

Regular Session, March 17, 2014 7:00 p.m.
Catawba County Board of Commissioners

Appointments

Nursing and Rest Home Advisory Board	185	3/17/14
Catawba County Board of Adjustment	185	3/17/14
Industrial Facilities and Pollution Control Financing Authority	185	3/17/14

Board of Commissioners Goals

Update on Goal to increase Citizens Awareness of County Programs	189	3/17/14
------------------------------------------------------------------	-----	---------

Catawba Valley Medical Center

Installment Purchase Agreement to Finance \$5 Million in Med Equip	186	3/17/14
--------------------------------------------------------------------	-----	---------

Finance

Awarding Bid for HVAC Control in Justice Center	188	3/17/14
-------------------------------------------------	-----	---------

Legal

Assignment and Conveyance of Bunker Hill School Sewer Project Easements	189	3/17/14
-------------------------------------------------------------------------	-----	---------

Ordinances

Bona Fide Farms	160	3/17/14
Board of Adjustment	161	3/17/14

Proclamation

National Library Week	160	3/17/14
-----------------------	-----	---------

Public Hearings

Definition of Bona Fide Farm	160	3/17/14
Board of Adjustment	161	3/17/14

The Catawba County Board of Commissioners met in regular session on Monday, March 17, 2014 at 7:00 p.m. in the Robert E. Hibbits Meeting Room of the 1924 Courthouse, 30 North College Avenue, Newton, North Carolina.

Present were Chair Katherine W. Barnes, Vice-Chair Randy Isenhower, and Commissioners Dan Hunsucker and Barbara G. Beatty. Commissioner Lynn Lail participated by teleconference.

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 Katherine W. Barnes called the meeting to order at 7:00 p.m.
2. Commissioner Dan Hunsucker led the Pledge of Allegiance to the Flag.
3. Prior to leading the invocation, Chair Barnes noted that Commissioner Lynn Lail was participating by teleconference and then asked that everyone recognize a moment of silence for Joan Hibbits, wife of long standing County Commissioner Robert Hibbits, who had died this week. After the moment of silence, Chair Barnes delivered the invocation.
4. Commissioner Hunsucker made a motion to approve the minutes from the Board's Regular Meeting and Special Meeting of February 17, 2014. The motion carried unanimously.
5. Recognition of Special Guests: Chair Barnes welcomed and recognized St. Stephens Honor Civics students, Bandys AP Government students and Scouts from Troop 383 from Concordia Lutheran.

Chair Barnes then recognized County Commissioner candidates Franklin Lawson and Sherry Butler and noted that both she and Randy Isenhower were running as incumbents.

6. Public Comments for Items Not on the Agenda: None.

7. Presentation:

Commissioner Barbara Beatty presented Library Director Suzanne White, library staff and Library Board of Trustee Board members with a proclamation declaring April 13-19, 2014 as National Library Week and encouraged all residents to visit the library to take advantage of the wide variety of resources available to library patrons. Ms. White spoke of the success of the recent collaborative effort between Murray Elementary School and the Library in holding a Family Reading Night to learn how parents can support their children with reading at home.

8. Public Hearings:

a. Planner Chris Timberlake presented a request for the Board to hold a public hearing to receive citizens' comments and amend the definition of bona fide farm as listed in the County's Unified Development Ordinance (UDO), in order to be consistent with North Carolina General Statute (NCGS) 153A-340. Historically, North Carolina General Statutes have exempted bona fide farms and their activities from county zoning regulations. Since the adoption of Catawba County's first zoning ordinance in 1974, bona fide farms have been exempt from zoning regulations. Although the first ordinance made exceptions for farms, a definition for bona fide farm was not included in the zoning ordinance until 1989. In 2011, House Bill 168 made further modifications to the State's definition of bona fide farm specific to the types of evidence the farmer can provide demonstrating the property is a bona fide farm. Staff submitted text amendments to bring greater consistency between the County ordinance and State law. The Planning Board held a public hearing on February 24, 2014, to consider the amendment. Mr. Josh Grant, owner of Red Wolf Farms in Maiden, spoke in support of the amendment. There were no questions from the Planning Board about the amendment. The amended definition is as follows:

Bona fide farm – The production and activities relating or incidental to the production of crops, grains, fruits, vegetables, sod, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agriculture, as defined in NCGS 106-581.1, and as provided in NCGS 106-743.4 (Enhanced Voluntary Agricultural Districts) regarding the sale and production of nonfarm products recognized as "Goodness Grows in North Carolina" and subject to NCGS 153A-340(b). Any of the following shall constitute sufficient evidence that the property is being used for bona fide farm purposes:

- a. A farm sales tax exemption certificate issued by the North Carolina Department of Revenue, or
- b. A copy of the property tax listing showing that the property is eligible for participation in the present use value program pursuant to NCGS 105-277.3, or
- c. A copy of the farm owner's or operator's Schedule F from the owner's or operator's most recent federal income tax return, or
- d. A forest management plan, or;
- e. A Farm Identification Number issued by the United States Department of Agriculture Farm Service Agency.

Chair Barnes opened the public hearing, noting it had been duly advertised, and Mr. Josh Grant, owner of Red Wolf Farms in Maiden, spoke in support of the amendment. Chair Barnes closed the public hearing. Commissioner Hunsucker made a motion to approve the amendments to this ordinance. The motion carried unanimously. The following ordinance applies:

Ordinance No. 2014-

BE IT ORDAINED that the Catawba County Code of Ordinances, Unified Development Ordinance, is hereby amended to read as follows:

Sec. 44-105. Bona fide farm exemption.

In accordance with NCGS 153A-340, this Chapter does not regulate bona fide farms.

DEFINITIONS

(a) *Terms defined.* Words contained in this Appendix are those having a special meaning relative to the purposes of this Chapter. Words not listed in this section shall be defined by reference to: (1) Chapter 2 of the North Carolina State Building Code or, if not there, in (2) Webster's Third New International Dictionary, unabridged. Words and terms not defined in this Appendix but defined elsewhere in the Unified Development Ordinance (UDO) shall be given the meanings in the UDO. Particular uses not defined shall have the meaning assigned in the Article IV, Division 1, Table 44-403-1 Use Matrix and the NAICS Manual.

(b) *Words defined.*

Bona fide farm – The production and activities relating or incidental to the production of crops, grains, fruits, vegetables, sod, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agriculture, as defined in NCGS 106-581.1, and as provided in NCGS 106-743.4 (Enhanced Voluntary Agricultural Districts) regarding the sale and production of nonfarm products recognized as "Goodness Grows in North Carolina" and subject to NCGS 153A-340(b). Any of the following shall constitute sufficient evidence that the property is being used for bona fide farm purposes:

- a. A farm sales tax exemption certificate issued by the Department of Revenue, or
- b. A copy of the property tax listing showing that the property is eligible for participation in the present use value program pursuant to NCGS 105-277.3, or
- c. A copy of the farm owner's or operator's Schedule F from the owner's or operator's most recent federal income tax return, or
- d. A forest management plan, or;
- e. A Farm Identification Number issued by the United States Department of Agriculture Farm Service Agency.

This 17th day of March, 2014.

b. Planner Chris Timberlake presented a request for the Board to hold a public hearing to receive citizens' comments and consider amendments to the County's Unified Development Ordinance (UDO) concerning Board of Adjustment procedures, in order to be consistent with North Carolina General Statute 160A-388.

North Carolina General Statutes authorize counties to adopt local zoning and land use regulations. Subsequently, the State authorizes the appointment of a Board of Adjustment. The board is quasi-judicial, having a partial judicial character with the right to hold hearings and conduct investigations into disputed claims and infractions of regulations, as well as make decisions in the general manner of the courts. The board hears requests for appeals, special use permits and variances, and interprets the zoning and land use regulations (Unified Development Ordinance) adopted by the Board of Commissioners. Catawba County's Board of Adjustment has existed since the adoption of the first zoning ordinance in 1974. In 2013, House Bill 276 made modifications to board of adjustment legislation. In an effort to bring greater consistency between the County ordinance and State law, staff submitted substantive text amendments affecting the appeal process; notification of hearings; how the board votes on certain matters; variance requests and notifications of quasi-judicial hearings mailed to abutting property owners; and the site being posted but with advertising not required in a local newspaper.

When applying the appropriate changes to the UDO, staff recognized the opportunity to consolidate sections of the ordinance that cover Board of Adjustment procedures, hearing and notification processes, appeals, special use and variance requests. In doing so, staff also proposed simple text modifications offering clarity, correcting grammar, revising section numbers and references, and placing some procedural matters (i.e. the option to subpoena witnesses, limiting the number of cases to be heard, limiting time limits for presentation) in a Board of Adjustment By-laws/Procedures document. The Planning Board held a public hearing on February 24, 2014, to consider the

proposed amendment. No one from the public spoke about the proposed amendment. The Planning Board did not have any questions regarding the proposed amendments and reorganization of the text.

After a discussion regarding the number of Board members needed to approve variances, in addition to the amendments recommended by staff, the Board directed staff to include the requirement of a quorum for Board of Adjustment action as well as defining that a quorum would be three members present. With this change, Vice-Chair Isenhower made a motion to approve the amendments and the motion carried unanimously.

Ordinance No. 2014-

BE IT ORDAINED that the Catawba County Code of Ordinances, Unified Development Ordinance, is hereby amended to read as follows:

ARTICLE II. ADMINISTRATIVE AGENCIES.

