

Regular Session, July 21, 2014, 7:00 p.m.  
Catawba County Board of Commissioners

**Alcohol Beverage Control Board**

Approval of ABC Board Travel Policy 319 07/21/14

**Appointments**

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 Newton-Conover Auditorium Authority Board of Directors 315 07/21/14  
 Dangerous Dog Appellate Board 315 07/21/14  
 Juvenile Crime Prevention Council 315 07/21/14  
 Town of Maiden Board of Adjustment 315 07/21/14  
 Nursing and Rest Home Advisory Board 315 07/21/14  
 Home & Community Block Grant Advisory Board 315 07/21/14  
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 Subdivision Review Board 315 07/21/14  
 Hickory Regional Planning Commission 315 07/21/14  
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 Commercial Recycling and Waste Reduction Partnership Program 301 07/21/14

**Catawba Valley Medical Center**

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**Emergency Services**

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 Donation of Surplus Vehicle to Newton-Conover Rescue Squad 316 07/21/14

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**Library**

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The Catawba County Board of Commissioners met in regular session on Monday, July 21, 2014, at 7:00 p.m. in the Robert E. Hibbitts Meeting Room of the 1924 Courthouse, 30 North College Avenue, Newton, North Carolina.

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

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

1. Chair Katherine W. Barnes called the meeting to order at 7:00 p.m.
2. Commissioner Dan A. Hunsucker led the Pledge of Allegiance to the Flag.
3. Commissioner Lynn M. Lail offered the invocation.
4. Commissioner Hunsucker made a motion to approve the minutes from the Board's Regular Meeting of June 16, 2014. The motion carried unanimously.
5. Recognition of Special Guests: Chair Barnes recognized every person present as special guests and specifically welcomed Sheriff Coy Reid, CVCC President Garrett Hinshaw and Chamber of Commerce President Danny Hearn.
6. Public Comments for Items Not on the Agenda: None.
7. Presentations:
  - a. The Board honored Sheriff's Deputy Tammy Johnson, who retired effective July 1, 2014, after eighteen years with the Catawba County Sheriff's Office. Upon a motion by Commissioner Hunsucker which unanimously carried, the Board declared as surplus Deputy Johnson's service sidearm and badge, and was joined by Sheriff Reid in presenting those items to her.
  - b. The Board recognized two National Association of Counties (NACo) Achievement Awards presented to the County's Department of Utilities and Engineering. The first was for the development of the Remote Access Permitting Terminal (RAPT) which provides real-time interaction between a citizen needing a permit at Hickory City Hall and a Permit Center Specialist located in the Catawba County Government Center in Newton. RAPT gives customers the ability to apply for and obtain residential and trade permits, or ask questions and receive answers about the permitting process from a remote location. RAPT utilizes video conferencing technology to allow citizens and contractors seamless interaction with Permit Center staff without the added time and expense of travelling from Hickory to Newton to conduct business. The system has allowed the County's permitting process to evolve and maintain a high level of customer service without hiring additional

staff to physically operate a second office. Administrative Assistant II Teresa Wofford accepted this award for the Utilities and Engineering Department.

The second NACo Achievement Award recognized the Commercial Recycling Program, a free and voluntary program that encourages local businesses to take proactive steps to improve their environmental record while improving their bottom-line. The program recognizes businesses in Catawba County that operate in an environmentally friendly manner by practicing the 4R's (reduce, reuse, recycle, rebuy). The program currently includes nineteen businesses. Companies enrolled in the program are able to access a wide range of data and assistance and receive technical assistance at no cost. County staff helps partners find markets for their recyclable materials, both locally and around the state. Waste Reduction Coordinator Amanda Kain accepted this award for the Utilities and Engineering Department.

8. Public Hearing:

Planner Chris Timberlake came forward and presented a rezoning request by applicants Catawba County Economic Development Corporation and Property Owners Ruth B. Lutz (Ruth A. Hollar, trustee), Kevin Lutz, Carol Y. Lutz and W. R. Lutz Jr., Brenda G. Lutz and Brenda Lutz Kiser and requested the Board hold a public hearing to receive citizens' comments and consider approval the application to rezone approximately 174 acres from R-20 Residential (allowing a minimum lot size of 20,000 square feet or 2 dwellings per acre) to Planned Development-Industrial Park-Conditional District (PD-IP-CD) to allow Park 1764, a Class A Business Park.

