

Regular Session, May 6, 2013, 9:30 a.m.
Catawba County Board of Commissioners

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JCPC

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Resolutions

Vehicle donation to Western North Carolina Epilepsy Association	780	05/06/13
Donation of two Ambulances to Catawba County Schools	781	05/06/13
Resolution – Installment Purchase Financing – Construction of Hwy 150 Sewer Lines	783	05/06/13

The Catawba County Board of Commissioners met in regular session on Monday, May 6, 2013 at 9:30 a.m. in the Robert E. Hibbitts Meeting Room of the 1924 Courthouse, 21 East 1st Street, Newton, North Carolina.

Present were Chair Katherine W. Barnes, Vice-Chair Barbara G. Beatty and Dan A. Hunsucker and Randy Isenhower. Commissioner Lynn M. Lail was absent.

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

1. Chair Katherine W. Barnes called the meeting to order at 9:30 a.m. Chair Barnes noted that Commissioner Lynn M. Lail was absent.
2. Vice-Chair Barbara G. Beatty led the Pledge of Allegiance to the Flag.
3. Chair Barnes offered the invocation.
4. Commissioner Hunsucker made a motion to approve the minutes of the Board's Regular Meeting of April 15, 2013 and the Special Meeting of April 23, 2013. The motion carried unanimously.
5. Recognition of Special Guests: Chair Barnes welcomed all.
6. Public Comments for Items Not on the Agenda: None.
7. Presentations:
 - a. The Board issued a proclamation to Emergency Medical Services Manager Sylvia Fisher recognizing May 19-25 as Emergency Medical Services Week. The week commends Emergency Medical

Services for providing lifesaving care for those in need, twenty-four hours a day, seven days a week, and spotlights the benefits Americans receive from these highly trained, knowledgeable individuals.

- b. The Board issued a proclamation to representatives from the Partnership for Children and the Children's Resource Center recognizing the impact of early childhood education and the importance of parents' awareness of early childhood education options available to them. The proclamation encouraged parents, grandparents and caregivers to take every opportunity to read to their children and cultivate a love of learning.
- c. The Board issued a proclamation declaring May 5-11 as Public Service Recognition Week to recognize that local, state and federal government employees are integral to the quality of life in Catawba County. Being closest to the people, local government leaves the strongest impression on its recipients, placing a great responsibility on County employees to provide exemplary customer service with compassion, empathy and understanding. The efficiency and effectiveness of government depends largely on these employees. Catawba County employees touch the lives of all residents by providing a wide range of services specified in the proclamation, which expresses the Board's "deep appreciation for the innovation and daily contributions Catawba County employees make to the lives of county citizens". The Chair directed that this proclamation be emailed to all County Employees.

8. Appointments:

Commissioner Hunsucker recommended the appointment of Naomi East for a first term in the general public category on the Public Health Board. This term will expire June 30, 2016. Chair Barnes presented the recommendations of Commissioner Lynn Lail to reappoint Sybil Stewart for a first term, Larry Drum for a second term and Rusty Lutz for a fourth term on the Catawba County Planning Board. Commissioner Lail also recommended the appointment of Planning Board alternate member Veronica Keegan as a full member to succeed Dr. Eric Shook. These terms will expire December 31, 2016. Commissioner Lail recommended the reappointment of Sherbia Jones and Johnny Scott for second terms and Diana Smith-Williams for a third term on the Community Service Block Grant Advisory Board. Ms. Jones' and Mr. Scott's terms will expire October 31, 2015 and Ms. Smith-Williams' term will expire March 30, 2016. These recommendations came in the form of a motion which carried unanimously.

9. Consent Agenda:

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

- a. A request for the Board to declare a 1988 Ford truck as surplus and donate this vehicle to the Western North Carolina Epilepsy Association (WNCEA). The Association started a HOPE (Help Our People Eat) Garden Project in 2010. The Association needs a truck periodically to haul fertilizer, compost and garden equipment, as well as to deliver the produce to brother and sister organizations such as Eastern Catawba Cooperative Christian Ministries and the Hickory Soup Kitchen. In three years, WNCEA has produced and delivered 9,371 pounds of fresh vegetables and fruit to help provide nutritional foods for Catawba County residents in need. The 1988 Ford truck was used by the Garage, then as a horticultural space vehicle and, for the past few years, as a loaner to other departments.

