

Minutes
Catawba County Board of Commissioners
Regular Session, Monday, July 9, 2007 7:00 p.m.

Appointments

Catawba County Economic Development Corp. 678 07/09/07

Closed Session

Pursuant to GS 143-318.11(a)(4) to discuss matters relating to the location
Or expansion of industries or other businesses 681 07/09/07

Library

Newton Friends of Catawba County Library Book Sale 679 07/09/07

Ordinance

Floodplain Management Overlay 659 07/09/07

Piedmont Wagon

Rural Operating Assistance Program Grant Application 655 07/09/07

Planning

Adoption of Flood Zone Maps 656 07/09/07

Public Hearing

Fiscal Year 07/08 Rural Operating Assistance Program Grant Application 679 07/09/07
Adoption of Flood Zone Maps 656 07/09/07

Purchasing

Surplus Library Materials – Newton Friends of Catawba County Library Book Sale 679 07/09/07
Donation of Vehicles – Work and Ride Program 680 07/09/07
Public Auction Bid Award – Real Property 681 07/09/07

Sheriff's Office

State Criminal Alien Assistance Program 678 07/09/07

The Catawba County Board of Commissioners met in regular session on Monday, July 9, 2007 at 7:00 p.m. in the 1924 Courthouse, Robert E. Hibbitts Meeting Room, 30 North College Avenue, Newton, North Carolina.

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

Chair Katherine W. Barnes was absent.

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

1. Vice-Chair Barbara G. Beatty called the meeting to order at 7:00 p.m.
2. Commissioner Glenn E. Barger led the Pledge of Allegiance to the Flag.
3. Commissioner Lynn M. Lail offered the invocation.
4. Commissioner Dan Hunsucker made a motion to approve the minutes of the Regular Meeting of June 26, 2007. The motion carried unanimously.

5. Recognition of Special Guests: Vice-Chair Beatty welcomed everyone present and noted Chair Barnes was absent from the meeting due to a family emergency.
6. Comments for Items not on the Agenda. None.
7. Public Hearings:
 - a. Mike Bennett, Interim Transit Manager for Piedmont Wagon Transit System came forward to request the Catawba County Board of Commissioners hold a public hearing regarding the FY2007-08 Rural Operating Assistance Program (ROAP). Funds allocated under this grant are used to provide public transportation for the residents of Catawba County. The Piedmont Wagon Transit System further requested the Board adopt a motion recommending the Catawba County Board of Commissioners approve the grant application.

The Rural Operating Assistance Program is an annual grant that is available from the North Carolina Department of Transportation---Public Transportation Division. The County is the eligible applicant for the ROAP funds. It includes the Elderly and Disabled Transportation Assistance Program (EDTAP), the Work First Transitional/Employment Transportation Assistance Program and the Rural General Public (RGP) Program. These program funds are made available to counties through formula allocation.

- **EDTAP** provides operating assistance funds for the transportation of the state's elderly and persons with disabilities. This transportation assistance allows these individuals to reside for a longer period in their homes, thereby enhancing their quality of life.
- **Work First/Employment** program is intended to provide operating assistance for transitional Work First and general public employment transportation needs.
- **RGP**, which provides operating assistance funds, is intended to provide transportation services to individuals who are not human service agency clients.

The FY 2007-2008 Rural Operating Assistance Program total allocation to the County is **\$246,224.00** (approximately 13 percent increase over last year's allocations). This money will fund the following programs:

FY 2007-08 ROAP Allocations

Program	Formula Allocation	Supplemental Allocation	Total 2007-08	Total 2006-07
EDTAP	\$78,697	\$46,965	\$125,657	\$100,776
WORK FIRST	\$11,918	\$11,918	\$23,836	\$12,358
RGP	\$58,239	\$38,492	\$96,731	\$104,272
TOTAL	\$148,854	\$97,375	\$246,224	\$217,406

The EDTAP and Work First funding will be provided with 100 percent state funds and requires no local match. RGP are funded at 90 percent of the fully allocated cost of each general public trip. The remaining 10 percent RGP match is funded through existing Catawba County sub-allocations to Piedmont Wagon Transit System and fares.

Vice-Chair Beatty asked if there were any questions by the Board regarding this request. Hearing none, she announced this was the time and place that had been advertised for the public hearing and opened for floor for public comments.

Nettie Wingate came forward and said she traveled to Conover for dialysis. She had recently had to turn in her license due to her health conditions. She said that Piedmont Wagon was very important

to her and for getting the treatment she needed and she appreciated the system and asked the Board support the grant application.

Elmer Lint came forward and said his wife had had three strokes and open heart surgery. He is blind and cannot drive. He said he used to see Piedmont Wagon vans with one person in them and thought it was wrong but now he is that one person and truly appreciates the service to get him to his medical appointments. He said he was very grateful for the service Piedmont Wagon provides and asked the Board to support the grant application.

Vice-Chair Beatty asked if there was anyone else who wished to speak. Hearing and seeing no one, she closed the public hearing. Commissioner Hunsucker made a motion to approve the grant application. The motion carried unanimously. Vice-Chair Beatty thanked those who had come out to speak on this matter and the Board appreciated what Piedmont Wagon did for these people. County Manager Lundy added that it was good to see Elmer Lint, who was a long time member of Catawba County Board of Health. He went on to say to the Board that they were aware of the effort to regionalize transportation driven by the State and its funding and by the hope that there were economies that could gain with better use of the State funds. He noted there had been two issues that had come up at the Board's Spring retreat and he wanted to report on those issues because staff was scheduling action on those items at the Board's August 6th meeting. One was the Authority's Board's membership makeup – what should it look like? Currently the four counties (Alexander, Burke, Caldwell and Catawba) are funding transportation along with the cities of Hickory, Newton and Conover funding the urban portion. One of the Board's concern was these 7 local governments should be on the Board. The discussions in Caldwell County on this issue voiced a concern that if there was a 7 member board, 4 members would be from Catawba County –then Catawba County would always have a majority. What was discussed on this date was having the 7 member board but requiring a super majority (i.e. 5 votes) for items like the appointment of the Director, adoption of the budget, setting routes, etc. Mr. Lundy said that most of the jurisdictions were planning on continuing to have the manager sit as their representative but that would be this Board's decision for Catawba County. The other concern that was discussed at the retreat was ensuring that jurisdictions could not get in and out of the Regional Authority at will and that the County's investment was protected. The proposed resolution includes a provision that any jurisdiction that would like to get out would have to give notice by July 1st of the fiscal year and that would be one year in advance of departure. Mr. Lundy said the resolution would be before the Board on August 6, 2007.

b. Jacky Eubanks, Planning Director, came forward and requested the Board to review, conduct a unified public hearing and adopt the amendments to Sec. 44-429, Floodplain Management Overlay (FPM-O), and the County's official zoning map to comply with the Federal Emergency Management Agency's (FEMA) model floodplain regulations and incorporate FEMA's new flood maps for the County's planning jurisdiction.

Catawba County has participated in the Federal Emergency Management Agency's (FEMA) floodplain management program since September 3, 1980 when the first FEMA flood maps were put into effect for the County's planning jurisdiction. The County's participation and compliance with the Federal flood program allows its citizens to purchase insurance against flood losses and the County to be eligible for Federal or State disaster assistance. Since 1980, portions of the County had updated flood studies conducted by FEMA with new maps or flood elevations established. Despite these updates, the County's maps remain outdated with new development impacting the flooding of studied and unstudied streams in addition to inaccurate mapping of the flood impacts around the County's lakes (Hickory, Lookout and Norman).

The State of North Carolina has been facing extreme hazards and consequences from hurricanes and flooding, especially since Hurricane Floyd struck the eastern part of the State in 1999. Recognizing that there are limited resources at the Federal level to update the State's flood maps, in September 2000 the State of North Carolina agreed to participate with FEMA as a Cooperating Technical State to update the State's flood maps. The State's new flood mapping process began in the eastern portion of the State where flooding impacts from hurricanes were more eminent.

