

Minutes
Catawba County Board of Commissioners
Regular Session, Monday, April 2, 2007 9:30 a.m.

Code Compliance

Code Compliance Technician positions 561 04/02/07

Finance

Impact Fees 559 04/02/07

Impact Fees

Presentation by TischlerBise 559 04/02/07

Mental Health

Update on Mental Health Merger 563 04/02/07

Planning

Code Compliance Technician
Map Review Officer 558 04/02/07

Proclamations

Public Health Month 557 04/02/07
National Public Safety Telecommunicators Week 557 04/02/07
Child Abuse Prevention Month 557 04/02/07
Administrative Professionals Week 557 04/02/07
Spring Litter Sweep 557 04/02/07

Register of Deeds

Temporary Removal of Death Certificates for Preservation 558 04/02/07

Resolutions

Map Review Officer 558 04/02/07

Soil and Water

Stormwater Management 561 04/02/07

Utilities and Engineering

Code Compliance Technician 561 04/02/07
Stormwater Management 561 04/02/07
Water and Sewer Prioritization Assessment Tool 562 04/02/07

Tax

Refund Requests 559 04/02/07

The Catawba County Board of Commissioners met in regular session on Monday, April 2, 2007 at 9:30 a.m. in the 1924 Courthouse, Robert E. Hibbitts Meeting Room, 30 North College Avenue, Newton, North Carolina.

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

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

1. Chair Katherine W. Barnes called the meeting to order at 9:30 a.m.

2. Vice-Chair Barbara Beatty led the Pledge of Allegiance to the Flag.
3. Commissioner Dan Hunsucker offered the invocation.
4. Commissioner Hunsucker made a motion to approve the minutes of the Regular Meeting of March 19, 2007. The motion carried unanimously.
5. Recognition of Special Guests: Chair Barnes welcomed everyone present and said it was nice to have such good representation from the Press and appreciated their efforts to notify the citizens of Catawba County of the Board's activities.
6. Comments for Items not on the Agenda. None.
7. Presentations:
 - a. Commission Hunsucker presented Public Health Director Doug Urand with a proclamation declaring April as Public Health Month to recognize the immeasurable contribution to the quality of life in Catawba County resulting from public health services to citizens. The benefits of the public health approach exist everywhere, everyday, for everybody, regardless of religious, ethnic or socioeconomic background. Public health efforts to control and eliminate infectious diseases, improve environmental sanitation and promote healthy lifestyle practices are vital for improved health status and increased life expectancy for our citizens.
 - b. Chair Barnes presented Catawba County E-911 Center Administrator Jerry Boggs with a proclamation declaring April 8-14, 2007 as National Public Safety Telecommunicators Week. Problems resulting from crime, fire and other disasters affect all segments of our society and, if unabated, can undermine and erode the moral and economic strengths of our community. The men and women working in the Catawba County Communications Center are responsible for responding to hundreds of telephone calls from the general public each day for police, fire, and emergency medical assistance, and for dispatching assistance to help save lives and property. The proclamation recognized their invaluable contribution to our quality of life, through their dedication and hard work.
 - c. Commissioner Glenn Barger presented Child Advocacy Center Director Deborah Johnson with a proclamation declaring the month of April as Child Abuse Prevention Month. The proclamation acknowledged that child abuse is a community problem and that finding solutions depends on involvement by people throughout the community. In 2006, Catawba County Social Services investigated 1,966 cases of alleged child abuse and neglect involving 3,955 children. 22 percent of these children were found to be in need of protection. 172 children were interviewed at the Children's Advocacy Center in 2006 regarding allegations of child sexual abuse. The effects of child abuse are felt by whole communities, and need to be addressed by the entire community. The proclamation recognized that effective child abuse prevention programs succeed because of partnerships created among social service agencies, schools, religious and civic organizations, law enforcement agencies, and the business community; and calls on all citizens to become more aware of the negative effects of child abuse and its prevention within the community, and become involved in supporting parents in raising children in a safe, nurturing environment.
 - d. Vice-Chair Beatty presented Janice Cornett, President-Elect of the Hickory Chapter of the International Association of Administrative Professionals (IAAP) and Trudy McSwain, 2006 Administrative Professional of the Year for the Hickory Chapter of the IAAP, with a proclamation declaring April 22-28, 2007 as Administrative Professionals Week. Businesses, industry, and public and private organizations are served by administrative professionals in many diverse areas and on every level of operations. Administrative professionals make great contributions to the economic well-being of the businesses and industries of Catawba County by demonstrating the capability to efficiently and promptly address the unexpected in a professional manner, to prioritize effectively, and to provide a high level of proficiency. Administrative professionals uphold the highest ethical standards of their profession and contribute to the success of their companies through dedication and commitment to excellence. Administrative professionals employed by Catawba County Government play an invaluable and integral part in the execution of County services and programs.