North Carolina General Statute 160A-279 authorizes the County to convey personal property to a nonprofit organization without monetary consideration as long as the property will be used for a public purpose. The process begins with the governing board declaring the personal property as surplus and then adopting a resolution authorizing the conveyance of the property and a ten-day public notice. The following resolution applies:

**RESOLUTION No.
DECLARATION OF SURPLUS PROPERTY AND DONATION TO
WNC Epilepsy Association**

WHEREAS, Catawba County owns a 1998 Ford Truck that is no longer needed for any governmental use;

WHEREAS, North Carolina General Statute 160A-279 authorizes a county to convey personal property by private sale to a nonprofit organization;

WHEREAS, North Carolina General Statute 160A-279 authorizes the conveyance without monetary consideration if the recipient ensures the property will be used for a public purpose;

WHEREAS, WNC Epilepsy Association is a nonprofit organization that provides a public service;

THEREFORE, the Catawba County Board of Commissioners resolves that:

A 1998 Ford Truck is declared surplus property. The property will be donated to the WNC Epilepsy Association. The Purchasing Manager shall be authorized to conduct the transfer of property and shall publish a notice summarizing the contents of this resolution and the property shall be conveyed anytime after ten days after notice publication.

This the 6th day of May, 2013.

b. A request for the Board to declare two ambulances as surplus and donated these vehicles to the Catawba County Schools. A 2006 Ford Ambulance and a 2005 Ford Ambulance are no longer needed by the County. Catawba County Schools will assign one to its locksmith and the other to its electrician. County ambulances typically sell for between \$5,000 and \$6,000 on the GovDeals electronic auction system, but the 2005 ambulance is not in good mechanical condition and would be valued at less than \$5,000.

North Carolina General Statute 160A-274 authorizes the sale, lease, exchange and joint use of governmental property. Under this statute, a governmental unit may transfer personal property to another governmental unit with or without monetary consideration. The statute does require action by the governing body. The following resolution applies:

**Resolution #2013-
DECLARATION OF SURPLUS PROPERTY AND DONATION TO CATAWBA COUNTY SCHOOLS**

WHEREAS, the County has the authority to declare property no longer needed as surplus and donate said property to another governmental unit account to the precepts of NCGS 160A-274; and

WHEREAS, the following property is no longer needed for any governmental use by Catawba County:

2005 Ford Ambulance
2006 Ford Ambulance

WHEREAS, said vehicle shall be given to Catawba County Schools to be used for a governmental purpose.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners hereby declares said property as surplus and authorizes the vehicle to be donated to Catawba County Schools.

This the 6th day of May 2013.

c. A request for the Board to approve a third amendment to the Fiscal Year 2012-2013 Funding Plan for the Catawba County Juvenile Crime Prevention Council (JCPC). The new funding plan reallocates \$18,397.

The JCPC is an organization established by the State of North Carolina, Department of Public Safety's Division of Juvenile Justice. The JCPC exists to identify risks of youth in the community, prevent crime among at risk youth, review court data, and identify needed programs to provide intervention and prevention. Funding is allocated by the State, distributed to the County and then to the programs.

Membership is determined mostly by the Statute establishing the JCPC. Representatives are those involved with youth.

The Board approved an amendment to the JCPC funding plan in December 2012 to allocate \$64,210 in previously unallocated funds, including \$36,260 for the Alexander Youth Network (AYN). The contract for services by AYN was effective January 1, 2013, on a reimbursement basis for the number of days youth were placed in rapid response beds. Since it is a new program and it may take some time for referrals to begin, AYN has not admitted the number of youth anticipated and does not need the full funding approved. Accordingly, the program notified the JCPC of its intent to amend its budget to \$8,500.

County JCPCs can reallocate any funds already received but not yet expensed to existing programs, subject to requests by the programs and demonstration of need. Any funds not distributed to the County revert to the State. AYN notified the State that it would revert \$9,604, leaving \$18,156 from AYN to reallocate to other programs.

During a JCPC Finance Committee meeting on March 8, 2013, AYN's status was discussed and existing programs were invited to submit requests in anticipation of a reversion. At a March 19 JCPC meeting, the JCPC voted to approve increased funding requests totaling \$8,767 as follows: \$2,099 to the Conflict Resolution Center for a new staff member to assist with mediations/clerical assistance/client tracking for April through June; and \$6,668 to the Parenting Network to assist with unanticipated costs associated with becoming an independent non-profit in June 2012.

Despite the above allocations, \$9,929 was still available for redistributions and programs were given an additional opportunity to request funds. Two programs responded and the JCPC voted by email to reallocate an additional \$9,630 as follows: the Conflict Resolution Center requested and the JCPC approved via email \$4,540 in JCPC funds for the following items (note: these numbers include a 30% cash match): \$375.60 for health insurance reimbursement for April through June 2013, for two staff members. The current program agreement provides less funding than the insurance costs; \$4,211.71 to purchase a slightly used copier; \$192.59 for a dorm size refrigerator to refrigerate drinks for JCPC funded Conflict Resolution and LifeSkills training series; \$110 for Publisher Software used to develop flyers for the JCPC funded Conflict Resolution and LifeSkills training series, and \$1,538.95 for a new laptop for JCPC funded staff. The Parenting Network requested \$5,390, of which the JCPC approved via email \$5,090 for the following: \$1,830 for a copier lease for April through June; \$1,000 for two computers for staff members partially funded by JCPC funds; \$300 for two printers; \$800 for office supplies; \$500 for two cabinets for supplies; and \$660 for 25% of the CPA expenses related to oversight and IRS 990 reporting. \$300 requested to pay stipends to families attending parenting classes was not approved because the State Area Consultant advised it is not good practice to pay families to attend court involved classes.

