

July 9, 2012, MB#52

Regular Session, July 9, 2012, 7:00 p.m.
Catawba County Board of Commissioners

Appointments

Western Piedmont Council of Government Aging Advisory Committee	590	07/09/12
Hickory Regional Planning Commission	590	07/09/12

Budget Transfers

Under Manager's Authority	591	07/09/12
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Closed Session

Negotiations for Property	590	07/09/12
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EDC

Public Hearing on CDBG Grant	588	07/09/12
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Juvenile Crime Prevention Council (JCPC)

Budget Revision	590	07/09/12
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Ordinance

UDO Amendment	589	07/09/12
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Planning, Parks and Development

Public Hearing CDBG 2009 Scattered Site Housing Grant Closeout	589	07/09/12
UDO Amendment	589	07/09/12

Presentations

Recognition of County Manager J. Thomas Lundy	588	07/09/12
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Public Hearings

EDC CDBG Grant	588	07/09/12
CDGB 2009 Scattered Site Housing Grant Closeout	588	07/09/12
UDO Amendment	589	07/09/12

Resolution

EDC CDBG Grant	588	07/09/12
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The Catawba County Board of Commissioners met in regular session on Monday, July 9, 2012 at 7:00 p.m. in the Robert E. Hibbits Meeting Room of the 1924 Courthouse, 30 North College Avenue, Newton, North Carolina.

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

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

1. Chair Katherine W. Barnes called the meeting to order 7:00 p.m.
2. Commissioner Barbara Beatty led the Pledge of Allegiance to the Flag.
3. Chair Barnes offered the invocation.
4. Commissioner Randy Isenhower made a motion to approve revised minutes of the Board's Regular Meeting and Closed Session of June 18, 2012. The revision would be made to a figure regarding the biodiesel facility

under the Solid Waste Management Plan on page 584 of the minutes and would be changed from a quarter million dollars to two and a quarter million dollars. The motion carried unanimously.

5. Recognition of Special Guests: Chair Barnes welcomed everyone present and specifically recognized Frank Lawson, President of the Catawba County Tea Party.
6. Public Comments for Items Not on the Agenda: None.
Chair Barnes invited all commissioners to come forward and join her at the podium to recognize County Manager J. Thomas Lundy for forty years of service to the County. The Board presented Mr. Lundy with a piece of pottery made by Kim Ellington of Catawba County and expressed its appreciation for his dedication to the citizens of the County.
7. Public Hearings:
 - a. President of the Economic Development Corporation Scott Millar requested the Board hold a required second public hearing to receive citizen input and adopt an Authorizing and Certification Resolution for an application to the North Carolina Small Cities Community Development Block Grant (CDBG) program for an industrial site development loan that would facilitate development of a multi-jurisdictional business park in Conover. The application is subject to an interlocal agreement with the Cities of Hickory and Conover and the Towns of Maiden and Catawba wherein those municipalities would be responsible for repayment of 43% of the loan amount according to their approved share of participation (the County's share of repayment of the loan would be 57%). Two public hearings were required prior to the application being submitted to the North Carolina Department of Commerce's Commerce Finance Center. The first public hearing was held, as part of the County's general CDBG application for Fiscal Year 2012-13, at the Board's October 3, 2011 meeting.

A maximum of \$4 million is available and program funds are designed to bring high quality industrial sites to market toward new and expanding business and industry. The funds provided are in the form of a 2% simple interest loan with a seven-year term with interest-only payments in years one and two. The North Carolina Department of Commerce is required to document security for the loan from the County. In order for the applicant to be considered, it must document that the site will have the following basic services upon completion of the development work: electric power supply, public water and sewer service, telecommunications service, paved vehicle access and, where applicable, natural gas service. Maximum administration costs for the loan are \$25,000.

