

March 7, 2016, MB#53

Regular Session, March 7, 2016, 9:30 a.m.  
Catawba County Board of Commissioners

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The Catawba County Board of Commissioners met in regular session on Monday, March 7, 2016, at 9:30 a.m. in the Robert E. Hibbitts Meeting Room of the 1924 Courthouse, 30 North College Avenue, Newton, North Carolina.

Present were Chair Randy Isenhower, Vice-Chair Barbara G. Beatty and Commissioners Katherine W. Barnes, Sherry E. Butler and Dan A. Hunsucker.

Also present were County Manager J. Thomas Lundy, Assistant County Managers Dewey Harris and Mary Furtado, Assistant County Attorney Jodi Stewart and County Clerk Barbara Morris. County Attorney Debra Bechtel was absent.

1. Chair Randy Isenhower called the meeting to order at 9:30 a.m., noting a quorum was present.
2. Chair Isenhower led the Pledge of Allegiance to the Flag.
3. Commissioner Dan Hunsucker offered the invocation.
4. Commissioner Katherine W. Barnes made a motion to approve the minutes from the Board's Regular Meeting and Closed Session of February 1, 2016. The motion carried unanimously.
5. Recognition of Special Guests: Chair Isenhower welcomed everyone present and thanked them for their interest in the business of the County. He specifically acknowledged Dr. Amber Clawson from the Historical Association and noted both Vice-Chair Beatty and Commissioner Hunsucker were candidates in the upcoming election.
6. Public Comments. None
7. Public Hearings:
  - a. Planning and Parks Director Jacky Eubanks requested the Board hold a public hearing to receive citizen comments and consider approval an application to rezone approximately 3.87 acres located on Charlotte Street in Conover in the St. Stephens/Oxford Small Area Planning District from PD Planned Development to R-20 Residential District. The PD Planned Development district requires a minimum lot size of 80,000 square feet (2 acres) and is considered a high intensity "special use" district. Predominant uses in this district include multifamily residential, large scale non-residential, high density subdivisions, and mixed use housing types. The R-20 residential district requires a minimum lot size of 20,000 square feet (1/2 acre) and is considered a "general use" district. The district provides for single-family residential and agriculture.

The proposed rezoned property is vacant. Properties to the north, south, east and west are all zoned R-20 Residential, and contain stick-built single-family homes, a single family modular home, a doublewide manufactured home and a vacant parcel.

In 1985, applicant David T. Fredell petitioned to have the subject parcel rezoned from R-2 (medium density residential) to Group Development in order to accommodate 28 apartment (multi-family) home units. The Catawba County Planning Board considered the request at its October 28, 1985 meeting. The Board of Commissioners approved this rezoning request on January 20, 1986. The subject property, along with properties located on Charlotte Street, is not located within a zoning overlay. Residential development standards (e.g. setbacks, building height) within the Unified Development Ordinance will regulate development of the property if it is rezoned to R-20 Residential.

Public water and sewer are not currently available to the site; however, water lines have been extended approximately 215 feet north of the subject parcel. Charlotte Street is considered a local residential street and is State-maintained from its intersection with Springs Road to its intersection with Thomasville Road, but is not State-maintained south of its intersection with Thomasville Road. There are no recommended improvements for Charlotte Street in the 2035 Greater Hickory Urban Area Long Range Transportation Plan. No traffic counts were available for Charlotte Street. Rezoning the property from PD to R-20 residential will reduce the opportunity for increased traffic on the roadway.

The St. Stephens/Oxford Small Area Plan, accepted on April 21, 2003, serves as the current land use plan for this area. Future Land Use Recommendations depict the property as being located in an area recommended to remain residential. Proposed Density Districts would leave the area as High Density Residential (1/2 acre lots). The Planned Development district exceeds the density recommendations for residential area recognized in the Plan.

Staff recommended the 3.87 acres owned by John Chrisley Fox, Jr. be rezoned from PD Planned Development to R-20 Residential District based upon the property's proximity to other R-20 Residential properties located along Charlotte Street and the request being consistent with the accepted St.

Stephens/Oxford Small Area Plan, future land use recommendations. The Planning Board held a public hearing on January 25, 2016, to consider the request. No one spoke in favor of or in opposition to the request. The Board shared no comments or concerns about the request. The Planning Board voted 8-0 to recommend to the Board of Commissioners that this property be rezoned from PD Planned Development to R-20 Residential District based upon the reasons stated above for staff's recommendation.