Division 3. Board of Adjustment

*State law references: County board of adjustment, G.S. 153A-345.1.

Sec. 44-224. Established.

There is established the Catawba County Board of Adjustment.

Sec. 44-225. Composition.

The board of adjustment shall be composed of 5 members, and up to 3 alternates, selected to represent various areas of the County. Representatives should be selected to adequately represent the small area planning areas when possible.

Sec. 44-226. Appointment.

The board of commissioners shall appoint the members of the board of adjustment.

Sec. 44-227. Terms.

Terms on the board of adjustment shall be for a 3-year period. A board member shall be eligible for reappointment to the board. Each member shall serve until his successor is duly appointed.

Sec. 44-228. Filling vacancies.

If a vacancy occurs in the membership of the board of adjustment, other than by expiration of a term, the vacancy shall be filled by appointment for the unexpired term.

Sec. 44-229.

Compensation.

The members of the board of adjustment shall receive compensation for their services as may be fixed from time to time by the board of commissioners.

Sec. 44-230.

Powers.

(a) Pursuant to North Carolina law, the board of adjustment has the power to:

(1) Hear and decide appeals from and review any order, requirement, decision, or determination made by the planning director in the performance of his duties as the order, requirement, decision, or determination relates to this Chapter.

(2) Hear and decide applications for the approval of those special uses requiring board approval.

(3) Hear and decide applications for variances. Nothing in this Chapter shall be construed to authorize the board to permit a use in a district where that use is neither a permitted use nor a permissible special use.

(4) Hear and decide any other matters as may be required by this Chapter.

(5) Make interpretations of the meaning and intent of this Chapter.

(b) Three members constitute a quorum for the purpose of transacting business.

(c) Except for a variance, a simple majority vote of the board decides any quasi-judicial matter or routine business, such as electing a chair or determining the time of the next meeting.

Sec. 44-231 - 240. Reserved.

ARTICLE III. PROCEDURES.

Division 1.

Generally

Purpose: This article establishes the application, notice, hearing and review procedures for all types of land use actions, ranging from rezoning to zoning authorization permits.

Sec. 44-300. General procedural requirements.

(a) The procedures for all applications have the following common elements:

(1) Submittal of a complete application, which includes the required fee payment as well as all necessary information;

(2) Review of the completed application by appropriate staff and boards;

(3) Action to approve, approve with conditions, or deny the application; and

(4) If approved, issuance of a permit.

(5) Applications, plan requirements, plat certificates for all residential and nonresidential development are located in the Procedures Manual. Development types, open space illustrations,

connectivity and circulation, site and building design along with photographs and graphics are located in the Design Manual. These manuals are separate documents, which supplements the Unified Development Ordinance. The manuals may be amended from time to time by the Planning Director as an administrative function where the modifications or amendments are not inconsistent or in conflict with the intent of the UDO. The Design Manual is not part of the regulatory requirements of the UDO.

(b) *Pre-application conference.* The applicant should meet with the planning director to discuss the nature of the proposed application, application compatibility with current adopted plans and policy, application submittal requirements, the procedure for action, and the standards for evaluation of the application. While not mandatory, this process can be extremely helpful to the applicant in expediting the application process.

Sec. 44-301. Concept site plan.

(a) A concept site plan must be submitted to the applicable board for a conditional zoning district or special district rezoning in accordance and in conformance with the procedures manual.

(b) The concept site plan must depict internal relationships between or among uses and activities proposed and their supporting systems and facilities, and relation to surrounding uses, activities, systems, and facilities.

(c) Concept site plans must include data reasonably necessary for the board of commissioners to determine whether the proposed development meets the general requirements, limitations, and intent for a conditional zoning or special district request.

(d) Upon approval of the concept site plan by the board of commissioners, a detailed site plan must be submitted in conformance with Sec. 44-317 and the procedures manual for a zoning authorization permit to be administratively approved.

(e) Changes in approved concept site plans.

(1) The planning director may approve minor changes to concept site plans, as long as they are in harmony with the action of the board of commissioners and provided that:

- a. All applicable regulations in effect at the time of the establishment of the district are met; or
- b. All applicable regulations currently in effect are met.

Minor changes are those changes that do not meet the criteria established in Subsection (2) below for an amendment.

(2) An amendment to the concept site plan requires approval by the board of commissioners and shall be handled as a new application.

a. The planning director will use the following criteria in determining whether a proposed change is an amendment. If any of the following criteria are met, the change constitutes an amendment:

- 1. **Any increase in intensity of use which means an increase in:**
 - i. **Usable floor area by more than 10%;**
 - ii. **Number of dwelling or lodging units by more than 10%; or**
 - iii. **Outside land area devoted to sales, displays, or demonstrations;**
- 2. **Any change in parking areas resulting in an increase or reduction of more than 10% in the number of spaces approved by the board of commissioners;**
- 3. **Structural alterations affecting the basic size, form, style, and the like of the building, as shown on the approved concept site plan;**
- 4. **A 10% or more decrease in the amount or location of open space, recreation facilities, or landscape screens; or**
- 5. **Substantial changes in pedestrian or vehicular access or circulation.**

b. If the planning director determines that the proposed action is an amendment, the applicant shall be required to file a request for approval of the amendment, which shall follow the procedures for the original request.

Sec. 44-302. Phasing.

A development or subdivision may be constructed in phases, provided that:

- (a) A phasing plan shall be submitted showing any proposed phases of development; and
- (b) The degree and extent of road construction, water supply, sewage disposal, landscaping, parking, stormwater management, erosion and sedimentation control and other required improvements in the current phase, and previously approved phases, must be sufficient to serve or handle all development within the current phase.
- (c) In lieu of providing the improvements noted in Subsection (b) above, the applicant may post a performance guarantee as provided for in Sec. 44-361.
- (d) For subdivisions:

- (1) A subdivision phase must contain at least 3 lots; and
- (2) The amount of any required open space on a per-lot basis in a particular phase, including the current or any previously approved phase, is at least proportional to the open space requirements of the whole development. The approving authority has the right to grant a waiver on the proportional open space provided based on a phasing schedule.

(e) Any phasing extensions or expirations are subject to requirements of Sec. 44-359.

Sec. 44-303. Completeness review.

(a) *Generally.* The planning director shall review any application required by this Chapter for completeness. An application is not deemed complete unless all the information required by this Chapter and the procedures manual is included and all filing fees have been paid. Current application materials are available in the planning department.

(b) *Time periods.* Whenever this Article establishes a time period for processing an application, such time period shall not commence until the planning director has reviewed such application for completeness in order to determine whether the application has been properly submitted and the applicant has corrected all deficiencies in the application. Review for completeness is solely for the purpose of determining whether preliminary information required for submission with the application is sufficient to allow further processing, and shall not constitute a decision as to whether the application complies with the provisions of this Chapter.

(c) *Scheduling of review board consideration.*

- (1) A complete application must be submitted a minimum of 45 days prior to the regularly scheduled meeting of the applicable board where the request is considered.
- (2) If the application is determined not to be complete, the planning director will specify those parts of the application that are incomplete and indicate the manner in which they can be made complete. The applicant will be furnished with a list and thorough description of the specific information needed to submit a complete application.
- (3) Upon receipt of any missing materials or required fee, a new 45-day period may begin.

(d) *Effect of completeness determination.* The applicant must submit all information as specified in this Chapter and in the procedures manual. The department or the reviewing agency may, in the course of processing the application, request the applicant to clarify or correct the information required for the application.

(e) *Appeal of planning director's decision regarding completeness review.*

- (1) For purposes of this Section, the boards referenced below are referred to as the "Appellate Board."

(2) All decisions of the planning director pertaining to completeness review may be appealed as follows:

a. The board of adjustment will address completeness appeals of: detailed site plans, zoning authorization permits, zoning compliance certificates, zoning amendments, conditional districts, special use permits, variances and nonconformities.

b. The subdivision review board will address completeness appeals on subdivision sketch and preliminary plat applications.

(3) If the application, together with the required materials and fees, is determined not to be complete, the applicant may appeal that decision in writing to the appellate board. The appellate board shall render a final written determination on the appeal not later than 60 calendar days after receipt of the applicant's written appeal. If the final written determination on the appeal is not made within that 60-day period, the application with the submitted materials shall be deemed complete for the purposes of this Chapter.

Sec. 44-304. Fees.

No application, subject to this Chapter, shall be accepted unless it is accompanied by all required fees established by the board of commissioners. Before any zoning authorization permit or zoning compliance certificate can be issued covering building or other operations regulated by this Chapter, the applicant must pay a fee in an amount fixed by the board of commissioners.

Sec. 44-305 - 315. Reserved.

Division 2. Zoning
Authorization Permit and Zoning Compliance Certificate

Sec. 44-316. Generally.

Purpose: This section prescribes procedures for zoning authorization permits and zoning compliance certificates.

Applicability. This section applies to any permitting action subsequent to approval of any detailed site plan as set forth in Sec. 44-317. Administrative permits and certificates include:

- (a) Zoning authorization permits, Sec. 44-318, and
- (b) Zoning compliance certificates, Sec. 44-319.

Sec. 44-317. Site plan – detailed.

Purpose: Detailed site plans are required for any non-residential development, residential duplexes or multi-family developments. Approval of a detailed site plan is a one-step process requiring approval by the planning director.

