on August 10, 2021. Mr. Bowers pointed out that the Alexander County Zoning Ordinance states *“the storage on a lot not in use as a repair garage of one or more wrecked or broken down vehicles titled in the name of the property owner for more than 90 days shall be deemed a salvage yard.”*

Mr. Bowers provided a staff recommendation that this property be deemed a nuisance and orders of abatement be issued, pointing out that if the owner failed to abate the nuisance within the timeframe chosen by the Board, N.C.G.S. 160A-193 allowed the County to remove or remedy the nuisance with all costs incurred charged to the property owner.

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

#### Public Comment

Danny Ray Stillwell, Sr., resident of Jimmy Duncan Lane for 21 years, stated that the neighborhood had been quiet and peaceful, with no issues among neighbors until Mr. Elder moved in. He mentioned the increased traffic and numerous vehicles stored on Mr. Elder’s property, noting that a residential area was no place for a junkyard.

David Elder, property owner, informed the Board that most of the vehicles located on the property were operable and registered to him with the exception of 3 on the rear parcel that were not visible from the road. He explained that he was a mechanic with a shop on Rocky Springs Road, noting that he repaired vehicles to resale and sometimes brought customers’ vehicles to his home until their bill was paid.

Commissioner Lail asked for clarification on whether automobile repair and storage was an allowable use in an RA-20 zoning district. Because appropriate staff was not available to answer this question, Vice-Chairman Reese made a motion to table consideration of Nuisance Case #14726 and continue the public hearing until the January Commissioners' Meeting. Commissioner Pennell seconded the motion, which passed unanimously.

### **PUBLIC HEARING: NUISANCE CASE #9869 – SMITH**

Cody Bowers, Code Enforcement Officer, presented Nuisance Case #9869 for property located at 260 7<sup>th</sup> Street SW owned by Frank Smith, Jr. After receiving the first complaint, staff conducted an inspection on August 2, 2021 and a sent a notice of violation the same day related to an abandoned/junked vehicle and appliances on the property. Progress was initially made by the property owner after receiving this notice; however, a subsequent complaint was received.

Upon a second inspection on September 7, 2021, it was determined that trash and other items had only been moved around the property without any substantial cleanup efforts. Therefore, a second notice of violation was sent the same day. A third inspection conducted on November 16, 2021 revealed the nuisance remained unabated.

Mr. Bowers provided a staff recommendation that this property be deemed a nuisance and orders of abatement be issued, pointing out that if the owner failed to abate the nuisance within the timeframe chosen by the Board, N.C.G.S. 160A-193 allowed the County to remove or remedy the nuisance with all costs incurred charged to the property owner.

After a motion by Vice-Chairman Reese, second by Commissioner Lail, 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. Commissioner Herman seconded the motion, which passed unanimously.

Commissioner Lail made a motion to deem the property located at 260 7<sup>th</sup> Street SW a nuisance and issue an order of abatement, allowing the property owner 20 days to comply. Commissioner Herman seconded the motion, which passed unanimously.

### **2020-2021 AUDIT REPORT**

Claire Chase with Martin Starnes & Associates gave a slide show presentation for the 2020-2021 Audit Summary, which included the following information:

- General Fund revenues – ad valorem taxes (property and motor vehicle), local option sales taxes, restricted intergovernmental (federal and state grants), sales and services (Health Department, Detention, EMS, License Plate Agency), permits and fees (Inspections and Register of Deeds), and other (donations, private grants, ABC tax, video programming tax).

- General Fund expenditures – general government (4% increase), public safety (6.7% increase), environmental protection, economic and physical development, human services (3.6% increase), culture and recreation, education (5% increase), and debt service.
- General Fund debt – \$3,396,000 as of June 30, 2021.
- Fund Balance overview – 46.16% (\$23,498,857 total / \$19,195,572 available).
- Solid Waste Fund overview.
- Water Funds overview.
- Performance indicators – no general performance indicators were found but two compliance findings for the Medicaid Program related to material weaknesses were reported.

Members of the Board thanked various County staff and all departments for their part in a favorable audit report.

Commissioner Pennell made a motion to accept the 2020-2021 Audit Summary as presented. Vice-Chairman Reese seconded the motion, which passed unanimously.