Chair Isenhower confirmed that no Board member had any questions and opened the public hearing. Connor Lail came forward and voiced concerns that the current road would be insufficient if the owners intended to subdivide the property after the rezoning. Planning Director Jacky Eubanks stated he had no indication from the owners that they would subdivide but if that was to occur in the future, the roadway would have to meet North Carolina Department of Transportation standards for that type of development.

Chair Isenhower closed the public hearing and Commissioner Barnes made a motion to adopt the consistency statement, and approve the ordinance amending the zoning map and approving the rezoning. The motion carried unanimously. The following applies:

**ZONING MAP AMENDMENT CONSISTENCY STATEMENT**

On March 7, 2016, the Catawba County Board of Commissioners conducted a public hearing for the purpose of recommending a zoning map amendment to PIN 3733-05-09-2370 (Case #RZ2015-10). The applicant is Tara Fox and the property owner is John Fox, Jr.

Upon considering the matter, the Catawba County Board of Commissioners finds the request to be consistent with Map 6 titled "Future Land Use Recommendations" of the St. Stephens/Oxford Small Area Plan. The board therefore finds the request reasonable for rezoning based upon:

- 1) The property's proximity to other R-20 Residential properties located along Charlotte Street; and
- 2) The request being consistent with the accepted St. Stephens/Oxford Small Area Plan, future land use recommendations.

This recommendation was affirmed by a vote of \_\_\_\_-\_\_\_\_ of the Catawba County Board of Commissioners.

**Ordinance No. 2016-\_\_\_\_\_**

**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 property from PD Planned Development to R-20 Residential District (RZ2015-10).

One parcel totaling approximately 3.87 acres located on Charlotte Street in the St. Stephens/Oxford Small Area Planning District, Clines Township, and further identified by Parcel Identification Number 3733-05-09-2370.

**PLAN CONSISTENCY STATEMENT:**

Pursuant to NCGS 153A-341, the Catawba County Board of Commissioners finds the request to be consistent with Map 6 titled "Future Land Use Recommendations" of the St. Stephens/Oxford Small Area Plan. The board therefore finds the request reasonable for rezoning based upon:

- 3) The property's proximity to other R-20 Residential properties located along Charlotte Street; and

4) The request being consistent with the accepted St. Stephens/Oxford Small Area Plan, future land use recommendations.

b. Planning and Parks Director Jacky Eubanks requested the Board hold a public hearing to receive citizen comments and consider approval of application to rezone two parcels totaling 3.55 acres at 3040 and 3062 Keller Street in the St. Stephens/Oxford Small Area Planning District from R-30 Residential to General Industrial (GI) district. The R-30 Residential District is a medium-density district allowing one home per 30,000 square feet (approximately 3/4 acre). General uses of the R-30 Residential district include single family housing and agricultural production. The GI district provides for intensive manufacturing, processing, and assembly uses.

The subject parcels are within the WS-IV Watershed Protected Area established to offer protection of surface water from pollutants. This Protected Area allows 36% built upon area if a curb and gutter system is not constructed. Both parcels are located within the Doublewide Manufactured Home-Overlay district which allows for manufactured housing. The parcels are zoned R-30 Residential and there is a single-wide manufactured home located on each parcel. A parcel to the west is also zoned R-30 Residential and contains an older single-wide manufactured home, which appears unoccupied. A parcel to the south is zoned M-1 (Industrial) by the City of Claremont and is the location of Cargo Transporters. Parcels to the north and east are zoned GI General Industrial and contain an unoccupied single-family home, and are undeveloped, respectively.

A public sewer line and sewer pump station exists near Mull Creek to the east of the properties. Public water exists along North Oxford Street, which is designated as a minor thoroughfare in the 2035 Greater Hickory Urban Area Transportation Plan. It extends from US 70 in Claremont to Rock Barn Road. No road improvements are recommended for the road north of I-40. Traffic counts taken in 2011 on North Oxford Street just south of Keller Street measured 4,400. Based on design and construction, the road should handle at least 8,000 cars per day without any loss to traffic service. Development of the property should not overburden the existing roadway. Keller Street is a local residential gravel road. With this rezoning, Keller Street will not be used to access nonresidential development.

