

Minutes  
Catawba County Board of Commissioners  
Regular Session, Tuesday, January 16, 2007, 7:00 p.m.

**Appointments**

Catawba Valley medical Center Board of Trustees	495	01/16/07
Nursing and Rest Home Advisory Committee	495	01/16/07

**Budget**

Mental Health budget revisions	495	01/16/07
CVCC request for operating funds	495	01/16/07

**CVCC**

Request for operating funds for new classroom/science/library building	495	01/16/07
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**County Attorney**

Deputy County Attorney - Update on litigation	496	01/16/07
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**Mental Health**

Budget revisions	495	01/16/07
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**Planning**

Public Hearings on UDO	488	01/16/07
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**Public Hearings**

UDO	488	01/16/07
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**Utilities and Engineering**

Right of Way Agreement with Duke Power for Underground Power Line Feed To Balls Creek Sewer Pump Station	496	01/16/07
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The Catawba County Board of Commissioners met in regular session on Tuesday, January 16, 2007 at 7:00 p.m. in the 1924 Courthouse, Robert E. Hibbits Meeting Room, 30 North College Avenue, Newton, North Carolina.

Present were Chair Katherine W. Barnes, Vice-Chair Barbara G. Beatty and Commissioners Dan Hunsucker, Glenn E. Barger and Lynn M. Lail.

Also present were County Manager J. Thomas Lundy, Assistant County Manager Joellen Daley, Assistant County Manager Lee Worsley, County Attorney Debra Bechtel, Deputy County Attorney Anne Marie Pease and County Clerk Barbara Morris.

1. Chair Katherine W. Barnes called the meeting to order at 7:02 p.m.
2. Commissioner Glenn E. Barger led the Pledge of Allegiance to the Flag.
3. Commissioner Dan Hunsucker offered the invocation.
4. Commissioner Barger made a motion to approve the minutes of the Regular Meeting of December 18, 2006, the Work Session of December 11, 2006 and the Closed Session Minutes of December 4, 2006 and December 18, 2006. The motion carried unanimously.
5. Recognition of Special Guests: She welcomed everyone present and said the Board was pleased to have so many people in attendance.
6. Comments for Items not on the Agenda. None.

7. Public Hearings:  
a. & b. – Reconvening of Public Hearings on Unified Development Ordinance and the adoption of New Official Zoning Maps based on Small Area Plans and Unified Development Ordinance.

Prior to convening the public hearings, Chair Barnes asked Planning Director Jacky Eubanks to come forward to review the proposed Unified Development Ordinance (UDO). Mr. Eubanks said he wanted to go through the proposed UDO to bring both the Board and the public up to date on all revisions that had been made to the ordinance.

In 1974, Catawba County adopted its first zoning ordinance, which was subsequently updated in 1990. In the mid 1990s, the County developed a new long-range comprehensive plan known as VisionQuest 2010. The plan was adopted by the Board of Commissioners in 1996 and served as the basis for future land-use decisions, such as rezoning requests, transportation needs, etc.

After VisionQuest 2010, the County developed a Strategic Growth Plan to address growth-related issues in the County. This plan was accepted by the Board of Commissioners in March 1999. One of 16 major strategies in the plan was to prepare small area plans for the County.

The County began the process of obtaining input on how the County should grow and develop through the small area planning process. The County was divided into seven small area districts. Small Area Plan committee members, comprised of citizens living in the area, were appointed by the Board of Commissioners beginning in 1999. Committees included over 70 citizens with a broad range of experience, interests and background such as:

- a. Construction/development
- b. Real estate
- c. Agriculture
- d. Professional
- e. Municipal planners and managers, and
- f. Citizens

The committees developed specific recommendations for future growth and development of the County based on input from community meetings attended by over 1000 citizens. Notification of these meetings included newspaper articles/advertisements, web site notices, cable and radio announcements and hundreds of flyers posted in the community, including copies in church newsletters.