(a) *Detailed site plan approval.* Detailed site plans shall be administratively approved for the following:

- (1) Any non-residential, duplex or multi-family application for a zoning authorization permit.
- (2) Any supplemental use regulations as required in Article VI and that is permitted by right in the applicable zoning district; or
- (3) A concept site plan previously approved by legislative or quasi-judicial board action.

(b) *Procedures for administrative detailed site approval.*

- (1) The applicant is encouraged to attend an informal pre-application meeting with the planning director before filing a detailed site plan application.
- (2) An application for detailed site plan approval must be filed with the planning director and must include information listed in the procedures manual.
- (3) The applicant must comply with Sec. 44-303.
- (4) On receipt of the detailed site plan application, the planning director shall review the application and notify the applicant in writing of any discrepancies between the detailed site plan and the requirements of this Chapter. The notification may include any suggested minor changes and conditions needed to achieve compliance with this Chapter without constituting an amendment requiring further board action. If necessary, the applicant must submit a revised detailed site plan to the planning director. The planning director shall approve, approve with conditions, or disapprove the detailed site plan.

Sec. 44-318.

Zoning authorization permit.

(a) *Applicability.*

- (1) A zoning authorization permit is required for all residential and nonresidential development regulated under this Chapter, including developments approved by legislative or quasi-judicial board action.
- (2) No new development activity, change of use or extension of existing uses shall occur until all permits applicable to the proposed development are issued.
- (3) A zoning authorization permit is required prior to beginning excavation, construction, moving, or alteration except ordinary repairs. Repairs or alterations within a flood plain are subject to a zoning authorization permit.

(b) *Criteria.*

- (1) All zoning authorization permit applications must be made in writing to the planning director on forms provided for that purpose. The planning director will keep a record of all applications on file.
- (2) Every application for a single-family residential zoning authorization permit for construction, moving, alteration, or change in type of use must include a plot plan drawn to scale, showing the following in sufficient detail to enable the planning director to ascertain whether the proposed work or use is in conformance with this Chapter:

- a. The actual shape, location, and dimensions of the lot, or if the lot is not a lot of record, sufficient data must be provided to detail that the lot is a legally approved lot; and
- b. The shape, size, and location of all buildings or other structures to be erected, altered, or moved and of any other buildings or other structures already on the lot; and
- c. The existing and intended use of the lot and all structures upon it; and
- d. Other information concerning the lot, adjoining lots, or other matters to determine compliance with this Chapter. The zoning authorization permit must include necessary information for the planning director to make a determination that the plans are in conformance with this Chapter.

- (3) When 2 or more lots are proposed for one zoning authorization permit, a recorded deed must be submitted combining the lots into one zoning lot.
- (4) A parcel of land created by deed recorded after July 31, 1982 shall not be occupied until such lot has a subdivision plat approved by the County in accordance with the subdivision regulations that were in place at the date of the creation of the deeded lot.
- (5) A legal lot created and recorded on or before March 18, 1996 must have an access easement which has been recorded in the office of the register of deeds. The easement must be a minimum of 15 feet in width and connect to a state-maintained road.
- (6) A legal lot created and recorded after March 18, 1996 must have a minimum 45-foot right-of-way connecting to a state-maintained road. An exception to this requirement is lots created for an estate settlement or lots exempt from subdivision regulations in accordance with Sec. 44-341(a), which must have a minimum 15-foot access easement as required in Subsection (5) above.
- (7) A zoning authorization permit will not be issued for a principal or accessory residential structure within a recorded platted easement, such as a common area or lake access lot. An exception is allowed for a boat dock, boathouse or community recreation facility in association with the intended purpose of the recorded easement.
- (8) A zoning authorization permit must be issued before the issuance of environmental health and building permits.

(c) *Issuance.*

- (1) The planning director shall consult with applicable agencies, including but not limited to, the County engineer, the County division of environmental health, NCDOT, and NCDENR.
- (2) The planning director shall not issue a zoning authorization permit unless a determination is made that all plans, specifications, and the intended use of the structures and land subject to the application conform in all respects to this Chapter.

(d) *Administrative decisions.*

- (1) Administrative decisions are routine, non-discretionary, zoning, or implementation matters carried out by the staff, including issuance of permits for permitted uses. The planning department is an administrative agent following the literal provisions of this Chapter.
- (2) The planning department may engage in some fact finding, (for example, as in making an initial determination as to whether a nonconforming use was in existence at the time a zoning provision was adopted). This involves determining objective facts that do not involve an element of discretion.
- (3) In contrast to quasi-judicial hearings, administrative decisions are made without a hearing at all, with the staff member reviewing an application to determine if it is complete and compliant with objective standards set forth in this Chapter.

(e) *Expiration.*

Zoning authorization permits expire 6 months from the date of issuance unless a valid building permit has been issued for the work authorized by the zoning authorization permit. When a building permit expires, the zoning authorization permit shall also automatically expire.

Sec. 44-319.

Zoning compliance certificate.

No building, structure, or zoning lot for which a zoning authorization permit has been issued, with exception of a single-family dwelling, can be used or occupied until the planning director has issued a zoning compliance certificate. The planning director shall conduct a final inspection before issuing the zoning compliance certificate to determine that all required improvements have been installed in conformance with the detailed site plan and zoning authorization permit or a performance guarantee has been approved as detailed in Sec. 44-361. The certificate shall indicate that the building, structure or lot complies with the zoning authorization permit and any applicable sections of this Chapter. The issuance of a zoning compliance certificate does not waive any sections of this Chapter.

Sec. 44-320.

Revocation of permit or approval.

(a) *Applicability.* Where a violation of this Chapter involves a failure to comply with approved plans or conditions to which the approval was made subject, the planning director may, upon notice to the applicant and other known parties of interest (including any holders of building permits affected), revoke the permit or approval.

(b) *Grounds for revocation.* The following are grounds for revocation of a permit or approval:

(1) The applicant intentionally supplies misleading information. The provision of misleading information is considered "intentional" when the applicant was aware of the inaccuracies or could have discovered the inaccuracies with reasonable diligence.

(2) The failure to comply with specific conditions of a development order or development permit.

(3) Any permit or approval mistakenly issued in violation of an applicable State or local law may be revoked.

(c) *Decision and notice.* The planning director shall render a decision to revoke the permit or approval, to allow the applicant to retain the development permit or approval, or to reconsider the permit or approval. The planning director shall notify the holder of the permit or approval in the manner provided in NCGS 153A-362. If the department finds that any portion of this Chapter is being violated, it shall notify the responsible owner, tenant, or authorized agent (the initial written notice may be the final notice) requesting correction of the violation within 10 days of the date of receipt of the notice by one or more of the following methods:

(1) *Certified mail.* When service of notice is refused or unclaimed notice may be sent by regular mail. Service will be deemed complete if the registered or certified mail is delivered, unclaimed or refused, and the regular mail is not returned by the post office within 10 days after the date mailed.

(2) *Personal service.* Such service will be accomplished by delivering the notice to the responsible owner, tenant, or their authorized agent at their dwelling house or usual place of abode or to their business address and leaving it with the responsible party or some person of suitable age and discretion abiding therein. An affidavit should be prepared showing how, when, where, and to whom the notice was served.

(3) *Publication.* Notice may be given by publication in a newspaper having general circulation in the County at least once and no later than the time at which personal service would be required under the provisions of this Article. This method of service may be used when the identities or whereabouts of any owners are unknown and cannot be ascertained in the exercise of reasonable diligence. An affidavit should be prepared to this effect and notice of the violation posted in a conspicuous place on the affected premises.

(d) *Cumulative right.* The right to revoke a permit or approval, as provided in this Section, will be cumulative to any other remedy allowed by law.

Sec. 44-321 - 325. Reserved.

**Division 3.
Procedures**

Zoning

Sec. 44-326. Public hearing procedures.

(a) *Scope of action.* The reviewing board may take any action on the application that is consistent with the public notice given, including approval of the application, conditional approval or denial.

(b) *Record of proceedings.* The board conducting the hearing will record the minutes of the proceedings by any appropriate means as prescribed by rule and consistent with NCGS Chapter 132 and the Catawba County Code.

(c) *Notice provisions.*

(1) *Notice of public hearing.* Notice of public hearing will state the time and place of the public hearing, summarize the nature of the application and proposed development and invite interested parties to review the application at the planning department and submit oral or written comments on the application at the public hearing. Notice will be provided as follows:

a. *Published notice.* An advertisement will be placed by the planning director, in a local newspaper of general circulation once a week for two successive calendar weeks. The first notice will be published not less than 10 days nor more than 25 days before the date fixed for public hearing; and

b. *Mailed notice.* The planning director must notify by first class mail all property owners, as indicated by the latest County tax listing of property ownership, subject to the application and all property owners abutting that property subject to the application to the address listed for such owners in the County tax abstracts. This notice must be placed in the mail at least 10 but not more than 25 days prior to the date of the public hearing. The planning director will certify to the board of commissioners the date the notices were mailed.

(2) *Major rezoning.*

a. For zoning map amendments directly affecting more than 50 properties owned by at least 50 different property owners, the County may elect to send mailed notices as provided in Subsection (c)(1)b. above or the County may, as an alternative, elect to publish notice of the hearing as described in Subsection (c)(1)a. above, provided that each advertisement must be at least ½ of a newspaper page in size;

b. The newspaper advertisement is effective notice only for those property owners who reside in the area of general circulation of the newspaper which publishes the notice; and

c. Property owners who reside outside of the newspaper circulation area, according to the address listed on the most recent property tax listing for the affected property, must be provided with mailed notice.

