

Draft

BOARD OF COMMISSIONERS
REGULAR MEETING April 8, 2024

ALEXANDER COUNTY
STATE OF NORTH CAROLINA

PRESENT: Josh Lail, Chairman
 Kent Herman
 Marty Pennell
 Larry Yoder

ABSENT: Ronnie Reese, Vice-Chairman

STAFF: Ben Faulkenberry, County Attorney
 Shane Fox, County Manager
 Jamie Starnes, Clerk to the Board

The Alexander County Board of Commissioners held a regular meeting on Monday, April 8, 2024 in Room 103 of the CVCC / Alexander Center in Taylorsville, North Carolina.

CALL TO ORDER

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

INVOCATION & PLEDGE OF ALLEGIANCE

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

COMMISSIONER'S REPORT

Chairman Lail advised that Vice-Chairman Reese was out of town.

Commissioner Yoder stated that the Historic Preservation Committee and representatives from the Town of Taylorsville visited historic downtown Newton to learn about the city's downtown development program and process to become a NC Main Street Community.

Key to the County plaques were recently presented to Melissa "Miss Mel" Hager who retired from the Library and Kathryn Ayers who retired from the Tax Office.

ADOPTION OF AGENDA

Chairman Lail requested the addition of a heavy rescue contract with Vashti Fire & Rescue, Inc. as Consent Agenda Item L.

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

PUBLIC COMMENT

No one spoke during the Public Comment Period.

PUBLIC HEARING: REZONING CASE 24-01 – LYNDON’S RIVERVIEW SPORTS

Brian Burgess, Director of Planning & Development, presented Rezoning Case 24-01 submitted by Shannon Lyndon who requested rezoning of a 1.75-acre tract located at 6741 NC Highway 16 South from N-B (Neighborhood Business) to H-C (Highway Commercial) to allow use of an electronic sign for his business, Lyndon’s Riverview Sports.

After reviewing aerials of the property and criteria to be considered when conducting rezoning cases, Mr. Burgess reported that this section of Highway 16 South was mainly residential in nature; however, Highway 16 is a major thoroughfare with several nearby parcels zoned H-C, N-B, and L-I (Light Industrial). The Future Land Use Plan also classifies this area as commercial in nature and the request is consistent with the Comprehensive Plan. The Planning Board held a public hearing on March 14, 2024 to consider this petition and unanimously recommended approval.

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

Public Comment

Applicant Shannon Lyndon stated that Lyndon’s Riverview Sports had been in business at this location for 29 years and had used a letter road sign for advertisement purposes. He proposed an electronic sign, elevated to allow line of sight to traffic on Highway 16, that could be programmed to auto dim at night or be turned off altogether. Mr. Lyndon added that similar signs were used at churches, fire departments, etc. throughout the county and that most businesses along Highway 16 South were zoned H-C.

After giving the history of the property, Neighbor Brenda Price discussed the high traffic volume and accidents along Highway 16 due to speed and distracted driving, noting that an illuminated sign would only add to this problem. She presented a petition signed by 42 residents in the area who were opposed to the rezoning as well as the wide range of uses allowed in a H-C district. In closing, Ms. Price added that Mr. Lyndon had already installed the sign on his property without the necessary permits.

Neighbor Lisa Bentley also felt the sign would cause more distractions for drivers, affecting the safety of the neighborhood, and she was concerned with the long list of uses that could be added to or take place on the property in the future if rezoned to H-C. She urged the Board to keep the area residential in nature by denying the request, noting that she had lived there all of her life, same as most of her neighbors.

Several Board members stated their displeasure that the sign had been placed illegally, and at the request of Commissioner Yoder, Mr. Burgess discussed the history of this request, which began last summer with a phone call to the Planning Office regarding interest in an electronic sign on the property. Staff advised the caller that electronic signs were not allowed in the N-B district but also explained the process to either apply for a text amendment to the Zoning Ordinance or a rezoning request. After some time had passed, Mr. Burgess noticed in passing that a sign had been built on the property; therefore, he sent a violation to Mr. Lyndon for construction of an illegal sign and lack of proper permitting.

Chairman Lail was aware that the current Comprehensive Plan designated Highway 16 South as a commercial area but asked if the updated Comprehensive Plan, which would be adopted later tonight, classified this area differently. Mr. Burgess replied that the 2045 Comprehensive Plan also recognized this section of Highway 16 South as commercial in nature, but noted that the new plan provided more detail into levels of commercial districts.

