

Regular Session, March 20, 2017, 7:00 p.m.
Catawba County Board of Commissioners

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The Catawba County Board of Commissioners met in regular session on Monday, March 20, 2017, at 7:00 p.m., in the Robert E. Hibbitts Meeting Room of the 1924 Courthouse, 30 North College Avenue, Newton, North Carolina.

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

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

1. Chair Randy Isenhower called the meeting to order at 7:00 p.m., noting a quorum was present.
2. Vice-Chair Barbara Beatty led the Pledge of Allegiance to the Flag.
3. Chair Isenhower offered the invocation.
4. Commissioner Katherine W. Barnes made a motion to approve the minutes of the Regular Meeting and Closed Session of March 6, 2017. The motion carried unanimously.
5. Recognition of Special Guests: Chair Isenhower welcomed everyone present and specifically recognized Sybil Stewart who serves on the Catawba County Planning Board and is the President of the Catawba County Historical Association.
6. Public Comments. None

7. Presentation:

The Board received comments on the recently published Volume III of *The Catawbans* from local historian Sylvia Kidd Ray. Dr. Gary Freeze, author of the *Catawbans* and Sid Halma, Production and Marketing Coordinator of the publication, spoke of Ms. Ray's contribution to the book and the value of her input. The Board then presented Ms. Ray with the County's highest honor, the Catawba County Spirit Award, to honor her lifelong passion for and commitment to the history of Catawba County. Board members spoke of Ms. Ray's contributions and her family joined her after the presentation.

8. Public Hearing.

Senior Planner Chris Timberlake requested the Board hold a public hearing to receive citizen comments and consider approval of proposed amendments to the Unified Development Ordinance. In an effort to meet the Board of Commissioners' goal to, "continuously monitor county regulations to ensure they support orderly growth and business development," staff identified amendments for consideration. The proposed amendments included:

Right-of-Way Requirements: Modify regulations within the UDO relative to right-of-way subject to NCDOT 50' standards. The UDO currently requires 45' right-of-way for newly created lots/subdivisions. NCDOT requires varying widths of right-of-way within subdivisions and other developments. Justification: This amendment enables UDO regulations to be current with NCDOT regulations and puts roads in better position to be taken over by NCDOT in the future for maintenance purposes.

Residential Design Criteria: The North Carolina General Assembly Session Law 2015-86 (Senate Bill 25) effective as of June 19, 2015 limits local governments' use of zoning to impose design standards (i.e. exterior material, color, and architectural styling) on residential construction. Sections 44-614 Dwelling, 2 family – duplex and 44-433 Mountain Protection currently require residential design criteria. Justification: Be consistent with state law.

Setbacks within Rural Preservation-Overlay and External Roads: Remove the Rural Preservation-Overlay (RP-O) requiring a 100' front setback along South NC 16 Highway so that the front setback requirement will be that of the underlying zoning district (i.e. 30'). Also amend the 80' front setback along external roads so that the front setback requirement will be that of the rest of the R-40 district (i.e. 30'). Justification: NCDOT is acquiring right-of-way along South NC 16 Highway in preparation for road widening to 4-lanes. Much of the areas along Highway 16 will be limited access (fenced) reducing future development along the highway. However, future development around existing intersections is anticipated and the 100' setback will limit development potential. The 80' front setback is only imposed on lots zoned R-40 (low density) that have frontage on a NCDOT state-maintained road. In an effort to streamline regulations, it's reasonable to consider a common front setback for all R-40 zoned properties.

Mixed Use Corridor-Overlay Standards:

Modify subsections of 44-430 Mixed Use Corridor-Overlay to include:

1. Allow multi-family development by right in the Mixed Use Corridor-Overlay;
2. Remove language that requires all sides of a principal building to include at least one customer entrance.
3. Require side and rear of building facades visible from rights-of-way to provide at least one architectural element listed for building fronts.
4. Require service entrances and loading areas to be screened from a public street to the extent practical.
5. Clarify that alleys do not have to meet NCDOT design requirements (none exist).
6. Allow major subdivision (residential) development within the MUC-O.

Justification: The MUC-O amendments furthers the Board of Commissioner's goal as stated above.