### **CHRISTMAS IN BETHLEHEM PROCLAMATION**

Commissioner Lail made a motion to approve a proclamation declaring December 1-31, 2021 as Christmas in Bethlehem. Vice-Chairman Reese seconded the motion, which passed unanimously.

### **ADOPTION OF 2022 COMMISSIONERS' MEETING SCHEDULE**

Rick French, County Manager, presented the 2022 Commissioners' Meeting Schedule as follows:

January 10, 2022	June 20, 2022 / CHSB Meeting
February 7, 2022	July 18, 2022
March 7, 2022 / CHSB Meeting	August 1, 2022
April 4, 2022	September 12, 2022 / CHSB Meeting
April 18, 2022	October 3, 2022
May 2, 2022	November 7, 2022
May 16, 2022	December 5, 2022 / CHSB Meeting
June 6, 2022	

Commissioner Lail made a motion to approve the 2022 Commissioners' Meeting Schedule as presented. Commissioner Herman seconded the motion, which passed unanimously.

### **ADOPTION OF 2022 HOLIDAY SCHEDULE**

Rick French, County Manager, presented the 2022 Holiday Schedule as follows:

New Year's Day . . . . .	Friday, December 31, 2022
Martin Luther King Jr. Day . . . . .	Monday, January 17, 2022
Good Friday . . . . .	Friday, April 15, 2022
Memorial Day . . . . .	Monday, May 30, 2022
Independence Day . . . . .	Monday, July 4, 2022
Labor Day . . . . .	Monday, September 5, 2022
Veterans Day . . . . .	Friday, November 11, 2022
Thanksgiving . . . . .	Thursday & Friday, November 24 & 25, 2022
Christmas . . . . .	Friday, Monday, and Tuesday, December 23, 26, & 27, 2022

Commissioner Herman made a motion to approve the 2022 Holiday Schedule as presented. Vice-Chairman Reese seconded the motion, which passed unanimously.

**BOARD APPOINTMENTS & REAPPOINTMENTS**

Rick French, County Manager, requested the following appointments:

Library Board of Trustees – appoint Lee Ann Ferguson, Colleen Williams, and Commissioner Larry Yoder for 3 years.

Local Emergency Planning Committee – appoint Jerry Eplin, Matt Jordan, and Commissioner Marty Pennell and reappoint Steve Icenhour and Micah Henry, all for 3 years. Also appoint Pamela Bowman to replace Seth Harris whose term expires in December 2023.

Courthouse Committee – appoint Senior Resident Superior Court Judge Joseph Crosswhite, Chief District Court Judge Dale Graham, Clerk of Court Danny Dyson, Attorney Kim Taylor, Sheriff Chris Bowman, County Manager Rick French, Elections Director Patrick Wike, IT Director Greg Cronk, Commissioner Larry Yoder, and Commissioner Marty Pennell.

Farmland Preservation VAD Board – appoint Commissioner Kent Herman.

Alexander County Fire Commission – appoint Ashley Starnes, Matt Jordan, Scotty Abernathy, Gary Herman, and Commissioner Ronnie Reese.

CVCC / Alexander Center Advisory Board – appoint Commissioner Larry Yoder.

Recreation Advisory Committee – appoint Commissioner Larry Yoder.

Commissioner Lail made a motion to approve the appointments and reappointments. Commissioner Herman seconded the motion, which passed unanimously.

**BUDGET ORDINANCE AMENDMENTS #34 - #43**

Rick French, County Manager, reviewed the purpose of Budget Amendments #34 - #43 as follows:

Budget Amendment #34 – To create a separate departmental budget for an in-house County Attorney.

Budget Amendment #35 – To increase the Public Buildings / Maintenance budget for the addition of a full-time groundskeeper position.

Budget Amendment #36 – To increase the Fire / Emergency Services budget for FEMA Public Assistance grant funds to reimburse the Town of Taylorsville for debris removal and damage to roads, bridges, and pump stations during Tropical Storm Eta (County is a local emergency management agency pass-through).

Budget Amendment #37 – To increase the Fire / Emergency Services budget to provide Sugar Loaf and Vashti Volunteer Fire Departments with \$2,500 per month for January – June 2022 to enable the hiring of an on-site staff person.