Commissioner Pennell stated that electronic signs would only become more popular over time and suggested NCDOT study their impact on driver safety. In addition, he hoped NCDOT would consider turning lanes and other updates along Highway 16 South to reduce the number of traffic accidents.

Commissioner Herman felt having more businesses in the county would help boost tax revenue and lessen the property tax burden placed on homeowners.

Commissioner Yoder had no issues with the sign but was concerned with the affect to the neighborhood.

There being no further discussion, Commissioner Yoder made a motion to close the public hearing. Commissioner Herman seconded the motion, which passed unanimously.

Commissioner Pennell made a motion to approve Rezoning 24-01 based on its consistency with the Alexander County Comprehensive Plan. Commissioner Herman seconded the motion, which passed 3 in favor (Commissioners Herman, Lail, and Pennell) and one against (Commissioner Yoder). The motion carried.

PUBLIC HEARING: 2045 COMPREHENSIVE PLAN CONSIDERATION

Brian Burgess, Director of Planning & Development, presented the Alexander County 2045 Comprehensive Plan for approval, briefly highlighting chapters included in the plan that were discussed in depth at the March 4th Commissioners' Meeting. He advised that every county must

have a comprehensive plan to enforce zoning, noting that the new plan was created in-house with input from the public, a steering committee, and the Planning Board.

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

Chairman Lail made a motion to approve the 2045 Comprehensive Plan. Commissioner Pennell seconded the motion, which passed unanimously.

DRAFT LAND DEVELOPMENT CODE REVIEW

Brian Burgess, Director of Planning & Development, gave an overview of the draft Alexander County Land Development Plan, a complete overhaul of the Zoning Ordinance that will better reflect current land uses and desired growth patterns. The LDC is now available for review on the County's website and the proposed zoning map can be viewed in the GIS system.

Articles of the plan include general provisions, zoning, subdivisions, public facilities, landscape design, general standards, signs, natural resources, nonconformities, decision making bodies, review processes, enforcement / violation / appeals, nuisances, legal status, and definitions. Mr. Burgess discussed several key points within the new plan such as additional zoning districts, implementation of density-based zoning, overlay districts for major thoroughfares, etc.

The draft LDC will be presented to the Planning Board for consideration this week and a public hearing will be held at the May 6th Commissioners' Meeting.

ANNUAL COMMUNITY CHILD PROTECTION / CHILD FATALITY PREVENTION TEAM PRESENTATION

Health Director Billie Walker and Dori Maltba, Director of Nursing, presented the annual Community Child Protection / Child Fatality Prevention Team Report that included information on the purpose of the team and roles of the Board of Commissioners / Consolidated Human Services Board. The 2023 Local Child Fatality Activity Report (based on 2022 data) included 3 child deaths – one due to a congenital heart disease, one from an ATV accident, and one that was self-inflicted. For the latter two, the CFPT recommends utilizing the Safe Kids Coalition to educate the community on ATV/UTV and firearm safety for children.

Ms. Walker reported that new legislation was passed in 2023 that would change some of the processes of the CFPT, but noted that NCDHHS was still working on implementing the changes with an effective date of either January or July 2025.

Commissioner Yoder made a motion to approve the summary presented as well as the Local Child Fatality Activity Report sent to the state. Commissioner Herman seconded the motion, which passed unanimously.

BUDGET ORDINANCE AMENDMENTS #21 - #23

Shane Fox, County Manager, reviewed the purpose of Budget Amendments #21 - #23 as follows:

Budget Amendment #21 – To transfer emergency management grant line items to 911 Communications due to a recent reorganization of department functions.

Budget Amendment #22 – To 1) increase the DSS budget for additional Crisis Intervention Program funding provided by the state to further assist county residents, 2) increase the Health Department budget to purchase a Narcan vending machine with Blue Cross Blue Shield grant funding, 3) reclassify the management administrative allocation of expense from the Water & Sewer Fund to the appropriate General Fund line item, and 4) budget for the return of a \$1,556 remaining cash balance of local funds from the closeout of the Soil & Water Emergency Disaster Stream Debris Removal Project.

Budget Amendment #23 – To budget for the closeout of the Soil & Water Emergency Disaster Stream Debris Project and transfer the remaining cash balance of local funds back to the General Fund.

Commissioner Yoder made a motion to approve Budget Amendments #21 - #23. Chairman Lail seconded the motion, which passed unanimously.