The St. Stephens/Oxford Small Area Plan, adopted on April 21, 2003, serves as the current land use plan for this area. Future Land Use Recommendations do not depict the properties as located in an area for future industrial use. The properties are, however, directly adjacent to and bordered on three sides by property zoned for General Industrial use as well as property zoned M-1 (industrial, manufacturing, and warehousing district) within Claremont's planning and zoning jurisdiction.

Staff recommended the two parcels totaling 3.55 acres be rezoned from R-30 Residential to GI General Industrial based upon the request being in harmony with the existing adjacent industrial land use and the property being in close proximity to Interstate 40, a major transportation facility. The Planning Board held a public hearing on January 25, 2016, to consider the request. No one spoke in favor of or in opposition to the request. The Planning Board had no comments and shared no concerns with respect to the request. The Planning Board voted 8-0 to submit a favorable recommendation to the Board of Commissioners to rezone the two parcels totaling 3.55 acres from R-30 Residential to General Industrial (GI) based upon the reasons stated above for staff's recommendation.

Chair Isenhower confirmed there were no questions from the Board members and opened the public hearing. No one came forward to speak. Chair Isenhower closed the public hearing and Vice-Chair Beatty made a motion to adopt the consistency statement, approve the ordinance amending the zoning map and approving the rezoning request. The motion carried unanimously. The following applies:

**ZONING MAP AMENDMENT CONSISTENCY STATEMENT**

On March 7, 2016, the Catawba County Board of Commissioners conducted a public hearing for the purpose of considering a zoning map amendment to PINs 3762-09-07-4380 and 3762-09-07-6299 (Case #RZ2015-09). The applicant and property owner is Catawba Management LLC.

Upon considering the matter, the Catawba County Board of Commissioners finds the request to be inconsistent with Map 6 titled "Future Land Use Recommendations" of the St. Stephens/Oxford Small Area Plan. However, the request is consistent with the guiding principal within the plan of: "Targeting industrial growth within the study area to specific, appropriate sites. The Board of Commissioners therefore finds the request reasonable for rezoning based upon:

- 5) The request being in harmony with the existing adjacent industrial districts and land use; and
- 6) The property being in close proximity to Interstate-40 (freeway), a major transportation facility.

This recommendation was affirmed by a vote of \_\_\_\_-\_\_\_\_ of the Catawba County Board of Commissioners.

**Ordinance No. 2016-\_\_\_\_\_**

**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-30 Residential to GI General Industrial District (RZ2015-09).

Two parcels totaling approximately 3.55 acres located at 3040 and 3062 Keller Street in the St. Stephens/Oxford Small Area Planning District, Clines Township, and further identified by Parcel Identification Numbers 3762-09-07-4380 and 3762-09-07-6299.

**PLAN CONSISTENCY STATEMENT:**

Pursuant to NCGS 153A-341, the Catawba County Board of Commissioners finds the request to be inconsistent with Map 6 titled "Future Land Use Recommendations" of the St. Stephens/Oxford Small Area Plan. However, the request is consistent with the guiding principal within the plan of: "Targeting industrial growth within the study area to specific, appropriate sites. The Board of Commissioners therefore finds the request reasonable for rezoning based upon:

- 7) The request being in harmony with the existing adjacent industrial districts and land use; and
- 8) The property being in close proximity to Interstate 40 (freeway), a major transportation facility.

This, the 7th day of March, 2016.

8. Appointments.

Chair Isenhower recommended the reappointment of Steve Killian for a second term and Susan Proctor for a third term on the Agricultural Advisory Board. These terms will expire January 2019. Vice-Chair Beatty recommended the appointment of Joe Rowe for a first term and the reappointment Clem Geitner for a fifth term on the Board of Equalization and Review. These terms will expire December 6, 2018. Vice-Chair Beatty recommended the reappointment of William Knox for a third term on the Nursing and Rest Home Advisory Board. This term will expire March 16, 2019. Commissioner Hunsucker recommended the reappointment of Mike Rutledge for a second term on the Dangerous Dog Appellate Board. This term will expire February 3, 2019. These recommendations came in the form of a motion, which carried unanimously.