(3) *Posted notice.* A sign noticing the public hearing must be prominently posted by the planning director, on the property subject to the application at least 10 days but not more than 25 days prior to the public hearing at which the application will be reviewed. The sign must be posted on the property at a point visible from the nearest public street. In the case of multiple parcels, sufficient signage must be posted to provide reasonable notice to interested parties.

(4) *Minor defect in notice.* Minor defects in notice will not impair the notice or invalidate proceedings pursuant to the notice if a good faith attempt has been made to comply with the applicable notice requirements.

(5) *Administrative permits.* No notice will be required for an administrative permit issued pursuant to this Chapter unless otherwise provided for by law.

(d) *Minor changes.*

(1) *Applicability.*

a. After notice or completion of a public hearing, the planning director may allow minor changes to the application that are consistent with Sec. 44-301(e)(2) subject to the following:

1. Proposes fewer dwelling units, reduced floor area or decreases impervious surface than requested on the original application;
2. Reduces the impact of the development; or
3. Reduces the amount of land involved from that indicated in the notices of the hearing.

b. This Subsection does not apply if the regulations, specific standards, conditions for approval of the rezoning or findings of fact applicable to the specific permit prohibit minor changes.

(2) *Prohibition.* Unless the applicant re-initiates the application for the permit or development and a new notice is posted, the reviewing agency will not permit any of the following:

- a. An apparent change of the overall character of the project;
- b. A density or intensity increase of over 10%;
- c. A use falling in a different general use category;
- d. A larger land area than indicated in the original application; or
- e. A greater variance than was indicated in the notice.

Sec. 44-327. Zoning map (rezoning) and text amendments.

Purpose: This section establishes procedures for processing zoning map amendments (rezonings) and zoning text amendments.

(a) *Applicability.* This section applies to any application to:

- (1) Amend the Official Zoning Map (a "rezoning"), or
- (2) Change the regulations of this Chapter (a "text amendment").

(b) *Initiation.* A zoning map or text amendment may be initiated by the following:

- (1) The board of commissioners;
- (2) The planning board;
- (3) An application by a subject property owner; or
- (4) The planning staff.

(c) *Application.* The procedure for filing for an amendment to this Chapter is as follows:

(1) *Filing of applications.* All applications for amendments to this Chapter must be in writing, on a form prescribed by the County, signed, and filed with the planning director.

(2) *Contents of application.* All applicants for amendments to this Chapter, must complete an application, meet the concept site plan requirements as contained in the procedures manual, when applicable, and contain at least the following:

a. If the proposed amendment would require a change in the official zoning atlas to change only a portion of an existing parcel, a fully dimensional map showing the portion of the parcel covered by the proposed amendment;

b. If applicable, a detailed statement of any alleged error in this Chapter which would be corrected by the proposed amendment and a detailed explanation of the manner the proposed amendment will correct the alleged error; and

c. A detailed statement of all other circumstances, factors and reasons including a statement as to the reasonableness of the proposed rezoning, which the applicant offers in support of the proposed amendment, such as:

1. Consistency with the comprehensive plan and other County adopted plans;

2. Compatibility of the proposed rezoning with the property and surrounding area;
and

3. The benefits and detriments of the proposed rezoning for the landowner, the immediate neighbors and the surrounding community.

d. If applicable, a legal description of such land.

(d) *Completeness review.* The applicant must comply with Sec. 44-303.

(e) *Public hearing required.* A public hearing shall be required in conformance with Sec. 44-326.

(f) *Decision.*

(1) *Planning director recommendation.* The planning director, upon receipt of the application to amend this Chapter or the zoning map, shall examine it for completeness review purposes and accept the application. The planning director shall then prepare and submit a written report with a recommendation to the planning board.

(2) *Planning board recommendation.*

a. The planning board shall receive the report from the planning director and conduct a public hearing on the proposed request.

b. After hearing presentations, the planning board must review the amendment application, staff report, and additional information and comments submitted or presented to the planning board, and must recommend to the board of commissioners approval or denial of the application in writing.

c. In deciding whether to recommend approval or denial of the application, the planning board shall consider whether the proposed amendment is consistent with the comprehensive plan and other County adopted plans and otherwise advances the public health, safety and general welfare.

(3) *Board of commissioners.*

a. The board of commissioners shall not enact the proposed amendment until 30 days after the referral to the planning board or until the planning board makes its recommendation report, whichever first occurs.

b.

c. Prior to the public hearing, the board of commissioners shall receive a report from the planning director including an overview of public comments received at the planning board hearing along with the recommendation of the planning director and planning board. The board of commissioners shall conduct a public hearing on the proposed request. The board of commissioners shall then take one of the following actions:

1. Approve the application;

2. Approve a modified version of the application; or

3. Deny the application.

d. Before completing review and making its final decision, the board of commissioners may postpone its discussion and/or action to a later meeting or refer the application back to the planning board for further consideration. In deciding whether to approve or deny an amendment application, the board of commissioners shall adopt a statement describing whether its action is consistent with an adopted comprehensive plan and explaining why the board of commissioners considers the action taken to be reasonable and in the public interest. The board of commissioners may adopt the statement furnished by staff, applicant, other agencies or may formulate its own statement.

(g) *Approval criteria.* The board of commissioners shall, at a minimum, consider the following factors for:

(1) Map amendment (rezoning):

a. The size of the tract in question;

b. Whether the proposal conforms with, and furthers the goals of, any applicable adopted comprehensive plans or other adopted plans, and the goals, objectives, and policies of this Chapter;

c. Any change of character in the area due to installation of public facilities, other zoning changes, new growth trends, deterioration, and development;

d. The zoning districts and existing land uses of the surrounding properties, including a determination of whether the rezoning is compatible with the adjacent neighborhood, especially residential neighborhood stability and character; and

e. A detailed statement of any alleged error on the official zoning maps which would be corrected by the proposed map amendment.

(2) Text amendment:

a. A detailed statement of any error in this Chapter which would be corrected by the proposed amendment and a detailed explanation of the manner the proposed amendment will correct the alleged error; or

b. Changing conditions or trends; or

c. Whether the proposal conforms with, and furthers the goals of, any applicable adopted plans, and the goals, objectives, and policies of this Chapter.

(h) *Effect of withdrawals or denials on applications.*

(1) An applicant may withdraw the application at any time by written notice to the planning director subject to the following conditions:

a. Planning board: Any application withdrawn, prior to or after the planning board's action on the public hearing, is not subject to a 12-month waiting period for re-submittal.

b. Board of commissioners: Any application withdrawn after the first advertisement of the board of commissioners' public hearing, or after a denial of the request may not be resubmitted within 12 months of the date of the board of commissioners' action on the public hearing, unless substantially changed.

(2) A withdrawn or denied application must follow the procedures for a new application.

(i) *Scope of approval.* A zoning text amendment or a rezoning does not authorize the development of land. The applicant or landowner must still secure all required zoning authorization permits and subdivision approvals after a text amendment or rezoning is approved.

(j) *Codification.* A zoning text amendment shall be codified as provided for in the Catawba County Code. A change resulting from a map amendment shall be depicted on the official zoning map.

(Ord. No. 2008-17, 10/20/08)

Sec. 44-328. Conditional zoning district.

(a) *Intent.*
The conditional zoning districts included in this Section allow for the consideration of certain uses that, because of their nature or scale, have particular impacts on both the immediate area and the community as a whole and are created or established for selected criteria as indicated in the applicability section below. The development of these uses cannot be predetermined and controlled by general district regulations. In addition, circumstances arise when a general zoning district designation would not be appropriate for a certain property, but specific uses permitted under the district would be consistent with the objectives of this section. To accommodate those situations, this section establishes the conditional zoning district process. A conditional zoning district is not intended for securing speculative zoning for a proposal but rather is based on a firm development proposal.

(b) *Applicability.* Conditional zoning districts may be appropriate when one or more of the following factors, separate or in combination, are proposed:

- (1) The tract size meets or exceeds the minimum acreage for the corresponding zoning district;
- (2) The tract is within a designated non-residential node, corridor, village or commercial center as identified in the small area plans, as amended from time-to-time;
- (3) The aggregate square footage of the non-residential building(s) on a single zoning lot is more than 50,000 square feet gross leasable area regardless of the number of uses within the building or structures planned; or
- (4) Planned developments.

(c) *Application.* Except as provided in this Chapter, petitions to establish a conditional zoning district must be submitted and will be processed in accordance with the provisions in this Chapter. Petitioning for a conditional zoning district is a voluntary procedure and can be initiated only by the owner(s) of the property(ies) in question or by his/her authorized agent. Applications shall be submitted on a form provided by Catawba County.

