

BOARD OF COMMISSIONERS
REGULAR MEETING October 7, 2024

ALEXANDER COUNTY
STATE OF NORTH CAROLINA

PRESENT: Josh Lail, Chairman
 Ronnie Reese, Vice-Chairman
 Kent Herman
 Marty Pennell

ABSENT: Larry Yoder

STAFF: Ben Faulkenberry, County Attorney
 Todd Herms, County Manager
 Jamie Starnes, Clerk to the Board

The Alexander County Board of Commissioners held a regular meeting on Monday, October 7, 2024 at the Alexander Central Auditorium in Taylorsville, North Carolina.

CALL TO ORDER

Chairman Lail 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

Chairman Lail thanked County staff, emergency personnel, and volunteers for their efforts last weekend during Hurricane Helene as well as their continued assistance locally and in western NC.

Vice-Chairman Reese also expressed his appreciation and emphasized the importance of dedicated employees. He attended a reception last week for Major Jason Moore who recently retired after more than 27 years with the Sheriff's Office.

Commissioner Pennell stated that Alexander County emergency crews and citizens could always be counted on to pull together and help their neighbors. He also thanked Superintendent Dr. Bill Griffin and members of the Board of Education for allowing the use of the auditorium for tonight's meeting.

ADOPTION OF AGENDA

Chairman Lail requested the removal of Closed Session from the agenda.

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

PUBLIC COMMENT

Don Taylor, resident of Twins Cove Road, discussed efforts to incorporate the Bethlehem community for the ability to draft zoning laws, manage commercial growth, and prevent potential annexation by adjoining cities. A small group of citizens has set tentative boundaries, created a preliminary town charter, selected town services, and chosen interim town council members. A minimum property tax rate of 5 cents per \$100 valuation has also been set that should generate approx. \$550,000 per year. Mr. Taylor requested citizens in Bethlehem #1 and #2 voting districts to consider signing the petition as 1,200 signatures were required.

PARAGON FILMS CDBG-ED RAIL PROJECT BID AWARD RECOMMENDATION

Paul Teague, WPCOG Grants Administrator, reported that a bid opening for the Paragon Films CDBG-ED Rail Project was held on September 30, 2024 where 4 sealed bids were received. The lowest qualified bidder was Keith Benfield Contractors, Inc. who submitted a bid of \$408,688 to install a 763-foot-long rail spur that is partially funded by a \$222,375 Community Development Block Grant for economic development purposes.

Commissioner Pennell made a motion to accept the low bid of \$408,688 and award the contract to Keith Benfield Contractors. Vice-Chairman Reese seconded the motion, which passed unanimously.

Mr. Teague also announced that additional state funding had been approved for the Sterling Road Project and that an updated contract should be provided next week.

PUBLIC HEARING: CONDITIONAL REZONING CASE M-24-06 – TAYLOR MORRISON

Alison Adams, WPCOG Community & Regional Planning Director, presented Conditional Rezoning Case M-24-06 submitted by developer Taylor Morrison who requested conditional rezoning of property located at Rink Dam Road and Bowman Court from R-1 to R-1 CD to allow for a planned housing development. The property consists of 4 tracts totaling 213.55 acres that is owned by the Bruce M. Alexander Living Trust and Charles and Melissa Owens.

Ms. Adams presented the staff report, pointing out one correction on page 6 under the TRC recommendation – item #1 should read “the applicant has agreed to reduce hydrant spacing to 400’

within townhome area” instead of 40ft. After reviewing the purpose of a planned unit development, she advised that, according to the 2045 Comprehensive Plan and Bethlehem Small Area Community Plan, the subject property was located within an Urban Service Area and adjacent to Rural Transition and Community Service Center Areas.