The Multi-jurisdictional Park is proposed to be a joint development by and between Catawba County, the Cities of Hickory and Conover and the Towns of Maiden and Catawba, with formal approval of these jurisdictions expected in August 2012. Upon formal approval, State loan funds would be used to plan, engineer, permit, and construct public utilities and other improvements to serve the proposed park. Catawba County would be the applicant for the funds and payback for any funds used for the development of the proposed park would be shared by each jurisdiction according to their approved share of participation over the life of the loan repayment.

Chair Barnes opened the public hearing, noting it had been duly advertised. No one came forward to speak. Chair Barnes closed the public hearing. Commissioner Isenhower made a motion to adopt the authorizing resolution, noting the application was subject to an interlocal agreement with the Cities of Hickory and Conover and the Towns of Maiden and Catawba wherein those municipalities would be responsible for repayment of 43% of the loan amount according to their approved share of participation. The motion carried unanimously. The following resolution applies:

CATAWBA COUNTY
AUTHORIZING RESOLUTION AND CERTIFICATION
COMMUNITY DEVELOPMENT BLOCK GRANT
ECONOMIC DEVELOPMENT APPLICATION

WHEREAS, various State and Federal agencies provide funds to municipalities to meet the needs of local governments in financing the cost of Community Development; and

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WHEREAS, the Commerce Finance Center of the NC Department of Commerce is the State administering agency for the Community Development Block Grant Program; and

WHEREAS, the Community Development Block Grant Program has Economic Development funds available to local governments to maintain or create new jobs for low and moderate income people; and

WHEREAS, the Catawba County Board of Commissioners has solicited and received citizen input regarding the Community Development Block Grant Economic Development loan application to borrow \$4,000,000 to provide infrastructure to a multi-jurisdictional data campus located off of Highway 16 in Conover; and

NOW, THEREFORE, BE IT RESOLVED BY THE CATAWBA COUNTY BOARD OF COMMISSIONERS:

That Catawba County will substantially comply with all Federal, State and local laws, rules, regulations and ordinances pertaining to the project and to Federal and State grants pertaining thereto.

That Katherine W. Barnes, Chair of the Catawba County Board of Commissioners, and successors so titled, is hereby authorized to develop, execute and file an application on behalf of the Catawba County to appropriate Federal and State agencies to secure funds for the Community Development Block Grant Project.

That Katherine W. Barnes, Chair of the Catawba County Commissioners, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate governmental agencies may request in connection with such applications for the project; to make the assurances and certifications as contained above; and to execute such other documents as may be required in connection with the construction of the project.

That this resolution shall take effect immediately upon its adoption.

Adopted this the ____ day of July, 2012 at Newton, Catawba County, North Carolina by _____ vote of the Board of Commissioners upon a motion by _____.

b. Director of Planning, Parks and Development Jacky Eubanks came forward and requested the Board hold a public hearing on the closeout of Community Development Block Grant (CDBG) 2009 Scattered Site Housing Grant #09-C-1987 and approve closeout of the Grant. The purpose of the \$400,000 CDBG was to rehabilitate six homes, clear land for and build one new home, and provide emergency housing repair work to thirteen homes, all owned by low and very low income families and located in Catawba County. All activities associated with the grant have been completed. The County did not have to provide matching funds for this grant. CDBG funds financed 100% of the total project costs, along with an additional \$4,318 in DUKE Energy Funds for one home. Catawba County will receive its next allocation of funding for Scattered Site Housing in late 2012 or early 2013, as grant funding is on a three year rotation cycle. Chair Barnes opened the public hearing, noting the hearing had been duly advertised. No one came forward to speak and Chair Barnes closed the public hearing. Commissioner Beatty made a motion to approve the closeout of the CDBG 2009 Scattered Site Housing Grant. The motion carried unanimously.

c. Planner Chris Timberlake came forward and requested the Board hold a public hearing to receive citizen comments on a proposed amendment to the Catawba County Unified Development Ordinance (UDO), which would reduce setbacks in cases where a "side street setback" exists for principal structures on corner lots in medium (R-30 Residential) and high (R-20 and R-15 Residential) density districts. No one came forward to speak at the public hearing. At its February 20, 2012 meeting, the Board adopted an amendment to the UDO providing relief in the form of a "side street" setback for accessory structures on corner lots. In that amendment, there were qualifying factors determining a "side street", such as higher road classifications, development patterns, and dwelling unit orientation.

