

Regular Session, February 15, 2010, 7:00 p.m.
Catawba County Board of Commissioners

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The Catawba County Board of Commissioners met in regular session on Monday, February 15, 2010 at 7:00 p.m. in the Robert E. Hibbitts Meeting Room of the 1924 Courthouse in Newton, North Carolina.

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

Also present were County Manager J. Thomas Lundy, Assistant County Manager Lee Worsley, Assistant County Manager Dewey Harris, 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 7:00 p.m. and noted that the Board of Commissioners meeting scheduled for February 1, 2010 had been cancelled due to weather.
2. Commissioner Barbara G. Beatty led the Pledge of Allegiance to the Flag.
3. Commissioner Glenn E. Barger offered the invocation.
4. Commissioner Dan A. Hunsucker made a motion to approve the minutes from the Regular Meeting and Closed Session of January 19, 2010. The motion carried unanimously.
5. Recognition of Special Guests: Chair Barnes welcomed all present.
6. Public Comments for Items not on the Agenda: None.
7. Public Hearings:
 - a. Chris Timberlake, Planner, came forward and requested the Board hold a public hearing and consider a request by Mr. Thomas Edwards to rezone a 1.68 acre parcel at 1052 Houston Mill Road from R-20 Residential to RC Rural Commercial District.

Parcels to the north, west and south are zoned R-20 Residential and include both undeveloped parcels and parcels with single-family dwellings. One parcel to the east is owned by Mr. Edwards, is zoned HC Highway Commercial, and is the location of his towing service. The Catawba County Unified Development Ordinance (UDO), Section 44-417, states that the RC Rural Commercial district "provides small areas for offices, services, and retail uses, all designed in scale with surrounding residential uses. The district regulations are designed to protect and encourage the transitional character of the districts by permitting uses and building forms that are compatible with the rural areas of the County. This district establishes setback and area standards that are compatible with residential neighborhoods." The R-20 Residential district is considered to be a high-density residential and agricultural district. Permitted uses in the R-20 district consist predominately of site-built homes and agricultural uses, while also allowing duplexes.

Public water is available for the property, but public sewer is not available. The Hickory-Newton-Conover Urban Area Transportation Plan recognizes Houston Mill Road as a minor thoroughfare, which serve the purpose of collecting traffic from local access streets and carrying it to major thoroughfares. At this location, Houston Mill Road is a two-lane roadway. Traffic counts taken in 2007, approximately 1.25 miles east of the site, registered 3100 vehicles per day. No improvements are suggested for Houston Mill Road.

The St. Stephens/Oxford Small Area Plan serves as the current land use plan for this area. Recommendations in the plan call for a maximum of 10 acres of rural commercial use in the vicinity of the intersection of Houston Mill Road and Lee Cline Road. There are currently 6.56 acres of commercial (rural and highway) property near the intersection. The inclusion of the subject parcel will bring the total amount of commercial property in the area to 8.24 acres.

The Catawba County Planning Board held a public hearing on this request on January 25, 2010. No one spoke in favor or opposition to the request. The Planning Board voted unanimously to recommend adoption of a statement acknowledging the consistency of the request with the St. Stephens/Oxford Small Area Plan and the rezoning of the property from R-20 Residential to RC Rural Commercial District, based on the St. Stephens/Oxford Small Area Plan recognizing the parcels as being in an area proposed for rural commercial development, the purpose of the RC Rural Commercial district; and the close proximity of existing RC Rural Commercial and Highway Commercial zoning districts.

Chair Barnes opened the public hearing and no one came forward to speak. Chair Barnes closed the public hearing and Commissioner Barger made a motion to approve the rezoning request, adopt the zoning map amendment consistency statement and the ordinance amending the County zoning map. The motion carried unanimously. The following ordinance applies:

Ordinance No. 2010-_____

AMENDMENT TO THE CATAWBA COUNTY ZONING MAP

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS, that the Catawba County Official Zoning Atlas is hereby amended by rezoning the following described properties from R-20 Residential to RC Rural Commercial District RZ2009-004.

One parcel totaling 1.68 acres located at 1052 Houston Mill Road in the St. Stephens/Oxford Small Area Planning District, Clines Township, and further identified by Parcel Identification Number 3734-12-87-7081.