(d) *Contents of application.* All applications must include a concept site plan, drawn to scale, and supporting text that, as approved, will become part of the ordinance amendment. The concept site plan must include any supporting information and text that specifies the actual use or uses intended for the property and any rules, regulations, and conditions that in addition to all predetermined ordinance requirements, will govern the development and use of the property. The applicant shall, at a minimum, include each of the items listed below, in addition to the items required in Section 44-327 as the same may from time to time be amended, and any other applicable sections of this Chapter. The concept site

plan, including all additional information shown on it, and the following checklist shall constitute part of the petition for rezoning to a conditional zoning district:

- (1) A vicinity map showing the property's general location in relation to major streets, railroads, waterways.
- (2) A drawing of the parcel, including the parcel identification number.
- (3) All existing easement, reservations, and rights-of-way on the property(ies) in question.
- (4) Delineation of areas within the regulatory floodplain as shown on the official Flood Hazard Boundary Maps for Catawba County and delineation of watershed boundaries labeled with their respective classifications.
- (5) Existing and proposed topography at 5 foot contour intervals or less.
- (6) For residential uses, the number of units and an outline of the area where the structures will be located. For nonresidential uses, the approximate square footage of all structures and an outline of the area where the structure will be located.
- (7) Traffic, parking, and circulation plans, showing the proposed locations and arrangement of parking spaces and access points to adjacent streets including typical parking space dimension and locations along with typical street cross sections. This shall include all existing and proposed points of access to public streets.
- (8) All proposed setbacks, buffers, screening and landscaping required by this Chapter and regulations of other agencies or otherwise proposed by the petitioner. In addition, the location of significant trees or tree stands on the subject property must be identified.
- (9) Generalized information on the number, height, size, and location of structures.
- (10) A sample of the exterior features of proposed principal structures.
- (11) The proposed phasing of the project.
- (12) The proposed number, location, type and size of all signs. This must include a sample diagram of the sign design.
- (13) *Dedication or reservation of right-of-way.*

a. Right-of-way dedication is required for all conditional zoning districts fronting along roadways funded for improvements in the current State Transportation Improvement Program (STIP) and must be indicated on any subdivision plat, site plan, or zoning authorization permit applications. When right-of-way is dedicated, density bonuses are provided as shown in Sec. 44-502 (b) and (c).

b. The building setback would include the required setback plus ½ the estimated right-of-way needed for future road improvements.

(e) *Additional information.* When dealing with the conditional zoning district process, it may be desirable to request additional information in order to evaluate a proposed use and its relationship to the surrounding area. Therefore, the planning director, planning board and/or board of commissioners may request additional information in addition to that required above, as they deem necessary.

(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 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; and

(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 Section 44-328(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 Section 44-328(f)(1) – (4) above, with the exception of (f)(3)b. above.

(g) *Conditions of approval of petition.* In approving a petition for the reclassification of a piece of property to a conditional zoning district, the planning board may recommend and the board of commissioners may of its own accord require that reasonable and appropriate conditions be attached to approval of the petition. Any such conditions shall be limited to those that address the conformance of the development plan and use of the site to county ordinances and an officially adopted comprehensive plan or other plan and those that address the impacts reasonably expected to be generated by the development or use of the site. For example, conditions that relate to the relationship of the proposed uses to the surrounding property, proposed support facilities, e.g., parking areas, pedestrian circulation systems), screening and landscaping, timing of development, street and right-of-way improvements, water and sewer improvements, provisions of open space, and other matters that the planning board and board of commissioners may find appropriate or the petitioner may propose. Such conditions of approval may include, but are not limited to, the dedication of right-of-way or easements for streets and/or utilities to serve the development. The petitioner shall have a reasonable opportunity to consider and respond to any such

conditions prior to final action by the board of commissioners. Only those conditions mutually agreed upon by board of commissioners and the applicant, with input from the public, may be incorporated into the conditional zoning district.

(h) *Effect of approval.* If a petition for conditional zoning district is approved the development and use of the property shall be governed by:

- (1) The standards and regulations applicable to the district's zoning classification;
- (2) The approved site plan for the district;
- (3) Any additional approved rules, regulations, and conditions, all of which shall constitute the zoning regulations for the approved district; and
- (4) All general and additional rules, regulations and conditions are binding on the property as an amendment to these regulations and the Zoning Map.

(i) *Zoning map designation.* Following approval of the petition for a conditional zoning district, the subject property shall be identified on the Zoning Map by the appropriate district designation followed by the letters "CD."

(j) *Determination – Major change requiring an amendment.* Before making a determination as to whether a proposed action is an amendment based upon a major change, the planning director shall review the record of the proceedings on the original application for the approval of the conditional zoning district.

(1) An amendment comprising a major change requires approval by the board of commissioners and shall be handled as a new application. A change in a specific or general use category shall constitute a new application.

(2) The planning director will use the following criteria in determining whether a proposed change is an amendment constituting a major change to the approved conditional zoning district:

a. An increase in intensity of use which means an increase in:

- 1. Usable floor area by more than 10%.**
- 2. Number of dwelling or lodging units by over 10%; or**
- 3. Outside land area devoted to sales, displays, or demonstrations.**

- b. Any change in parking areas resulting in an increase or reduction of 10% or more in the number of spaces approved by the board of commissioners.
- c. Structural alterations significantly affecting the basic size, form, style, and the like of the building, as shown on the approved plan.
- d. A 10% or more decrease in the amount or location of open space, recreation facilities, or landscape screening.
- e. Substantial changes in pedestrian or vehicular access or circulation.

(3) If the planning director determines that the proposed action is an amendment, he shall require the applicant to file a request for approval of the amendment, which shall be submitted to the planning board and board of commissioners. The planning board shall hold a public hearing and make a recommendation to the board of commissioners who shall hold a public hearing and approve or disapprove the amendment.

(k) *Minor changes and modifications.* The planning director shall have the delegated authority to approve minor changes in the conditional zoning district provided they are in harmony with the action of the board of commissioners. A minor change shall mean any change(s) that:

- (1) Any change in location or any increase in the size or number of signs;
- (2) Increases the intensity of nonresidential development by no more than 10% or 1,000 square feet, whichever is less;
- (3) Any change(s) that increases the density of residential development by no more than 10%;
- (4) Any time an applicant agrees to impose standards that are more stringent than those previously approved by the board of commissioners; or
- (5) All other changes or modifications to the conditional zoning district shall be treated the same as amendments to these regulations or the zoning map and shall be processed in accordance with Section 44-327 of this Chapter.

- (l) *Review of approval of a conditional zoning district.* It is intended that property shall be reclassified to a conditional zoning district only in the event of firm plans to develop the property. Therefore, no sooner than 5 years after the date of approval of the petition, the planning board may examine the progress made toward developing the property in accordance with the approval petition and any conditions attached to the approval. If the planning board determines that progress has not been made in accordance with the approved petition and conditions, the planning board shall forward to the board of commissioners a report which may recommend that the property be classified to another zoning district in accordance with the procedure set out in Section 44-327, as the same may from time to time be amended.

(Ord. No. 2008-17, 10/20/08)

Sec. 44-329. Quasi-judicial procedures.

- (a) *Applicability.* This Section applies to any application for a special use permit, variance, expansions or changes to nonconformities, appeal, or any other quasi-judicial action heard by the board of adjustment.
- (b) *Filing applications and appeals; priority for agenda.* The following procedures shall be followed in the preparation of the agenda for a board of adjustment meeting in respect to the cases that shall be heard:

- (1) A matter for the board of adjustment must be filed and accepted 45 days before the scheduled board meeting, counting the day of the board meeting as the 45th day.
- (2) The application and any supporting documentation required to be filed for a matter before the board of adjustment, must be complete and any applicable filing fee must be paid at the time the application is submitted or the application shall not be accepted. When a complete application is filed, the date and time of filing shall be written on the face of the application.
- (3) The general policy is to schedule cases on a first come, first serve basis, in accordance with the date and time the application was properly filed.
- (4) The agenda for the board of adjustment will not exceed 5 cases unless the planning director determines that some cases may be expeditiously disposed of.
- (5) The planning director has the discretion to not schedule any matter for the next regularly scheduled meeting of the board of adjustment if the planning director determines more time is needed to investigate and prepare a review in order to make an appropriate presentation before the board.

(6) Matters that cannot be scheduled for the forthcoming meeting of the board of adjustment will automatically be scheduled on a first come, first serve basis for the next scheduled meeting of the board of adjustment.

(7) If the board of adjustment hears any matter, the board may continue that matter for the consideration of additional or rebuttal evidence that could not have reasonably been presented at the initial meeting.

(c) *Hearings.*

(1) *Mailed notice.* The County may rely upon its tax listing to determine owners of property entitled to mailed notice of the time and place of the hearing before the board of adjustment. Notices shall be deposited in the mail at least 10 days, but not more than 25 days, prior to the date of the hearing to the following:

- a. The person or entity whose application, request, or appeal is the subject of the hearing;
- b. The owner of the property that is the subject of the hearing if the owner did not initiate the hearing;
- c. The owners of property abutting the property that is the subject of the hearing; and
- d. Anyone directly named in the application or entitled to receive notice as provided in this Chapter.

(2) *Posted notice.* A notice of the hearing shall be prominently posted on the site that is the subject of the hearing or on an adjacent street or highway right of way at least 10 days, but not more than 25 days, prior to the date of the hearing.

(3) *Quasi-judicial.* The board of adjustment shall follow quasi-judicial procedures when deciding applications and requests for variances, special use permits, extensions of nonconforming uses and appeals.

(4) *Order of business.* Any party may appear in person, by agent, or by attorney at the hearing. The order of business for each hearing will be:

- a. All parties desiring to speak about an issue must sign in with the recording secretary to the board of adjustment before the meeting is called. The chair of the board or any member acting as chair and the secretary are authorized to administer oaths to witnesses in any matter coming before the board. Any person who, while under oath during a proceeding before the board of adjustment, willfully swears falsely is guilty of a Class 1 misdemeanor.
- b. The applicant, opposition, and County may present evidence and arguments, and call witnesses. Only factual evidence is permitted. Hearsay evidence shall not be considered. Each party will be limited to one hour for presentation, including cross-examination of opposing witnesses.
- c. If there are facts within the special knowledge of a member of the board of adjustment or acquired by the member's personal inspection of the premises, they may be properly considered. However, they must be revealed at the public hearing and made a part of the record so that the applicant will have an opportunity to meet them by evidence or argument, and the board of adjustment may judge their competency and materiality.