9. Consent Agenda.

County Manager J. Thomas Lundy presented the following two items on the consent agenda:

a. A request in accordance with North Carolina General Statutes for the Board to accept a report from the Catawba County Tax Collector setting forth the total amount of unpaid taxes for the current year and to adopt a resolution ordering the Tax Collector to advertise the delinquent tax liens as prescribed by the Statutes. As of January 31, 2016, delinquent real property taxes in Catawba County totaled \$4,498,664, which represents 6.30% of the 2015 real property levy. An update to the report indicated that as of February 29, 2016, delinquent real property taxes totaled \$2,939,715, which represents 4.13% of the 2015 real property levy.

b. A request for the Board to approve two refund requests totaling \$8,112.93 that were made to the Tax Office. The records were checked and these refunds verified; therefore, the Tax Collector asked for approval of the refund requests. According to North Carolina General Statute 105-381, a Taxpayer who has paid his or her taxes may request a refund (in writing) for the amount that was paid through error.

Chair Isenhower asked if any Commissioner wished for an item to be broken out of the consent agenda; none was requested. Commission Sherry E. Butler made a motion to approve the consent agenda. The following resolution applies:

**RESOLUTION No.**

**BE IT RESOLVED**, the Board of Commissioners for Catawba County, in compliance with NCGS 105-369(a), orders the Tax Collector to advertise all unpaid tax liens, as prescribed in NCGS 105-369.

This the \_\_\_\_\_ day of March, 2016

10. Departmental Reports.

A. Planning and Parks/Western Piedmont Council of Governments.

Planning and Parks Director Jacky Eubanks presented a request for the Board to adopt the Western Piedmont Bicycle Plan. The Western Piedmont Council of Governments received a planning grant in 2013 from the North Carolina Department of Transportation to prepare a regional bike plan for the four-county region of Catawba, Alexander, Burke, and Caldwell Counties. The purpose of the bicycle plan is to offer a framework for development of bike facilities, programs and policies that will support safe and efficient bicycling within the region. The goal of the Plan focuses on safety and engineering, transportation, recreation, health and education, and economic vitality.

Through the planning process sixteen bicycle routes were identified in Catawba County. Five are recognized as high priority, five are medium priority, and six are low priority. Recommendations for each of the routes vary from adding signage identifying it as a bicycle route, widening road shoulders, striping bike lanes, or recognizing lanes as sharrows (widened lanes shared by both vehicles and bicycles).

Mr. Todd Stroupe with the Western Piedmont Council of Governments presented the Western Piedmont Bike Plan to the Planning Board on January 25, 2016. One board member asked if the identified routes currently provided enough right-of-way for improvements. Overall, the Planning Board felt bicycle safety was a concern, especially on rural roads, and the plan is a good start toward improving bicycle transportation and safety. The Planning Board voted 8-0 to favorably recommend that the Board of Commissioners adopt the resolution supporting the Western Piedmont Bicycle Plan.

Chair Isenhower confirmed that other counties which the plan applied to were adopting the plan. Vice-Chair Beatty commended all who had worked on the plan and made a motion to adopt the Plan. The motion carried unanimously. The following resolution applies:

**A RESOLUTION FOR ADOPTION OF THE  
WESTERN PIEDMONT BICYCLE PLAN**

**WHEREAS**, NCDOT's Bicycle and Pedestrian Division provides funding and technical assistance to develop comprehensive regional bicycle plans, and

**WHEREAS**, the Greater Hickory MPO initiated the Western Piedmont Bicycle Plan, including the counties of Alexander, Burke, Caldwell, and Catawba; and

**WHEREAS**, the NCDOT provided funding for the Western Piedmont area for a 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 Western Piedmont Bicycle Plan and its supporting text were developed with input from a wide range of constituents and public input from residents to reflect local conditions and preferences; and

**WHEREAS**, Catawba County will consider implementation of the Western Piedmont Bicycle Plan through the recommended implementation strategies as listed in the plan; and

**WHEREAS**, representatives from Alexander, Burke, Caldwell and Catawba Counties participated on the Western Piedmont Bicycle Plan Steering Committee.

**NOW, THEREFORE BE IT RESOLVED** that the Catawba County Board of Commissioners adopts the Western Piedmont Bicycle Plan on this, the \_\_\_\_ day of \_\_\_\_\_, 2016.

A motion was made by \_\_\_\_\_ for adoption of the resolution, and upon being put to a vote was duly adopted, on this, the \_\_\_\_ day of \_\_\_\_\_, 2016.