e. Commissioner Lynn Lail presented Waste Reduction Coordinator Amanda Kain with a proclamation declaring April 14-28, 2007 as Litter Sweep Weeks in Catawba County. During these weeks, citizens who bring trash collected from roadsides, parks, lakesides and other common areas in special orange bags, or recyclable materials collected from the same areas in blue bags, to the Blackburn Landfill or one of the County's five convenience centers may dispose of the bags free of charge. Citizens may also call the North Carolina Department of Transportation Office at 828-466-5519 to arrange for pickup of orange bags only. The bags are available at the Utilities & Engineering Department on the second floor of the Government Center in Newton; the Cooperative Extension Office off Highway 321 Business in Newton; the NC Department of Transportation's County Maintenance Office at 1302 Prison Camp Road, south of Newton; and at Garbage Disposal Service's office at 4062 Section House Road in Hickory.

8. Appointments: None.

9. Consent Agenda:

County Manager J. Thomas Lundy presented the three following items for consent:

a. A request to approve the temporary removal of original death certificates from the Register of Deeds Office, in order for preservation work to be done on those documents. These death certificates are in seven books, including death certificates from 1945, 1950, 1957, 1968 and 1969. The Register of Deeds Office will begin a long-range plan of preservation with these seven books, in accordance with North Carolina General Statute §132-7. These seven books are in the greatest need for repair. The Board approved funding for this project in the County's 2006-2007 budget. So as not to have too many books out of the Register of Deeds Office at the same time, the preservation work will be done in small portions. The County will contract with RL Ballard & Associates, of New Bern, North Carolina for ungluing, punching holes and replacing the death certificates in new binders within 10 business days.

b. A request from the City of Conover to appoint Mr. Q. Lance Hight as Map Review Officer, by adoption of a resolution. The resolution also removed Mr. Christopher Niver as a Review Officer for the City of Conover.

On July 17, 1997, the North Carolina General Assembly ratified Senate Bill 875, Maps and Plats Law. This law requires all counties to appoint Review Officers who review each plat or map before it is recorded and certify that it meets the statutory requirements for mapping. The law states that individuals have to be appointed by name, not by job title, so any time a change occurs in staffing, a new Review Officer has to be appointed and approved by resolution of the Board of Commissioners and subsequently recorded in the Register of Deed's Office. The resolution read as follows:

**RESOLUTION #2007 -
APPOINTMENT OF MAP REVIEW OFFICERS**

WHEREAS, S.L. 1997-309 (SB875) made a number of significant changes in the procedures for recording maps and plats; and

WHEREAS, the main purpose of the law was to transfer the responsibility for reviewing plats to determine whether they meet recording requirements from the Register of Deeds to a Review Officer; and

WHEREAS, G.S. 47-30.2 requires the Board of County Commissioners in each County, by resolution, to appoint a person or persons to serve as Review Officer to review each plat or map before it is recorded and certify that it meets the statutory requirements for recording; and

WHEREAS, it is the desire of the Catawba County Board of Commissioners to insure an expeditious review of all maps and plats as required by G.S. 47-30.2 before they are presented to the Register of Deeds for recording; and

WHEREAS, the Catawba County Board of Commissioners on September 30, 1997 adopted Resolution #1997-160 which included names of individuals who were appointed as Review Officers for representative jurisdictions in Catawba County; and

WHEREAS, said Resolution was recorded in the Office of the Register of Deeds in Book 2050 Pages 604 and 605 and amended resolutions were subsequently recorded; and

WHEREAS, Q. Lance Hight has the responsibility of reviewing plats for the City of Conover; and

WHEREAS, Christopher Niver no longer performs Review Officer responsibilities for the City of Conover;

NOW THEREFORE, BE IT RESOLVED, that the following individual is hereby appointed to perform the responsibilities of Review Officer for the planning jurisdiction as indicated in accordance with the appropriate General Statutes:

City of Conover: Q. Lance Hight

And that the following individuals are hereby removed from the list of appointed Review Officers:

City of Conover: Christopher Niver

BE IT RESOLVED, that the Map Review Officers for Catawba County have the authority to sign for maps in the municipal planning jurisdictions when there is a staff transition; and

BE IT FURTHER RESOLVED, that a copy of this Resolution designating Review Officers be recorded in the Catawba County Register of Deed's Office and indexed in the names of the Review Officers.