The process for updating the Catawba River basin flood maps began in early 2004 when the State conducted scoping meetings with local governments in the basin to identify flood prone areas and restudy needs. Catawba County participated in these meetings and coordinated a joint priority list of flood mapping needs for all the jurisdictions within the County. From this information, the State proceeded with the technical flood mapping study. A consultant was hired by the State to obtain new aerial photography and conduct hydraulic and hydrologic studies used in the development of new flood maps for the river basin. Upon completion of the draft flood maps, the State submitted the maps to local governments for review and comments.

At the request of the County, FEMA submitted the preliminary flood maps and flood insurance study in July 2006 in order for the County to obtain public input on the new flood maps during the Unified Development Ordinance (UDO) process. Under State Statutes, the County is required to notify affected property owners and allow public comment on the preliminary flood maps, similar to a rezoning process. Staff included notification of the preliminary flood maps with the notice for the UDO rezoning action sent in late July 2006 in order to meet this statutory requirement. The preliminary flood maps were made available for viewing by the public at a series of drop in meetings in early August 2006 and at the Newton Main Library and Planning Department. On August 7, 2006, the Planning Board conducted its public hearing on the official zoning maps, which included the preliminary flood maps as a Floodplain Management Overlay (FPM-O) District. The Board of Commissioners conducted an initial hearing on the flood maps at its August 21, 2006 meeting, which was continued until adoption of the UDO on February 5, 2007. The preliminary flood maps were not adopted as part of the final UDO zoning maps due to FEMA's statutory requirement for a public appeal and petition process before the maps could become effective.

In early August 2006, FEMA advertised the new flood maps in the Federal Register which began the official 90-day public appeal and petition process. On September 21, 2006, FEMA and County staff conducted a public meeting to educate citizens on the new preliminary flood maps and to help residents locate particular properties on the maps to determine their level of flood risk. Twelve citizens attended this meeting. The County submitted its comments, consisting of general map clarifications, during the official appeal and petitions protest period.

FEMA reviewed the comments received during its appeal period and found that no requests were submitted to change the base flood determinations (i.e. 100 year floodplain delineation) as shown on the preliminary maps submitted in July 2006; therefore, the flood maps have not changed since public comment was received during the UDO public hearings last year. FEMA is now requiring the County to adopt the new flood maps along with text amendments to its floodplain management ordinance by September 5, 2007 when the new flood maps will be put into effect by FEMA.

FEMA requires local governments to adopt its model ordinance as the minimum standards for floodplain management in order to remain in good standing with the flood insurance program. Staff submitted the County's UDO floodplain management ordinance, Sec. 44-429, to the State Division of Emergency Management for review and consistency with FEMA's model ordinance. The required amendments to the UDO floodplain management section as identified by State staff will comply with FEMA's model ordinance. The key amendment to the text is in Sec. 44-429.04 which will change the reference to the new flood maps, effective September 5, 2007, as the official designated flood hazard areas within Catawba County's jurisdiction. The other amendments are minor technical or grammatical changes required by FEMA. These amendments will not go into effect until September 5, 2007 when the new FEMA maps will be enforced.

The County's official zoning map will be amended to delete the current floodplain management overlay district, which was based on the 1980 flood maps, and replace it with the new FEMA flood map delineation with an effective date of September 5, 2007. The new zoning map will likewise depict this area as the Floodplain Management Overlay (FPM-O) district.

Following are highlights of some of the changes to the flood maps which have addressed the County's concerns identified during the initial scoping meeting with the State in 2004:

- Approximately 8% of the County has been identified in a special flood hazard area. According to the State, this percentage is small compared to most counties across North Carolina.

- Overall more accurate representation of the County's flood level determination is provided based upon updated topography and new base aerial photography. The new FEMA maps will be more user-friendly due to a digital format which is accessible through the State's web site. The flood maps will also be accurate over time since the State will maintain and update the maps regularly, approximately every 2-3 years.

- The flood determination on Lakes Hickory, Lookout and Norman more accurately depict the actual flood hazards. The current flood maps had the flood level in some cases 30-40 feet above the lake when the actual flood study indicated a much lower flood elevation near the shoreline. The more accurate mapping will alleviate the need for property owners to obtain a Letter of Map Amendment (LOMA) from FEMA in order to be relieved from flood insurance, which has been a chronic situation for citizens in the County for the past 15 years. Of the approximately 597 property owners with valid LOMA's issued from FEMA, 592 LOMA's are "not incorporated" on the final Flood Insurance Rate Maps since it was determined through the updated topography and aerial photography that the structures are outside of the flood hazard area; therefore, the owners are not required to obtain flood insurance. The remaining five LOMA's are "superseded" which means that the new flood information shows them to be in a flood hazard area or there was not sufficient information to make a determination. These property owners will be required to obtain flood insurance or re-file for a LOMA with additional information in order to be relieved from flood insurance.

- New flood studies were conducted on several creeks which were previously unstudied and not designated as flood hazard areas:

- Balls Creek in its entirety from Little Mountain Road to its mouth at upper Lake Norman
- Cline Creek North, a tributary to Lyle Creek near Rifle Range Road
- Unnamed tributaries to Bakers Creek near Highway 16 North
- Unnamed tributary to Lyle Creek near Deal Road
- Camp Creek, a tributary to Jacob Fork River
- Upper reaches of Jacob Fork River near Burke County line

- Creeks previously shown as a flood hazard but not having a flood level determination now have been studied with base flood elevations identified. The previous FEMA flood maps had approximately half of the County's creeks with flood hazard areas being designated as unnumbered A zones. The new maps will help in identifying the actual flooding potential on individual properties through the use of the new flood elevation along with a site survey for completion of an elevation certificate when new development occurs.

The Planning Board conducted a public hearing on the Floodplain Management Overlay district and official zoning map at its June 25, 2007 meeting. No one spoke during the public hearing. The Planning Board had general clarification questions and noted that the revised maps will reduce the need for lakefront property owners to obtain a Letter of Map Amendment. Anne Barrier made a motion to recommend the amendments to the floodplain ordinance and the official zoning map to the Board of Commissioners. Al King seconded the motion and it passed with a unanimous vote of 7-0.

Vice-Chair Beatty asked if there were any questions regarding Mr. Eubanks' presentation and Commissioner Barger just clarified that fewer people in the County were going to be required to carry flood insurance under these new maps.

Vice-Chair Beatty noted that this was the time and place advertised for the public hearing on this matter and asked anyone who wished to speak to come forward. Seeing and hearing no one, she closed the public hearing. Commissioner Barger made a motion to adopt the text amendments to Sec. 44-429, Floodplain Management Overlay (FPM-O), in order to be in compliance with FEMA's model floodplain regulations and the amendments to the County's official zoning map to delete the current Floodplain Management Overlay (FPM-O) district and replace it with FEMA's new flood map delineation. Both the text amendments and zoning maps will have an effective date of September 5, 2007. The motion carried unanimously. The amendments read as follows:

Ordinance No. 2007-____

BE IT ORDAINED that the Catawba County Code of Ordinances, Chapter 44, Zoning, Sec. 44-429, Floodplain Management Overlay (FPM-O), is hereby amended to read as follows:

Sec. 44-429. Floodplain Management Overlay (FPM-O)

Purpose: The flood hazard areas in the jurisdiction of Catawba County are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare. These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities and by the occupancy in flood prone areas by uses vulnerable to floods or other hazards.

The purpose of this Chapter is to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- ◆ *Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights or velocities;*
- ◆ *Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;*
- ◆ *Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;*
- ◆ *Control filling, grading, dredging, and all other development that may increase erosion or flood damage; and*
- ◆ *Prevent or regulate the construction of flood barriers that will unnaturally divert floodwaters or which may increase flood hazards to other lands.*

The objectives of this Chapter are:

- ◆ *To protect human life, safety and health;*
- ◆ *To minimize expenditure of public money for costly flood control projects;*
- ◆ *To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;*
- ◆ *To minimize prolonged business losses and interruptions;*
- ◆ *To minimize damage to public facilities and utilities, (i.e. water and gas mains; electric, telephone, cable and sewer lines; streets; and bridges) located in flood prone areas;*
- ◆ *To help maintain a stable tax base by providing for the sound use and development of flood prone areas; and*
- ◆ *To ensure that potential homebuyers are aware that property is in a special flood hazard area.*

Sec. 44-429.01. Statutory authorization.