Since the anticipated amount from AYN would not fully cover the additional program requests, JCPC voted during its April meeting to transfer \$241 from its Administrative budget. The plan does not require any Catawba County funding, and as stated previously, is subject to State budget.

*****CORRECTION DUE TO TRANSPOSITION OF NUMBERS: AYN (ALEXANDER YOUTH NETWORK) RELEASED \$9064 FOR REVERSION TO THE STATE, NOT \$9604 AS REPORTED ABOVE. THIS RESULTS IN THE ALLOCATION FOR AYN TO BE \$9040 RATHER THAN THE \$8500 STATED ABOVE.**

d. A request for the Board to approve the FY 2014 Annual Plan for the Catawba County Juvenile Crime Prevention Council. The Plan included the JCPC-recommended proposed funding plan. The JCPC is an organization established by the State of North Carolina, Department of Public Safety's Division of Juvenile Justice. The JCPC exists to identify risks of youth in the community, prevent crime among at risk youth, review court data, and identify needed programs to provide intervention and prevention. Funding is allocated by the State, distributed to the County and then to the programs. Membership is determined mostly by the Statute establishing the JCPC. Representatives are those involved with youth.

Every year there is a process the JCPC must follow that begins with prioritizing risks and needs, with the final step being approval of a funding plan. The risks and needs priorities are determined in the fall and early winter, and the approval of the funding plan occurs in the spring. Steps in developing the plan include identification of risk factors, based on court data, development of a list of priorities to address the risk factors, and review of and approval of the priorities. Once priorities are developed, the JCPC advertises for programs to submit proposals to address risk factors, reviews proposals and recommends a funding plan to the JCPC, which is subject to the State of North Carolina budget.

In the spring, and once proposals are received, the JCPC develops an annual plan and submits the Plan to the Board of Commissioners. The funding for next year and the services provided are as follows: Alexander Youth Network: \$23,500, emergency shelter; Conflict Resolution Center: \$52,622, mediation and interpersonal skill building; Family Net: \$147,986, psychological assessments, substance abuse, sex offender treatment and counseling; Parenting Network: \$29,364, parenting/family skill building; Project Challenge: \$61,974, restitution/community service, and JCPC Administration: \$13,500. The State has advised local JCPCs to plan for the same funding as received in FY 2013, which is \$328,946. The plan does not require any Catawba County funding, and as stated previously, is subject to State budget.

Chair Barnes asked if any Commissioner wished to have an item broken out of the consent agenda for consideration. None were requested. Commissioner Hunsucker made a motion to adopt the consent agenda. The motion carried unanimously.

10. Departmental Report:

Finance:

Finance Director Rodney Miller presented a request for the Board to adopt a final resolution regarding an installment purchase financing for the construction of sewer lines along Highway 150 in the County. Catawba County has set aside funding over multiple years in anticipation of the addition of sewer lines along Highway 150 to account for the population growth in that area of the county. In December 2012, the County awarded construction bids to two different contractors totaling \$8 million.

In February 2013, the Board held a public hearing regarding a \$39 million installment purchase financing for the sewer project, along with other county/school construction projects, as required by State law. After receiving bank bids, the low bidder excluded the sewer project from its financing bid, resulting in a \$31 million loan over fifteen years that was approved by the Board on March 18, 2013, for the other six projects.

The balance of \$8 million for the sewer project was then advertised again in a request for financing proposals in early April for the maximum term offered by the financial institution. On April 18, 2013, the County received bids from three different financial institutions to finance up to \$8 million as follows: Bank of America: 10 years – 1.93%/ 15 years – 2.77%; PNC Bank: 10 years - 1.79%, and U.S. Bank: 12 years - 1.81%.

U.S. Bank was selected as the winning financial institution to take advantage of the maximum term with the best interest rate. No future property tax or sewer increase is planned or needed to account for the annual debt service on the loan.