The small area plan committees met monthly, for each of the seven small areas, ranging from 14 months to over 3 years. Key issues identified by the public during the public meetings included:

- a. Preservation of rural character
- b. Higher development standards
- c. Enhanced visual corridors and entryways
- d. Stricter code enforcement program
- e. Open space preservation
- f. Density ranging from low to moderate based on available infrastructure

Upon acceptance of the small area plans by the Board of Commissioners, the next step was the implementation of the plan recommendations through the re-write of the County's zoning, subdivision and other land development codes in the form of a Unified Development Ordinance (UDO). The UDO provides higher development standards such as sidewalks, interior landscape islands, updated sign regulations, density bonuses, building design criteria for certain districts and village centers.

Phase I of the project involved the preparation of a reconnaissance report which included over 220 interest statements from interviews conducted with stakeholders and citizens throughout the community in order to frame key issues and concerns surrounding land use matters. The

reconnaissance report was then submitted to the Planning Board and the Board of Commissioners in the spring of 2004.

Phase II of the project involved the drafting of eight articles to be included in the UDO and revisions to a procedures manual. A UDO steering committee was appointed by the Board of Commissioners to assist planning staff and the consultant in drafting the UDO. Committee members represented the following interest groups:

- a. Construction/development
- b. Real estate
- c. Agriculture
- d. Municipal
- e. Other professionals

The steering committee recommended adoption of the UDO on May 23, 2006 subject to minor revisions and technical corrections. The draft document became available for public view on May 25, 2006 when it was posted on the County's web site and hard copies were placed in the local libraries.

A series of public presentations of the draft UDO were conducted between June 1<sup>st</sup> and July 25<sup>th</sup>, 2006:

- a. Joint meetings (2 meetings) of the 7 SAP committees divided into east and west groupings
- b. Bar Association
- c. Surveyors Association
- d. Mobile Home Park Owners
- e. Mobile Home Park Dealers and State Association (NCMHA)
- f. Chamber of Commerce Land Use Committee (5 meetings)
- g. Chamber of Commerce Board of Directors
- h. Catawba County Homebuilders Association (held jointly with Chamber Board)
- i. Catawba Valley Association of Realtors (held jointly with Chamber Board)
- j. Chamber of Commerce SE Chapter Business After Hours meeting
- k. Churches within the County's jurisdiction
- l. Planning Board workshops (2 meetings)
- m. Public Forums (2 meetings) east and west
- n. Catawba Valley Landlords Association
- o. Farm Bureau/Cattlemen's Association
- p. NAACP

In addition to the public presentations the following public outreach and notification activities were conducted:

- a. A series of articles were published in the 4 area newspapers
- b. A television spot
- c. ¼ page newspaper ads (8 consecutive weeks in each of 3 local newspapers)
- d. Standard legal ads (10 – 25 days prior to the public hearings) (4 advertisements)
- e. Posting of rezoning signs at key entryways to the County (12 signs)
- f. Posting of UDO on the County web site with facts and questions brochure
- g. Placement of hard copies of the draft UDO in 8 area libraries including large scale zoning maps
- h. First class mailings to approximately 41,000 property owners notifying them of proposed rezoning actions, along with a question and answer insert and small scale map of the proposed zoning changes
- i. Drop-by sessions for questions and answers (4 sessions including day and evening hours held August 1 through August 7)
- j. Planning Board public hearing (1 meeting was held on August 7)

The Board of Commissioners conducted two public hearings on the UDO: August 21 and September 18, 2006. The Board received the recommendation of the UDO from the Planning Board but based on public input the Board decided to revisit a few outstanding items. At its September meeting, the Board continued the public hearing until December 18, 2006 in order to conduct work sessions focused primarily on three issues:

- a. 2-acre zoning
- b. Home occupations; and
- c. Affordable housing

Since the Board of Commissioner's September 18, 2006 meeting, it conducted individual work sessions on outstanding issues in the UDO. Following is a brief overview of the work sessions and the Board's conclusions:

1) ***2-acre zoning vs. 1-acre zoning – October 2, 2006 work session***

Goal: To be stewards of the land, balance the rural preservation interests recommended by the small area plans with the needs of the development community and homeowners to maintain affordable property values, and insure housing opportunities for homebuyers.