B. Library.

Library Director Suzanne White presented a request to amend the Catawba County Code of Ordinances, Chapter 24: Libraries. In June 2015, the Board of Commissioners adopted the Library's recently completed Strategic Plan, developed to serve as a compass guiding the Library's programs and services through 2019. This Strategic Plan incorporates several objectives aimed at moving the Library forward as the community's place to connect, explore and grow. The adoption of this plan signifies a call to action for Library staff, members of the Library Board of Trustees, Friends of the Library, the Board of Commissioners, and other community advocates and champions who recognize the value of library services. In order to ensure alignment between the Library Board of Trustees' efforts and the objectives embedded in the Strategic Plan, staff initiated a review of Article II of the Catawba County Code of Ordinances, Chapter 24: Libraries, which deals specifically with the composition, powers and duties of the Library Board of Trustees. Staff's review of the entire Chapter 24 identified several other areas that required updates to reflect how the advisory board currently operates.

The revision to board powers and duties, Section 24-37, allows for alignment with standard advisory roles, including the board role of assisting in the development and implementation of a Strategic Plan for Library Services, supporting library adherence to state and national standards for Library Services, promoting the vision and mission of the public library in the community and advocating for equal and unrestricted access, and making recommendations on library services, policies, and facilities in consultation with the library director. Staff engaged the Library Board of Trustees in the development of this revision of Article 2, taking their feedback into consideration and integrating their input. The Library Board of Trustees unanimously supports these revisions and took formal action to recommend them to the Board of Commissioners.

Upon review of Section 24-36 establishing the Library Board of Trustees and determining composition, the need to revise board composition to allow for more equal representation from municipalities with a library branch presence was identified. At the time the Library Board of Trustees was created, Newton was the only municipality in which the Library had a branch presence. Now, however, there are also

County branch libraries in Claremont, Conover, and Maiden, and all of these municipalities (including Newton) contribute either financial or in-kind support to library branch operations.

The revision to this section allows for two of the board positions to be filled by representatives nominated by the respective governing bodies of the four municipalities, based on the current composition of the board in terms of ensuring equal geographical representation from throughout the County. The governing bodies may nominate a council member or a citizen, with final appointment authority resting with the Board of Commissioners. After serving one four-year term, the municipal representative rotates off the board and municipalities nominate a new member for consideration by the Board of Commissioners for final appointment.

An additional change not specifically discussed with the Library Board of Trustees (which serves in an advisory capacity), but consistent with the changes recommended by the Trustees, includes revision of Section 24-5, Library Director, to remove reference to trustees' participation in the selection process of the library director, as this has not been followed for the hiring of at least the last two library directors and the County Manager's Office has full hiring authority for this position.

Last, the code review identified that Article 3, Law Library, be stricken in its entirety, as the Justice Center Law Library was disbanded some 12-15 years ago with the advent of online legal resources providing more cost efficient and timely legal information for both legal staff and the public.

Commissioner Butler made a motion to approve the recommended changes to the Code of Ordinances, Chapter 24, Libraries. The motion carried unanimously. The following ordinance applies:

ORDINANCE NO. 2016-

**BE IT ORDAINED that the Catawba County Code of Ordinances, Chapter 24, Libraries, is hereby amended in its entirety to read as follows:**

Chapter 24 - LIBRARIES<sup>[1]</sup>

Footnotes:

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**Cross reference**— Streets, sidewalks and other public places, ch. 34.

**State Law reference**— County libraries, G.S. 153A-261 et seq.

ARTICLE I. - IN GENERAL

Sec. 24-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Library materials means any book, plate, picture, engraving, map, magazine, pamphlet, newspaper, manuscript, film, recording, specimen, work of literature, objet d'art, item of historical significance, item of curiosity, slide projector, opaque projector, overhead projector, movie projector, filmstrip, slide, recorder, sound equipment, transparency, microform, audiovisual equipment, art materials, supplies, equipment of any sort, or any other item owned by or lent to such library or branch thereof.

Trustees means the county library board of trustees.

(Code 1995, § 70.01)

**Cross reference**— Definitions generally, § 1-2.

Sec. 24-2. - Library system authorized.

In accordance with G.S. 153A-263, the county may:

(1) Establish, operate, and support a public library system.