The state has, in Part 6, Article 21 of Chapter 143; Parts 3 and 4 of Article 18 of Chapter 153A; and Part 121, Article 6 of Chapter 153A of the North Carolina General Statutes, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare ~~of its citizenry.~~

Sec. 44-429.02. Legal status provisions.

This Chapter in part comes forward by reenactment of some of the provisions of the flood damage prevention ordinance enacted on September 3, 1980, as amended, ~~on January 1, 1990 and May 2, 1994,~~ and it is not the intention to repeal but rather to reenact and continue to enforce without interruption such existing provisions, so that all rights and liabilities that have accrued are reserved and may be enforced. The enactment of this Article ~~on _____, 2006,~~ shall not affect any action, suit or proceeding instituted or pending. All provisions of the Flood Damage Prevention Ordinance of the County enacted on September 3, 1980, as amended ~~on January 1, 1990 and May 2, 1994,~~ which are not reenacted in this Article are repealed.

The dates of the initial Flood Insurance Rate Maps for each municipal jurisdiction within Catawba County are as follows:

<u>Brookford</u>	<u>December 18, 1979</u>
<u>Catawba</u>	<u>September 3, 1980</u>
<u>Claremont</u>	<u>March 3, 2003</u>
<u>Conover</u>	<u>September 3, 1980</u>
<u>Hickory</u>	<u>August 3, 1981</u>
<u>Long View</u>	<u>September 3, 1980</u>
<u>Maiden</u>	<u>September 3, 1980</u>
<u>Newton</u>	<u>September 3, 1980</u>

Comment [PC1]: List within the County with date. [This provides reference of the county that may have municipalities since the county's ordinance.]

Sec. 44-429.03. Effect upon outstanding floodplain development permits.

Nothing contained in this Chapter shall require any change in the plans, construction, size or designated use of any development, or any part for which a floodplain development permit has been granted by the planning director before the time of passage of this Chapter; provided, however, that if construction is not begun under such outstanding permit within a period of 6 months subsequent to the date of issuance of the outstanding permit, the construction or use shall be in conformity with the provisions of this Chapter.

Sec. 44-429.04. General provisions.

(a) *Lands to which this Chapter applies.* This Chapter shall apply to all special flood hazard areas (SFHA) within the jurisdiction of Catawba County.

(b) *Basis for establishing the special flood hazard areas.* The special flood hazard areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its Flood Insurance Study (FIS) and its accompanying Flood Insurance Rate Maps (FIRM) for Catawba County dated September 5, 2007, which are adopted by reference and declared to be a part of this Chapter. The initial Flood Insurance Rate Maps are as follows for the jurisdictional areas at the initial date:

Catawba County Unincorporated Area, dated September 3, 1980

produced by FEMA in its Flood Insurance Study (FIS) and its accompanying Flood Insurance Rate Maps (FIRMs) and Flood Boundary Floodway Maps (FBFMs) for Catawba County dated September 3, 1980, and any revisions thereto, including Letters of Map Amendment or Revision, dated prior to the enactment date of this Chapter, which are adopted by reference and declared to be a part of this Chapter.

Comment [PC2]: For which may be adopted municipalities within the each municipality and See FIS-Map History, C Book, or municipal FIRM date.

(c) *Establishment of floodplain development permit.* A floodplain development permit shall be required in conformance with the provisions of this Chapter prior to the commencement of any development activities within special flood hazard areas as determined in Sec. 44-429.04(b).

(d) *Compliance.* No structure or land shall be located, extended, converted, altered, or developed in any way without full compliance with the terms of this Chapter and other applicable regulations.

(e) *Abrogation and greater restrictions.* This article is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Chapter and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(f) *Interpretation.* In the interpretation and application of this Chapter, all provisions shall be considered as minimum requirements:

- (1) Considered as minimum requirements:

(2) Liberally construed in favor of the board of commissioners; and

(23) Deemed to neither limit nor repeal any other powers granted under state statutes.

(g) *Warning and disclaimer of liability.* The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur. Actual flood heights may be increased by manmade or natural causes. This Chapter does not imply that land outside the special flood hazard areas or uses permitted within such areas will be free from flooding or flood damages. This Chapter shall not create liability on the part of the County or by any officer or employee thereof for any flood damages that result from reliance on this Chapter or any administrative decision lawfully made hereunder.

Sec. 44-429.05. Definitions.

Unless specifically defined below, words or phrases used in this Chapter shall be interpreted so as to give them the meaning they have in common usage and to give this Chapter its most reasonable application.

Accessory structure (Appurtenant Structure) - a structure which is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms and may or may not be located on the same parcel as the farm dwelling or shop building.

Addition (to an existing building) - an extension or increase in the floor area or height of a building or structure.

Appeal - a request from a review of the planning director's interpretation of any provision of this Chapter.

Area of shallow flooding - a designated AO on a community's flood insurance rate map (FIRM) with base flood depths determined to be from 1 to 3 feet, where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area of special flood hazard- see special flood hazard area (SFHA)

Basement - any area of the building having its floor subgrade (below ground level) on all sides.

Base flood - the flood having a one percent chance of being equaled or exceeded in any given year.

Base flood elevation (BFE) - a determination of the water surface elevations of the base flood as published in the Flood Insurance Study. When the BFE has not been provided in a "Special Flood Hazard Area", it may be obtained from engineering studies available from a Federal, State or other source using FEMA approved engineering methodologies. This elevation, when combined with the "Freeboard", establishes the "Regulatory Flood Protection Elevation."

Building see "Structure"

Chemical storage facility - a building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

Development - any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures; mining, dredging, filling, grading, paving, excavation, or drilling operations; or storage of equipment or materials.

Disposal defined as in NCGS 130A-290(a)(6).

Elevated building - a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

Encroachment - the advance or infringement of uses, fill, excavation, buildings, structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

Existing manufactured home park or manufactured home subdivision - a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are affixed, including at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads was completed before the ~~original~~ initial effective date of the floodplain management regulations adopted by the community.

Flood or flooding - a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; and/or the unusual and rapid accumulation or runoff of surface waters from any source.

Flood boundary and floodway map (FBFM) - an official map of a community, issued by the Federal Emergency Management Agency, on which the special flood hazard areas and the floodway are delineated. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM).

Flood hazard boundary map (FHBM) - an official map of a community, issued by the Federal Emergency Management Agency (FEMA), where the boundaries of the special flood hazard areas have been designated as zone A.

Flood insurance - the insurance coverage provided on the National Flood Insurance Program.

Flood insurance rate map (FIRM) - an official map of a community, issued by the Federal Emergency Management Agency, on which both the special flood hazard areas and the risk premium zones applicable to the community are delineated.

Flood insurance study (FIS) - an examination, evaluation, and determination of flood hazard areas, corresponding water surface elevations (if appropriate), flood insurance risk zones, and other flood data in a community issued by the Federal Emergency Management Agency. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRM) and Flood Boundary and Floodway Maps (FBFM) if published.

Flood prone area- see Floodplain.

Floodplain or flood prone area - any land area susceptible to being inundated by water from any source.

Floodplain development permit - any type of permit that is required in conformance with the provisions of this Chapter, prior to the commencement of any development activity.

Floodplain management - the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

Floodplain management regulations - this Chapter, building code, health regulations, special purpose Chapters of the County Code, and other applications of police power ~~which control development in flood-prone areas~~. This term describes federal, state or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

Floodproofing - any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitation facilities, or structures with their contents.

Floodway - the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Flood zone - a geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

Floor - the top surface of an enclosed area in a building, including basement, for example, the top of slab in concrete slab construction or the top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

Freeboard - the height added to the base flood elevation (BFE) to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge openings, and the hydrological effects of urbanization on of the watershed. The Base Flood elevation plus the freeboard establishes the Regulatory Flood Protection Elevation.