Although the local economy has shown signs of improvement, it is still struggling and lags behind other areas of the state. The Hickory/Lenoir/Morganton Metropolitan Statistical Area (MSA) continues to rank in the lower tier (11<sup>th</sup> of the 14 MSAs in North Carolina) in unemployment rate, currently standing at 7.4%. Lack of job opportunities and quality of life amenities are contributing factors to the loss of the 20-44 year age group as reflected in the 2010 Census. A review of assets needed to make the County more competitive and more attractive to younger generations determined that a Class A Business/Industrial Park would help reverse that trend. A Class A park aids in providing opportunities and attracting companies to locate or relocate to the County, diversifying the economy and providing much needed higher wage jobs.

Through the Conditional Zoning component of the request, Park 1764 proposed to meet many of the Startown Small Area Plan (SAP) guiding principles and recommendations, Board of Commissioners' 2014 – 2015 goals and strategies, and a set of binding negotiated conditions identified below.

**The Startown Small Area Plan guiding principles and recommendations** include the following: under Land Use,

**“Target industrial growth within the study area to specific, appropriate sites.” (page 16)-** Park 1764 is appropriate due to its scale and its being 0.7 mile from the Hickory City Limits and Catawba Valley Community College, 1.5 miles from Catawba Valley Mall and a regional shopping center, 1.6 miles from Highway 70 Business; two miles from Interstate 40; and 0.18 miles from the area earmarked in the Plan for a Neighborhood Commercial Node to the south. The node is just north of the intersection of Settlemyre Bridge Road at the proposed intersection of Startown Road and a future Southern Corridor.

**“Preserve open space, pastures and scenic views.” (page 17)-** the conceptual plan as part of the PD-IP-CD rezoning provides for 116 acres (66%) of the land area to contain parking, sidewalks, trails, landscaping, open space, and other undisturbed vegetative areas (such as the tributary of Muddy Creek).

**“Protect natural resources.” (page 17)-** The Park 1764 conceptual plan proposes to leave intact the tributary of Muddy Creek and its surrounding native vegetation.

**“Develop options for passive recreational uses.” (page 17)-** The Park 1764 conceptual plan includes extensive natural surface trails and outdoor areas.

**“A high-density mixed-use Village is proposed in the northern portion of the SAP west of Startown Road. Multi-family homes should be permitted in the village area, which may include a mixture of apartments, patio homes, cluster developments, and zero lot line developments.”(page 18)-** The majority of the Park 1764 property (100 acres out of 174 acres) was identified in the high-density mixed use village with an emphasis on residential uses (depicted on Map 5 of the SAP). This future high-density land use change was earmarked for this area due to its close proximity to the Hickory City Limits.

**“The land currently zoned for industrial uses is adequate.”(page 21)-** The Startown SAP highlighted a considerable amount of land appropriate for future industrial development along the 321 Corridor (depicted on Map 5). The Economic Development Corporation has been limited in its ability to negotiate the acquisition of suitable tracts for industrial development.

**“Industrial zoned property which is developed or redeveloped should strive to preserve the rural viewshed by adhering to the design standards for commercial development.”** (page 21)- The Park 1764 Class A standards will meet and/or exceed the Unified Development Ordinance (UDO) requirements. The required minimum front setback along Startown Road is 30 feet; however, the Park 1764 PD-IP-CD Development Conditions propose a minimum 300 foot setback from Startown Road. The required minimum front setback along Robinwood Road is 30 feet; however, the Park 1764 PD-IP-CD Development Conditions propose a 100 foot minimum setback along Robinwood Road. These additional front setbacks ensure protection of viewsheds in a north south direction along both Startown Road and Robinwood Road. The topography of the site slopes away from both roads, to a lower elevation along the tributary of Muddy Creek, helping to protect the east and west viewsheds across the property.

**“Abundant landscaping should be provided to screen parking, loading, storage and maintenance areas.”** (page 21)- The Park 1764 conceptual plan and PD-IP-CD Development Conditions exceed landscaping requirements of the UDO.

The “Economic development” section of the Startown Small Area Plan included the following principles:

**“Create more aesthetically pleasing commercial, industrial, and mixed-use developments.”** (page 42)- Park 1764 addresses this principle by allowing only Class A buildings.

**“Industrial areas should be directed to areas with appropriate infrastructure.”** (page 42)- Park 1764 is proposed at a location where public water and sewer infrastructure exist. It is also bordered to the east by a major thoroughfare and west by a minor thoroughfare.