- d. Members of the board of adjustment may ask questions of either the applicant or his representative, any of the witnesses, the opposition, County representatives, or the recording secretary.
 - e. Following any board discussion, the chairperson shall ask for a motion to grant the request. If the motion is seconded, a vote shall be called.
- (5) *Time limit.* No meeting may continue past 11:00 p.m. without a majority vote of the board members to suspend this rule.

(6) *Rulemaking authority.* The board of adjustment may adopt general rules for quasi-judicial hearings.

- (7) *Conduct of hearing.* The hearing will be conducted in accordance with the procedures set forth in NCGS 160A-388.
- (d) *Subsequent hearings.* Should a matter fail to receive a favorable vote of approval, any applicant must wait one year before the matter may be submitted again for the board's consideration.
- (e) *Application withdrawal.* Should an application be withdrawn after the first notice of the public hearing, the application shall be considered to be denied, and any applicant must wait one year before the matter may be submitted again for the board's consideration.

Sec. 44-330. Decisions by the board of adjustment.

(a) *Scope of action.* In making quasi-judicial decisions, the board of adjustment must investigate facts, or ascertain the existence of facts, hold hearings, weigh evidence, and draw conclusions from them, as a basis for their official action, and may exercise discretion of a judicial nature. In the land use context, these quasi-judicial decisions involve the application of land use regulations to individual situations, such as variances, special use permits, and appeals of administrative determinations. These decisions involve two key elements:

- (1) The finding of facts regarding the specific proposal, and
- (2) The exercise of discretion in applying the standards of the ordinance. Due process requirements for quasi-judicial decisions mandate that certain standards be observed when these decisions are made. This includes a hearing with the right of the parties to offer evidence, have sworn testimony, and have findings of fact supported by competent, substantial, and material evidence.

(b) *Decision.* The term decision includes any final and binding order, requirement, or determination and shall be based upon competent, material, and substantial evidence in the record.

- (c) *Time.* Decisions of the board of adjustment on any matter shall generally be made at the conclusion of the hearing, or within a reasonable time from the conclusion of the hearing. A quasi-judicial decision is effective upon filing the written decision with the secretary.
- (d) *Form.* Decisions shall be reduced to writing and reflect the board's determination of contested facts and their application to the applicable standards. The written decision shall be signed by the chair or other duly authorized member of the board. The decision of the board shall be delivered by personal delivery, electronic mail, or by first-class mail to the applicant, property owner, and any person who has submitted a written request for a copy. The planning director shall certify that proper notice has been made.
- (e) *Minutes.* The final decision of the board of adjustment on each matter shall be shown in the record of the case and recorded in the minutes. Such records shall show the reasons for the determination, with a summary of the evidence introduced and the findings of fact made by the board of adjustment. Where a variance is granted, the record shall state in detail any

requirements of NCGS 153A-345.1. The record shall state in detail what, if any, conditions and safeguards are imposed by the board of adjustment in connection with the granting of a variance or an exception.

Sec. 44-331. Appeals.

(a) *Applicability.* The board of adjustment shall hear and decide all appeals from and review any zoning order, requirement, decision, or determination made by the planning director. Each decision of the board of adjustment is subject to review by the superior court by proceedings in the nature of certiorari.

(b) *Planning director – decision.*

(1) The appellant must submit an appeal, in writing, to the board of adjustment within 30 days following the date of the decision. The written appeal must state the grounds for the appeal and be filed with the recording secretary of the board of adjustment. If a written appeal is not made within the 30-day period, the matter shall be deemed to be closed, and the decision of the planning director shall be final. See Sec. 44-318(d) for administrative decisions.

(2) The appellant shall not be limited at the hearing to matters stated in the notice of appeal. If any party or the County would be unduly prejudiced by the presentation of matters not presented in the notice of appeal, the board of adjustment shall continue the hearing.

(3) An appeal to the board of adjustment from a notice of violation, enforcement order, decision or determination by the planning director stays all enforcement proceedings in furtherance of the decision or determination appealed from, except as provided in Subsection (4).

(4) An appeal to the board of adjustment of a determination or decision of the planning director shall not stay enforcement proceedings in furtherance of the decision or determination appealed from, if the planning director certifies either that:

- a. Because of the facts stated in an affidavit, a stay would cause imminent peril to life or property; or
- b. The situation appealed from is transitory in nature, and, therefore, an appeal would seriously interfere with enforcement of this chapter.
- c. In such case, enforcement proceedings shall not be stayed except by an order granted by a court.

(5) If enforcement proceedings are not stayed, the appellant may file with the planning director a request for an expedited hearing of the appeal, and the board of adjustment shall meet to hear the appeal within 15 days after such a request is filed.

(6) The planning director will provide copies of all documents and exhibits constituting the record upon which the action appealed from is taken to the board, the applicant, and the landowner if the appellant is not the landowner.

(7) In considering appeals, the board of adjustment may hear both those based upon an allegedly improper or erroneous interpretation of this Chapter and those based upon alleged hardship resulting from strict enforcement of this Chapter.

(8) The board may reverse or affirm, in whole or in part, or modify the order, requirement, decision, or determination of the planning director from which an appeal is taken and make the correct order, requirement, decision, or determination. For that purpose, the board has the same authority as the planning director from which the appeal is taken.

(9) The board may rule in favor of the appellant if it finds the order, requirement, decision, or determination from which an appeal is taken:

- a. Was the result of an incorrect or unlawful interpretation of this Chapter; or
- b. Would result in a taking of private property, or otherwise result in a deprivation of constitutional rights.

(10) The board's decision shall provide the minimum amount of relief necessary in order to comply with the requirements of Subsection (9) above.

(11) Notwithstanding the foregoing, appeals of decisions granting a permit or otherwise affirming that a proposed use of property is consistent with the ordinance shall not stay the further review of an application for permits or permissions to use such property; in these situations, the appellant may request and the board may grant a stay of the final decision of permit applications or building permits affected by the issue being appealed.

(12) The planning director shall not amend the board of adjustment's decision.

(13) *Recording.* A copy of the board's decision shall be maintained by the planning director.

(c) *Board of adjustment - decision.* Any petition for review by the superior court shall be filed with the clerk of superior court within 30 days after the decision of the board is filed in the planning office, or after a written copy thereof is delivered to every appellant who has filed a written request for such copy with the secretary or chairman of the board at the time of its hearing of the case, whichever is later.

Sec. 44-332. Special use permits.

(a) *Applicability.* This section applies to any use that is designated as a special use in Table 44-403-1.

(b) *Application.* The application for a special use permit, along with a detailed site plan, must be submitted to the planning director and must include the information required by the procedures manual.

(c) *Completeness review.* The applicant must comply with Sec. 44 - 303.

(d) *Quasi-judicial hearing required.* A quasi-judicial hearing shall be required which follows the quasi-judicial process in Sec. 44-329.

(e) *Decision.*

(1) Within 45 days of the receipt of an application, the planning director shall submit a report to the board of adjustment.

(2) After hearing the planning director's report at the completion of the quasi-judicial hearing, the board of adjustment shall approve, approve with conditions, or disapprove the application. In every case, the board of adjustment shall include a summary of the evidence supporting the action taken on the application.

(f) Approval criteria.

(1) Before any application for a special use is approved, the board of adjustment shall make written findings certifying compliance with the specific standards governing each individual special use and that the general standards contained in this section are met. The board shall make appropriate findings, supported by evidence in its record, on each general and specific standard.

(2) General standards.

a. The following general standards must be met for approval of special uses pursuant to this Chapter:

1. **The use will not materially endanger the public health, safety, and general welfare, if located where proposed and developed and operated according to the application;**
2. **The use, which is listed as a special use in the district in which it is proposed to be located, complies with all required regulations and standards of this Chapter, unless greater or different regulations are contained in the individual standards for that special use;**
3. **The use will not substantially injure the value of adjoining or abutting property; and**
4. **The use is consistent with any adopted area plans that encompass the property subject to the application.**

b. The board of adjustment shall make these general findings based upon substantial evidence contained in its proceedings. The board may refer to staff's report to aid in its deliberations. The applicant has the responsibility of presenting evidence in the form of testimony, exhibits, documents, models, plans, and the like to support the application for approval of a special use.

(3) Imposed conditions.

a. The board of adjustment may impose such reasonable conditions, upon approval of a special use granted pursuant to this Chapter, as will afford protection of the public safety and welfare and substantial justice done.

b. Such conditions shall run with the land and shall be binding on the original applicant as well as all successors, assigns, and heirs.

(g) *Expiration.* Special use permits are valid for 5 years from the date the board of adjustment approved the use and shall automatically expire at that time unless the property is being used in conformance with all requirements of the permit.

(h) *Amendments and minor changes.* Before making a determination as to whether a proposed action is an amendment or a minor change, the planning director will review the record of the proceedings on the original application for the approval of the special use.

(1) An amendment requires approval by the board of adjustment and shall be handled as a new application. A change in use shall constitute a new application.