- (2) Set apart lands and buildings for a public library system.
- (3) Acquire real property for a public library system by gift, grant, purchase, lease, exercise of the power of eminent domain, or any other lawful method. The county shall, before acquiring real property by purchase, lease, or exercise of the power of eminent domain, seek the recommendations of the trustees regarding the proposed acquisition.
- (4) Provide, acquire, construct, equip, operate, and maintain buildings and other structures for a public library system.
- (5) Acquire library materials by purchase, exchange, bequest, gift, or any other lawful method.
- (6) Appropriate funds not otherwise limited as to use by law to carry out this chapter.
- (7) Accept any gift, grant, lease, loan, exchange, bequest, or devise of real or personal property for a public library system. Devises, bequests, grants, and gifts may be accepted and held subject to any term or condition that may be imposed by the grantor or trustor, except that the county may not accept or administer any term or condition that requires it to discriminate among its citizens on the basis of race, sex, or religion.

(Code 1995, § 70.02)

Sec. 24-3. - Title to property.

The title to all property acquired by the county for library purposes shall be in the name of the county. If property is given, granted, devised, bequeathed, or otherwise conveyed to the board of trustees, it shall be deemed to have been conveyed to the county and shall be held in the name of the county.

(Code 1995, § 70.03)

**State Law reference**— Similar provisions, G.S. 153A-269.

Sec. 24-4. - Free services.

All residents of the county are entitled to the free use of the library system, but shall be subject to the fees and fines established by the county.

(Code 1995, § 70.04)

**State Law reference**— Similar provisions, G.S. 153A-264.

Sec. 24-5. - Library director.

To be eligible for appointment and service as the library director, a person must have a professional librarian certificate issued by the secretary of cultural resources, pursuant to G.S. 125-9, under regulations for certification of public librarian as established by the state public librarian certification commission pursuant to the provisions of G.S. 143B-67. The library director shall serve as the chief administrative officer of the library system and will report directly to and be under the supervision of the county manager.

(Code 1995, § 70.05)

**State Law reference**— Similar provisions, G.S. 153A-267.

Sec. 24-6. - Employees.

Other employees in the library shall be hired by the library director in accordance with the personnel regulations set forth in chapter 28 of this Code. Library employees are, for all purposes, employees of

the county.

(Code 1995, § 70.06)

Sec. 24-7. - Retention, removal, destruction of materials.

(a) Any person violating subsections (a)(1)—(3) of this section shall be guilty of a misdemeanor and, upon conviction, shall be punished in accordance with section 1-14. No person shall:

(1) Receive or become responsible for any library materials belonging to any public library in the county or any library or branch thereof supported wholly or in part by the public funds of the county and willfully fail to return any such library materials to the library or branch thereof from which it was received for a period of 15 days after mailing or delivering in person a notice in writing from the librarian or assistant librarian of such library or branch thereof that the time for which such library materials may be kept under library regulations has expired;

(2) Willfully or intentionally remove from the premises of such library or branch thereof any library materials without charging them out in accordance with the regulations of such library or branch thereof; or

(3) Willfully or wantonly damage, deface, mutilate, or otherwise destroy any library materials, whether on library premises or on loan.

(b) In all indictments for violations of this section, it shall not be necessary to allege or prove that the item not returned was lawfully received by such person from any such public library, but only that the person came into possession of the item, knowing that the item belonged to such public library. The failure of any person to return any such item after written demand as set forth in subsection (a) of this section shall be prima facie proof that the person possessing the item acted willfully in failing to return such item within the 15-day period.

(Code 1995, §§ 70.07, 70.99)

Secs. 24-8—24-35. - Reserved.

## ARTICLE II. LIBRARY BOARD OF TRUSTEES

FOOTNOTE(S):

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**Cross reference**— Boards, commissions and committees, § 2-266 et seq. ([Back](#))

**State Law reference**— Library board of trustees, G.S. 153A-265, 153A-266. ([Back](#))

Sec. 24-36. - Established.

(a) There is created and established in and for the county a board to be known as the Catawba County Library Board of Trustees.

(b) The library board of trustees is an advisory board and shall be composed of seven members. The members shall be appointed by the board of commissioners. Representatives should be selected to adequately represent the various areas of the county, as well as to ensure that the board remains diverse with respect to gender, age, ethnicity, economic status, profession, experience, skills, and ability, when possible.