Adopted this the 2nd day of April 2007.

c. A request to approve a tax refund request totaling \$101.16. Records had been checked and this refund verified, so the Tax Collector recommended approval. Under N.C. General Statute 105-381, a taxpayer who has paid his or her taxes may request a refund in writing for an amount paid through error.

Commissioner Barger made a motion to approve the consent agenda. The motion carried unanimously.

10. Department Reports.

a. Finance:

Rodney Miller, Finance Director, introduced Julie Herlands from TischlerBise who presented the results of a study of impact fees in Catawba County. At a planning retreat in May 2006, the Board was presented with various revenue options as it continues to explore ways of finding additional revenue other than through property taxes. One of those options was the establishment of impact fees on new residential development in Catawba County. Catawba is one of three counties in North Carolina, along with Chatham and Orange, that has State legislation authorizing the County to implement impact fees. Catawba County is the only one of these counties not currently charging impact fees. During the retreat, staff was instructed to move forward with an impact fee study to determine the cost of new housing development on County services.

In August 2006, staff selected TischlerBise, a fiscal, economic and planning consultant, to prepare the impact fee study due to its experience nationally and with other North Carolina counties. Staff and the consultant decided the impact fee study should only include the costs of new development related to schools, not other services included in the County's legislative authority (roads, water/sewer, libraries, etc.). TischlerBise completed its study, after interviews with staff from the Western Piedmont Council Of Governments, all three school systems and the County.

TischlerBise used two methodologies to calculate the amount of impact fees by school system: incremental expansion and cost recovery. The incremental expansion method is used to provide additional fee revenue to expand or provide additional facilities to accommodate new development. This approach was used for the Catawba County School System because that system is at or over capacity at all grade levels (elementary, middle and high schools). For the Hickory Public Schools,

the incremental approach was used for elementary and high schools, based on capacity at those grade levels, while the cost recovery approach was used for the middle schools and land because the system has excess capacity in those areas. Since the Newton-Conover City Schools previously identified one new elementary school to relieve capacity issues over the next four years, the consultant was asked to provide fees for one elementary school. Since that time, the Newton-Conover City Schools has updated its priority list and a new middle school has replaced the elementary school. TischlerBise agreed to incorporate this change in its impact fee model, using the incremental approach for the school since it will provide additional capacity to the school system, while using the cost recovery approach for land currently being held by the system since it has available land at this time.

The fee calculations include a credit for future principal payments on school improvements. Because the County financed a portion of recent school construction, new residential units that would pay an impact fee will also contribute to future principal payments on the remaining debt through property taxes paid to the County. This would result in double-taxation unless this future debt component was subtracted from the calculation of the fee.

The impact fees of new single-family and multi-family residential units, by system, are calculated as follows:

Catawba County School System – single-family \$6,842, multi-family \$1,992
Hickory Public Schools – single-family \$7,318, multi-family \$3,855
Newton-Conover City Schools- single-family \$2,196, multi-family \$416

Hickory's fee calculations are higher than the other two systems due to the fact that the level of service (mainly building square feet per student, especially at the high school level), is higher than in the other two systems.

With full implementation of the impact fee model, estimated annual revenues (based on last year's building permit data) would be as follows:

Catawba County Schools - \$4,659,402 (681 single family units x \$6,842) + \$19,920 (10 multi-family units x \$1,992) = \$4,679,322. This amount would leverage \$47 million in debt over 15 years.

Hickory Public Schools = \$321,992 (44 single family units x \$7,318 with no multi-family units recorded last year). This amount would leverage \$3.2 million in debt over 15 years.

Newton-Conover Schools - \$116,388 (53 single family units x \$2,196) + \$416 (1 multi-family unit x \$416) = \$116,804. This amount would leverage \$1.2 million in debt over 15 years.

The fees noted above are the maximum supportable by law and would not be a requirement. No other county in North Carolina charges the full, supportable amount per new residential housing unit. Orange County Schools, for example, charges \$3,000 per single-family unit for Orange County Schools and \$4,407 for Chapel-Hill Schools, also in that county, significantly lower than the "maximum supportable" fee.

Commissioner Barger asked if impact fees were imposed and then there was a bond issue would the impact fees be affected. Ms. Herlands replied not with the methodology that she was presenting and the impact fees would then be used to pay down the debt from the bond issue. He went on to ask if the impact fees could be imposed by district or whether it was an all or nothing situation. Ms. Herlands confirmed that the fees could be imposed by district.