Action: The Board agreed to change the two-acre zoning to one-acre zoning with higher development standards in order to achieve a balance between rural preservation and property rights. Development standards were incorporated which serve to preserve the rural character, as expressed by citizens during the small area plan process. These standards include:

- a. additional setbacks from the rural road
- b. stream buffers
- c. limitation on clear cutting
- d. planting of street trees
- e. road connectivity; and
- f. low-level lighting, when provided.

The one-acre proposal allows property owners of larger tracts of land more flexibility, marketability and profit than would be available under lower density zoning.

2) ***Home Occupations – November 7, 2006 work session***

Goal: Achieve a balance between the protection of the integrity of residential neighborhoods and allowing for flexibility in home-based businesses due to a changing economy where more individuals are working out of their homes.

Action: The Board agreed to expand the types of uses allowed for cottage businesses, such as skilled trade offices, small-scale retail, household goods repair and lawn care services, in order to allow flexibility in home-based businesses. Also, the Board agreed to allow low-impact businesses on a lot with the primary residence or on a lot adjoining a homesite. The Board further agreed to changes which will provide opportunities for vet clinics in residential areas and the expansion of industrial opportunities along corridors. The proposed standards for these activities provide more flexible regulations associated with new business start-ups balanced with higher development standards to promote visually attractive corridors and project sites. Businesses which do not qualify as a cottage business can apply for a conditional or general rezoning to come into compliance.

Since the November 7 work session, staff had additional legal consultation regarding the use of conditional zoning in light of 2006 State legislation changes. Based upon legal advice, staff is submitting additional verbiage which may help the Planning Board and Board of Commissioners make conditional rezoning decisions, taking into account the reasonableness of the request. In addition, the Planning Board and Board of Commissioners would make a statement in the record as to the consistency or inconsistency with adopted plans. Where the Board finds that the request is **inconsistent** with adopted plans and votes to approve the request, it may use **any** of the following criteria as justification for its approval:

- 1) Size of tract;
- 2) Public benefits of the proposed rezoning based upon the conditions mutually agreed upon by the applicant and the Board which become binding upon approval;

- 3) The relationship between the proposed “**specific**” use and the current use of adjacent properties;
- 4) Supports the general policies, goals and objectives of the adopted comprehensive land use plan and small area plans;
- 5) Promotes the harmony and compatibility of the proposed conditional zoning district in relationship to the surrounding land uses;
- 6) Promotes economic development; or
- 7) Encourages different uses in close proximity to lessen traffic and environmental concerns.

3) ***Affordable Housing – December 11, 2006 work session***

Goal: Ensure that a sufficient affordable housing stock is available while preserving the rural character, protecting corridors/scenic highways and protecting property values through a balanced zoning of the County’s residential areas as reflected in the small area plans.

Action: The Board agreed to provide additional affordable housing opportunities through the creation of a doublewide manufactured home overlay district in a balanced distribution countywide, comprising 18% of the county’s jurisdiction. In surveying other counties which limit the placement of manufactured homes, it was found that the area where manufactured homes could be permitted ranged from 5-30% of the county’s jurisdiction. The overlay area (which allows doublewide manufactured homes by right) is more than adequate to meet the demand in the foreseeable future based upon current data and trends. The Board further agreed to allow additional opportunities for manufactured homes, subject to standards and conditions, through the following:

- a. Singlewide and doublewide homes allowed on vacant lots in existing manufactured home subdivisions
- b. Singlewide and doublewide homes allowed in manufactured home parks (existing or new)
- c. Singlewide manufactured home as a temporary structure during stick-built home construction
- d. Singlewide or doublewide manufactured homes as accessory dwellings