The Planning Board held a public hearing on February 27, 2017, to consider the proposed amendments. No one from the public attended the meeting. The Planning Board agreed that aligning the right-of-way requirements with NCDOT standards would provide a better opportunity for roads to be taken over for maintenance by NCDOT in the future. One board member suggested additional right-of-way requirements where existing public access occurs through family subdivisions. They also recognized the residential design

standard modifications are in response to State legislation. The board agreed the Rural Preservation-Overlay and external road setbacks are not necessarily preserving rural corridors and larger lot sizes, existing homes, and increased vehicular traffic are factors that encourage structures to be built at increased distances from the right-of-way. Lastly, the board agreed that the modifications to the Mixed Use Corridor-Overlay regulations were reasonable for future development in those corridors and commercial nodes. The Planning Board voted 8 – 0 to favorably recommend the Board of Commissioners amend the Unified Development Ordinance based on the proposed modified text with the addition of the following requirement for family subdivisions:

- If an existing publicly dedicated road crosses entirely through the property being subdivided, an NCDOT approved right-of-way width is required to be extended entirely through the subject property along the path of the existing public road.

After Board discussion regarding setbacks, Chair Isenhower opened the public hearing. No one came forward to speak. Chair Isenhower closed the public hearing. Commissioner Dan Hunsucker made a motion to approve the amendments as recommended by the Catawba County Planning Board. The motion carried unanimously. The following ordinance applies: **(Note: Tables are not included in this version of the Ordinance for these minutes – tables are available on Municode Website and in the County's Planning Office):**

Ordinance No. 2017- 05

BE IT ORDAINED that the Catawba County Code of Ordinances, Chapter 44 Unified Development Ordinance, is hereby amended to read as follows:

Sec. 44-318. Zoning authorization permit.

(b) *Criteria.*

(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. A

legal lot created and recorded after March 20, 2017 must have an NCDOT approved 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.

Sec. 44-345. Family subdivisions.

(a) A family subdivision plat approval is initiated by filing an application for final plat approval with the planning director.

(b) *Completeness review.* See Sec. 44-303.

(c) A family subdivision plat is administratively reviewed and approved by the planning director. The planning director shall have up to 10 working days to review the family subdivision plat and determine if it meets the requirements for approval of a family subdivision in accordance with the following:

(1) The application and plat indicate that it qualifies as a family subdivision as defined in this Article;

- (2) The applicant must sign an affidavit attesting to the linear or sibling relationship that qualifies the applicant for the family subdivision;
- (3) Where right-of-way is less than the NCDOT approved width, additional right-of-way has been dedicated;
- (4) If an existing publicly dedicated road crosses entirely through the property being subdivided, an NCDOT approved right-of-way width is required to be extended entirely through the subject property along the path of the existing public road; and
- (5) The right-of-way, as shown on the submitted plat, is located where a road can feasibly be built.
- (d) A family subdivision plat may be amended by filing and obtaining approval of a new application for family subdivision plat approval.
- (e) *Recording.* If an approved family subdivision plat is not recorded in the register of deeds office, within 60 days of approval, the plat expires and a new plat must be submitted.

Sec. 44-406. Access.

(b) A legal lot created and recorded after March 18, 1996 must have a minimum 45foot right-of-way to a State-maintained road. A legal lot created and recorded after March 20, 2017 must have an NCDOT approved right-of-way connecting to a State-maintained road. In non-family subdivision situations, the road must be constructed to NCDOT standards.

Sec. 44-517. Street connectivity.

Purpose: In general, interconnected developments provide for improved traffic flow, safety, reduce overall traffic congestion, provides access within and between adjoining developments and may be required by the County approving authority, while cul-de-sacs are generally discouraged by the County.

- (a) *External connectivity.* Multiple accesses into a development may be required to provide additional ingress and egress. In determining whether to require multiple accesses, the County approving authority shall look at the following:
 - (1) The overall number of lots served by the street system;
 - (2) The proposed street system pattern;
 - (3) The configuration and natural features of the tract of land;
 - (4) The amount of road frontage available; and
 - (5) The classification of NCDOT roads.
- (b) *Internal connectivity.* Internal connectivity is needed for convenient access, circulation, traffic control and safety.
 - (1) *Street segment.* The maximum length of a street segment cannot exceed 1000 feet unless interconnectivity can be achieved by exceeding the maximum, or topography, drainage, natural

water features surrounding development patterns dictate otherwise, as determined by the County approving authority.