Commissioner Lail asked if the County were to impose impact fees for infrastructure needs versus school needs in which the fees would only be imposed on residential properties, would commercial properties pay the fee. Ms. Herland replied that if it were the type of infrastructure that benefited both residential and commercial, then both would pay the impact fees based on their percentage of benefit. (ie. Sewer and water versus school, parks and libraries.)

Chair Barnes said at the Board's discussions back in May at their retreat it was looking at what were the options for the issues relating to schools and construction costs and this option was just one additional piece of the puzzle to sort through. The Board accepted this report for information only and no action was required.

b. Utilities and Engineering:

1. Barry Edwards, Director of Utilities and Engineering and Jacky Eubanks, Planning Director, presented a request from the County Planning Office and the Utilities and Engineering Office to approve a new staff position and a budget revision with regard to code compliance. Catawba County's approach to code compliance has been complaint driven. Staff has not actively sought out violations; but were reactive to issues that surfaced, based on information provided by citizens or other interested parties. During discussions surrounding the Unified Development Ordinance (UDO) and home occupations, the Board expressed an interest in being more proactive with regard to code compliance. On November 5, 2006, a work session was held during which the Board discussed home occupations and approaches to code compliance. Information was provided relative to the costs to enhance the program with additional staff time and materials. The Board adopted the UDO on February 5, 2007 and, in its motion, expressed intent to create a second code compliance position and additional legal support, to assist with the proactive compliance of the new ordinance. Code compliance will be moved to the Utilities and Engineering Department, which currently performs code compliance functions regarding solid waste and erosion control. The existing code compliance employee associated with Planning and Community Development and the existing Utilities and Engineering code compliance staff, currently known as Code Enforcement Technicians, will be classified identically as Code Compliance Technicians. The name change makes a significant statement about a new approach to addressing non-compliance issues. The re-designed program will place a much greater emphasis on working with the public to achieve compliance with all County codes. Code Compliance Technicians will be in the field to help citizens gain compliance with local ordinances and laws. The County's code enforcement activities will rest with the County Attorney's office.

Code Compliance Technicians will be cross-trained in the areas of erosion control, solid waste, and zoning and land use. Each code compliance technician will have identical job duties and responsibilities. In anticipation of having three code compliance technicians, the County will be divided into three geographic areas to provide consistency and facilitate good working relationships. Each compliance technician will have identical responsibilities for administering the code compliance program, such as junk vehicles, signs, business types and locations, solid waste and erosion control. Existing legal staff will provide any additional legal support needed to support the anticipated work generated by a third Code Compliance Technician working to help citizens achieve compliance. The Board will receive a report on the progress and results of the program after the first six months of operation entirely under the Catawba County Department of Utilities and Engineering and the County Manager will receive updates on the program every three months.

Chair Barnes asked about what would be required for the cross training. Mr. Edwards replied that the State offers training for each type of compliance to carry out the state program and the compliance technicians would need to be certified by the State in this training.

Commissioner Barger said it was quite obvious that a lot of guidance and direction was needed to be given to compliance officers and he was not sure if the County was ready or able to give that kind of direction. He said there was still a lot of work to be done and used an example of things that have been in violation for 15 to 20 years and asked at what point did the County start enforcing the code. He stressed the need for consistent direction and asked how and when were those determinations going to be made. Mr. Edwards replied that he and Mr. Eubanks and the legal staff would be working on those issues.

Commissioner Lail asked at what point did the State require that, for example, that carports, need a building permit. Mr. Edwards responded that he thought it was 1990. Commissioner Lail asked if the carport was up before 1990, would the County enforce the code regarding carports. Mr. Edwards responded the County would not unless it was encroachment issue rather than a building code compliance issue. Commissioner Lail questioned Attorney Bechtel about the fact that since the

County had not enforced some of the ordinances on the books, could those violations be grandfathered and a specific date be arrived at to start enforcement. Attorney Bechtel replied that from a technical legal standpoint, in any ordinance that the County has, it can go back to any point in time and enforce it if it has evidence that it was being violated. She went on to say that from a policy standpoint the County could develop criteria and say it was not going to be concerned with anything prior to a date certain and start from that date and go forward. Commissioner Lail said that cut off point should be determined and Attorney Bechtel warned that the Board should take into consideration that it could start to impede the County's progress if the matter went to court, if it had arbitrarily drawn a line and the court perceived the date to arbitrary. Attorney Bechtel went on to say that she was confident that between Mr. Edwards, Mr. Eubanks, Ms. Pease and her, they could come up with something that was reasonable – and have a better chance of defending that because a date was not arbitrarily determined but based on criteria that had been determined through their study and research.