Functionally dependent facility - a facility which cannot be used for its intended purpose unless it is located in close proximity to water, such as limited to a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. This term does not include long-term storage, manufacture, sales or service facilities.

Hazardous waste management facility - a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste as defined in NCGS Article 9 of Chapter 130A.

Highest adjacent grade (HAG) - the highest natural elevation of the ground surface, prior to construction, next to the walls of the proposed structure.

Historic structure - any structure that is:

(a) Listed
individually in the National Register of Historic Places (a listing maintained by the U.S. Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b) Certified
or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;

(c) Individually
listed on a local inventory of historic landmarks in communities with a Certified Local Government (CLG) Program; or

(d) Certified
as contributing to the historical significance of a historic district designated by a community with a CLG Program.

Certified Local Government (CLG) Programs are approved by the U.S. Department of Interior in cooperation with the N.C. Department of Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966 as amended in 1980.

Letter of map amendment (LOMA) - a letter provided by FEMA certifying the property is not in the floodplain.

Lowest adjacent grade (LAG) - the elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building. For zones A and AO, use the natural grade elevation prior to construction.

Lowest floor - the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Chapter.

Manufactured home - a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term manufactured home does not include a recreational vehicle.

Manufactured home park or subdivision - a parcel, or contiguous parcels of land divided into 2 or more manufactured home lots for rent or sale. (Also see new manufactured home park.)

Market value - the building value, excluding the land value and that of any accessory structures or other improvements on the lot, established by independent certified appraisal, replacement cost depreciated by age of building and quality of construction (actual cash value), or adjusted tax assessed values.

Mean sea level - for the purposes of the NFIP, the National Geodetic Vertical Datum (NGVD) as corrected in 1929, the North American Vertical Datum (NAVD) as corrected in 1988, or other vertical control datum use as a reference for establishing varying elevations within the floodplain to which base flood elevations (BFE) shown on a FIRM are referenced. Refer to each FIRM panel to determine datum used.

New construction - structures for which the start of construction commenced on or after the effective date of the [initial floodplain management regulations](#) ~~original version of this Chapter~~ and includes any subsequent improvements to such structures.

Nonconforming building or development - any legally existing building or development which fails to comply with the current provisions of this Chapter.

Non-encroachment area - the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot as designated in the Flood Insurance Study report.

Planning director - the individual appointed to administer and enforce the floodplain management regulations.

Post-FIRM - construction or other development for which the start of construction occurred on or after the effective date of the initial Flood Insurance Rate Map ~~for the area~~.

Pre-FIRM - construction or other development for which the start of construction occurred before the effective date of the initial Flood Insurance Rate Map ~~for the area~~.

Principally above ground - at least 51% of the actual cash value of the structure is above ground.

Public safety and/or nuisance - anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

Recreational vehicle (RV) - a vehicle, which is:

- (a) Built on a single chassis;
- (b) 400-square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towed by a light-duty truck; and
- (d) Not designed for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

Reference level - the portion of a structure or other development that must be compared to the regulatory flood protection elevation to determine regulatory compliance. For structures within special flood hazard areas designated as Zone A1-A30, AE, A, A99 or AO, the reference level is the top of the lowest floor or bottom of lowest attendant utility including ductwork, whichever is lower.

Regulatory flood protection elevation - the elevation, in relation to mean sea level, to which the reference level of all structures and other development located within special flood hazard areas must be protected. Where base flood elevations (BFE) have been determined, this elevation shall be the BFE plus 2 feet of freeboard. Where no BFE has been established, this elevation shall be at least 2 feet above the highest adjacent grade.

Remedy a violation - to bring the structure or other development into compliance with state and community floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the Chapter or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.

Riverine - relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Salvage yard - any non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances and related machinery.

Solid waste disposal facility - any facility involved in the disposal of solid waste, as defined in NCGS 130A-290(a)(35).

Solid waste disposal site - any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method, as defined in NCGS 130A-290(a)(36).

Special flood hazard area (SFHA) - the land in the floodplain subject to a one percent or greater chance of being flooded in any given year as determined in Sec. 44-429.04(b) of this Chapter.

Start of construction includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure, including a manufactured home, on a site, such as pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufacture home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units, or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

Structure - a walled and roofed building, a manufactured home, or a gas or liquid storage tank that is principally above ground. For floodplain management purposes, "principally above ground" means other manmade facilities or infrastructure principally above ground.

Substantial damage - damage of any origin sustained by a structure during any one year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred. (See also definition of substantial improvement.)

Substantial improvement - any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one year period for which the cost equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not include either:

- (a) Any correction of existing violations of state or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (b) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

Variance - a grant of relief from the requirements of this Chapter.

Violation - the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in the Floodplain Management Overlay District is presumed to be in violation until such time as that documentation is provided.

Water surface elevation (WSE) - the height, in relation to mean sea level (existing grade in case of Zone AO), of floods of various magnitudes and frequencies in the floodplains of riverine areas.

Watercourse - a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

ADMINISTRATION AND ENFORCEMENT

Sec. 44-429.06. Designation of planning director.

The planning director is appointed to administer and implement the provisions of this Chapter.

Sec. 44-429.07. Floodplain development application, permit and certification requirements.

Application requirements. Application for a floodplain development permit shall be made to the planning director before any development activities located within special flood hazard areas. The following items must be presented to the planning director to apply for a floodplain development permit:

- (a) A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:
 - (1) The nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;
 - (2) The boundary of the special flood hazard area as delineated on the FIRM or other flood map as determined in Sec. 44-429.04(b), or a statement that the entire lot is within the special flood hazard area;

- (3) Flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Sec. 44-429.04(b);
- (4) The boundary of the floodway(s) or non-encroachment area(s) as determined in Sec. 44-429.04(b);
- (5) The Base Flood Elevation (BFE) where provided as set forth in Sec. 44-429.04(b), 44-429.10(k) and (l), or Sec. 44-429.16;
- (6) The old and new location of any watercourse that will be altered or relocated as a result of proposed development;
- (b) Proposed elevation, and method thereof, of all development within a special flood hazard area including but not limited to:
 - (1) Elevation in relation to mean sea level of the proposed reference level (including basement) of all structures;
 - (2) Elevation in relation to mean sea level to which any non-residential structure in Zone AE, A or AO will be flood-proofed; and
 - (3) Elevation in relation to mean sea level to which any proposed utility systems will be elevated or floodproofed.
- (c) If floodproofing, a floodproofing certificate (FEMA Form 81-65) with supporting data and an operational plan that includes, but is not limited to, installation, exercise, and maintenance of floodproofing measures.
- (d) A foundation plan drawn to scale which shall include details of the proposed foundation system to ensure all provisions of this Chapter are met. These details include but are not limited to:
 - (1) The proposed method of elevation, if applicable (for example, fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls);
 - (2) Openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance with Sec. 44-429.15(d)(3), when solid foundation perimeter walls are used in Zones A, AO, AE, and A1-30.
- (e) Usage details of any enclosed areas below the ~~regulatory flood protection elevation~~lowest floor.
- (f) Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage;
- (g) ~~Certification that Copies of all other local, state and federal permits required prior to floodplain development permit issuance have been received. (wetlands, endangered species, erosion and sedimentation control, riparian buffers, mining, etc.)~~
- (h) Documentation for placement of recreational vehicles and/or temporary structures, when applicable, to ensure that the provisions of Sec. 44-429.15(f) and (g) of this Chapter are met.
- (i) A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.

Sec. 44-429.08. Permit requirements.