Other minor changes made to the UDO based upon recommendations from the Planning Board and other technical changes were as follows::

- a. Hotels and motels - allow in Mixed Use Corridor-Overlay (MUC-O)
- b. Sidewalks - allow credit for open space at a 2:1 ratio
- c. Campgrounds - relax minimum acreage and setbacks and establish open space requirements
- d. Marinas – allow typical accessory uses (campgrounds, sales of boats, etc.)
- e. Planned Development – establish big box architectural standards and adaptive reuse requirements
- f. Storage/shipping containers – remove container appearance criteria and setback from principal structure requirement for commercial sites, prohibit truck trailers from being used as permanent storage

The Board of Commissioners continued its public hearing on the UDO from December 18, 2006 until January 16, 2007 in order to incorporate the changes based on their work sessions and to make the UDO available to the public for review. A revised version of the UDO, including the memo highlighting the changes noted above, was made available to the public on January 2<sup>nd</sup> through the County’s website and in the County’s and City of Hickory Patrick Beaver libraries. Also, letters were sent to identified stakeholder groups on December 20, 2006 advising where the information could be reviewed prior to the Board of Commissioners continued public hearing on January 16, 2007.

Staff recommended that the Board of Commissioners adopt the January 16, 2007 version of the Unified Development Ordinance, with an amendment to Sec. 44-327 regarding conditional zoning districts. Subsequently, it is also recommended that the Board adopt the attached general and overlay zoning maps. Staff recommended that the text and maps have an effective date of January 17, 2007

at 8:00 a.m. In order to implement the new UDO and zoning maps, the Board would adopt two ordinances which accomplish the following:

- 1) Repeals the current land development regulations and replaces it with the January 16, 2007 version of the UDO as presented, with the following amendment to Sec. 44-327 regarding conditional zoning districts.

Proposed Amendment to Section –44-327 - Conditional Zoning District

- (f) *Review.* In evaluating an application for the establishment of a conditional zoning district, it is appropriate for the planning board and board of commissioners to consider the following:
  - (1) Adherence to the general policies and objectives of the adopted land use plan, particularly in relation to the proposed site and surrounding area;
  - (2) The potential impacts on the surrounding area, including but not limited to the absolute certainty of the specific use(s) traffic, stormwater, land values and the compatibility of land use activities. Higher standards and conditions may be proposed for the development, and other community benefits, mutually agreed upon by the developer and County.
  - (3) Addresses spot zoning;
    - a. Size of tract;
    - b. Compatibility with adopted plan;
    - c. Public benefits and detriments of proposed rezoning; and
    - d. The relationship between proposed use and current use of adjacent properties.
  - (4) The reasonableness of the proposed rezoning, defined as:
    - a. Supporting the general policies, goals and objectives of the adopted comprehensive land use plan and small area plans;
    - b. Promoting the harmony and compatibility of the proposed conditional zoning district in relationship to the surrounding land uses;
    - c. Serving the best interest of the community;
    - d. Promoting economic development; and
    - e. Encouraging different uses in close proximity to lessen traffic and environmental concerns.
  - 5) Consistency statement. The planning board and the board of commissioners must make written findings that either:
    - a. The proposed zoning is consistent with the adopted plan(s) based upon criteria in Sec. 44-327 (f)(1) – (4) above; or
    - b. The proposed zoning is not consistent with the adopted plan(s), but is reasonable in light of circumstances generally defined under Sec. 44-327(f)(1)-(4), with exception of (f)(3)b. above.

- 2) Repeals the current official zoning atlas and replaces it with the attached general and overlay zoning maps.

Further was recommended that the Board of Commissioners adopt the following policies:

1. All storage/shipping containers in residential areas existing at the date of adoption of the UDO are grandfathered and are allowed to remain.

2. Existing non-permitted businesses in residential districts are allowed up to 2 years to come into compliance with the UDO through one of the following:
  - a. Apply and receive a special use permit as a cottage business
  - b. Apply and be approved for a rezoning to an appropriate general zoning district
  - c. Apply and be approved for a rezoning to an appropriate conditional zoning district.