**Board of Commissioners’ 2014 – 2015 Goals and Strategies:** Park 1764 is intended to address the following Board of Commissioners’ 2014 – 2015 goals and strategies: *“In partnership with the private sector, support a coordinated effort to create jobs and property tax base by investing in infrastructure, the development of the County’s quality of place and educational opportunities. Specific strategies include: Facilitate spec building space in order to enhance the EDC’s recruitment efforts for jobs and increased tax base. Partner with the private sector and municipalities to focus on a framework to increase small and/or entrepreneurial businesses. Partner with the private and public sectors to implement Innovate Catawba.*

**Binding Negotiated Development Conditions for Park 1764 include:**

PROPERTY EGRESS/INGRESS. As Park 1764 is developed, there will be ingress and egress from both Robinwood and Startown roads. Heavy vehicle traffic will be encouraged to use the Robinwood Road egress. In addition, any significant job or traffic generation project being considered for the Park or an existing Park tenant will be required to perform a Transportation Study Analysis determining traffic impacts on the existing adjacent thoroughfares, providing such information to NCDOT, Catawba County Planning Department, and City of Hickory Planning Departments. Turn lanes and road improvements will be installed as required by North Carolina Department of Transportation.

**MAXIMUM BUILDING HEIGHT.** No structure of any kind constructed in the Park shall exceed the height of forty (40) feet above the maximum elevation of the nearest public roadway (either Startown Road or Robinwood Road), and no building or structure may exceed seventy feet in height. No public telecommunications towers will be allowed within the Park.

**NUISANCES.** No operations which constitute a nuisance shall be permitted upon any Lot which are offensive or detrimental to any adjacent non-Park property or to its occupants. A "nuisance" shall include, but not be limited to, any of the following conditions:

- (a) Any use of a Lot, including careless construction activity, that emits dust, sweepings, dirt, or cinders into the atmosphere, or discharges liquid, solid wastes, or other matter into any stream, river, or other waterway that may adversely affect the health, safety, comfort of, or intended use of the property by persons. No waste, substance or materials of any kind shall be discharged into any public sewer serving the Subject Property or any part thereof in violation of any regulation of any public body having jurisdiction over such public sewer.
- (b) The escape or discharge of any fumes, odors, gases, vapors, steam, acids, or other substance into the atmosphere, which discharge may be detrimental to the health, safety, or welfare of any person or may interfere with the comfort of persons or may be harmful to property or vegetation.
- (c) It is recognized sound levels can be a nuisance. The Park 1764 Covenants will establish reasonable sound levels and take into account the desire to reduce sound levels outside the Park after normal business hours.

**PARK LANDSCAPING.** A mixture of permanent vegetation (trees), berming and landscaping will be used to minimize the visibility of the interior of the Park. Certain areas have been requested by adjacent owners to be vegetated and not bermed, specifically the northwestern Park boundary adjacent to the Harrison lot line, and the northeast Park boundary to the north of the natural gas transmission line. On the Harrison Lot Line, an alternating double row of evergreen trees, will be used. On the NE lot line, the owners have requested an alternating double row of deciduous trees with alternating evergreens as required between two zoning classifications. Berming and landscaping will be used along Startown Road from the natural gas line southward to the southern Park boundary along Startown Road. Along Robinwood Road, there will be at minimum a 30' permanent buffer of vegetation from the northern boundary to the existing berm. To the south of the existing berm, the same vegetative buffer (at minimum) as used along the northern part of Robinwood Road will be required. All newly planted large shade trees must have a minimum caliper size of 3-3.5 inches and shall be staked securely for a period of one year from the date of planting. All newly planted large shrubs must have a minimum height of 2.5-3 feet.

**WALKING TRAIL.** A walking trail will be created within the park, not adjacent to neighboring properties.

**PERMANENT EASEMENT.** A permanent easement will be established for the trail and conservation easements will be established along the stream.

**OVERRIDING AUTHORITY.** All activities must comply with all laws, regulations, ordinances, and standards established by any authority having jurisdiction with regard to such activities.

**PERMITTED PRINCIPAL USES.** The following uses will be permitted within the Park:

- 1) Light industrial uses relating to but not necessarily limited to light manufacturing, fabricating, processing, converting, altering and assembling and testing of products.

- 2) Office uses relating to but not necessarily limited to scientific, medical and industrial research, product development and testing, engineering development, biotechnical research and development, marketing development and manufacturing.
- 3) Office operations relating to but not necessarily limited to medical, business, and financial services.
- 4) Warehousing and distribution which is incidental to any on-site permitted use, but warehousing, distribution or trucking cannot be the primary use of the facility.

Such approved uses shall be performed or carried out entirely within a building that is so designed and constructed that the enclosed operations and uses do not cause or produce a nuisance to other lots or property.