All local governments in North Carolina that borrow funds greater than \$500,000, or for longer than five years to maturity, must receive approval by the Local Government Commission (LGC), a division of the North Carolina Department of State Treasurer. The LGC will consider this financing at its May 7, 2013, meeting in Raleigh. Commissioner Isenhower made a motion to adopt this resolution. The motion carried unanimously. The following resolution applies:

Resolution 2013-15

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF CATAWBA, NORTH CAROLINA, APPROVING A CONTRACT AND THE DELIVERY THEREOF AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS

WHEREAS, the County of Catawba, North Carolina (the "*County*") is a political subdivision validly existing under the Constitution, statutes and laws of the State (the "*State*");

WHEREAS, the County has the power, pursuant to the General Statutes of North Carolina, to (1) purchase real and personal property, (2) enter into installment purchase contracts to finance the purchase or improvement of real and personal property used, or to be used, for public purposes, and (3) grant a security interest in some or all of the property purchased or improved to secure repayment of the purchase price;

WHEREAS, the Board of Commissioner of the County (the "*Board*") has previously determined that it is in the best interest of the County to enter into an installment financing agreement (the "*Contract*") in order to pay the capital costs of acquiring and installing sewer lines and related equipment to be installed along US Highway 150 (the "*Projects*");

WHEREAS, the Board hereby determines that it is in the best interest of the County to enter into the Contract with U.S. Bank National Association (the "*Bank*") to finance the Projects and the grant a security interest in the Projects in favor of the Bank to secure the County's obligations under the Contract;

WHEREAS, the Board conducted a public hearing on February 18, 2013 with respect to entering into an installment financing agreement for the Projects and other projects previously financed by the County under a separate installment financing agreement;

WHEREAS, the County has filed an application with the LGC for approval of the LGC with respect to the County entering into the Contract in an aggregate principal amount of not to exceed \$8,000,000;

WHEREAS, there has been made available to the Board the form of the Contract which the County proposes to approve, enter into and deliver, as applicable, to effectuate the proposed financing at an interest rate as specified in the Contract; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF CATAWBA, NORTH CAROLINA, AS FOLLOWS:

Section 1. Ratification of Prior Actions. All actions of the County, the County Manager, the Finance Director of the County and the Clerk to the Board and their respective designees in effectuating the proposed financings are hereby approved, ratified and authorized pursuant to and in accordance with the transactions contemplated by the Contract.

Section 2. Authorization to Negotiate, Execute and Deliver the Contract. The County hereby approves the financing of the Projects in accordance with the terms of the Contract, which will be a valid, legal and binding obligation of the County in accordance with its terms. The County hereby approves the amount advanced by the Bank to the County pursuant to the Contract in an aggregate principal amount not to exceed \$8,000,000, such amount to be repaid by the County to the Bank as provided in the Contract. The Contract is in all respects authorized and approved, and the Chairman, the County Manager, the Finance Director of the County and the Clerk to the Board or their respective designees, individually and collectively, are authorized, empowered and directed to execute and deliver the Contract for and on behalf of the County, including necessary counterparts, in substantially the form as set forth above. The execution of the Contract by the Chairman, the Clerk to the Board, the County Manager, the Finance Director or their respective designees shall constitute conclusive evidence of the County's approval of any and all such deviations in such Contract from the form and content of the Contract made available to the Board, and that from and after the execution and delivery of the Contract, the Chairman, the County Manager, the Finance Director of the County and the Clerk to the Board or their respective designees are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Contract as executed.

Section 3. County Representative. That the Chairman, the County Manager and the Finance Director of the County, individually and collectively, are hereby designated as the County's Representative to act on behalf of the County in connection with the transactions contemplated by the Contract , and the Chairman, the County Manager and the Finance Director are each authorized to proceed with the acquisition of the Projects in accordance with the Contract and to seek opinions as a matter of law from the County Attorney, which the County Attorney is authorized to furnish on behalf of the County, and opinions of law from such other attorneys for all documents contemplated hereby as required by law.

The Chairman, the Clerk, the County Manager and the Finance Director of the County or their respective designees are each hereby authorized, empowered and directed to do any and all other acts and to execute any and all other documents, which they, in their discretion, deem necessary and appropriate to consummate the transactions contemplated by the Contract or as they deem necessary or appropriate to implement and carry out the intent and purposes of this Resolution.

Section 4. Repealer. All motions, orders, resolutions and parts thereof in conflict herewith are hereby repealed.

Section 5. Effective Date. This Resolution is effective on the date of its adoption.

11. Other Items of Business: None.
12. Attorney's Report: None.
13. Manager's Report: None.
14. Adjournment. Prior to making a motion to adjourn the meeting, Vice-Chair Beatty commended county staff for their successful efforts at the Hazardous Waste Collection Event that had occurred the weekend prior to this Board meeting. The meeting adjourned at 9:55 a.m. with a unanimous vote.

Katherine W. Barnes, Chair
Catawba County Board of Commissioners

Barbara E. Morris
County Clerk