It is the County's intention to expedite rezoning requests that are subject to this policy.

- 3) Enhance the code enforcement program through the addition of another code enforcement officer and corresponding attorney time.

Chair Barnes stated that she felt the Planning Staff had done a good job of capturing all the changes that had resulted from the meetings with the stakeholders and from the Board itself as a result of its work sessions. She said the Board continued its efforts to clarify all aspects of the ordinance and the language of the draft UDO reflected that effort. Chair Barnes then announced it was the time and place for the continued public hearing on the UDO and it was continued from the December 18, 2006 meeting. She indicated that twelve people had signed up to speak but others were not precluded from coming forward with comments.

Calvin Propst – Section House Road: Mr. Propst said he was glad the Board had changed its mind on singlewide mobile homes. He asked if the developments in which singlewides were going to be allowed had to be pre-existing. It was clarified by Mr. Eubanks that singlewide mobile homes would be allowed in existing mobile home parks with lots of records and for those singlewides that did not meet the appearance criteria, they could be placed in a mobile home parks established/platted prior to 1996. Mr. Propst said he did not think it was fair that mobile homes were singled out when there were stick built homes that looked worse than a new singlewide.

Susan Johnson – Summit Ridge Dr.: She said she had spoken at the Board meeting in August regarding the proposed zoning changes pertaining to marinas and retail boat sales and she asked how it was decided those changes should be made. She said she had discovered there had been a survey conducted regarding this type of business done by marinas in neighboring counties and the results of that survey were used in deciding on the proposed changes. Ms. Johnson said the survey was incorrect and most marinas did not sell boats at the marinas on the water but at other sites along business corridors. She said she was upset that the County had used a survey from another source and that the information was incorrect. Commissioner Hunsucker asked Ms. Johnson how long she had resided in her home (6 years) and how long the marina had been in operation (over 20 years) – and confirmed that the marina was in operation when she built her home.

Walter Eli – Stonehaven Village: He stated that some of the revisions to the UDO were really good but some were good. He was concerned about the buffers of 6 feet required for mobile home parks and the fact that the parks had five years to comply – but with the new revision indicated the buffers had to meet this criteria upon planting. He wanted this criteria to be the same as with other development, where the minimum was 2 feet with 3 years to come to 6 feet. He went on to voice his concerns regarding the requirement for signage to display the permit and lot numbering signs in addition to the required E-911 identification.

Dennis Heffner – 5861 Heavner Rd.: He questioned why, with the number of mobile home permits diminishing, did there have to be zoning to restrict mobile homes. Mr. Eubanks explained the intent was to balance the distribution of mobile homes throughout the County. Mr. Heffner said he didn't want anyone to tell him what to do with his land.

Anthony Dotson – Summit Ridge Dr: Mr. Dotson thanked the Board's effort in the UDO. He echoed Susan Johnson's concerns regarding the UDO allowing retail boat sales and campgrounds at marinas.

Tracy Warlick – Hickory -Developer: Mr. Warlick said this had been a very long process. He thought the black and white document was close to reflecting the concept that had been envisioned. He appreciated the time the Board and Planning staff had taken to get this far. It was an arduous process – with the intent to have Catawba County remain competitive in the development market. He believed the process had resulted in a better document.

Jeff Kerley – Hickory - Landscaping: Grew up and lives in Hickory. He appreciated the changes that had been made to the ordinance.

Harry Moore – 4636 Hickory/Lincolton Hwy: He recommended that mobile homes that were 1976 models or newer should be exempt from any of the restrictions listed in the UDO and should be allowed anywhere in the County. He suggested that mobile homes be allowed on 36% of the area of the County and the appearance code be dropped and new mobile home owners should be restricted on placement but a buyer of a used mobile home should not be restricted.