At a minimum, the floodplain development permit must include:

- (a) A description of the proposed development;
- (b) The special flood hazard area determination for the proposed development ~~per~~in accordance with available data specified in Sec. 44-429.04(b);

- (c) The regulatory flood protection elevation required for the reference level and all attendant utilities;
- (d) The regulatory flood protection elevation required for the protection of all public utilities;
- (e) All certification submittal requirements with timelines;
- (f) A statement that no fill material shall encroach into the floodway or non-encroachment area of any watercourse, as applicable;
- (g) The flood openings requirements, if in Zone A, AO, AE or A1-30; and
- (h) Limitations of below BFE enclosure uses (if applicable), ~~(for example, i.e.,~~ parking, building access and limited storage only).

Comment [PC3]: These are the only allowed enclosures. "i.e." stands translates as "that is".

Sec. 44-429.09. Certification requirements.

(a) *Elevation certificates:*

(1) An elevation certificate (FEMA Form 81-31) or floodproofing certificate (FEMA Form 81-65) is required after the reference level is established. Within 7-calendar days of establishment of the reference level elevation, it is the duty of the permit holder to submit to the planning director, a certification of the elevation of the reference level, in relation to mean sea level. Elevation certification must be prepared and certified by, or under the direct supervision of, a registered land surveyor or professional engineer. Any work done within the 7-day calendar period, and prior to submission of the certification, is at the permit holder's risk. The planning director shall review the certificate data submitted. Deficiencies detected by such review must be corrected by the permit holder immediately and prior to further work being permitted to proceed. Failure to submit the certification or failure to make required corrections shall be cause to issue a stop-work order for the project.

(2) A final as-built elevation certificate (FEMA Form 81-31) is required after construction is completed and prior to certificate of compliance/occupancy issuance. The permit holder has the duty to submit to the planning director a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The planning director shall review the certificate data submitted. Deficiencies must be corrected by the permit holder immediately and prior to certificate of compliance/occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a certificate of compliance/occupancy.

(b) If non-residential floodproofing is used to meet the regulatory flood protection elevation requirements, a floodproofing certificate (FEMA Form 81-65), with supporting data, an operational plan, and an inspection and maintenance plan, is required prior to the actual start of any new construction. The permit holder has the duty to submit to the planning director a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to mean sea level. Floodproofing certification must be prepared and certified by, or under the direct supervision of, a professional engineer or architect. The planning director shall review the certificate data, operational plan, and the inspection and maintenance plan submitted by the permit holder. Deficiencies detected by such review must be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a certificate of compliance/occupancy.

(c) If a manufactured home is placed within Zone A, AO, AE, or A1-30 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required ~~per~~ in accordance with the provision of Sec. 44-429.15(c)(2).

(d) If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration

or relocation must all be submitted by the permit applicant prior to issuance of a floodplain development permit.

(e) Certification Exemptions. The following structures, if located within Zone A, AO, AE or A1-30, are exempt from the elevation/floodproofing certification requirements specified in items (a) and (b) above:

- (1) Recreational Vehicles meeting requirements of Section 44-429.15(f)(1);
- (2) Temporary Structures meeting requirements of Section 44-429.15(g); and
- (3) Accessory Structures less than 150 square feet meeting requirements of Section 44-429.15(h).

Sec. 44-429.10. Duties and responsibilities of the planning director.

At a minimum, the planning director is responsible for the following:

(a) Review all floodplain development applications and issue permits for all proposed development within special flood hazard areas to assure that the requirements of this Chapter have been satisfied;

(b) ~~Review all proposed development within special flood hazard areas to assure that all necessary local, state and federal permits have been received. Advise the applicant that additional federal or state permits (wetlands, endangered species, erosion and sedimentation control, riparian buffers, mining, etc.) may be required, and require that copies of such permits provided and maintained on file with the floodplain development permit;~~

(c) Notify adjacent communities and the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to FEMA;

(d) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is ~~not diminished~~ maintained;

(e) Prevent encroachments within floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of Sec. 44-429.16(e) are met;

(f) Obtain actual elevation (in relation to mean sea level) of the reference level, (including basement) and all attendant utilities of all new ~~or~~ and substantially improved structures, in accordance with Sec. 44-429.09;

(g) Obtain actual elevation (in relation to mean sea level) to which the new or substantially improved structures and all utilities have been floodproofed in accordance with the provisions of Sec. 44-429.09;

(h) Obtain actual elevation (in relation to mean sea level) of all public utilities in accordance with the provisions of Sec. 44-429.09;

(i) When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the provisions of Sec. 44-429.09 and Sec. 44-429.15(b);

(j) Where interpretation is needed as to the exact location of boundaries of the special flood hazard areas, floodways, or non-encroachment areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary has 30 days to appeal the interpretation as provided in this Article;

(k) When BFE data has not been provided in accordance with Sec. 44-429.04(b), obtain, review and reasonably utilize any base flood elevation (BFE) data, along with floodway data or non-encroachment area data available from a federal, state or other source, including data developed pursuant to Sec. 44-429.16(b)(2), in order to administer the provisions of this Chapter;

(l) When BFE data is provided but no floodway ~~or~~ non-encroachment area data has been provided in accordance with Sec. 44-429.04(b), obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a federal, state, or other source in order to administer the provisions of this Chapter

(m) When the lowest floor and the lowest adjacent grade of a structure or the lowest ground elevation of a parcel or structure in a special flood hazard area is above the BFE, advise the owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. Maintain a copy of the LOMA issued by FEMA in the floodplain development permit file;

(n) Permanently maintain all records that pertain to the administration of this Chapter and make these records available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended;

(o) Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the planning director shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local Chapter and the terms of the permit. In exercising this power, the planning director has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action;

(p) Issue stop-work orders as required. Whenever a building or part of a building is being constructed, reconstructed, altered, or repaired in violation of this Chapter, the planning director may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing or in charge of the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stopped, and the condition(s) under which the work may be resumed. Violation of a stop -work order constitutes a misdemeanor;

(q) Revoke floodplain development permits as required. The planning director may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, ~~or~~ and specifications; for refusal or failure to comply with the requirements of state or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable state or local law may also be revoked;

(r) Make periodic inspections throughout ~~all the~~ special flood hazard areas within the jurisdiction of the community. The planning director shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action;

(s) Follow through with corrective procedures of Sec. 44-429.11;

(t) Review, provide input, and make recommendations for variance requests;

(u) Maintain a current map repository to include, but not limited to, the FIS Report, FIRM and/or other official flood maps/studies adopted under Sec. 44-429.04(b) of this Chapter, including any revisions thereto including Letters of Map Change, issued by the state and/or FEMA. Notify the state and FEMA of mapping needs;

(v) Coordinate revisions to FIS reports and FIRM, including Letters of Map Revision Based on Fill (LOMR-F) and Letters of Map Revision (LOMR).

Sec. 44-429.11. Corrective procedures.

(a) *Violations to be corrected.* When the planning director finds violations of applicable state and local laws, he must notify the owner or occupant of the building of the violation. The owner or occupant must each immediately remedy each of the violations of law cited in such notification.

(b) *Actions in event of failure to take corrective actions.* If the owner of a building or property fails to take prompt corrective action, the planning director shall give the owner written notice, by certified or registered mail, to the owner's last known address or by personal service, stating:

(1) That the building or property is in violation of the floodplain management regulations Flood Damage Prevention Ordinance;

(2) That a hearing will be held before the planning director at a designated place and time, not later than 10 days after the date of the notice, at which time the owner is entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and

(3) That following the hearing, the planning director may issue an order to alter, vacate, or demolish the building, remove fill ~~or other action necessary to correct the problems~~ as applicable.

(c) *Order to take corrective action.* If, upon a hearing held pursuant to the notice prescribed above, the planning director shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, they shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than 60 calendar days, nor more than 180 calendar days. Where the planning director finds that there is imminent danger to life or other property, he may order that corrective action be taken in such lesser period as may be feasible.

(d) *Appeal.* Any owner who has received an order to take corrective action may appeal from the order to the board of adjustment by giving notice of appeal in writing to the secretary of the board of adjustment within 10 days following issuance of the final order. In the absence of an appeal, the order of the planning director shall be final. The board of adjustment shall hear an appeal within a reasonable time and may affirm, modify and affirm or revoke the order.