Other specifics found within the staff report included:

- The City of Hickory has issued a willingness to provide both water and sewer. Water lines will be installed at the developer’s cost to service the requested subdivision.
- The property along the lake will be subject to a 30ft. undisturbed buffer and a total 50ft. buffer with no built structures unless permitted by Duke Energy and approved by Alexander County. There will be 25ft. buffers along streams and floodplain regulations will apply.
- The developer has submitted a scoping request to NCDOT for a Traffic Impact Analysis. Improvements will be determined prior to review of construction drawings. Roadway specs will meet NCDOT requirements and an engineered seal and inspection must be obtained prior to being accepted into the NC maintenance system.
- Erosion, sedimentation, stormwater, and environmental monitoring control standards will be reviewed for compliance by NDCEQ during the construction drawing phase. Although the property is not located within the watershed, the developer plans to install stormwater devices.
- Emergency services locations have been noted with distance to the proposed development. All internal roadway cross-sections and exterior connections meet the Fire Code.
- Proposed density is 2.3 homes per acre with a total of 495 units, broken into 3 single-family product types – 56ft. wide detached lots, 46ft. wide detached lots, and 26ft. wide attached townhomes. Single-family detached lots will have 5ft. side setbacks providing a minimum of 10ft. between structures, 10ft. front setbacks and 20ft. rear setbacks, and driveways will be a minimum of 25ft. in length. The 5ft. side setbacks are only allowed in a PUD district.
- Townhome lots will have a minimum lot width of 20ft., front setbacks of 10ft. for front-loaded driveways, and 25ft. rear setbacks. The code requires 30ft. between buildings; however, the developer has requested this be reduced to 20ft. and is willing to locate fire hydrants every 400ft. instead 1,000ft. adjacent to the townhomes. This is the only condition the applicant has requested that doesn’t meet ordinance requirements.
- A 4ft. internal natural trail system will be determined during construction drawings when the grading plan is further developed.

- Legal notifications for tonight’s public hearing were sent to property owners within 400 feet of the property line.

On June 21, 2024, the Technical Review Committee (consisting of Planning, Fire Marshal, Utilities, Emergency Services, and Building Inspections) reviewed the conditional rezoning request and provided comments to the Planning Board. The Planning Board heard the request on August 8, 2024 and found it to be consistent with the 2045 Comprehensive Plan and the Bethlehem Small Area Community Plan and in the best interest of the county as long as the applicant addressed all of the TRC’s concerns.

Mr. Adams reported that staff recommended approval to include the one condition proposed by the applicant (20ft. setbacks between townhome buildings), noting that Alexander County had for many years lost population which has strained the workforce and economic vitality; therefore, staff feels the application is in the best interest of the county due to the following:

- Provides access to homes with less yard maintenance, which is appealing to a variety of people.
- Reduces the amount of public water and sewer infrastructure that the County, and therefore the taxpayers, must maintain.
- Avoids disturbing sensitive environmental areas while allowing the most suitable land to be developed for housing. This means less grading and tree removal.
- More population means more jobs, housing, services, and an increase in economic vitality.

Allen Kerley with Taylor Morrison stated that the company was the 7th largest builder in the United States, 7th largest builder in the Charlotte market, and had received the “America’s Most Trusted Home Builder” Award by Lifestory Research for 9 consecutive years. They are also a National Wildlife Federation Exclusive Partner with a commitment to protecting open spaces and wildlife habitats. He provided examples of proposed homes for the Esplanade at Lake Hickory development, noting that as designed, 45% open space would be provided while only 10% is required.

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

Public Comment

Don Taylor reviewed the following list of questions compiled by residents of the Bethlehem community:

- What erosion control measures will be taken by Taylor Morrison during construction to protect the lake and septic systems/wells of nearby homes?
- Is there an idea of what improvements would be needed on Rink Dam Road?
- What actions will be taken to reduce disturbance to the neighborhood in relation to noise, mud, construction debris, etc.?
- What is the estimated construction timeframe?
- Who is the point person for infrastructure projects?

- Will Taylor Morrison adhere to NCDEQ's minimum requirements for land-disturbing activity?
- Will Hurricane Helene recovery have an impact on the timing of the Highway 127 Widening Project?
- Will the buffer zone on stream contributories and lake frontage remain undisturbed without grading or removal of trees?
- Where can a copy of the EIS study for the proposed pump station be obtained?
- Is non-buildable land included in the 2.3 homes per acre calculation?

Marie Taylor was concerned that Taylor Morrison would clear the entire property at first, then build back over several years like the Esplanade development in Charlotte that was cleared in 2019 and has yet to be completed. She also questioned how the location for the pump station was chosen, noting that leaks could impact nearby wells if left unmanned. Other issues mentioned were the 5ft. side setbacks (not enough space for a lawnmower) and 25ft. driveways (large trucks will stick out into the roadway).