(c) Two of the board positions shall be filled by representatives recommended by the respective governing bodies of the four municipalities with County branch library presence within their boundaries, based on current composition of the board to ensure equal geographical representation from throughout the County. The governing bodies may nominate a council member or a citizen.

(d) If the person or persons recommended by the governing body of the municipality are not acceptable to the board of commissioners, the board of commissioners shall ask the governing body to recommend

another person or persons until each vacancy is filled by the appointment of a person acceptable to both the recommending governing body and the board of commissioners.

(e) The board of commissioners may remove a trustee at any time for incapacity, unfitness, misconduct, or neglect of duty.

(Code 1995, § 70.20)

Sec. 24-37. - Powers and duties.

(a) The library board of trustees shall elect a chairperson and may elect other officers.

(b) The trustees shall have the following duties:

(1) Assist in the development of a Strategic Plan for Library Services by providing input into the establishment of system-wide priorities, raising awareness about the planning process by soliciting feedback from citizens on existing and future library services, participating in the process of developing a mission, vision, and values for the system, and making recommendations to the board of commissioners for the Strategic Plan's adoption.

(2) Contribute to the implementation of the Strategic Plan over time, assisting the library director by individually and collectively assuming responsibility for furthering specific strategies, based on the available talents and resources of each board member and as requested by the library director.

(3) Maintain knowledge of and support library adherence to state and national standards for Library Services, including the North Carolina Public Library Standards and those of the American Library Association and the Public Library Association.

(4) Understand and promote the vision and mission of the public library in the community, and advocate for equal and unrestricted access to library services and materials for all in the community.

(5) In consultation with the library director, make recommendations on library services and policies.

(6) In consultation with the library director, make recommendations concerning the construction and improvement of buildings and other structures for the library system.

(Code 1995, § 70.21)

Sec. 24-38. - Terms.

(a) A term shall be four years. Except for board members under Section 24-36(c), a person may serve up to two terms. Appointment to any portion of an unexpired term shall not count toward the two term limit. Following a 12 month absence on the board, an individual shall be eligible for reappointment.

(Code 1995, § 70.23)

Sec. 24-39. Ex officio members.

(a) The board of commissioners may appoint one of its members to serve as an ex officio member of the library board of trustees for a term coincident to his or her elected term of office.

(Code 1995, § 70.24)

Sec. 24-40. - Quarterly reporting.

A quarterly report, in the form of minutes of the meetings of the trustees, shall be sent to the office of the county manager following each meeting and shall keep the board of commissioners informed on the direction being taken by the trustees.

This, the 7<sup>th</sup> day of March, 2016.

C. Utilities and Engineering.

Utilities and Engineering Director Barry Edwards presented a request for the Board to authorize the County Manager to work with the North Carolina Department of Transportation (NCDOT) to accomplish the installation of approximately 350 feet of steel encasement pipes and approximately 5,000 linear feet of dry sewer line as part of NCDOT's project for the widening of NC Highway 16, and included the funding for this project in the Fiscal Year (FY) 2016/2017 County Budget. It was noted by the Chair that this item had not been recommended by the Board's Subcommittee but referred to the full Board to hear the request.

In similar fashion to the future use sleeves that were installed during the construction of the new US Highway 321, the County has a unique opportunity to capitalize on the impending NCDOT project of widening NC Highway 16. In analyzing the proposed road widening project, with specific regard to providing sewer service to the area in the future, staff recommended the County take advantage of the NCDOT project and requested that future use sleeves and dry sewer lines be installed as part of the road widening project.

Staff believes the installation of future use sleeves under the widened NC Highway 16 is a prudent decision as this will allow for simplified and more cost effective future access, via gravity sewer, to the west side of the widened highway (acreage affronting South Oliver Cross Road, Buffalo Shoals Road, Anderson Mountain Road and NC Highway 16). These future use sleeves will be installed as part of the NCDOT widening project at the tributaries on the Burke property. The cost for the future use sleeves is estimated to be \$80,000.