**PRINCIPAL USES NOT PERMITTED.** Light Industrial Uses not permitted within the Park include all retail and any commercial use as well as the following:

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|---|--|
| Adult Care Center   | Natural gas, petroleum, fuels, alternative distribution center |
| Animal hospital/veterinary clinic   | Open storage   |
| Animal husbandry  | Par-three golf   |
| Armory  | Pawn shop  |
| Bus garages and terminals   | Plumbing and heating supplies                                  |
| Car rental  | Public utility facility  |
| Child care center   | Radio and television broadcasting                              |
| Construction trailer/temporary office                                       | Recreational fish lake or pond                                 |
| Contractor's office   | Rental and leasing of light or heavy equipment                 |
| Crematorium   | Rubber products manufacturing                                  |
| Dragstrip/race track  | Schools (elementary, middle, high)                             |
| Dredging, shoreline stabilization and off-site pier construction operations | Shipping/storage containers                                    |
| Equipment rental  | Sign shop  |
| Exterminators   | Small motor repair   |
| Farm and heavy equipment sales and rental                                   | Solar farm (utility-scale solar application)                   |
| Flea market (indoor)  | Sold waste landfill affiliated                                 |
| Funeral home  | Taxidermy  |
| Garbage disposal services   | Television and/or radio tower facilities                       |
| Hotel/motel   | Temporary use/special event                                    |

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|---|--|
| House mover                                     | Textile finishing and dyeing mfg                 |
| Kennel  | Tire sales                                       |
| Landfill, beneficial fill                       | Tire recapping/retreading                        |
| Landfill, land-clearing and inert debris (LCID) | Tobacco products mfg                             |
| Landfill, sanitary                              | Tower structure, alternate                       |
| Linen and uniform supply services               | Transfer/freight company                         |
| Marina and dry storage facilities               | Truck terminal                                   |
| Mining of earth products (sand, soil, clay)     | Vending company                                  |
| Mini-warehouse                                  | Warehouse  |
| Monument works and sales                        | Wholesale distribution                           |
| Motor vehicle repair, major                     | Wood waste grinding operation, industrial        |
| Motor vehicle repair, minor                     | Wood waste grinding operation, temporary on-site |
| Music studio                                    | Zoo  |

PROPERTY MAINTENANCE. The long term maintenance of Park 1764 will be accomplished through a Property Owners Association.

SETBACKS. Building setbacks along Startown Road will be a minimum of 300 feet. Building setbacks along Robinwood Road will be a minimum of 100 feet.

BUILDING FACADES. Metal facades are not permitted within Park 1764. All buildings will be designed to exist in a complementary fashion to rural business park setting in as much as possible.

SIGNAGE. Themed signage will be limited to monument style signs. Pole signs will not be used.

RURAL CHARACTER. Every effort is being made to preserve the rural nature of the site and the heritage of this property. The silos adjacent to Startown Road will be preserved if possible in an effort to aid in the retention of the property's rural character. If the liability or cost of keeping the silos becomes unfeasible, they will need to be removed. The history of the property as a dairy farm shall be recognized in a permanent manner on the site, recognizing the history and heritage of the dairy industry.

The R-20 Residential district is considered a high-density residential district providing opportunities for single-family development and agricultural uses. It allows minimum lot sizes of 15,000 square feet where public water and/or sewer are available. The PD Planned Development-Industrial Park district is considered a "special district," for the establishment of complementary groupings of related manufacturing, processing, assembly, research activities, and related uses. Developments in the district must be designed to: reduce traffic friction, serve as an alternative to further extensions of industrial zoning, and protect stability and property values in surrounding residential neighborhoods. Conditional districts allow for the consideration of certain uses that, because of their nature or scale, have particular impacts on both the immediate area and the community as a whole and are created or established for selected criteria such as large tract size and square footage of development, planned developments, or proposed uses which don't necessarily meet the recommendations of the small area plan (future land use recommendations). The development of these uses cannot be predetermined and controlled by general district regulations. In addition, circumstances arise when a general zoning district designation would not be appropriate for a certain property, but specific uses permitted under the district would be consistent with the objectives of the conditional zoning district. The conditional district zoning process is established to accommodate those situations. A conditional zoning district is not intended for securing speculative zoning for a proposal but is based on a firm development proposal.

The properties are located at 2255, 2349, 2355, 2369, 2405, and 2415 Startown Road in the Startown Small Area Planning District were zoned R-20, and contain a mixture of residential houses, accessory structures and pasture land. The surrounding property includes twenty parcels containing single family homes, eleven undeveloped parcels, and one parcel containing a nonconforming distribution center.

Applicants who propose a planned development usually have more opportunity for master planning a larger area than is possible under conventional zoning regulations considering smaller parcels. The Planned Development-Industrial Park district can accommodate industrial uses allowed in the Light Industrial and General Industrial districts as well as business and professional service offices. However, the applicant (Economic Development Corporation) is not interested in promoting and developing all uses allowed in the General Industrial district. One of the conditions associated with the Plan will be to prohibit distribution and heavy trucking facilities and heavy manufacturing uses within the development.