Rob Arguelles, Chairman of the Alexander County Board of Education, discussed the consistent decline in school enrollment over the past decade as well as a net reduction of 568 students since the 2018-2019 school year. He stated that Alexander County Schools were not at capacity and could support an influx of students in each district and he read a resolution supporting residential housing growth that was passed by the School Board on September 10, 2024.

Gary Weaver stated that Rink Dam Road and Highway 127 were already congested, a problem that only gets worse during inclement weather. He felt the proposed development would cause more traffic and accidents, possibly hindering emergency vehicles. With so many crossing the bridge into Catawba County to shop and work, he did not think Alexander County would see an increase in sales taxes, only property taxes.

Casey Richey suggested the Board place priority on the opinions of voters instead of economics and increasing tax revenue, noting that Bethlehem was the largest voting base in the county and that its citizens would gladly pay more taxes to prevent the area from becoming like Hickory or Charlotte. In addition, he pointed out that more housing would not create more jobs, only the need for more police and fire protection, among other services, that would add to the tax burden.

Clyde McLaughlin did not believe the proposed development would fit well with the existing community and felt infrastructure (road and sewer) to support additional housing should be built first.

Ken Harbert was also concerned with delays in medical transports due to increased traffic and hoped for a stakeholder that could assist in obtaining a medical center or urgent care facility in Bethlehem.

Hannah Owen was thankful she could raise her children in a rural area with access to streams, the lake, etc. and was concerned that all trees would be stripped off the property.

Because of the close setbacks, she asked if homes would contain fire retardant walls and also suggested 100ft. setbacks be enforced.

Chanda Smith moved here from Charlotte to get away from traffic and high-density housing; however, her main issue was the displacement of wildlife on the property that could force animals (such as bears) into nearby yards and homes. She was also opposed to the use of eminent domain to widen Bowman Court, which would take many front yards.

Jack Miner asked if anyone had investigated the impact to migratory birds that live on the subject property. He stated that growth was good, but that high-density housing was not appropriate for Bethlehem.

Susan Fontyn explained how high-density housing had affected her hometown in Maryland, leaving very little green space and negative impacts to the school systems. She was also concerned with availability of natural resources, especially with Charlotte's recent request to transfer more water from the Catawba River Basin to support rapid growth.

Doug Peeler asked if future water and sewer infrastructure would be made available to existing homes due to continuous issues with wells and septic systems in the area,. He also did not want to see the wildlife on the property displaced, specifically a herd of deer that he regularly feeds.

Dale Smith commented that the starting home price for the proposed Esplanade development was too expensive for locals and would therefore attract people from other counties, most likely an older demographic without children. He also asked why state grant money for water/sewer projects was only available for new construction and if Taylor Morrison planned to contribute toward a new fire station and EMS base in Bethlehem.

Logan Richey saw no benefit to placing fire hydrants closer together in the development, pointing out that Bethlehem Baptist Church had burned in 2015 even though the fire department was across the street. He was not opposed to growth but preferred one home per 2 or 3 acres, which would hold the same selling point as the homes planned for Esplanade Lake Hickory. Mr. Richey also expected the widening of Highway 127 to be delayed or eliminated because of the significant damage in western NC from Hurricane Helene.

Dean Sheridan neither spoke for or against the proposed development, but instead about the cost of education and how property taxes paid by a family with two children, even when combined with ADM appropriations, would not fully cover the cost to educate those children in years K-12. He emphasized that the deficit must come from the entire county, not just Bethlehem.

Jordan Daughaday was unsure whether Esplanade Lake Hickory would target retirees or young families; he's heard both and believes the developer is pitching whichever idea seems best at the time. He disagreed that Alexander County Schools needed students, and

stated that classroom sizes continued to increase, which prevented his children from receiving the one-on-one attention needed, and students currently sit 3 to a seat on the bus.

Harold Mason was not opposed to growth but did not see the need for high-density housing in Alexander County, which ranks in the bottom third for population statewide and fourth in the Unifour. He also questioned why Taylor Morrison did not have to comply with the same setback requirements as he and others did when building their homes.

Mike Sloope moved to the corner of Bowman Court and Rink Dam Road after his home burned two years ago. He echoed previous comments related to increased traffic and number of houses proposed per acre and was concerned that most of his yard would be lost if the road was widened.