(2) Projecting streets.

a. Parcels must be arranged to allow for the opening of future streets and further development.

b. Where adjoining areas are subdivided, proposed development must connect to adjoining stub outs or existing streets, subject to Subsection d. below. The following applies:

1. The streets in the proposed development must align with the existing adjoining streets.

2. A reciprocal agreement must be provided indicating the road maintenance responsibilities for each subdivision using the interconnected road network. The agreement shall remain in force until NCDOT accepts maintenance responsibilities of the road(s).

3. The road used for interconnectivity between the adjoining subdivisions should be for purposes of a secondary access and not be used as the primary entrance to the subdivision.

c. Where adjoining areas are not subdivided, the arrangement of streets in the development must provide for the projection of streets stubbing to adjoining un-subdivided areas, subject to Subsection d. below. Where stub out roads are required to be extended to the adjoining property line, the stub out must be:

1. Dedicated with a continuous minimum NCDOT approved right-of-way to the property line in addition to right-of-way for the turn-around (cul-de-sac preferred or hammerhead); and

2. Constructed to NCDOT standards including an improved turn-around which must qualify for inclusion into the NCDOT maintenance system.

d. Continuation of an existing street or projection of a new street is not required where it would cause a street to project into a floodplain, topography constraints, other natural features or where other limitations or factors would prohibit the practical connectivity as determined by the County approving authority.

Sec. 44-430.07.

Building design standards/site standards.

(f) Building entrances.

(1) Customer entrances must include at least 3 of the features below:

- ☐ canopies or porticos;
- ☐ roof overhangs;
- ☐ recesses/projections;
- ☐ arcades;
- ☐ raised corniced parapets over the door;
- ☐ peaked roof forms;
- ☐ arches;
- ☐ outdoor patios;
- ☐ display windows;

- architectural details such as tile work and moldings which are integrated into the building structure and design; or
 - integral planters or wing walls that incorporate landscaped areas and/or places for sitting.
- (2) The side and rear of buildings, visible from the right-of-way, must include at least 1 of the above features listed in (1) above.

Sec. 44-430.09. Driveway connection/access management.

(h) *Street design.* All streets, with exception of alleys, must be designed and paved to meet NCDOT standards. Streets can be designated as either public or private. Neighborhood streets must be designed for a maximum 30 mph speed limit.

Sec. 44-430.11. Buffering and screening.

(e) *Maintenance area screening.* All loading and service areas must be screened to the extent practical from view of all streets and adjoining properties of less intensive use with a buffer meeting the requirements of Sec. 44-523(f). If the loading area abuts the perimeter buffering, the loading area is not required to be screened.

Table 44-430.05-1. Prohibited principal uses in MUC-O District.

The following list of prohibited principal uses are applicable to the MUC-O district with exception of the land areas in the Highway Commercial (HC) nodes along Hwy. 16 South as referenced in Sec. 44-430.02(b)(2). The Highway 16 South nodes allow all permitted uses listed in Table 44-403-1 under the HC category.

Amusement park/arcade (outdoor)	Dragstrips or racetracks	Open storage
Armory	Equipment rental, heavy	Pawnshop
Auto storage or salvage yards	Farm supplies	Roadside stand, commercial
Batting cage (outdoor)	Greenhouse, commercial	Sanitarium and mental institution
Boardinghouse, rooming house	Industrial supplies and equipment	Minor subdivision of land for non-family, single-family residential uses
Bus terminal	Lumber and building materials sales	Wholesale distribution

Campgrounds	Manufactured/modular home sales	Wood waste grinding operations (industrial)
Cemetery, human public	Miniature golf (outdoor)	Zoo
Cemetery, pet	Movie theater (drive-in)	
Circus, carnival and (permanent)	Municipal garage	

(Ord. No. 2008-01, 1/22/2008; Ord. No. 2008-17, 10/20/08)

This 20th day of March, 2017

C. Randall Isenhower, Chair

Catawba County Board of Commissioners

9. Appointments.

Commissioner Hunsucker recommended the reappointment of Butch Williams to a third term on the Dangerous Dog Appellate Board. This term will expire February 2, 2020. This recommendation came in the form of a motion which carried unanimously.