The Planned Development-Industrial Park district allows for a Floor Area Ratio of 1:3, meaning that one-third of the property can be occupied with building space while the other two-thirds is open land. This project will allow 58 acres of floor area or building footprints and 116 acres in open land containing parking, sidewalks, trails, landscaping, and other vegetation. All electric and telephone lines are required to be underground. Maximum building heights within planned developments are determined during the rezoning process. The applicant proposed the maximum building height of 70 feet associated with Highway Commercial and Light Industrial districts. The elevation along Startown Road is 975 feet above sea level and the elevation of the closest proposed building pad is 945 feet above sea level. If a 70 foot tall building was built on the closest building pad, the impact would be that of a 40 foot tall building because the pad is considerably lower (30 feet) than the road elevation.

The EDC intends to preserve the rural character of the property as much as possible and develop the property as a Class A business park. According to information from the EDC, buildings are generally classified as being Class A, Class B, or a Class C. There is no definitive formula for classifying a building, but in general Class A buildings represent the highest quality buildings in their market. They are generally the best looking buildings with the best construction, and possess high quality building infrastructure. Class A buildings also are well-located, have good access, and are professionally managed. As a result of this, they attract the highest quality tenants and also command the highest rents. The EDC must enter into a contractual agreement with the County and the City of Hickory which shall require the EDC to obtain approval from both local government entities prior to exercising any option on the subject property.

As part of the Conditional District zoning request, the EDC included a set of additional development conditions supplementing the Overall Proposed 1764 Park Site Plan which will be binding to future development of the property. Catawba County and the City of Hickory will approve an Inter-local

agreement which will include restrictive covenants for the 1764 Park. It will further be provided in the agreement that, if the property is annexed by the City of Hickory, the City will adopt the conditional zoning placed on the property by the County. The City may impose additional restrictions on the property but not lessen the restrictions.

Public water and sewer is available to the site provided by the City of Hickory. Startown Road is designated as a major thoroughfare in the 2035 Greater Hickory Urban Area Long Range Transportation Plan. The plan recognizes that traffic on Startown Road is expected to increase over time and therefore recommends widening of Startown Road to a 4-lane divided boulevard with a grass median in the future. The Startown Road widening is not listed in the State Transportation Improvement Plan (North Carolina Department Of Transportation (NCDOT)'s five year construction plan). Annual average daily traffic counts for Startown Road in 2011, measured 11,000 north of the site and 8,700 south of the site. Based on design and construction, the road capacity in this area is approximately 12,000 to 15,000 vehicles per day. The road is currently operating at 27% under capacity.

Robinwood Road is designated as a minor thoroughfare in the 2035 Greater Hickory Urban Area Long Range Transportation Plan. There are no recommended improvements for Robinwood Road within the plan. Annual average daily traffic counts on Robinwood Road in 2011, north and south of the site, were 3,300 and 2,400 respectively. The capacity of Robinwood Road is approximately 11,000 vehicles per day. The road is currently accommodating approximately 3% of its capacity.

The original R-20 zoning district affecting the properties allowed for approximately 505 single-family lots supported by public water or sewer. According to the Institute of Transportation Engineers, single-family housing generates an average of ten vehicle trips per day per home which would generate approximately 5,000 vehicle trips per day for the Startown and Robinwood Road area. The concept of the Park 1764 plan is similar to Treyburn Park in Durham County, which is an approximate 5,000 acre park situated around a golf course, residential subdivisions, and industry all accessed by two-lane local roads. The 2035 Greater Hickory Urban Area Long Range Transportation Plan also recommends the establishment of a southern corridor which will facilitate suburban travel as well as inter-city travel between Hickory, Newton, Conover, Long View and eastern Burke County. The proposed route has not been studied, but is generally located to the south of the properties connecting to Settlemyre Bridge Road. The Southern Corridor is currently an unfunded project in the State Transportation Improvement Plan. The North Carolina Department of Transportation is responsible for reviewing all proposed development to determine which on and off-site transportation improvements would be necessary. The developer is responsible for completing any and all improvements specified by NCDOT prior to starting business operations.

The Startown Small Area Plan serves as the current land use plan for this area. Future Land Use Recommendations depict the properties as being located in an area designated for a high-density mixed use village and high-density single family residential development. The guiding principles listed in the Economic Development chapter of the plan include: facilitate and encourage new, community-focused economic development in the Startown area, create more aesthetically pleasing commercial, industrial and mixed-use developments and direct industrial areas to locations with appropriate infrastructure.