PLAN CONSISTENCY STATEMENT:

Pursuant to NCGS 153A-341, and upon consideration of the recommendations and guiding principles of the St. Stephens/Oxford Small Area Plan, the Catawba County Board of Commissioners finds the rezoning request to be consistent with the St. Stephens/Oxford Small Area Plan.

This, the 15th day of February 2010.

b. Mary George, Assistant Planning Director and Blair Israel of Centralina Council of Governments came forward and requested the Board of Commissioners hold a public hearing and consider adopting a resolution of endorsement to the North Carolina Board of Transportation (NCDOT) regarding a proposed Lake Norman Regional Bicycle Plan.

The concept for a bicycle route around Lake Norman began in 2003, recognizing that many cyclists have been riding bikes around the Lake for years. In 2005, the Centralina Council of Governments (COG) in Charlotte began a planning process to develop a more detailed on-road route. Catawba County planning staff participated in the development of this Plan, which resulted in a map connecting all four counties around the Lake. This Plan was endorsed by the Unifour Rural Planning Organization (Catawba County's rural transportation planning group) in late 2006. The Plan was forwarded to the NCDOT's Division of Bicycle and Pedestrian Transportation group to be used as a planning tool when new road widening and construction projects were designed. This Plan was not approved by NCDOT because there were no State standards in place for a regional bicycle route.

In late 2007, the cycling community lobbied the State to develop more and longer bicycle routes in North Carolina. Funds were appropriated to develop regional bicycle plans which would stimulate economic development and tourism opportunities. NCDOT approached the Centralina COG in 2008 to discuss reexamining the earlier Lake Norman Bike Route (LNBR) Plan. In early 2009, the Centralina COG began the planning process to conduct an expanded study for what will be the State's first regional bicycle plan. The LNBR Plan was developed over the course of a year using input from a Steering Committee consisting of representatives from the four counties and six municipalities around the Lake. Catawba County was represented on the LNBR Plan Committee by Mary George, the County's Assistant Planning Director and John Marshall, Unifour RPO Transportation Planner with the Western Piedmont Council of Governments.

In determining the designated bicycle route, the Steering Committee looked at six factors: simplicity for users, safe routes, scenic viewsheds, off-road linkages, utility for transportation and/or recreation, and coordination with existing plans and future projects. The route was divided into 52 segments that were evaluated to define an initial route and an ultimate route. The initial route, including the segments that can be completed in the short-term, is 89 miles long with 3 miles of off-road trail segments. The ultimate route is an ideal route that will eventually be possible; 117 miles long with 16 miles of off-road segments. After designating the route, the Plan identified priorities for

the route's 52 segments based on nine variables such as safety, linking residents to destinations, demand, scenic view and cost-effectiveness.

Relative to Catawba County, the LNBR Plan identifies 15.6 miles of initial route and 32.3 miles of ultimate route, divided into 11 segments. The route is primarily planned for on-road facilities. The County has begun development of its Carolina Thread Trail greenway master plan, however, which may lead to identification of off-road opportunities. These could be incorporated in the future once the Thread Trail plan is adopted. Of the 11 segments in the county, four ranked as a medium priority and seven as a low priority, primarily due to safety and the cost effectiveness of widening existing roads. Included in the Plan is a signature route for Catawba County, referred to as the "Catawba Run", which traverses the western shore of Lake Norman from Hudson Chapel Road to Sherrills Ford Road and Slanting Bridge Road. This route connects to Iredell County and forms a north/northwest rural excursion around the Lake. The signature route will be highlighted in an LNBR brochure, and includes destinations and side excursions such as the Bunker Hill Covered Bridge and Murray's Mill.

The LNBR Plan can be realized through coordination with NCDOT road projects. As roads are widened by NCDOT, paved shoulders or bicycle lanes could be installed. Similarly, as new roads are designed by NCDOT, the LNBR Plan will be reviewed and bicycle facilities will be provided. Segments of the bike plan could be submitted by local transportation agencies for inclusion in the State Transportation Improvement Plan. As new developments such as rezonings and subdivisions are approved locally, the approval process could include the provision of components of the LNBR Plan. Federal, State and private grants could be secured to construct segments of the LNBR.

In order to ensure the long-term integrity and implementation of the Plan, a Lake Norman Regional Bicycle Route Task Force has been proposed, and would be charged with reviewing amendments to the route, coordinating improvements, and approving requests for use of the route logo. Membership of the Task Force will include all affected governments (including Catawba County), transportation planning agencies and the NCDOT. The Centralina Council of Governments would be the support staff for the Task Force, at no cost to local governments.