John Rhyne said that high-density housing in Bethlehem would change the quality of life for many and he mentioned possible environmental impacts during construction, drainage and runoff, and displacement of wildlife (including deer, hawks, turkeys, and blue heron).

Todd Lail suggested Taylor Morrison consider the Harbortown, Iswa Point, and Player's Ridge neighborhoods as an example for the type of housing needed/wanted in the Bethlehem area instead of building as many homes as possible to make more money. He also stated that with the last revaluation, the County shouldn't need more tax revenue.

Rebuttals

Allen Kerley provided the following comments in hopes of answering as many questions as possible:

- Esplanade Lake Hickory will be a 3-phase process that begins with the County's acceptance of the concept plan and approval of the conditional rezoning request. The second phase includes engineering and permitting – an NCDOT traffic study cannot be completed if the conditional zoning does not pass. The final phase is construction.
- Taylor Morrison plans to utilize retention basins even though the property is not located within a watershed. All erosion control measures will be permitted by NCDEQ and routine inspections will occur. The development will be designed to lesson/avoid environmental impacts.
- The development will be served by City of Hickory public water and sewer services so there should no groundwater issues that would impact wells or septic tanks.
- The estimated build-out time to complete the project is 5 to 7 years. Street infrastructure and utilities are installed gradually as more homes are built.

- Taylor Morrison does not intend to change the atmosphere of the Bethlehem community but hopes to offer a high-demand product to people with busy lives who aren't interested in maintenance/upkeep of large lots.
- There are no plans for a marina but pedestrian trail access to the lake and boat slips are possible amenities.
- Contractors will adhere to the County's Noise Ordinance.
- All waste will be contained/removed according to OSHA and NC/Alexander County Building Code requirements.
- Any mud/dirt dragged onto the roadway from the construction site must be cleaned up or Taylor Morrison will be fined by NCDOT.

Allison Adams clarified that all proposed setbacks were allowed by right for any PUD, noting that the only variation from allowances in the Land Development Code was the request to reduce the distance between townhomes to 20ft.

Don Taylor requested that the Board table consideration of the conditional rezoning so that a detailed list of questions could be provided to Taylor Morrison and also allow time for the Bethlehem community to incorporate.

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

In hopes to alleviate concerns about an immediate increase in traffic, Commissioner Pennell estimated that, based on a 6-year construction phase, approx. 82 homes new homes would be built each year. He also pointed out that, as stated previously, approval of the conditional rezoning allowed the developer to move forward with a traffic assessment and environmental permits, which he felt may also answer many questions.

Chairman Lail made several comments:

- The County takes advantage of state and federal funding when possible, but those funds are always earmarked for specific uses. In this case, a state grant was provided specifically for a pump station for new construction; however, a Capital Improvements Plan is in the works that will determine multiple needs throughout the county, including sewer infrastructure.
- The Board of Commissioners and County staff do not have the authority to tell a developer which area of the county they must build in.
- No member of the Board of Commissioners has a financial interest in this project nor will they personally or financially benefit from its existence.

- Based on current demographics, there is one school-aged child per 4.8 households in Bethlehem. Using those numbers, 495 new homes would generate 103 students grades K-12. Bethlehem Elementary School has capacity for 588 students and current enrollment is 431. There is also available space at both West Alexander Middle School and Alexander Central High School.
- Potential revenue to Alexander County generated from 495 homes with an average value of \$500,000 includes:

Revenue Type	Per year	Over 20 years
Property taxes	\$1.6 million	\$32 million
Fire taxes	\$106,400	\$2.1 million
Water and sewer revenue	\$237,600	\$4.7 million
Sales taxes based on \$100,000 in materials per home dropped in Alexander County	\$1.1 million	N/A
Sales taxes if each household spends \$10,000 in Alexander County	\$111,400	\$2.2 million
State ADM funds based on current student demographics and funding formula	\$879,200	\$17.6 million

Commissioner Herman reported that he was elected to represent all citizens of Alexander County and would be doing so with his vote. Chairman Lail agreed, noting that commissioners were not elected by district.

Vice-Chairman Reese made a motion to approve Conditional Rezoning Case M-24-06 to be noted on the zoning map as PD-2024-01 based on consistency with the following applicable recommendations found in the 2045 Comprehensive Plan and further supported in the Bethlehem Small Area Community Plan:

- Promotes development of a diversified and balanced mix of land uses in the county.
- Encourages the development of a range of housing types and densities to meet the needs of different populations.
- Directs growth to areas where essential services and infrastructure are present and protects sensitive natural areas and key historic/cultural resources from extensive development.
- Encourages stormwater and erosion control to improve water quality and reduces stormwater runoff.