Staff recommended the approximate 174 acres be rezoned from R-20 Residential to Planned Development-Industrial Park-Conditional District based upon: the development meeting landscape requirements and preserving the rural character of the property as much as possible; the proposed development conditions and conceptual site plan prepared by McGill and Associates; the request promoting the harmony and compatibility of the proposed conditional zoning district in relationship to the surrounding land uses (proximity to Catawba Valley Community College, nonconforming distribution facility on Robinwood Road, and non-residential uses just north on Startown Road); and promoting economic development and the guiding principles from the Startown Small Area Plan.

The Planning Board held a public hearing on June 30, 2014 to consider the request. Scott Millar, of the EDC, and two others spoke in favor of the request. General comments included the intent to create a high-end, high-tech park providing high paying job opportunities preserving the heritage of

the community, and benefiting the area. Eight people spoke in opposition to the request. The general concerns of those opposed to the request included increased traffic, desire to preserve the residential nature of the area, keep industrial uses in other areas, future property values, and environmental impacts. Comments from the Planning Board included the concern over cost to restore existing dysfunctional and obsolete buildings compared to building new buildings and that many of the concerns would be shared if another location were being considered. The Planning Board voted 8-0 to submit a favorable recommendation to rezone approximately 174 acres from R-20 Residential to Planned Development-Industrial Park-Conditional District to the Catawba County Board of Commissioners based upon the reasons listed above for staff's recommendation.

Chair Barnes opened the public hearing, noting it had been duly advertised. Chair Barnes asked that people keep their comments to three minutes and at the 2.5 minute mark, a yellow card would be shown to those speaking, indicating their time was short. A red card would be shown at the three minute mark so that speakers could conclude their comments. Chair Barnes called names of those who had signed up for speaking at the public hearing. The following is a summary of comments that were made:

- Brenda Lutz - in favor – one of the property owners; farm is a financial burden; wants to help the community with good jobs and improve the quality of life; much misinformation has been disseminated
- Kevin Lutz - in favor – one of the property owners; moved dairy business to Lincolnton; farming is not economical; could use property for a poultry farm which would be more profitable
- Steven Harrison - opposed – rezoning goes against the Small Area Plan; wrong location for industrial park
- Debra Strother - opposed – should follow Small Area Plan; past rezoning requests for Foothills Trucking have been denied – how will the Board respond if Foothills comes back for rezoning – wrong location for industrial park
- Bruce Hendel - opposed – VP at Starstedt – Chairman asked that he speak at the hearing – Considers this spot zoning; not in line with Small Area Plan; doesn't comply with UDO; need a better understanding of what is allowed in the plan; has an Environmental impact study been completed? – he is pro jobs but this is the wrong location
- Eddie Ide - opposed – there are a number of industrial sites available in the County; there would be much contouring needed on the proposed site; There are undeveloped tracts closer to downtown Hickory with infrastructure in place; look at the 321 Corridor which would conform with SAP – it was good for Apple and Target; wrong location
- Jay Strother - opposed – traffic impact figures are misleading; Hwy 321 was meant to take traffic away from Startown Road; traffic is realistically at or near 100% capacity; he called NCDOT and 2013 numbers will be available at the end of the month – Board should delay vote until that info is available
- Lewis Ogle - opposed – Startown Road traffic is at capacity; traffic nightmare; where is the traffic impact study? Residential development would cause less traffic; worried about school buses/kids; wrong location
- Margie Davis - opposed – the comparison to Treyburn Park is not applicable; there are no residential areas surrounding Treyburn Park; 1764 will be harmful; wrong Location
- Glenn Barger - opposed – concerns over location – turned in a petition with over 500

signatures and asked that it be part of the record; this is a betrayal of the promises of the Small Area Plan; other alternatives have been given; concerns of traffic hazards and children in harm's way; vote should be delayed and discussions continued; the inter-local agreement is a good start but more discussion is needed