Thomas Sigmon – 2285 Waterplant Rd: Mr. Sigmon asked if he could put a mobile home on two of his lots which currently do not have mobile homes but had had them in the past. It was clarified this would not be allowed. It was agreed he would discuss specifics with Mr. Eubanks the following day.

Melissa Essick – Manufactured Home Assoc.: Speaking on behalf of NC Manufactured Home Institute. She said she was opposed to the ordinance and the severely restricted placement of manufactured homes and the discrimination of those who live in manufactured homes.

Darlene Lail – 28<sup>th</sup> St SW – Ms. Lail said she had a family lot that had nine lots on it with several mobile homes and wondered if anything happened to the existing mobile homes, were they grandfathered – Mr. Eubanks explained the new lot size requirements would not impact the existing lots of record – only the required setbacks would apply. He tried to explain it would have to be in the DWMH overlay district – and the Planning Department would work with her to determine if this property was in that district.

Don Parham – Sherrills Ford: He said the whole process had been a lot of give and take and the resulting ordinance was a lot better than the version that was presented in September. He pointed out that all the changes since September were in blue ink and they should be read carefully. He noted they were very significant changes. He said the UDO would never meet everyone's wants but it came close to meeting everyone's needs. He applauded the Planning Staff and Board for their efforts and hard work. He said the UDO now was a direction the citizens of the County could live with.

Hearing and seeing no one further wishing to speak, Chair Barnes said staff was still in the process of some clarification in terms of the text of the UDO and it was not yet final. She said all of this clarification would be reviewed and posted on the County's website by Monday, January 22, 2007. She proposed continuing the public hearings until Monday, February 5, 2007 and that would give everyone time to ensure the text reflected all that had been set out in principle and what has been shown to the public at the current meeting. Chair Barnes proposed action be taken at the February 5, 2007 meeting. Commissioner Barger commented that quite a few changes were to be incorporated and would make the zoning restrictions and land use more flexible. He, himself, wanted the proposed time before action to review the changes and ensure it reflected all the Board had requested be added or changed in the ordinance and endorsed the motion to continue the public hearing until February 5, 2007 at 9:30 a.m. Chair Barnes continued the public hearing as stated and at which time the public hearing would be closed and action would be taken on the UDO.

Chair Barnes noted there had been a lot of people involved in the UDO and there were hidden staff members in the IT Department and the GIS Department who had work extremely hard to pull maps and information for the use of the Board and the citizens of Catawba County. She encouraged those present to visit the County website and review the ordinance and the cited changes and clarifications.

8. Appointments:  
 Vice-Chair Beatty recommended the reappointment of Steve Ikerd for a second term and the appointment of Dr. Alan Forshey and Raymond Von Drehl for first terms to the Catawba Valley Medical Center Board of Trustees. Dr. Forshey and Mr. Von Drehl replaced Dr. William Long and Sonny Roseman who were ineligible for reappointment to this Board. Commissioner Lail recommended the appointment of Pamela Lowdermilk for a first term on the Nursing and Rest Home Advisory Board. Ms. Lowdermilk was an industry appointee to replace Anne Hall who resigned from the Board. These recommendations came in the form of a motion. The motion carried unanimously.
9. Consent Agenda:  
 County Manager J. Thomas Lundy presented the following three items under the consent agenda:  
 a. A request for a revision to the Mental Health Budget to increase the current budget by \$112,000 bringing it to \$19,037,596.31. Catawba County had been allocated an additional \$100,000 on a one-time basis to serve clients with Traumatic Brain Injuries. Mental Health Services of Catawba County had received a Mental Health Systems Transformation grant in the amount of \$12,000 from the Governor's Institute on Alcohol and Substance Abuse. These funds will be contracted between Charlene Vaan who will provide consultation by evaluating the LME and Provider infrastructure in regards to Evidence-Based Practices (EBP) - \$8,500, and Catawba Valley Behavioral Healthcare (CVBH) - \$3,500 for assistance in Mental Health EBP Implementation Research Support, including staff cost, travel, printing and training materials. Catawba LME previously budgeted \$36,000 for Adult Care Home Incentive Funds (Domiciliary Care), in anticipation that it would receive these funds as in the past years. They had been notified that these funds will now be utilized to supplement Geriatric Specialty Team funding and shall support one FTE position; a registered nurse or a master's prepared therapist or other qualified mental health professional. These funds will be \$35,000 effective 1/1/07 and will be annualized to \$70,000 in SFY08. These funds will be realigned from Domiciliary Care to Adult Mental Health to cover cost associated with the Geriatric Specialty Team at Adult Life Program. This revision added no new positions and requested no additional County funding.