In addition to the future use sleeves, staff believes working with NCDOT to have the dry sewer lines installed as part of the widening project is also a sensible action that will save hundreds of thousands of dollars in the future. The dry sewer lines will be installed along the widened highway between a tributary located on the Burke property and the high point near Airport Road. Providing sewer service along this portion of NC Highway 16 is best achieved during NCDOT's highway widening project because the proposed roadway alignment negates the future ability of utilizing the natural drainage features in this area, as the tributary will be within the proposed new right-of-way and most likely will be piped along this portion of the NCDOT project. The cost for the installation of the dry sewer lines is estimated to be \$450,000 if installed by NCDOT during the highway widening project. Cost to construct said lines after highway widening will be more expensive due to proximity of new NC Highway 16 right-of-way, elevation and tributary. Exact increase in cost cannot be determined as new roadway elevations are unknown at this time. However, given the anticipated new roadway elevation, staff anticipates cost to approximately double to roughly \$900,000. When placed into service (made wet) this 5,000 linear feet of sewer line will serve approximately 880 acres.

In analyzing the remaining area around the widening project, within the Southeastern Catawba County (SECC) Service Area, staff recommended that instead of installing additional dry sewer lines along the limited access highway, a more feasible approach to providing sewer service to the area around the Highway 16/Bufalo Shoals Road intersection will be best accomplished by following the natural drainage features and tributaries in the area that are not impacted by the highway widening project. The Board directed staff to work on a Master Plan for Sewer/Water in SECC and include funding for the development of that Plan in the FY 2016/17 County Budget.

Commissioner Butler thanked staff for meeting with her to clarify some of this information; Vice-Chair Beatty thought it would be a good idea because the cost would be at least double at a later date; Commissioner Hunsucker noted it would serve up to 880 acres and Commissioner Barnes said the cost for a master plan for the sewer system in this area of the County should be included in the next budget. Commissioner Butler made a motion to authorize the County Manager to work with the North Carolina Department of Transportation (NCDOT) to accomplish the installation of approximately 350 feet of steel encasement pipes and approximately 5,000 linear feet of dry sewer line as part of NCDOT's project for the widening of NC Highway 16, and included the funding for this project in the Fiscal Year (FY) 2016/2017 County Budget. The motion carried unanimously.

D. Elections Director Amanda Duncan reported on the "State of the County" from a Board of Elections perspective from Elections Director Amanda Duncan. This was an informational item and no action was required.

11. Other Items of Business:

Budget Transfers: Pursuant to Board authority granted to the County Manager, the following budget transfers have been completed:

Budget Transfers: Pursuant to Board authority granted to the County Manager, the following budget transfers have been completed:

**County Manager Contingency Transfer:**

From:		
110-190100-994000	Contingency	\$57,670
To:		
110-430050-842580	General Renovations	\$57,670

2/17/16 - At the request of County Manager, Department Heads Barry Edwards, Jacky Eubanks, and Doug Urland have been meeting monthly and discussing ways to improve the overall flow and cohesiveness of the Permit Center. As a result of these meetings, some changes have been implemented which have improved the permitting process for our customers. Space restructuring is now the next step. This is the second transfer for the project. The first was for the architectural services on transfer #20160041 necessary to determine the final construction cost of renovations. Bids were received on February 12, 2016. Travis Construction is the low bidder at \$50,770.00. This transfer also includes \$600.00 for lights; \$3,000.00 for computer wiring to One Communication; and \$3,300.00 for cubicle disassembly, cleaning panels, and re-install.

The new floor plan will allow for an open space concept and will provide enhanced privacy for customers while utilizing existing desk/work area units. Note: One existing desk/work station is ADA accessible. The floor plan will also relocate the Remote Access Permitting Terminal (RAPT) and the Permit Center Supervisor's office to promote much needed interaction and accessibility to permitting staff and customers. The floor plan will provide a customer area that includes an ADA accessible counter for customer use in completion of applications and other required paperwork.

12. Attorney's Report: None.

13. Manager's Report:

County Manager Lundy indicated that the Subcommittee Meetings scheduled for March 14, 2016 may be cancelled as no items had been submitted for consideration and a Joint Meeting with the Hickory City Council regarding Park 1764 is scheduled for 5:00 p.m. on March 21, 2016, with a tentative location of the Catawba Valley Community College Board Room.

14. Adjournment. Commissioner Hunsucker made a motion to adjourn at 10:42 a.m. The motion carried unanimously.

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Randy Isenhower, Chair  
Catawba County Board of Commissioners

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Barbara E. Morris  
County Clerk