10. Departmental Reports.

Finance.

Chief Financial Officer Bob Miracle presented a request for the Board to approve an audit contract between Catawba County and Martin Starnes & Associates for auditing services for Fiscal Year 2016-17. North Carolina General Statute 159-34 requires that local governments have their financial accounts audited each fiscal year and submit a copy of the audit to the Local Government Commission. In response to the general statute, staff recommended retaining the services of Martin Starnes & Associates to conduct the audit of the County's financial records for the fiscal year ending June 30, 2017.

Martin Starnes & Associates has extensive experience auditing North Carolina local governments and has been the auditor for Catawba County since 2001. The fee for Fiscal Year 2016-17 is \$52,000, an increase of \$3,500 over the prior fiscal year services. This increase is a reflection of additional requirements the firm has been asked to do on behalf of the State Auditor's office. (The Office of the State Auditor, which relies upon the local auditor to test eligibility for three DSS programs, determines the attributes tested, risk assessed, and sample size. Per State Auditor direction, sample sizes for those three programs, which are major to Catawba County, will grow at minimum from sixty files to ninety-three files. This change significantly increases the hours necessary to complete the compliance audit.)

As part of the engagement, Martin Starnes & Associates shall audit all statements and disclosures required by generally accepted accounting principles (GAAP) and additional required legal statements and disclosures of all funds and/or divisions of the County. After completing the audit, the firm will submit to the Board a written report of audit and furnish the required number of copies of the audit report as soon as practical after the close of the accounting period. Martin Starnes & Associates will communicate timely and directly to the Board on matters related to the financial statement audit that are, in the auditor's professional

judgment, significant and relevant to the responsibilities of those charged with governance in overseeing the financial reporting process.

Vice-Chair Beatty made a motion to approve this contract. The motion carried unanimously.

11. Other Items of Business: None.

12. Manager's Report. Assistant County Manager Dewey Harris, sitting in for County Manager Mick Berry, indicated no items.

13. Attorneys' Report.

County Attorney Debra Bechtel presented a request for the Board to approve the Memorandum of Understanding with the partners (Catawba County Schools, Catawba County Chamber of Commerce, Catawba County Economic Development Corporation, Catawba Valley Community College, Hickory Public Schools, and Newton-Conover City Schools) of the K-64 economic development education initiative and authorized Chair Isenhower to execute the agreement.

On January 17, 2017, the Board of Commissioners adopted resolution 2017-03, titled *Resolution Supporting the Concept of K-64 and Creation of an Operating Board*, which established K-64 and its governance structure, mission and committed county revenues as an initial funding catalyst. The K-64 partners have held a series of meetings to further define each entities' responsibilities which are reflected in the Memorandum of Understanding. In the last three weeks each of the partner have approved the MOU and a public signing event is tentatively planned to generate public awareness and interest.

Commissioner Sherry E. Butler made a motion to approve the MOU. The motion carried unanimously. The following applies:

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding, by and between Catawba County, Catawba County Schools, Catawba County Chamber of Commerce, Catawba County Economic Development Corporation, Catawba Valley Community College, Hickory Public Schools, and Newton-Conover City Schools (hereinafter "Participating Partners") is effective this ____ day of _____, 2017.

Purpose

In response to the Participating Partners' belief in actively engaging students of all ages in preparing for viable and sustainable careers throughout their lifetimes, a bold, talent building strategy called K-64 was created. K-64 is about engaging with students from kindergarten to age 64 and beyond focusing on lifelong learning and career development.

The success of K-64 is directly tied to the long term commitment of the Participating Partners. Overseen by the K-64 Board, initial outcomes will be refined and various pilot programs established so concepts can be tested and proven prior to broad County-wide implementation.

The Catawba County Board of Commissioners, the three school systems and CVCC are each committing significant dollars as start-up capital for this 21st century education initiative. Everyone recognizes all Participating Partners, business, industry and the community will have to work together to ensure continued progress and effective change.