- Dale Hollar - in favor – thanked Board for service; he is a lifelong resident; his home is directly across from the proposed main entrance to the Park; believes Park 1764 will be an asset to the community; has been involved with youth for decades – kids leave and don't come back because of lack of jobs so other communities get the kids; his son wants to live here but there is nothing in the way of jobs; now is the time to be progressive
- Scott Millar - in favor – the applicant and represents landowners; approached landowners in 2011 – not in this for the short haul – in it for the future; this project will provide opportunities we haven't had before; good job creation
- Eric Ruffner - opposed – what about the Small Area Plan; Board opposed Foothills Trucking rezoning in the past – what has changed? Even more residential now than when they requested rezoning – worse idea now; great location for a park, just not an industrial park; residential area will decline; traffic will be a problem; traffic is already a problem
- Danny Hearn - in favor – goal to increase business, promote business success and create jobs; Made great strides with the EDC; we don't have Class A Business park in the County; SC has them; jobs are wealth; need the ability to keep our young people here
- Garrett Hinshaw - in favor – CVCC sells hope and opportunities for 5000 students; we have to search for opportunities – they are finding it in other cities – 20-44 year olds are leaving; this is an opportunity for the future – higher wages; the longer we wait, the further behind we get
- Steve Mull - in favor – years in the grocery industry; for the past 2 ½ years working with Inspiring Spaces – the Business Park fits with what they are trying to do; create jobs
- Larry Bowman - in favor – has served on the EDC – sons left after college because there wasn't anything here for them – these kids are our future; visited Treyburn – impressed; project should be done the right way; changes that have been made to the Plan have addressed concerns
- Beth Bowman - in favor – native of Startown; likes the new vision for her Dad's property; change is inevitable; has 14 grandchildren but only 5 could find jobs here; continuity and control are imperative for this project
- Paul Gadd - in favor – real estate broker; much planning has gone into this; job creation and opportunity for new growth in this type of Class A Business Park; supports retention of young people with good paying jobs; this is the right location
- Tina Isenhour - opposed – should follow Small Area Plan; concerns about traffic; should revamp existing industrial sites
- Ellie Bradshaw - in favor – not born here but lucky to live here; has been on EDC Board for six years; has been the lawyer on many larger projects; Class A Business Park is a product we need to pursue; the last business park that was

planned was bought by Apple (the entire park); Innovate Catawba's number 1 goal is jobs – this park will bring jobs; Vote for Jobs

- Charles Dixon - in favor – has lived here since 1952 – this is about change – change in land use; change in family situations; change in the economy of Catawba County – manufacturing/textile/furniture gone; the goal is jobs and increased salaried jobs; 1998 unemployment was 2.8% - in Dec 2013 it was 7.6 – change in the nature of employment
- Ruth Smith - opposed – say this is for jobs but no investors lined up; no number of jobs given; has safety concerns; added traffic; no traffic study done; postpone until safety is looked at
- Sharon Goss - opposed – owns property adjacent to rezoning property; traffic concerns; plan shows noise reduction efforts for Startown Road but not Robinwood Road; believes this is a underhanded way to get tax revenue for the City of Hickory; just because you build it doesn't mean they will come
- Dan Timmerman - in favor – EDC representative; in the furniture industry; furniture jobs go to China; have to evolve or dissolve; EDC has to have product to sell; change is necessary; 2005 SAP was developed before the loss of jobs; EDC and CVCC trying to get higher paying job opportunities so children stay in the County
- Lenea Scafidi - opposed – she is in the 20-44 demographics and she returned to Startown; wants to raise her family here
- Michael McRee - opposed – who is paying for the park?; how much is being paid for the land?; 300 empty structures in the County?; empty industrial parks?; how many jobs will be created?
- Jim Smith - opposed – lived here 47 years; City of Hickory sticking it to the Startown Community
- Clarence Hood - opposed – appreciates citizen participation; President of Farm Bureau; the County is losing farm land but trying to have a successful Farm and Food Sustainability Plan; supports the right of any property owner to dispose of their land as they see fit; he served on the SAP Committee and the plan was well thought out; asked Board to postpone decision; need environmental impact study on Muddy Creek
- Michael Curtis - in favor – Plant Manager at ZM Lemforder – on EDC Board – people who own land should be able to do with it as they please; this is the 2<sup>nd</sup> time he has lived in Catawba County – came back due to the efforts of the EDC; jobs are created out of opportunities; Park 1764 is an opportunity; wants his kids to have the opportunity to stay in Catawba County
- Wayne Punch - opposed – 13 industrial parks in the county are only 50% full; proposed tenants are medium to low manufacturing – they do not create wealth; annexation will increase taxes which is a negative impact; worried about environmental impact and property cannot handle runoff
- Barbara Haas - opposed – those who have spoken in favor do not live in Startown; residents weren't informed about the plans; berms and vegetation requirement are for Startown Road and not Robinwood Road; traffic concerns because Robinwood is very narrow; how many jobs and who are the tenants?; traffic, noise and safety concerns