The Catawba County Planning Board held a public hearing on the LNBR Plan at its January 25, 2010 meeting. No one spoke at the hearing. The Board discussed various issues relative to private property rights and trails. Since the LNBR is proposed to be located within public road rights-of-way in Catawba County, the Planning Board unanimously recommended the Plan to the Board of Commissioners.

Commissioner Hunsucker asked about the upkeep of the bike lanes and Ms. George indicated this would be NCDOT's responsibility. Chair Barnes opened the public hearing and no one came forward to speak. Chair Barnes closed the public hearing and clarified that Board action would be to endorse the effort, commit to staff involvement but there was no commitment of County funds to the project. Commissioner Beatty made the motion to adopt the resolution of endorsement. The motion carried unanimously. The following resolution applies:

RESOLUTION #2010-

**A RESOLUTION FOR ENDORSEMENT OF
THE LAKE NORMAN REGIONAL BICYCLE PLAN**

WHEREAS, the Lake Norman Regional Bicycle Plan is the first plan of its kind in North Carolina, and was initiated by the NCDOT; and

WHEREAS, the NCDOT chose the Lake Norman area for its first regional bicycle plan due to its history of coordination and collaboration on land use, transportation, and economic development issues; and

WHEREAS, Catawba County recognizes a need to promote alternative modes of travel to reduce congestion, improve air quality, increase tourism, promote recreation, improve health, and increase safety for existing bicyclists and motorists; and

WHEREAS, the Lake Norman Regional Bicycle Plan and its supporting text were developed with input from a wide range of constituents and public input to reflect local conditions and preferences; and

WHEREAS, Catawba County will consider implementation of the Lake Norman Regional Bicycle Plan through the recommended implementation strategies as listed in the plan; and

WHEREAS, Catawba County will participate in the Lake Norman Regional Bicycle Route Task Force upon Plan approval by the NCDOT Board of Transportation. The Task Force was identified as the enduring organization to ensure visibility and implementation of the Route.

NOW, THEREFORE BE IT RESOLVED that Catawba County endorses the Lake Norman Regional Bicycle Plan.

This the 15th day of February, 2010.

8. Presentation:
The Board heard a report from Mr. Bill Parrish, Director of the Appalachian State University Small Business and Technology Development Center and Ms. Bonnie Sweeting, Director of Catawba Valley Community College's Small Business Center on the variety of no-cost assistance being provided to small businesses by the community college and state university systems
9. Appointments. None.
10. Consent Agenda:
County Manager J. Thomas Lundy presented the following two items for Board consideration:
 - a. A request for the Board to waive the County's annual dog park permit fee, for one-year, for each dog adopted through Animal Services in an effort to promote responsible pet ownership and encourage the adoption of dogs from Catawba County Animal Services. The dog park permit fee is currently \$20 per year.

Catawba County's dog parks at Riverbend and St. Stephens Parks provide a safe environment for dogs and their owners to exercise and play. Dogs and dog owners who use the parks benefit from being outdoors and from socialization and interaction with other dogs and people. With the Board's waiver of the permit fee, vouchers will be given to each person adopting a dog after he or she completes an adoption from Animal Services. The adoptee will present a validated voucher, completed dog park permit application and a copy of the required veterinarian records at either Riverbend or St Stephens Park, where an annual dog park permit will be issued. The permit will be valid for one year and subject to the established dog park rules. Adopted puppies will not be allowed to receive a permit until they are four months old and all vaccinations are completed. Permits associated with this program will not be eligible for a cash refund.

b. A request for the Board to record in its minutes approval by the Burke, Caldwell and Catawba Juvenile Crime Prevention Councils (JCPC) of a contract with the Western Piedmont Council of Governments (WPCOG) to administer a Community Based Youth Gang Violence Prevention – Gang Assessment Grant received by the 25th Judicial District. At its October 5, 2009 meeting, the Board accepted the grant and agreed that Catawba County would serve as lead agent on the grant.