Funding

County funding for the initial two years of K-64 is possible due to the County's practice of holding debt service funding constant as existing debt obligations are paid off and reserving any excess funds to finance future construction projects. Funding beyond the initial two-year commitment will need to be evaluated subject to factors including K-64 impacts, the County's financial position, and school construction needs.

Funding for K-64 shall be separate from and not reduce funding for local current expense or annual capital needs for the three school systems and CVCC, as benchmarked against the total funding for all combined in the County's Fiscal Year 2016/17 budget, barring any major unforeseen change in the County's financial position that would require it to reevaluate all funding.

Participating Partners understand the initial County funding is not sufficient to sustain K-64 and recognize funds from Participating Partners, business, industry, the community as well as non-profits are necessary for continued success.

All K-64 dedicated funding, initial and future, shall be distributed through the Catawba Valley Community College Foundation, Inc. and appropriated in accordance with the annual budget adopted by the K-64 Board. All such funds will be deposited into a restricted account, which prohibits any distribution of funds except for purposes of K-64 as appropriated by the K-64 Board. The K-64 Executive Director, with oversight from the CVCC President and CVCC Chief Financial Officer, shall be responsible for administering the budget consistent with the K-64 Board's direction and providing a financial accountability report at each K-64 board meeting. The level of detail required in the report shall be up to the K-64 Board. Funds raised or grants obtained by individual schools, systems, or foundations are not required to be distributed through the CVCC Foundation. However, these funds can be sent to the CVCC Foundation if doing so benefits K-64 initiatives and it is consistent with funding requirements tied to the dollars.

Each Participating Partner agrees to share the financial accountability report, along with board meeting minutes, and any other relevant material with its respective governing board on a regular, but not less than quarterly, basis.

Funding shall only be distributed to a Participating Partner so long as it is abiding by this MOU and continuing good faith support of K-64.

Staff

The K-64 Executive Director shall be hired by the K-64 Board. The ED, as well as any other employees that may be hired, shall be accountable to the K-64 Board to implement its vision and follow its direction but will be managed day to day by the President of CVCC. Any employees of K-64 will be employees of CVCC.

Expectations of Participation

For each Participating Partner, its CEO and respective appointed board members are responsible for keeping their respective board regularly updated regarding K-64 progress by means of financial accountability reports, minutes and any additional ways deemed appropriate by the Participating Partner. Each Participating Partner agrees to abide by this MOU and the K-64 bylaws.

Continued Support

Continuity, consistency and sustainability are fundamental to K-64's success. It is critical that leadership changes within Participating Partners do not diminish or stop progress that is made.

The success of K-64 is tied to all Participating Partners continued active support. As such Participating Partners agree, to the extent allowed by law, they shall not withdraw from K-64. Should an unforeseen event occur necessitating a Participating Partners withdrawal, it agrees to provide written notice to all other Participating Partners (via certified mail, return receipt requested) at least 90 days and no later than December 31 of the fiscal year ending June 30 in which the need to withdraw arises.

Should a Participating Partner withdraw it understands and agrees it shall not be entitled to a return of funding contribution already made and must pay funds that have already been committed to K-64. Any funds distributed less than 365 days from the withdrawal date shall be returned to K-64 and the K-64 Board shall distribute as it deems appropriate.

Notices

Any notice sent required by this MOU shall be addressed as follows:

Catawba County
County Manager
Post Office Box 389
Newton, NC 28653

Catawba County Chamber of Commerce
President
1055 Southgate Corporate Park SW
Hickory, NC 28602

Catawba County Economic Development Corp
President
1960-B 13th Avenue Drive SE
Hickory, NC 28602

Catawba County Schools
Superintendent
10 East 25th Street
Newton, NC 28658

Catawba Valley Community College
President
2550 US Hwy 70 SE
Hickory, NC 28602-8302

Hickory Public Schools
Superintendent
432 4th Avenue SW
Hickory, NC 28602

Newton-Conover Schools
Superintendent
605 N. Ashe Avenue
Newton, NC 28658

14. Commissioner Dan Hunsucker made a motion to adjourn at 7:50 p.m. The motion carried unanimously.

Randy Isenhower, Chair
Catawba County Board of Commissioners

Barbara E. Morris
County Clerk