Budget Amendment #38 – To increase the Health Department COVID-19 budget for revised funding allocations from the State for FY 2022.

Budget Amendment #39 – To increase the Health Department budget for prior year Medicaid funds that must be carried forward to FY 2022 for the Care Management for High-Risk Pregnancy Program.

Budget Amendment #40 – To 1) adjust the Health Department Behavioral Health budget for the following funds carried forward from the prior year – \$15,062 in Duke Endowment private grant funds, \$4,574 in donations, and \$9,605 in local revenues as well as a reduction in grant funding for FY 2022 due to a lower amount allocated from the Rural Health Grant Program, 2) adjust the Health Department budget for \$199,865 in carry forward funds for the Communicable Disease Program and \$23,659 in carry forward funds for the General Medicaid Cost Settlement, and 3) decrease the Primary Care and Dental Health budgeted revenues for FY 2022 due to a lower amount allocated from the Rural Health Grant Program.

Budget Amendment #41 – To increase the DSS budget for funds received by Adult Protective Services for participating in a study directed towards donations for adult services.

Budget Amendment #42 – To adjust the budget for a 2.5% COLA effective on the January 14, 2022 pay date.

Budget Amendment #43 – To adjust the budget for a 2.5% COLA effective on the January 14, 2022 pay date.

Vice-Chairman Reese made a motion to approve Budget Amendments #34 - #43. Commissioner Herman seconded the motion, which passed unanimously.

## **OTHER BUSINESS**

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

- A. Thanks to NC Senator Dean Proctor, the following projects benefitting Alexander County are included in the State budget – water tank in Bethlehem (\$2,065,000), Bowman Court sewer extension (\$1,554,000), Industrial Timber sewer extension (\$202,276), sewer extension to future Industrial Park shell building site (\$422,330), water/sewer extension to new courthouse site (\$540,838), Health Department grant (\$122,567), and repairs/renovations to ACHS tennis courts and track (\$630,000).

Several Board members thanked Senator Proctor for his efforts and dedication to Alexander County.

- B. Staff plans to begin advertising architectural firm RFQ's for the future Alexander County Courthouse very soon.
- C. Wittenburg Access is temporarily closed for site improvements. Closure of the boat ramp is expected through February 2022.
- D. Effective January 1, 2022, psychiatric evaluations will be required for law enforcement prior to certification or employment. HB 436 states that evaluations must be performed by a licensed psychiatrist at the County's expense.

## **CONSENT AGENDA**

- A. Tax Release Requests (\$1,848.32) and Tax Refunds (\$39,737.07) for October 25 – November 18, 2021.
- B. Minutes from the November 1, 2021 Regular Meeting.
- C. Request to surplus Sheriff's Office K-9 "Mick" to handler Lt. Timothy Simms.
- D. Request from Sheriff Chris Bowman to surplus a Glock Model 43x caliber 9mm, Serial #BLLN582 with case and 3 magazines, along with badge for retiring Captain Duane Barnes.

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

**CLOSED SESSION – N.C.G.S. 143-318.11(a)(3, 4, 5, & 6) ATTORNEY/CLIENT PRIVILEGE, ECONOMIC DEVELOPMENT, CONTRACTUAL, & PERSONNEL**



Chairman Yoder made a motion to enter into Closed Session at 7:22 PM for the purpose of attorney/client privilege and to discuss economic development, contractual matters, and personnel issues pursuant to N.C.G.S. 143-318.11(a)(3, 4, 5, & 6). Vice-Chairman Reese seconded the motion, which passed unanimously.

### **RESOLUTION AUTHORIZING SALE OF PROPERTY TO CAROLINA LAND & LAKES**

Upon returning to Open Session, Chairman Yoder made a motion to approve a resolution authorizing the sale of approx. 164 acres off Paynes Dairy Road to Carolina Land and Lakes RC&D for a sum of \$1.00 to allow for the construction and operation of a wood pellet manufacturing facility. Vice-Chairman Reese seconded the motion, which passed unanimously.

### **ADJOURNMENT**

There being no further business, Vice-Chairman Reese made a motion to adjourn at 8:07 PM. Commissioner Herman seconded the motion, which passed unanimously.

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Larry G. Yoder, Chairman

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Jamie M. Starnes, Clerk to the Board