The UDO does not allow a reduced setback for principal structures on corner lots. The majority of property in Catawba County's jurisdiction (62%) is zoned R-40. This rural development pattern with larger lot sizes calls for greater setbacks, when compared to an urban development pattern with smaller lots (and higher density),

and reduced setbacks. The rural character in Catawba County's jurisdiction is further reinforced by a 100-foot setback for principal structures in the Rural Preservation-Overlay (RP-O) and 80-foot setback in the R-40 districts along external roads. Requiring greater setbacks for principal structures in rural areas provides additional safety where speed limits are typically 10-20 miles per hour higher than on city streets, and helps preserve the rural character.

Medium and high density districts comprise 33% of the land area as compared to 62% in the low density district (R-40, 40,000 square feet, 1 acre lot size) mentioned above. Medium density is defined as R-30 (30,000 square feet, 3/4 acre lots). High density is defined as R-20 (20,000 square feet, 1/2 acre lots) and R-15 (15,000 square feet, 1/3 acre lots).

Staff surveyed the municipalities of Hickory, Newton, and Conover, along with twelve counties. The municipalities offer a reduced "side street setback" for principal structures on corner lots in keeping with the urban development pattern. Four of the twelve counties offered a reduced setback in their lower density (40,000 square feet, approximately 1 acre lot) district. Five urbanized counties, including Mecklenburg, Durham, Wake, Guilford, and Forsyth, offer a reduced side street setback, for principal structures of no less than 15 feet, for corner lots within smaller lot districts. Based on the information received from the other jurisdictions, Catawba County would be consistent in offering a reduced front "side street" setback in higher density districts, but not lower density districts.

The Catawba County Planning Board held a public hearing on June 25, 2012, to consider the proposed amendment. There were no public comments made about the request. A Planning Board member asked if staff had considered also applying a 20 foot setback to the corner lot fronting the external road. By a vote of 9-0, the Planning Board recommended a decrease in the side street setback requirement in the UDO from 30 feet to 20 feet on corner lots for principal structures, fronting exclusively on internal subdivision streets within medium and high density subdivisions.

After discussion by the Board of Commissioners initiated by Commissioner Isenhower, the amendment was revised to remove the requirement of the lot fronting exclusively on internal subdivision streets. Commissioner Isenhower made a motion to approve the amendments with the revision noted. The motion carried unanimously. The following amended Ordinance applies:

Ordinance No. 2012- 11

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

Table 44-404-1. Dimensional standards.

	Density (maximum dwelling units per acre)	Floor Area Ratio (maximum)	Lot Size (minimum, square feet)	Lot Width (minimum, feet)	Front Setback (minimum, feet)	Side Setback (minimum, feet)	Rear Setback (minimum, feet)	Height (maximum, feet) ⁽³⁾	Gross leasable area (GLA) max. per development, square. feet
Rural Conservation	0.2	-	217,800 (5acres)	250	100	30	50	45	-