Chair Barnes said in hindsight, the education of the public regarding code compliance had not been accomplished and she was unsure if a bonafided plan was in place to make people aware of what was required to be in compliance. Mr. Edwards suggested that staff meet with building suppliers in the area to ensure they provided the necessary information when a consumer purchased something that needed a building permit. Mr. Eubanks assured the Board that this effort would be a partnership between the departments and they would all work together to improve the overall code compliance program and to improve the public relations with the community as it relates to compliance issues. The Board tentatively planned to have a work session in May 2007 where these issues will be addressed.

Chair Barnes made the motion to approve this new staff position and the necessary budget revision. The motion carried unanimously.

Commissioner Beatty left the meeting at this time.

2. Barry Edwards, Director of Utilities and Engineering with the assistance of Toni Norton, Stormwater Engineer, presented a report on the impact of full implementation, by the State of North Carolina, of Federal Environmental Protection Agency National Pollutant Discharge Elimination System, Phase II, often referred to as "stormwater management" regulations. These regulations, which will fully take effect on July 1, 2007, will not change present Catawba County policies. The municipalities of Brookford, Claremont, Conover, Hickory, Long View, Maiden and Newton will be required to address six minimum measures involving public education and outreach, public participation and involvement, detection and elimination of illicit discharge, construction site runoff control, post construction runoff control and pollution prevention. Staff with the Catawba County Department of Utilities and Engineering will continue to be involved in overseeing post-construction requirements under Phase II, within watershed protection areas, along with 33 other North Carolina counties. The State will continue to oversee post-construction requirements outside of watershed protection areas. County staff will work to insure that new development doesn't adversely impact downstream entities. For low-density development (under 24% built upon) vegetated conveyances are to be used to the "maximum extent practicable", as defined under State and County regulations. For high-density developments, engineered controls will be required to control and treat the first inch of rainfall. This item was for informational purposes only and no action was required.

3. Barry Edwards, P.E., Director of Utilities and Engineering presented a report on a Utility Decision Tool that has been developed by the Department of Utilities and Engineering to assess and prioritize proposed water and sewer capital improvement projects. It takes into account project cost estimates and the type and amount of community benefits estimated to be derived from a given project. It provides a method to assign relative values to the various benefits of a given project, which will help staff determine the effects of any trade-offs among those benefits. The tool will allow staff to make better decisions regarding the prioritization of future water and sewer capital improvement projects, better explain those decisions, and improve the department's budgeting process. There are currently \$160 million in identified water and sewer improvement needs in the county, with water and sewer fund revenues averaging between \$2.5 and \$4 million per year. The average utility project costs \$2.188 million. The tool is expected to level the playing field for the

competition for resources and result in a prioritization of projects according to their overall value. This item was informational only and no Board action was required.

Mr. Edwards updated the Board and advised them that Balls Creeks was connected and they had sewer.

c. Mental Health:

Assistant County Manager Joellen Daley with the assistance of John Hardy, Director of Mental Health, gave the Board an update on the mental health merger and asked the Board to acknowledge the action taken by the Burke County Board of Commissioners on March 27, 2007 to partner with Catawba County to administer mental health services, and direct County staff to negotiate an interlocal agreement between Burke County and Catawba County. At its March 26, 2007 meeting, the Burke County Board of Commissioners voted to withdraw from Foothills LME (Local Managing Entity) and partner with Catawba County to administer mental health services. The Catawba County LME Board met on March 27, 2007, discussed the merger options presented to Catawba County and endorsed the action of the Burke County Board of Commissioners. The Catawba LME Board agreed that administration of mental health services would be provided through interlocal agreement between Burke County and Catawba County, effective July 1, 2007. The interlocal agreement would be in place for one year while the details of the full merger are addressed. It is the intent to have the full merger completed and implemented by July 1, 2008. Commissioner Lail made a motion to acknowledge the action of the Burke County Board of Commissioners to withdraw from the Foothills LME and to merge with Catawba County, direct staff to continue to develop the interlocal agreement and to express the Board's interest to fully merge with Burke County in July 2008. The vote carried unanimously (Vice-Chair Beatty not present but not formally excused so her vote would be counted in the affirmative.)

11. Other Items of Business. None.
12. Attorneys' Report. None.
13. Manager's Report. None.
14. Chair Barnes adjourned the meeting at 11:30 a.m.

Katherine W. Barnes, Chair
Board of Commissioners

Barbara E. Morris, County Clerk