The State of North Carolina requested that the counties in the 25th Judicial District (Burke, Caldwell and Catawba) partner for a youth gang assessment. The JCPC was approved for a \$54,500 grant to conduct the assessment with the understanding that, once the assessment was complete, it could apply for additional funding for prevention/intervention education. A JCPC committee made a recommendation to contract with the WPCOG after two non-profits responded with proposals to administer the assessment. The State has emphasized that the grant is funded with federal

Recovery Act funding intended to either save jobs, retain workers or provide employment for displaced workers. The WPCOG has talked with a displaced worker who will be working for the COG. Since the grant will require some realignment of workload and enable the COG to hire a displaced worker to assist with workload, this meets the grant requirement even if that displaced worker is not directly working on this program. Work on the youth gang assessment began on February 1, 2010 and is expected to be completed by September 30, 2010.

Chair Barnes asked if any Commissioner wished to have an item broken out of the Consent Agenda and none were requested. Vice Chair Lynn Lail made a motion to approve the consent agenda. The motion carried unanimously.

11. Departmental Reports.

A. Finance:

Finance Director Rodney Miller and Hickory City Schools Superintendent Lillie Cox came forward to request the Board appropriate \$1.9 million to complete renovations at Hickory High School. These funds are to be advanced from the next four year funding cycle, to begin in fiscal year 2011-12. It is understood that this is the top building priority for Hickory Public Schools and no other major renovations will be needed for Hickory High School within the next four years. In fiscal year 2007-08, the Board set aside two cents of the property tax rate to finance school construction over a four-year period. The Hickory High School project was included in this construction cycle and included a complete replacement of the existing HVAC system; restoration of the ceiling, lights and electrical systems; removal of asbestos; and replacement of fire rated ceiling tiles and the roof on the building, which was built in 1970. Bids for the project were received in July 2008. An appropriation of \$7,647,577 was approved by the Board and the work is almost complete. At that time, several bid alternates were not recommended for the current construction cycle unless another revenue source materialized.

In the summer of 2009, the Hickory Public Schools were allocated \$2 million in Qualified School Construction Bonds (QSCBs) through the 2009 American Recovery and Reinvestment Act. These bonds offer federal income tax credits to allow the issuance of these bonds interest-free to willing financial institutions. Hickory Public Schools then requested funding from the County to complete the Hickory High School project by funding bid alternates 2 and 3, which are the replacement of all windows, doors and exterior fascia panels along the outside of the school. These two projects would complete the conversion of Hickory High's 1970 structure into an energy efficient structure for the 21st century.

In August 2009, the Board agreed to advance funds from the next construction cycle to complete the Hickory High School project. Bids for alternates 2 and 3 totaled \$2.2 million in 2008. In September 2009, Hickory Public Schools negotiated with Hickory Construction Company, which was in the final stages of HVAC and roof replacement at the school and which agreed to complete alternates 2 and 3 for \$1.68 million. Testing of the fascia panels showed they contain asbestos, which would add an additional cost of approximately \$140,000 to remove and properly dispose. This, combined with a contingency of 4%, brings the total cost to complete the energy efficiency changes to the school to \$1.9 million. Since the County is not able to issue the QSCBs until the spring of 2010 when Arndt Middle and County Home Middle School projects would be bid, Hickory Public Schools has agreed to transfer its \$2 million QSCB allocation to Newton-Conover Schools, to be used for the new County Home Middle School so the County will not miss out on reduced borrowing costs afforded by the QSCBs. This transfer was approved by the N. C. Department of Public Instruction, and could save the County approximately \$700,000 in interest. Commissioner Barger confirmed this would complete the renovations at Hickory High School and the work would be completed over the summer when students were on break. Commissioner Barger then made a motion to approve these appropriations. The motion carried unanimously. The following appropriations apply:

Budget revision:

423-740100-865200-32104-2-02
423-740050-690450

Hickory High School Renovation \$1,900,000
Proceeds from Installment Purchase \$1,900,000

B. Utilities and Engineering:

Assistant Director of Utilities and Engineering Jack Chandler came forward to request the Board adopt policies, procedures and plans for a 2010 Community Development Block Grant Infrastructure Hook-Up Grant, including a budget ordinance, a budget revision in the amount of \$75,000, and an administrative contract with the Western Piedmont Council of Governments.