Mr. Fox thanked Finance staff as well as all departments for keeping budget amendments to a minimum, noting that 57 had been approved this same time last year along with 88 the year prior.

CONSENT AGENDA

- A. Tax Abatements & Adjustments (\$11,972.83) and Tax Refunds (\$1,902.13) for February 26 – March 31, 2024.
- B. Minutes from the March 4, 2024 Regular Meeting and March 21, 2024 Special Called Meeting.
- C. Line Item Transfer Report for March 2024.
- D. Renewal of agreement with the Town of Taylorsville for billing and collection of property taxes.
- E. Agreement with NC Department of Adult Correction to participate in the Statewide Misdemeanant Confinement Program.
- F. Resolution to conclude Revolving Loan Fund Agreement and accept return of funds from the Alexander County Economic Development Corporation.
- G. Resolution to submit a formal application to the NC Department of Commerce Rural Downtown Economic Development Grant Fund for the Housing our Teachers Project.

- H. Request from Sheriff Chad Pennell to surplus 23 firearms as follows: Smith & Wesson 357 revolver (Serial #CAW8490), Marlin 22 caliber rifle (Serial #17401150), Marlin 35 caliber rifle (Serial #AC10745), Buck Country muzzleloader (Serial #B010704), Remington Model 700 308 caliber rifle (Serial #RR96065B), Remington Model 48 12-gauge shotgun (Serial #5270173), CVA 50 caliber muzzleloader (no serial #), Remington Rolling Block rifle (no serial #), Winchester Model 69 22 caliber rifle with scope (no serial #), Ithaca 22 caliber rifle (no serial #), Winchester Model 94 30-30 caliber rifle (Serial #4773822), Stevens Model 530 double barrel 20-gauge shotgun (no serial #), Revelation Model 120 22 caliber rifle (no serial #), Remington Model 552 Speedmaster 22 caliber rifle (Serial #A1889455), Winchester Model 70 30-06 caliber rifle (Serial #G844321), Cobra 380 pistol (Serial #FS016186), Jennings 25 caliber pistol (Serial #243564), Ruger Model LCR 357 pistol (Serial #5459794), Springfield Model XD 45 pistol (Serial #US775489), Remington Model 514 22 caliber rifle (no serial #), Sears & Roebuck 20-gauge bolt shotgun (no serial #), SKS rifle (Serial #10205309P), and Savage Model 186N 22 caliber rifle (no serial #).
- I. Board / Committee Appointments – Council on Aging.
- J. JCPC Annual Funding Plan and Certification Standards for FY 2024-2025.
- K. Proposed 2024 Personnel Policy Revisions.
- L. Heavy rescue contract with Vashti Fire & Rescue, Inc.

Commissioner Yoder made a motion to approve the Consent Agenda. Commissioner Pennell seconded the motion, which passed unanimously.

COUNTY MANAGER'S REPORT

Shane Fox, County Manager, reviewed the following:

- The old concession building, lights, and poles at Bethlehem Park have been removed. Grading is taking place and dirt is being brought in to level out the location of the new building / picnic shelter.
- The geotechnical report for the Bethlehem water tank property was received today. If results are favorable, the purchase of the property can be finalized and staff can move forward with the bidding process.
- Poles for the Health Department canopy are up and the project should be completed in the next few weeks.
- Once gravel is delivered and an entrance road established, the new Fire Training Facility will be ready for use.
- The Bowman Court Sewer Project has been rebid. A pre-bid conference will be held this week and bids are scheduled to be opened on April 25, 2024.

- One engineering proposal was received in response to the re-advertised RFQ for the Sterling Road CDBG Project.
- A budget work session is scheduled for Monday, April 29th at 6:00 PM in the Services Center Conference Room.

Mr. Fox also thanked our public safety personnel for their dedication and professionalism while responding to emergencies over the past couple of weekends.

CLOSED SESSION – N.C.G.S. 143-318.11(a)(4, 5, & 6) ECONOMIC DEVELOPMENT, CONTRACTUAL, & PERSONNEL

Chairman Lail made a motion to enter into Closed Session at 7:21 PM to discuss economic development, contractual matters, and personnel issues pursuant to N.C.G.S. 143-318.11(a)(4, 5, & 6). Commissioner Yoder seconded the motion, which passed unanimously.

ADJOURNMENT

There being no further business, Commissioner Pennell made a motion to adjourn at 9:23 PM. Commissioner Herman seconded the motion, which passed unanimously.

Joshua D. Lail, Chairman

Jamie M. Starnes, Clerk to the Board