(2) The planning director may approve minor changes in an approved special use permit, as long as they are in harmony with the action of the board of adjustment. The planning director will use the following criteria in determining whether a proposed change is an amendment to the approved special use permit:

a. Any increase in intensity of use which means an increase in:

1. **Usable floor area;**
2. **Number of dwelling or lodging units; or**
3. **Outside land area devoted to sales, displays, or demonstrations.**

b. Any change in parking areas resulting in an increase or reduction of 10% or more in the number of spaces approved by the board of adjustment.

- c. Structural alterations significantly affecting the basic size, form, style, and the like of the building, as shown on the approved detailed site plan.
- d. A 10% or more decrease in the amount or location of open space, recreation facilities, or landscape screens.
- e. Substantial changes in pedestrian or vehicular access or circulation.

(3) If the planning director determines that the proposed action is an amendment based on the criteria in Subsection (2) above, the applicant shall be required to file a request for an amendment to the special use permit, which shall be submitted to the board of adjustment. The board of adjustment shall hold a quasi-judicial hearing and approve or disapprove the amendment.

- (i) *Notice of disposition.* The planning director shall send notice of the disposition of the application to the applicant by personal delivery, electronic mail, or by first-class mail. A copy of the decision must be maintained in the office of the planning director.
- (j) *Scope of approval.*

(1) After the approval of a special use detailed site plan, a zoning authorization permit may be issued. A zoning authorization permit shall not be issued if the development activities do not conform to the approved detailed site plan.

(2) The site plan is binding on the applicant and any successors in title, unless it expires or is amended as provided in this Section.

Sec. 44-333. Variances.

- (a) *Applicability.* This Section applies to any application to vary any dimensional requirements or modify any of the provisions of this Chapter but does not include a use variance.
- (b) *Application.* The application for a variance, along with a plot plan, sealed by a licensed professional, must be submitted to the planning director and must include information required by the procedures manual.
- (c) *Completeness review.* The applicant must comply with Sec. 44-303.
- (d) *Quasi-judicial hearing required.* A quasi-judicial hearing shall be required which follows the quasi-judicial process in Sec. 44-329.
- (e) *Decision.*

(1) Within 45 days of receipt of an application, the planning director shall submit a report to the board of adjustment.

(2) After hearing the planning director's report and completion of the quasi-judicial hearing, the board of adjustment shall approve, approve with conditions, or disapprove the application. In every case, the board of adjustment shall include a summary of the evidence supporting the action taken on the application.

(3) The concurring vote of four-fifths of the board is necessary to grant a variance.

- (f) *Approval criteria.*

(1) The board of adjustment may approve a variance only in cases involving practical difficulties or unnecessary hardships when substantial evidence in the official record of the application supports all the following findings:

- a. Unnecessary hardship would result from the strict application of this ordinance. It will not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
- b. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
- c. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
- d. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

(2) All of these findings of fact shall be made in the indicated order by the board of adjustment, which is not empowered to grant a variance without an affirmative finding of fact on all four categories. Each finding of fact shall be supported by substantial evidence in the record of proceedings before the board.

(3) No change in permitted uses may be authorized by variance. Appropriate conditions may be imposed on any variance, provided the conditions are reasonably related to the variance.

- (g) *Expiration.* A variance does not expire and runs with the land.
- (h) *Change to variance.* A change to an approved variance requires a new variance application.
- (i) *Zoning authorization permit.* After approval of a variance, the applicant must apply for a zoning authorization permit before undertaking any development authorized by the variance.
- (j) *Notice of disposition.* The planning director shall give notice of the disposition of the application to the applicant by personal delivery, electronic mail or by first-class mail. The planning director shall file a copy of the decision in the office of the planning director.

(Ord. No. 2008-17, 10/20/08)

Sec. 44-334 - 340. Reserved.

9. Appointments.
Commissioner Lynn Lail recommended the appointment of Ron Young for a first term on the Nursing and Rest Home Advisory Board to fill a vacant position. This initial term will expire March 17, 2015. Commissioner Barbara Beatty recommended the appointment of Troy Sigman for a first term to succeed Laban Helderman on the Catawba County Board of Adjustment. This term will expire November 30, 2016. Commissioner Dan Hunsucker recommended the reappointment of Diane Klein for a fifth term and Barry Whisnant for a third term on the Industrial Facilities and Pollution Control Financing Authority. These terms will expire March 31, 2020.

These recommendations came in the form of a motion, which carried unanimously.

10.. Departmental Reports:

a. Catawba Valley Medical Center:

David Boone, Senior Vice-President, Catawba Valley Medical Center, presented a request for the Board to adopt a resolution that would authorize Catawba Valley Medical Center (CVMC) to execute an installment purchase agreement to finance \$5 million of medical equipment. CVMC proposed an installment purchase contract through US Bancorp to finance the purchase. Seven installment purchase agreement proposals were received from banks with a North Carolina presence. The Catawba Valley Medical Center Board of Trustees reviewed the proposals at its regular monthly meeting on February 24, 2014. US Bancorp was selected because of its competitive rate and fee structure. The term of the installment purchase agreement is 59 months, with a fixed interest rate of 1.326 percent. CVMC's bond attorney, Steve Cordell with Nexsen Pruet, PLLC, developed the resolution and has reviewed and approved the other documents associated with this financing. Mr. Boone expressed appreciation for all the Board of Commissioners does for the Hospital and thanked Finance Director Rodney Miller for his assistance in this transaction. County Manager J. Thomas Lundy explained the relationship between the Hospital and the County and clarified that the Hospital was solely responsible for this debt. Commissioner Beatty made a motion to adopt the necessary resolution. The motion carried unanimously. The following resolution applies:

Catawba Valley Medical Center Chief Financial Officer David Boone introduced the following resolution, a copy of which had been provided to each Commissioner and which was read by title:

RESOLUTION # 2014-07

RESOLUTION APPROVING INSTALLMENT CONTRACT FINANCING FOR ACQUISITION OF EQUIPMENT FOR CATAWBA VALLEY MEDICAL CENTER IN AN AGGREGATE PRINCIPAL AMOUNT UP TO \$5,000,000, AUTHORIZING THE EXECUTION AND DELIVERY OF RELATED DOCUMENTS IN CONNECTION THEREWITH, AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS

WHEREAS, the Board of Commissioners (the "Board") desires to approve a proposed plan of financing in an aggregate principal amount of up to \$5,000,000, which plan would involve the entry by the County into an installment financing contract pursuant to North Carolina General Statutes 160A-20, as amended, with U.S. Bancorp Government Leasing and Finance, Inc. (the "Lessor"), the proceeds of which would be used to pay all or a portion of the costs of acquiring certain equipment (collectively the "Project") to be owned and used by Catawba Valley Medical Center ("CVMC"), and under said installment financing contract the County and CVMC would secure the repayment of the moneys advanced pursuant to such contract by granting a security interest in and lien on all or a portion of the Project;

WHEREAS, there have been submitted to this meeting draft forms of the following documents (the "Financing Documents") with respect to the financing for the Project:

- (1) a Master Tax-Exempt Lease/Purchase Agreement, proposed to be dated on or about March 15, 2014 (the "Master Agreement"), between the County, CVMC and the Lessor as counterparty, pursuant to which the Lessor will provide financing to the County and CVMC for the cost of the Project and the County and CVMC agree to make periodic installment payments (the "Installment Payments") to repay the amount financed, with interest (although it is anticipated that CVMC will make all such Installment Payments and interest payments);
- (2) an Addendum to the Master Agreement, proposed to be dated on or about March 15, 2014 (the "Addendum"), between the County, CVMC and the Lessor as counterparty; and

(3) an Escrow Agreement (the "Escrow Agreement"), proposed to be dated on or about March 15, 2014, among the Lessor, the County, CVMC and U.S. Bank National Association, as Escrow Agent;

WHEREAS, the obligations of the County and/or CVMC to make Installment Payments and other payments pursuant to the Master Agreement shall constitute limited obligations of the County and/or CVMC, payable solely from currently budgeted appropriations of the County and/or CVMC and shall not constitute a pledge of the faith and credit of the County or CVMC within the meaning of any constitutional debt limitation;

WHEREAS, no deficiency judgment may be rendered against the County or CVMC in any action for breach of a contractual obligation under the Master Agreement, and the taxing power of the County is not and may not be pledged in any way directly or indirectly or contingently to secure any moneys due under the Master Agreement; and

WHEREAS, the Board is agreeable to the terms and conditions to be imposed upon it and CVMC in connection with the proposed plan of financing and desires to approve the Financing Documents and to authorize other actions in connection therewith;

NOW, THEREFORE, BE IT RESOLVED by the Board, as follows:

Section 1. All actions taken by or on behalf of the County and/or CVMC to date to effectuate the proposed financing, including the selection of the Lessor as the counterparty to the Master Agreement and related documents and Nexsen Pruet, PLLC, as special counsel, are hereby ratified, approved and authorized pursuant to and in accordance with the transactions contemplated by the Financing Documents.

Section 2. The acquisition of the Project, the financing thereof and the granting of security interests therein, all as provided in the Financing Documents referenced in this Resolution, are hereby ratified and approved.