On August 17, 2009, the Board held a required second public hearing on submission of a 2010 Community Development Block Grant (CDBG), Infrastructure Hook-up Grant application to the North Carolina Department of Commerce's Division of Community Assistance. The Infrastructure Hook-up Program is designed to enable eligible local governments with existing public water and/or sewer lines to connect low to moderate-income households that previously may not have been able to afford to connect to lines. Low to moderate-income households are defined as households at 80% or less of the median family income for the county or Metropolitan Statistical Area in which the residence is located. CDBG funds may only be used to connect dwellings owned or occupied by low to moderate-income households, and dwellings occupied by low to moderate income tenants, provided the landlord also has low to moderate income. On January 19, 2010, the County received notification of a 2010 CDBG Infrastructure Hook-up grant in the amount of \$75,000. The grant will provide approximately 20 low to moderate income households with taps and connections to existing municipal water/sewer line(s) in Catawba County. Vice-Chair Lail made a motion to adopt the policies, procedures and plans for the 2010 Community Development Block Grant Infrastructure Hook-up Grant, a budget ordinance, a budget revision and an administrative contract with the Western Piedmont Council of Governments. The motion carried unanimously. The follow ordinance and budget revision apply:

ORDINANCE# _____

**CATAWBA COUNTY'S PROJECT BUDGET ORDINANCE
FOR THE 2009 CDBG INFRASTRUCTURE WATER/SEWER HOOK-UP DEMONSTRATION GRANT**

Be it ordained by the County Commissioners of Catawba County that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby adopted.

Section 1. The project authorized is the Community Development Project described in the work statement contained in the Grant Agreement (#09-C-2023) between this unit and the Department of Commerce. This project is more familiarly known as the 2009 Catawba County Infrastructure Water/Sewer Hook-up Grant.

Section 2. The officers of this unit are hereby directed to proceed with the grant project within the terms of the grant document(s), the rules and regulations of the Department of Commerce, and the budget contained herein.

Section 3. The following revenues are anticipated to be available to complete this project.

<u>Revenues</u>	
Community Development Block Grant	\$ 75,000

Section 4. The following amounts are appropriated for the project:

<u>Expenditures</u>	
Water Improvements(CDBG)	\$ 63,750
Planning(CDBG)	1,000
Administration(CDBG)	<u>10,250</u>
	\$ 75,000

Section 5. The Finance Officer is hereby directed to maintain within the Grant Project Fund sufficient specific detailed accounting records to provide the accounting to the grantor agency required by the grant agreement(s) and federal and state regulations.

Section 6. Funds may be advanced from the General Fund for the purpose of making payments as due. Reimbursement requests should be made to the grantor agency in an orderly and timely manner.

Section 7. The Finance Officer is directed to report quarterly on the financial status of each project element in Section 4 and on the total grant revenues received or claimed.

Section 8. The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on this grant project in every budget submission made to this Board.

Section 9. Copies of this grant project ordinance shall be made available to the Budget Officer and the Finance Officer for direction in carrying out this project.

Adopted this the 15th day of February, 2010

Appropriations

Revenue	
415-430050-627000	\$75,000.
Community Development Block Grant	
Expenditures	
415-431100-849117-20201	\$10,250.
Administration	
415-431100-849122-20201	\$1,000.
Planning	
415-431100-849125-20201	\$63,750.
Waterline Improvements	

12. Other Items of Business: None.
13. Attorneys' Report: County Attorney Debra Bechtel advised the Board that, due to statutory changes, the delegation of the Board's approval authority to the County Fire Marshall regarding pyrotechnic requests is no longer permitted.
14. Manager's Report:
County Manager J. Thomas Lundy requested the Board consider cancelling the Board's *tentatively* scheduled meeting on March 1, 2010 and its accompanying subcommittee meetings scheduled for February 22, 2010. Historically the Board does not have a morning meeting in March due to the NACo legislative conference. There were no upcoming items that required the Board's immediate action. Commissioner Barger made a motion to cancel these meetings. The motion carried unanimously. Mr. Lundy then asked the Board to consider moving into closed session pursuant to General Statute 143-318.11(6) to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee. Mr. Lundy did not anticipate any action to be taken by the Board upon return to Open Session. Vice-Chair Lail made a motion to move into closed session at 8:35 p.m. The motion carried unanimously.

15. Adjournment: The Board returned to open session at 9:15 p.m. and no action was taken. Commissioner Hunsucker made a motion to adjourn. The motion carried unanimously.

Katherine W. Barnes, Chair
Catawba County Board of Commissioners

Barbara E. Morris
County Clerk