(e) *Failure to comply with orders.* If the owner of a building or property fails to comply with an order to take corrective action from which no appeal has been taken or fails to comply with an order of the board of adjustment following an appeal pursuant to this Chapter, he or she shall be guilty of a misdemeanor and shall be punished in accordance with the law.

Sec. 44-429.12. Variance procedures.

(a) The board of adjustment shall act as the appellate board and hear and decide requests for variances from the requirements of this Chapter.

(b) Any person aggrieved by the decision of the board of adjustment may appeal such decision to the court, as provided in NCGS Chapter 7A.

(c) Variances may be issued for:

(1) The repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure;

(2) Functionally ~~dependant~~ dependent facilities if determined to meet the definition as stated in Sec. 44-429.05, provided provisions of Sec. 44-429.12(i)(2), (3), and (5) have been satisfied, and such facilities are protected by methods that minimize flood damages during the base flood and create no additional threats to public safety; and

(3) Any other type of development, provided it meets the requirements ~~stated in~~ of this Chapter.

(d) In passing upon such applications, the board of adjustment shall consider all technical evaluations, all relevant factors, all standards specified in this Chapter along with the following:

(1) The danger that materials may be swept onto other lands to the injury of others;

(2) The danger to life and property due to flooding or erosion damage;

(3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(4) The importance of the services provided by the proposed facility to the community;

(5) The necessity of the facility of a waterfront location as defined in Sec. 44-429.05 of this Chapter as a functionally dependent facility, where applicable;

- (6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - (7) The compatibility of the proposed use with existing and anticipated development;
 - (8) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - (9) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (10) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters, and the effects of wave action, if applicable, expected at the site; and
 - (11) Costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
- (e) A written report addressing each of the above factors must be submitted with the application for a variance.
- (f) Upon consideration of the factors listed above and the purposes of this Chapter, the board of adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes and objectives of this Chapter.
- (g) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the BFE and the elevation to which the structure is to be built and that such construction below the BFE increases risks to life and property, and that the issuance of a variance to construct a structure below the BFE will result in increased premium rates for flood insurance up to \$25 per \$100 of insurance coverage. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.
- (h) The planning director shall maintain the records of all appeal actions and report any variances to FEMA and the state upon request.
- (i) Conditions for variances:
- (1) Variances shall not be issued when the variance will make the structure in violation of other federal, state, or local laws, regulations, or Chapters;
 - (2) Variances shall not be issued within any designated floodway or non-encroachment area if the variance would result in any increase in flood levels during the base flood discharge;
 - (3) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;
 - (4) Variances shall only be issued prior to development permit approval
 - (5) Variances shall only be issued upon:
 - a. A showing of good and sufficient cause;
 - b. A determination that failure to grant the variance would result in exceptional hardship; and
 - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety or extraordinary public expense; create a nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or Chapters.
- (j) A variance may be issued for solid waste disposal facilities or sites, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in special flood hazard areas provided that all of the following are met:
- (1) The use serves a critical need in the community;
 - (2) No feasible location exists for the use outside the special flood hazard area;
 - (3) The reference level of any structure is elevated or floodproofed to at least the regulatory flood protection elevation;

- (4) The use complies with all other applicable federal, state and local laws; and
- (5) The County has notified the Secretary of the North Carolina Department of Crime Control and Public Safety of its intention to grant a variance at least 30 calendar days prior to granting the variance.

Sec. 44-429.13. Penalties for violation.

Violation of the provisions of this Chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this Chapter or fails to comply with any of its requirements shall be charged with a misdemeanor. Each day a violation continues shall be considered a separate and distinct offense. Nothing contained within this Chapter shall prevent the County from taking other lawful action as is necessary to prevent or remedy any violation.

PROVISIONS FOR FLOOD HAZARD REDUCTION

Sec. 44-429.14. General standards.

In all areas of special flood hazard the following are required:

- (a) All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure;
- (b) All new construction and substantial improvements must be constructed with materials and utility equipment resistant to flood damage;
- (c) All new construction or substantial improvements must be constructed by methods and practices that minimize flood damages;
- (d) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities must be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding to the regulatory flood protection elevation. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, ~~appliances (washers, dryers, refrigerators, freezers, etc.)~~, hot water heaters, and electric outlets/switches;
- (e) All new and replacement water supply systems must be designed to minimize or eliminate infiltration of floodwaters into the systems;
- (f) New and replacement sanitary sewage systems must be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters;
- (g) On-site waste disposal systems must be located and constructed to avoid impairment to them or contamination from them during flooding;
- (h) Any alteration, repair, reconstruction, or improvements to a structure which is in compliance with the provisions of this Chapter, must meet the requirements of new construction as contained in this Chapter;
- (i) Nothing in this Chapter prevents the repair, reconstruction, or replacement of a building or structure existing on September 3, 1980, the effective date of the original ordinance, and located totally or partially within the floodway, non-encroachment area, or stream setback, provided that the bulk of the building or structure below the regulatory flood protection elevation in the floodway, non-encroachment area, or stream setback is not increased and provided that the repair, reconstruction, or replacement meets all of the other requirements of this Chapter;
- (j) New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted in special flood hazard areas, except by variance as specified in Sec. 44-429.12(j). A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a special flood hazard area only if the structure or tank is either elevated or

floodproofed to at least the regulatory flood protection elevation and certified in accordance with the provisions of ~~according to~~ Sec. 44-429.09 of this Chapter;

(k) All subdivision and other development proposals must be consistent with the need to minimize flood damage;

(l) All subdivision and other development proposals must have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

(m) All subdivision and other development proposals must have adequate drainage provided to reduce exposure to flood hazards; and

(n) All subdivision proposals and other development proposals must have received all necessary permits from those governmental agencies for which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

(o) When a structure is partially located in a special flood hazard area, the entire structure shall meet the requirements for new construction and substantial improvements.

(p) When a structure is located in multiple flood hazard zones or in a flood hazard risk zone with multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and the highest base flood elevation shall apply.

Sec. 44-429.15. Specific standards.

All special flood hazard areas where BFE data has been provided, as set forth in Sec. 44-429.04 (b) or Sec. ~~44-429.16~~~~44-429.10(k)~~ and ~~(l)~~, the following provisions, in addition to the provisions of Sec. 44-429.14, are required.

(a) *Residential construction.* New construction and substantial improvement of any residential structure, including manufactured homes, shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in Sec. 44-429.05 of this Chapter.

(b) *Nonresidential construction.* New construction and substantial improvement of any commercial, industrial, or nonresidential structure, must have the referenced level including basement, elevated no lower than the regulatory flood protection elevation, as defined in Sec. 44-429.05 of this Chapter. Structures located in A, AO, AE and A1-30 zones may be floodproofed to the regulatory flood protection elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the required flood protection elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. For AO Zones, the floodproofing elevation shall be in accordance with Section 44-429.19(b). A registered professional engineer or architect must certify that the standards of this subsection are satisfied. Such certification must be provided to the official as set forth in Sec. 44-429.09, along with operational and maintenance plans.

(c) *Manufactured homes.*

(1) New ~~or and~~ replacement manufactured homes must be elevated so that the reference level of the manufactured home is no lower than the regulatory flood protection elevation, as defined in Sec. 44-429.05 of this Chapter.

(2) Manufactured homes must be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement either by certified engineered foundation system, or in accordance with the most current edition of the State of North Carolina Regulations for Manufactured/Mobile Homes, 1995 Edition, and any revision thereto adopted by the commissioner of insurance pursuant to NCGS 143-143.15. Additionally, when the elevation would be met by an elevation of the chassis at least 36 inches or less above the grade at the site, the chassis must be

supported by reinforced piers or an engineered foundation. When the elevation of the chassis is above 36 inches in height, an engineering certification is required.

(3) All enclosures or skirting shall be in accordance with Sec. 44-429.15(d).

(4) An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan must be filed and approved by the planning director and the local emergency management coordinator.