(RCon)									
Residential (R-80)	0.5	-	Single family-80,000 Duplex – 120,000	150 ⁽⁴⁾	30	15	30	45	-
Residential (R-40)	1.0	-	Single family– 40,000 Duplex– 60,000	100 ⁽⁴⁾	30 ⁽¹⁾ 80 ⁽²⁾	15	30	45	-
Residential (R-30)	1.5	-	Single family – 30,000 Duplex –45,000	75	30 20 ⁽⁵⁾	15	30	45	-
Residential (R-20)	2.0	-	Single family – 20,000 or 15,000 with public water and/or sewer Duplex –30,000 or 22,500 w/ public water and/or sewer	75	30 20 ⁽⁵⁾	15	30	45	-
Residential (R-15)	3.0	-	Single family - 15,000 Duplex – 22,500	75	30 20 ⁽⁵⁾	15	30	45	-
Residential (R-12)	3.6	-	Single family – 12,000 Duplex –18,000	75	20	10	20	45	-
Residential (R-10)	4.4		Single family – 10,000 Duplex –15,000	60	20	10	20	45	
Residential (R-7)	6.2		Single family - 7,000 Duplex –10,500	60	20	10	20	45	
Office-Institutional (O-I)		1:5	20,000	100	30	20	30	45	-
Rural Commercial (RC)		1:5	20,000	100	30	20	30	45	15,000
Highway Commercial (HC)		1:3	40,000	150	35	20	35	70	50,000
Light Industrial (LI)		1:3	40,000	100	30	25	35	70	-
General Industrial (GI)		1:2.5	60,000	150	40	25	35	70	-

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Notes:

- (¹) Applies to the lot line or lot edge that abuts an internal subdivision road.
- (²) **Applies to the lot line or lot edge that abuts an existing external road(s).**
 - a. **For existing lots of record which are vacant prior to the effective date of the UDO (February 6, 2007), the 80-foot setback requirement for principal structures and additions identified in (b) below must be met if land area is available that can accommodate the house, septic system and well. If the required setback cannot be achieved, then the average setback of the surrounding housing units should be utilized in order to obtain uniformity; however, in no case can the minimum yard setback be less than 30 feet. Appeals to the setback requirement can be made to the Board of Adjustment in accordance with Sec. 44-202.**

- b. Additions to non-conforming principal structures along external roads are permitted provided they do not extend beyond the front building line.
- c. Additions to principal structures are allowed to extend into the front setback based on the average setback of the surrounding principal structures within 1,320 feet (1/4 mile) measured along both sides and directions of the street frontage.
- d. In no case can the minimum front yard setback be less than 30 feet.
- e. For existing lots of record which have a permitted principal structure, accessory structures are permitted provided they do not extend beyond the front building line of the principal structure.
- f. In lieu of the 80-foot setback for new lots created after the effective date of the UDO (February 6, 2007) one of the following must be provided:
 - 1. If 500 feet of road frontage is available, a 40-foot setback containing a 30-foot wide berm with accompanying landscaping along all existing external road frontage; or
 - 2. If 500 feet of road frontage is available, a 40-foot setback containing a 30-foot wide landscaped strip containing a solid landscaped screen along all existing external road frontage. The landscaped strip would contain a combination of trees, shrubs and ground cover (grass, mulch, etc.), either in a straight line or off-set, to cover a 30 foot wide area.

⁽³⁾ Churches/synagogues and places of worship, that apply for and qualify for tax exempt status with the County, may have a maximum height of 70 feet. In addition, steeples and belfries, which project above the total height of the structure, are allowed to have additional height, equal to that of the worship structure.

⁽⁴⁾ Lots on the turning circles of cul-de-sacs may have a minimum 75 feet of lot width.

⁽⁵⁾ A setback of 20 feet is allowed along one (1) internal street front for corner lots within residential subdivisions.

(Ord. No. 2007-22, 11-19-2007) (Ord. No. 2008-17, 10/20/08) (Ord. No. 2009-12, 11/16/09)

Sec. 44-404. Dimensional regulations.

(g) *Setbacks.*

(5) *Corner and multiple frontage lot setbacks.* A corner or multiple frontage lot must observe the front yard setbacks for all frontages facing the streets. The rear lot line is the lot line that is opposite to the front with the shortest boundary. If the lot has equal frontage on 2 streets, frontage will be determined in accordance with the prevailing area lot patterns. See Table 44-404-1 and note ⁽⁵⁾ as well as Figure 44-404-2 above.