<b>SUPPLEMENTAL APPROPRIATIONS</b>			
<b>Account Number</b>		<b>Account Number</b>	
<b>Expenditures:</b>		<b>Revenues:</b>	
110-530906-911420	\$100,000	110-530906-635200	\$100,000
DD Services		Adult DD	
110-530901-856900	\$8,500	110-530901-639100	\$8,500
Other Professional Services		Other State Revenue	
110-530906-915610	\$3,500	110-530906-639100	\$3,500
CVBH Contract		Other State Revenue	

b. CVCC request for operating funds. CVCC requested an appropriation of \$237,000 from Schools Capital Projects fund balance to be used toward operating costs for the new Classroom/Science/Library Building. With the addition of the new building on the CVCC campus, the need for additional funds for operations and upkeep was identified. In fiscal years 2005 and 2006 a total of \$145,000 was added to CVCC's current expense budget in anticipation of these increased costs once the building was up and operating. In addition, \$45,483 was transferred in October of this year from completed capital projects and moved to CVCC's current expense budget toward increased operating costs. According to a request from CVCC the balance still needed in the current fiscal year for maintenance and operations of the building is \$237,000. This would bring the total appropriation to \$427,483 for the operating cost of the Classroom/Science/Library building.

**Supplemental Appropriation**

Revenue 420-750050-690100	Schools Capital Outlay fund balance	\$237,000
Expense 420-750050-995110	To General Fund	\$237,000

Revenue 110-710050-695420	From Schools Capital Outlay	\$237,000
Expense 110-710050-862100	CVCC Current Expense	\$237,000

c. Right of Way Agreement with Duke Power for Underground Power Line Feed to Balls Creek Sewer Pump Station. The Board of Commissioners was requested to approve a ten (10) foot Right of Way agreement for the construction, maintenance, and operation of an electric power line and related conduits, apparatus, and appliances, either above ground or below ground and including transformers and service connections to serve the Balls Creek Sewer Project Hagan Creek Pump Station. Vice-Chair Beatty asked Utilities and Engineering Director Barry Edwards for an update on the sewer connection at Balls Creek and Mr. Edwards that he couldn't give an exact date of connection to the school but there was an outstanding easement issue that had been referred to the legal department for resolution. Mr. Edwards said he would get back to Vice-Chair Beatty on the proposed connection date.

Chair Barnes asked if any Commissioner wanted any item broken out of the consent agenda and none were requested. Commissioner Lynn M. Lail made a motion to approve the consent agenda. The motion carried unanimously.

- 10. Other Items of Business. None.
- 11. Attorneys' Report. Deputy County Attorney Anne Marie Pease advised the Board that a civil lawsuit brought by Susan Johnson and Anthony Dotson against Long Island Marina went to trial in December 2006. Planning Director Jacky Eubanks and other County employees were subpoenaed to testify at this trial. At the close of the presentation of the Plaintiffs' case, the Court dismissed the case as it found there was not enough evidence to proceed with the trial. She noted the County had no pending zoning violations with the marina at the current time.
- 12. Manager's Report. None.
- 13. Vice-Chair Beatty made a motion to adjourn at 8:35 p.m. The motion carried unanimously.

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Katherine W. Barnes, Chair  
Board of Commissioners

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Barbara E. Morris, County Clerk