(d) *Elevated buildings.* Fully enclosed area, of new construction and substantially improved structures, which is below the regulatory protection elevation:

(1) Cannot be designed or used for human habitation, but may only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area must be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of the enclosed area must not be finished or partitioned into separate rooms, except to enclose storage areas;

(2) Must be constructed entirely of flood resistant materials below-at least to the regulatory flood protection elevation; and

(3) Must include, in Zones A, AO, AE, and A1-30, measures to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet the following minimum design criteria;

- a. A minimum of 2 flood openings on different sides of each enclosed area subject to flooding;
- b. The total net area of all openings must be at least one square inch for each square foot of enclosed area subject to flooding;
- c. If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;
- d. The bottom of all required openings can be no higher than one foot above the adjacent grade;
- e. Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and
- f. Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, do not require flood openings. Masonry or wood underpinning, regardless of structural status, are considered to be an enclosure and requires openings as outlined above.

(e) *Additions/improvements.*

(1) Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:

- a. Not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure.
- b. A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

(2) Additions to post-FIRM structures with no modifications to the existing structure, other than a standard door in the common wall, require only the addition to comply with the standards for new construction.

(3) Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:

- a. Not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction.

b. A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

~~(4) — Where an independent perimeter load-bearing wall is provided between the addition and the existing building, the addition(s) is considered a separate building and only the addition must comply with the standards for new construction.~~

(f) *Recreational vehicles.* Recreational vehicles must either:

(1) Be on site for fewer than 180 consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions); or

(2) Meet the requirements for new construction.

(g) *Temporary non-residential structures.* Prior to the issuance of a floodplain development permit, for a temporary structure, applicants must submit to the planning director a plan for the removal of such structure(s) in the event of a hurricane, flash flood or other type of flood warning notification. The following information must be submitted in writing for review and written approval:

(1) A specified time period for which the temporary use will be permitted. Time specified may not exceed 3 months, renewable up to one year;

(2) The name, address and phone number of the individual responsible for the removal of the temporary structure;

(3) The time-frame prior to the event during which a structure will be removed (for example, a minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);

(4) A copy of the contract or other suitable instrument with entity responsible for physical removal of the structure; and

(5) The designation, accompanied by documentation, of a location outside the special flood hazard area, to which the temporary structure will be moved.

(h) *Accessory structures.* When accessory structures (sheds, detached garages, etc.) are to be placed within a special flood hazard area, the following criteria must be met:

(1) Accessory structures cannot be used for human habitation, (including work, sleeping, living, cooking or restroom areas);

(2) Accessory structures cannot be temperature-controlled;

(3) Accessory structures must be designed to have low flood-damage potential;

(4) Accessory structures must be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;

(5) Accessory structures must be firmly anchored in accordance with [the provisions of](#) Sec. 44-429.14(a);

(6) All service facilities, such as electrical, must be installed in accordance with [the provisions of](#) Sec. 44-429.14(d);

(7) Flood openings to facilitate automatic equalization of hydrostatic flood forces must be provided below regulatory flood protection elevation in conformance with [the provisions of](#) Sec. 44-429.15(d)(3); and

(8) An accessory structure with a footprint less than 150 square feet that satisfies the criteria outlined above does not require an elevation or floodproofing certificate. Elevation or floodproofing certifications are required for all other accessory structures in accordance with [the provisions of](#) Sec. 44-429.09.

Sec. 44-429.16. Standards for floodplains without established base flood elevations.

Within the Special Flood Hazard areas designated as approximate zone A and established in Sec. 44-429.04(b) where no BFE data has been provided by FEMA, the following provisions, in addition to the provisions of Sec. 44-429.14 and Sec. 44-429.15, apply:

(a) No encroachments, including fill, new construction, substantial improvements, or new development, are permitted within a distance of 20 feet from each side from the top of each bank or 5 times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments will not result in any increase in flood levels during the occurrence of the base flood discharge.

(b) The BFE used in determining the regulatory flood protection elevation must be determined based on one of the following criteria set in priority order:

(1) ~~If~~ When BFE data is available from other sources, all new construction and substantial improvements within such areas must comply with all applicable provisions of this Chapter and must be elevated or floodproofed in accordance with standards in Sec. 44-429.14 and Sec. 44-429.15 ~~Sec. 44-429.10(k) and (l)~~.

(2) When floodway data is available from a federal, state, or other source, all new development within floodway areas shall also comply with the requirements of Sec. 44-429.15 and Sec. 44-429.18.

(23) All subdivision, manufactured home park and other development proposals located within special flood hazard areas must provide BFE data if development is greater than 5 acres or has more than 50 lots/manufactured home sites. The BFE data must be adopted by reference in accordance with ~~per~~ Sec. 44-429.04(b) ~~to be and~~ utilized in implementing this Chapter.

(34) When BFE data is not available from a federal, state, or other source as outlined above, the reference level must be elevated or floodproofed (nonresidential) to or above the regulatory flood protection elevation as defined in Sec. 44-429.05. Requirements of Sec. 44-429.15 shall also apply.

Sec. 44-429.17. Standards for riverine floodplains with BFE but without established floodways or non-encroachment areas.

Along rivers and streams where BFE data is provided by FEMA or is available from another source but neither floodway nor non-encroachment areas are identified for a special flood hazard area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:

(a) Standards outlined in Sec. 44-429.14 and Sec. 44-429.15.

(b) Until a regulatory floodway or non-encroachment area is designated, no encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

Sec. 44-429.18. Floodways and non-encroachment areas.

Areas designated as floodways or non-encroachment areas are located within the special flood hazard areas established in Sec. 44-429.04(b). The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in Sec. 44-429.14, and Sec. 44-429.15 shall apply to all development within such areas:

(a) No encroachments, including fill, new construction, substantial improvements and other developments, are to be permitted unless it has been demonstrated that:

(1) It is demonstrated that ~~t~~ The proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses

performed in accordance with standard engineering practice and presented to the planning director prior to issuance of floodplain development permit, or

(2) A Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained upon completion of the proposed encroachment.

(b) If Sec. 44-429.18(a) is satisfied, all development must comply with all applicable provisions of this Chapter.

(c) No manufactured homes are permitted, except replacement manufactured homes in an existing manufactured home park or subdivision, provided the following provisions are met:

(1) The anchoring and the elevation standards of Sec. 44-429.15(c); and

(2) The no encroachment standards of Sec. 44-429.16(a) are met.

Sec. 44-429.19. Standards for areas of shallow flooding (AO zones).

Located within the special flood hazard areas established in Sec. 44-429.04(b) are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to ~~3~~-three feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to Sec. 44-429.14 and Sec. 44-429.15, all new construction and substantial improvements of all structures must meet the following requirements:

(a) The reference level must be elevated at least as high as the depth number specified on the FIRM in feet, plus a freeboard of 2 feet, above the highest adjacent grade; or at least 2 feet above the highest adjacent grade plus a freeboard of 2 feet if no depth number is specified.

(b) Non-residential structures may, in lieu of elevation, be floodproofed to the same level as listed above so that the structure, together with attendant utility and sanitary facilities, below that level must be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required as per-in accordance with Sec. 44-429.09 and Sec. 44-429.15(b).

(c) Adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

This ordinance shall become effective on September 5, 2007.

This _____th day of _____, 2007.

8. Appointments:

Vice-Chair Beatty recommended the appointment of Charlie Bell for a first term to replace Charles Dixon and Burk Wyatt for a first term to replace Joe Teague on the Catawba County Economic Development Corporation Board. These terms will expire on 6/30/2010. Vice-Chair Beatty also recommended Chair Kitty Barnes as the voting delegate for the NCACC Conference in August 2007. These appointment came in the form of a motion and the motion carried unanimously.

9. Departmental Reports:

a. Sheriff's Office:

Susan Branch, Business Manager, presented a request for the Board to accept a grant from the US Department of Justice, State Criminal Alien Assistance Program (SCAAP) in the amount of \$10,106 along with its required certifications and assurances.