Further, his motion also included approval of the condition that fire hydrants will be installed at 400ft. for townhome buildings to be spaced closer than allowed by ordinance at 20ft. apart. Commissioner Herman seconded the motion, which passed unanimously.

BUDGET ORDINANCE AMENDMENTS #13-#14 & PROJECT BUDGET ORDINANCES #P-1 & #P-2

Todd Herms, County Manager, reviewed the purpose of Budget Amendments #13 - #14 as well as Project Budget Ordinances #P-1 and #P-2 as follows:

Budget Amendment #13 – To increase:

- the Planning Department budget for receipt of an NCDOT Multimodal Planning Grant award, plus the 100% required match, to develop comprehensive bicycle and pedestrian plans.
- The Soil & Water budget to purchase metal signs to be distributed to landowners when they enroll in the Farmland Preservation Program. Over half of the cost will be covered by donations.
- The Health Department budget for additional grant funds received for a COVID-19 Vaccination Program.

Budget Amendment #14 – To budget for transfers from the County Water and Sewer Fund to the Three Forks Church Road Water Project and the Bethlehem Water Tank Project to provide local funding for costs not covered by state and federal grants received for both projects.

Project Budget Ordinance #P-1 – To budget for the Three Forks Church Road Water Project that is funded with a \$2,462,500 S.L. 2023-134 Directed Projects State Grant and \$37,500 in local funds.

Project Budget Ordinance #P-2 – To budget for the Bethlehem Water Tank Project that is funded with a \$2,583,248 S.L. 2023-134 Directed Projects State Grant, a \$2,065,000 ARPA NCDEQ Fiscal Recovery Fund Grant, and \$782,452 in local funds.

Vice-Chairman Reese made a motion to approve Budget Amendments #13 - #14, Project Budget Ordinance #P-1 for the Three Forks Church Road Water Project, and Project Budget Ordinance #P-2 for the Bethlehem Water Tank Project. Commissioner Herman seconded the motion, which passed unanimously.

COUNTY MANAGER'S REPORT

Todd Herms, County Manager, reviewed the following:

- Vashti Fire & Rescue recently completed an OSFM fire insurance classification inspection and improved their insurance rating from a 6/9E to a 5/9E. Mr. Herms thanked our volunteer fire departments for maintaining or improving their ratings, which directly affects homeowners' insurance rates.
- Special thanks to all state and local emergency departments, first responders, cell and utility companies, etc. for their professionalism and hard work during Hurricane

Helene. During the height of the storm on Friday, September 27th, approx. 60% of the county was without power and 174 roadways were compromised. Our 911 Communications took 2,300 calls for service in a 24-hour period, homes were evacuated below Oxford Dam, which was closed for several days, and an emergency shelter was established at the ACHS gym. A voluntary curfew was issued from 7:00 PM on Friday through 8:00 AM on Saturday. He added that the storm caused damage to 13 structures with one total loss and 345 loads (over 400 tons) of debris were taken to the landfill.

CONSENT AGENDA

- A. Tax Abatements & Adjustments (\$11,417.87) and Tax Refunds (\$115.23) for September 3-29, 2024.
- B. Minutes from September 9, 2024 Regular Meeting.
- C. Line-Item Transfer Report for September 2024.
- D. Board / Committee Appointments – WPCOG Sister Cities Association and JCPC.
- E. Proposed Revisions to Personnel Policy – Article V Section 14 / Chain of Command.
- F. Updates to Fire Inspection and Permit Fees.
- G. Resolution Authorizing ARC Grant Execution for the Industrial Park Sewer Project.
- H. Resolution Accepting 2023 Appropriations Act Funding for Three Forks Church Road Waterline Extension.
- I. Resolution Accepting 2023 Appropriations Act Funding for Bethlehem Water Tank Project.

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

ADJOURNMENT

There being no further business, Commissioner Herman made a motion to adjourn at 8:55 PM. Commissioner Pennell seconded the motion, which passed unanimously.

Joshua D. Lail, Chairman

Jamie M. Starnes, Clerk to the Board