This 9th day of July, 2012

8. Appointments:
Vice-Chair Lynn Lail recommended the reappointment of Carolyn Thompson for a second term on the Western Piedmont Council of Governments Aging Advisory Committee. Ms. Thompson's term will expire on June 30, 2014. Chair Barnes recommended the appointment of Oscar Vasquez for a first term on the Hickory Regional Planning Commission. Mr. Vasquez' term will expire on June 30, 2015. These recommendations came in the form of a motion. The motion carried unanimously.

9. Departmental Report:
Juvenile Crime Prevention Council:
Budget Manager Jennifer Mace presented a request from the Catawba County Juvenile Crime Prevention Council (JCPC) for approval of a budget revision to allocate an additional \$9,923 in newly available State funds for the Parenting Network. The approved Fiscal Year 2012/13 budget for the JCPC includes \$23,441 for the Parenting Network based on the original funding request submitted by the Catawba County Schools on behalf of the Parenting Network. That agency is no longer a program operating under Catawba County Schools, effective July 1. In order to apply for JCPC funding on its own, the Parenting Network had to obtain 501(c)3 status, which it has now received.

Since the original applicant was Catawba County Schools, these funds had to be re-advertised to allow others an opportunity to request funding in compliance with State requirements. That re-advertisement is now complete. The Parenting Network submitted a new funding request for \$39,064 in JCPC funds to provide parenting skills training to families, an increase of \$15,623 from its original request. The new request was reviewed by the JCPC on June 28 and total JCPC funding of \$33,364 was approved, an increase of \$9,923.

The increased funding is primarily needed to cover increased costs associated with a greater number of family members participating in the program and provide gasoline vouchers for program participants, as transportation has been an obstacle to successful program completion for many families. The JCPC approved an increase in funding for gas vouchers, but not as much as requested by the program. The transition of the Parenting Network to an independent non-profit has increased the oversight responsibilities of its Executive Director. Cell phone costs are increasing slightly based on increased rates from the provider. The percentage of the Parenting Network's budget supported by JCPC funds is also increasing, due to a reduction of in-kind support from the school system and cash support from foundations. Approval of this allocation reduces the amount of available, unappropriated funds from the current level of \$82,443 to \$72,520. All other funding decisions would remain unchanged. Vice-Chair Lail made a motion for this budget revision. The motion carried unanimously. The following appropriation applies.

Supplemental Appropriation:

JCPC Parenting Network	110-190050-868187	\$9,923
JCPC Parenting Network	110-190050-630611	\$9,923

10. Other Items of Business: None.

11. Attorney's Report: None.

12. Manager's Report: County Manager Lundy requested the Board consider a closed session pursuant to North Carolina General Statute 143-318.11(a)(5) to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property. He anticipated no action to be taken when the Board returned to Open Session. Commissioner Isenhower made a motion to move into closed session. The motion carried unanimously. The Board moved into closed session at 7:40 p.m.

13. Budget Transfers: Pursuant to Board authority granted to the County Manager, the following budget transfers have been completed:

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Contingency & Government Agencies – Justice Center

110-190100-994000	Contingency	\$50,000
110-180050-870100	Government Agencies – Justice Center – Small Tools	\$10,000
110-440152-842510	Justice Building -Repair & Maintenance	\$60,000

7/5/12 – Transfer of contingency and Government Agencies – Justice Center funds to Facilities budget for the Justice Center to replace carpet in courtrooms 1-4.

Contingency & Government Agencies – Justice Center

110-190100-994000	Contingency	\$18,000
110-140050-812600	Temporary Wages	\$18,000

7/20/12 – Transfer of contingency – Funding needed to operate the Hickory one-stop site during the 2012 General Election.

14. Adjournment. The Board returned to open session and took no action. Commissioner Hunsucker made a motion to adjourn at 7:51 p.m. The motion carried unanimously.

Lynn M. Lail, Vice-Chair
Catawba County Board of Commissioners

Barbara E. Morris
County Clerk