The SCAAP is a formula based grant program that provides agencies with reimbursement for some of the costs associated with housing potential undocumented criminal aliens in local jail facilities. These grant funds are based on individuals held in the Newton Detention Center and those held for Catawba County at the Burke Catawba District Confinement Facility during fiscal year 2004/2005.

Funds under this program can be used for correctional purposes. There are no matching County funds required for this award; it is 100% Federal funding.

This grant is usually awarded by December. However funding was delayed "due to a modification of the data vetting process between BJA and the Bureau of Immigration and Customs Enforcement (ICE), U.S. Department of Homeland Security (DHS)." Since this award has occurred at the beginning of our fiscal year we have determined the best application would be medical services in the jail. This expense is unpredictable during the year as it is dependant on the inmates' presented medical conditions. The need fluctuates as the population changes.

Commissioner Lail made a motion to accept these grant funds. The motion carried unanimously and the appropriations are as follows:

SUPPLEMENTAL APPROPRIATION:

Revenue

110-220050-620385	\$10,106
State Criminal Alien Assistance Program (SCAAP)	

Appropriation:

110-220050-856300	\$10,106
Medical Services	

b. Purchasing:

1. Karen Foss, Library Director, requested the Board of Commissioners approve a resolution which authorizes the Newton Friends of Catawba County Library to conduct a book sale and use the proceeds for library purposes.

The Friends of Catawba County Library is a nonprofit association interested in books and libraries that focus public attention on library service, facilities and needs. They work to stimulate gifts of books, magazines, desirable collections, endowments and bequests. They engage in money making projects to supplement the income of the library for expanded service to the public and they provide volunteer help whenever needed.

Library materials that have been damaged, are out of date, contain information that is no longer relevant or are no longer being used by the public are pulled from the collection and discarded to keep the collection relevant and useful to the citizens of Catawba County.

Once materials are deemed surplus, the materials are sold by the Friends of the Library at a book sale. Money from the sale of the materials is used by the Friends of the Library to enhance the library program. So far this year the Newton Friends of the Library paid for an adult library program where author Jeff Diamant discussed his book. They also purchased additional large print books, provided funds for the Summer Reading Program for Catawba County children and purchased furnishings for the two new teen areas at the St. Stephens and the Newton Libraries.

General Statute 160A-279 states that a county may convey property without monetary consideration, if the recipient agrees to use the property for a public use. The Board must adopt a resolution at a regular meeting and authorize an official to dispose of the property. Once the resolution has been adopted, the statute requires that the local government publish a notice summarizing the contents. The conveyance may not be concluded until at least ten days after the publication of the notice.

The resolution below authorizes the transfer of the books to the Friends of the Library to conduct a book sale and states the proceeds will be used to benefit the Catawba County Library system. The Newton branch book sale will be held on August 9-11, 2007.

Commissioner Hunsucker made a motion to approve the following resolution. The motion carried unanimously.

**RESOLUTION # 2007-
Approving Conveyance of Property
Pursuant to G.S. 160A-279**

WHEREAS, Catawba County does not have use or need of outdated books formerly used at the Catawba County Libraries; and

WHEREAS, the Newton Friends of the Catawba County Library has requested the books to be used in fund raising activities; and

WHEREAS, the Friends of the Catawba County Library is an organization formed specifically to benefit Catawba County Libraries; and

WHEREAS, the North Carolina General Statutes 160A-279 authorizes the transfer of county property to an entity engaged in public service; and

FURTHER, it is understood that proceeds from the sale of the books will benefit the Catawba County Library;

NOW, THEREFORE, BE IT RESOLVED, that the Catawba County Board of Commissioners hereby authorizes the Library Director to convey said property to the Newton Friends of Catawba County Library.

Adopted this the 9th day of July, 2007.

2. Debbie Anderson, Purchasing Agent, presented a request for the Board to authorize the donation of a 2001 Chevrolet Malibu and a 2002 Chevrolet Malibu to the Work and Ride Program as permitted in General Statute 160A-279.

The Work and Ride program is a partnership between Social Services, Cooperative Christian Ministries and the Faith Community Task Force on Poverty. The program is designed to connect donated, roadworthy cars with low income adults who need reliable transportation to seek or maintain employment. The vehicles are checked out by a mechanic at no cost to the donor. The Cooperative Christian Ministry of Hickory receives and stores the vehicles until they are awarded to a selected family.

A selection committee conducts a screening process on all applications to ensure the program's goals are met. The applicant must show financial need, prove transportation is a significant barrier in obtaining or keeping a job, have a driver's license, a good driving record, and commit to attending a budgeting and basic car repair class. Many of the applicants are current or former Work First recipients.

The surplus vehicles recommended for donation to the Work and Ride Program are vehicles which were used by the Social Services Department. The 2001 Chevrolet Malibu current mileage is 136,204 and the 2002 Chevrolet Malibu mileage is 119,449.

General Statute 160A-279 states that a county may convey to a public or private entity surplus automobiles without compensation or without the requirement that the automobiles be used for a public purpose if the vehicles are given to Work First participants. The recipients are to be selected by the Department of Social Services under the rules adopted by the local department. Social Services can require an appropriate security interest in the vehicle, including a lien or lease, until such time as the Work First participant satisfactorily completes the requirements of the Work First program. The participant may be required to pay for license, tag, and/or title.

Commissioner Barger made a motion to approve the following resolution. The motion carried unanimously.

RESOLUTION #
DECLARATION OF SURPLUS PROPERTY AND DONATION TO THE WORK AND RIDE
PROGRAM – WORK FIRST

WHEREAS, Catawba County has the authority to declare property no longer needed as surplus and donate said property to the precepts of NCGS 160A-279; and;

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

2001 Chevrolet Malibu VIN 1G1ND52J116201135
2002 Chevrolet Malibu VIN 1G1ND52J82M675242

WHEREAS, the Work and Ride program is a partnership between Social Services, Cooperative Christian Ministries and the Faith Community Task Force on Poverty;

WHEREAS, the Work and Ride program provides donated, roadworthy vehicles to low income adults who need reliable transportation to seek or maintain employment;

WHEREAS, the Catawba County Board of Commissioners by this resolution donate the vehicle specified above to the Work and Ride program;

WHEREAS, said vehicle shall be given to the Work First participant as selected by the Catawba County Department of Social Services;

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

This the 9th day of July, 2007

3. Debbie Anderson, Purchasing Agent, presented a request for the Board of Commissioners to accept the bid of \$20,000 for the sale of the residence located at 215 South Bost Avenue, Newton. This offer is for the residence only, not for the land at this parcel ID#373016921906; the house located on this property will be moved by the new owner.

On April 16, 2007, the Catawba County Board of Commissioners authorized the sale of the residence at 215 South Bost Avenue, Newton by public auction. The terms of the sale required:

- minimum bid of \$20,000
- the house to be moved from the site within 120 days
- County will contribute up to \$10,000 towards the house removal expenses.
 - Appropriations: 110-190050-680700 \$10,000
 - 110-170101-856900 \$10,000

N.C. General Statute 160A-270 requires the Board of Commissioners to accept the high bid for real property sold by public auction. A public auction was held at 10:00 A.M., Saturday, June 9, 2007. One bid was received for \$20,000 from S & TC Properties, Inc., Newton, N.C. Commissioner Lail made a motion to accept the bid and appropriate \$10,000 for the removal expenses. The motion carried unanimously.

10. Other Items of Business. None.

11. Attorneys' Report. None.

12. Manager's Report.

Manager J. Thomas Lundy requested the Board moved to closed session pursuant to GS 143-318.11(a)(4) to discuss matters relating to the location or expansion of industries or other businesses in the area and he did not anticipate any action to be taken after this closed session.

Commissioner Hunsucker made a motion to move to closed session. The motion carried unanimously. The Board went into closed session at 7:38 p.m.

13. The Board returned to open session at 8:16 p.m. No action was taken in closed session. Vice-Chair Beatty adjourned the meeting at 8:17 p.m.

Katherine W. Barnes
Board of Commissioners

Barbara E. Morris, County Clerk