Section 3. Each of the Master Agreement, the Addendum and the Escrow Agreement is hereby approved in substantially the form submitted to this meeting, and any of the Chairman or Vice-Chairman of the Board (the "Chairman" and the "Vice-Chairman," respectively) or the Finance Director is hereby authorized to execute and deliver each of those documents in the name and on behalf of the County, with such changes, insertions or omissions as the persons executing such documents may approve, the execution and delivery thereof to constitute conclusive evidence of such approval. The Clerk to the Board is hereby authorized to affix the seal of the County to each of said documents as may be appropriate and to attest to the same.

Section 4. Any of the Chairman, the Vice-Chairman or the Finance Director is authorized to approve all details of the financing of the Project, including, without limitation, the amount advanced under the Master Agreement (which shall not exceed \$5,000,000), the principal amounts and the interest amounts of the Installment Payments, which interest amounts shall not exceed 2.00% per annum and the final maturity of the amount advanced under the financing, which shall be less than 5 years. Execution of the Master Agreement by any of the Chairman, the Vice-Chairman or the Finance Director shall conclusively evidence such approval of all such details of said financing.

Section 5. Any of the Chairman, the Vice-Chairman, the Finance Director and the County Attorney are each hereby authorized to take any and all such further action, including approval of modifications to the Financing Documents, and to execute and deliver for and on behalf of the County such other documents and certificates (including, without limitation, agreements with securities depositories, financing statements, appropriate tax certificates and agreements and other documents and agreements (including repurchase agreements) relating to the investment of the proceeds from the execution and delivery of the Master Agreement) as they may deem necessary or advisable to carry out the intent of this resolution and to effect the financing pursuant to the

Financing Documents. The Clerk to the Board is hereby authorized to affix the seal of the County to such documents and certificates as may be appropriate and to attest to the same and to execute and deliver the same as may be needed.

Section 6. The County covenants that, to the extent permitted by the Constitution and laws of the State of North Carolina, it will do and perform all acts and things to comply with the requirements of the Internal Revenue Code of 1986, as amended (the "Code"), in order to assure that the interest component of the Installment Payments paid pursuant to the Master Agreement will not be includable in gross income for purposes of federal income taxation, except to the extent that the County obtains an opinion of special counsel to the effect that noncompliance would not result in the interest component of said Installment Payments being includable in gross income for purposes of federal income taxation.

Section 7. This Resolution shall become effective immediately upon its adoption.

Thereupon, upon motion of Commissioner Barbara G. Beatty, the foregoing resolution entitled "RESOLUTION APPROVING INSTALLMENT CONTRACT FINANCING FOR ACQUISITION OF EQUIPMENT FOR CATAWBA VALLEY MEDICAL CENTER IN AN AGGREGATE PRINCIPAL AMOUNT UP TO \$5,000,000, AUTHORIZING THE EXECUTION AND DELIVERY OF RELATED DOCUMENTS IN CONNECTION THEREWITH, AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS" was adopted and passed by the following vote:

AYES: Unanimous

NOES: None.

b. Financing/Purchasing:

Finance Director Rodney Miller presented a request for the Board to award a bid for HVAC Controls for the existing Justice Center building to Trane U.S., Inc. in the amount of \$440,000 and approve the required budget revision. In April of last year, the County engaged Sud Associates to conduct an energy audit of multiple County buildings. The first building selected was the Justice Center, which has experienced numerous heating and cooling issues and complaints from building occupants over the years. The major recommendation from the report was to install an HVAC control system, which will add a new controller and actuator to each air handling unit and allow staff to remotely adjust temperature settings. In addition, the system will allow for time of day scheduling for heating and cooling so occupied and non-occupied temperature settings can be maintained separately. Estimated energy savings from this project are more than 850,000 kilowatt hours per year, resulting in savings of more than \$65,000 per year, equal to a return on investment of 7.2 years.

In June 2013, the City of Newton issued a Request for Proposals, from its customers that have a peak annual billing demand of at least 250 kilowatts, for energy efficiency grants offered through Electricities. As a major utility user, the County submitted a proposal and was awarded an \$85,000 grant from the City of Newton to install an HVAC control system in the existing Justice Center. The County will receive \$50,000 as a credit to the electric bill once installation begins and the additional \$35,000 as a credit to the electric bill when the project is finished. On December 2, 2013, the Board authorized a preferred alternate for Trane and Trane Tracer Summit Controls, which are the prominent equipment and building automation systems used in County buildings.

McKnight-Smith-Ward-Griffin Engineers, Inc. prepared the plans and specifications for the project. The estimated cost of the project was \$450,000, with the grant funds offsetting approximately 20% of the cost. Funding for the project will come from General Capital project fund balance, which was planned in the current budget in the event the grant request was approved. A pre-bid conference was held on January 23, 2014, with two contractors present; a bid opening was then held on February 5, 2014, with only one contractor presenting a bid (Trane). Since North Carolina General Statute 143-132 and 143-129(b) requires three bids for formal construction projects, the bid from

Trane was not opened and the project was re-advertised. A second bid opening was held on February 18, 2014. One bid was received and opened from Trane U.S., Inc. North Carolina General Statutes 143-132 and 143-129(b) allow the bids to be opened when less than three bids are received after a re-advertisement. The bid from Trane U.S., Inc. was a base bid of \$446,300, with an alternate bid of \$38,600 for 10-year parts and labor warranty for all equipment and controls. McKnight-Smith-Ward-Griffin Engineers, Inc. negotiated with Trane U.S. Inc. and Trane agreed to lower the bid to \$440,000 and include a two-year parts & labor warranty for all equipment and controls.

Vice-Chair Isenhower asked about using a contingency fee arrangement and Mr. Miller replied that method works well on a large project when you don't have the dollars for the project but it now requires approval from the Local Government Commission. He further clarified that the payback figures included VAB boxes and without those boxes, the payback period was 3.2 year. Vice-Chair Isenhower made a motion to award the bid and approve the budget revision. The motion carried unanimously. The following budget revision applies:

Budget Revision:

410-460100-988000-12004	Justice Center HVAC Controls	\$440,000
410-460100-690100	General Capital Fund Balance	\$440,000

c. Legal/Utilities and Engineering:

Assistant County Attorney Jodi Stewart presented a request for the Board to approve the assignment and conveyance of the Bunker Hill School Sewer Project easements and execute a quitclaim deed to the City of Conover. On May 15, 2006, Catawba County approved a revenue sharing agreement entitled "Agreement between Catawba County and City of Conover for Revenue Sharing on Bunker Hill School Sewer Project" and amended the Agreement on May 2, 2011. The purpose of the Agreement was to locate, fund, and maintain sewer lines to serve Bunker Hill High School and the surrounding area. The County acquired easements for the project and acquired fee simple title to property from Mr. James F. Moser and wife, Ms. Linda Allred Moser, for the purpose of locating a pump station on the property for the sewer project. The Agreement required the County to transfer the rights-of-way, easements, and encroachments acquired for the project to the City of Conover upon completion of the project. The sewer lines have been installed, and the City of Conover is operating and maintaining the sewer lines. The property will be transferred to the City of Conover by recording the Assignment of Easements and Quitclaim Deed. Commissioner Hunsucker made a motion to approve this assignment and execute the deed. The motion carried unanimously.

- 11. Other Items of Business:
The Board noted good news: the County has been named #1 in recycling per capita; Bandys and Hickory High Girls Basketball Teams had gone to the finals, and Newton-Conover had won the State Wrestling Championship.
- 12. Attorney's Report: None.
- 13. Manager's Report:
Assistant County Manager Mary Furtado presented an update on the activities staff has undertaken to further the Board's goal to increase citizens' awareness of County programs and services and promote healthy activities throughout the County by strengthening communications and outreach to citizens. These activities, which strive to proactively push relevant information to citizens in an interesting and engaging way, span a continuum of communications tactics. Many of the activities focus on enhanced web presence and strengthened use of social media. Some will focus on strengthening inter-departmental communications. Others attempt to heighten the availability of frequently requested or useful information to citizens while presenting it in a package that is more visually appealing.

The efforts presented to the Board at this meeting represented initial steps aimed at enhancing the County's current efforts to keep citizens informed and engaged. These include:

- strategically strengthening the County's use of available social media outlets such as Facebook and Twitter, using these channels to promote a "Did You Know?" video, which includes numerous facts and figures about Catawba County Government's program and service impacts in the community; strengthen promotion of County programs and events; publically release the synopsis of Board of Commissioners meetings previously located only on a web link; deliver real-time updates on Board of Commissioners actions at Board meetings via Twitter and Facebook and use Twitter to deliver a minimum of two tweets a week that feature miscellaneous County facts and figures, information on County events and programs, or other relevant information to citizens;
- Make information on advisory board and committee membership more easily accessible to the general public via the County's website by posting the names and number of terms served of all board and commission members, accompanied by contact information for the assigned staff contact.
- Designing and implementing ideas for content of the back side of business cards carried by staff to send key messages to the public (including QR codes for County website, links to information on County awards, volunteer opportunities, and timely information such as availability of flu shot clinics, etc.)
- Integrating key messages and themes from ICMA's "Life, Well Run" campaign, which promotes the value of professional local government management, into the County website via creation of a video focusing on the role of the County and neighboring jurisdictions in fostering strong quality of life.
- Freshening up the look and feel of information about County services.

Future efforts will focus on increasing the visibility of available local government and community offerings related to community health, active lifestyle, and healthy living, as well as enhancing the quality and visual appeal of the information being communicated.

14. Adjournment. The meeting adjourned at 8:07p.m.

Katherine W. Barnes, Chair
Catawba County Board of Commissioners

Barbara E. Morris
County Clerk