- Andy Martin - opposed – has been associated with the Lutz for decades; his property adjacent to Lutz property; storm water concerns; looking out for his own interests
- Barbara Lydick - opposed – property owners have not been informed; no notice; change is coming; landowner should have a right to sell; what other locations are available?; what else can go in that spot; postpone decision
- Ed Neill - in favor – he is unemotional and unbiased; has looked at plans for 40 years; this is a perfect site for a business park; 5 minutes from CVCC; this family wants to do this with their land; ten years ago when the SAP came about, we needed houses; now we don't need houses, we need jobs; it will be a great place and will help rebuild our population
- Gary Craton - opposed – SAP was the plan for growth – stay with the plan
- Hunt Shufford - in favor – the land along Tate Blvd and McDonald Pkwy has an increased cost base and the tracts are not big enough; looks at sites like this all over the south; we won't catch up if we don't try; have too many empty buildings that are of no value
- Ted Yoder - didn't state whether he was in favor or opposed – spoke of farming history in the area and that people should be nice to each other
- Todd Lynn - opposed – runoff concerns; will cut neighborhoods off from emergency services
- Chip Cannupp - opposed – was a member of the SAP committee – stay with the Plan
- Michelle Kirby - opposed – just moved to Startown area two weeks ago; traffic concerns; overcrowding in schools; it will increase taxes; need a traffic study
- Laurie Hughes - opposed – has questions; worried about wells and septic systems; need environmental study

Chair Barnes then confirmed there were no others who wished to speak. She then closed the public hearing. Commissioner Lail made the following motion:

*Move that an amendment be made to the Catawba County Zoning Map by rezoning the properties owned by Ruth B. Lutz (Ruth A. Hollar, trustee), Kevin Lutz, Carol Y. Lutz and W. R. Lutz, Jr., Brenda G. Lutz, and Brenda Lutz Kiser from R-20 Residential to Planned Development – Industrial Park – Conditional District, with all the conditions staff recommended in its report. The Catawba County Board of Commissioners adopts a consistency statement which finds the request to be consistent with a substantial number of Economic Development and Land Use guiding principles and recommendations of the Startown Small Area Plan and reasonable for rezoning based upon:*

- a) Promoting economic development and the guiding principles from the Startown Small Area Plan;*
- b) The request promoting the harmony and compatibility of the proposed conditional zoning district in relationship to the surrounding land uses;*
- c) The development meeting landscape requirements and preserving the rural character of the property as much as possible; and*
- d) The proposed development conditions and conceptual site plan prepared by McGill and Associates; and*

*That Catawba County and the City of Hickory develop and approve an Inter-local agreement which includes restrictive covenants for Park 1764. The agreement must also provide that, if the property is annexed by the City of Hickory, the City will adopt the conditional zoning placed on the property by the County. The City may impose additional restrictions on the property, but not lessen the restrictions. Chairperson Barnes be authorized to execute the agreement; and*

*That the EDC must enter into a contractual agreement with the County and the City of Hickory which shall require the EDC to obtain approval from both local government entities prior to exercising any option on the subject property.*

Chair Barnes noted there was a motion to be considered and said she had a few questions for Planning Director Jacky Eubanks. She asked Mr. Eubanks to address the current status of annexation laws since people had expressed concerns about involuntary annexation. Mr. Eubanks explained that petitioned and voluntary annexation now rules and involuntary annexation is not the case in NC anymore. Chair Barnes then asked if this would be considered spot zoning and Mr. Eubanks explained that due to the large amount of land (almost 200 acres) involved in this rezoning request and the proximity to the Hickory business district on Hwy 70, the rezoning would not meet the definition of spot zoning. Chair Barnes also asked Mr. Eubanks to confirm that by right the property, under its current zoning, could be used for high density residential – houses, condos, etc. that would produce more traffic than predicted with the business park or the land could be used for farm uses such as poultry farms. Mr. Eubanks confirmed this.

Vice-Chair Isenhower said he appreciated everyone's comments. He said he lived in Newton and traveled Startown Road frequently. He was skeptical of the plan at first but listened to all the recommendations and concerns. He acknowledged that attracting business and jobs to an area is extremely competitive and understands the need to balance competing interests – preservation of the rural character of the land and the County's need for jobs. The strict conditions on this rezoning will stay with the land through the Inter-local Agreement with the City of Hickory and the contractual agreement with the EDC requiring the County's and the City's approval prior to exercising any options gives the County control during the option period and he stated the County and City of Hickory will be diligent in that control. Vice-Chair Isenhower stated while he appreciated the concerns voiced tonight, this could bring much needed jobs to the County.

Commissioner Hunsucker said he was a farmer by trade and had known the Lutz Family for years. He knows that they join him in his passion for farming but making a living farming is not easy. Five generations of his family have been farmers and now his farm is surrounded by houses. You can't stop change. He knows the traffic issues and knows about all the trucks – he has to work around it every day. He stated the Board would be diligent in ensuring that the strict conditions of this zoning would be upheld. He hears people saying they love the viewshed but farming is a business and it is hard work to keep that viewshed. Commissioner Hunsucker said he believes Park 1764 stimulate economic development – it is something to market. This is the way the family who owns this land wants to see this land developed; the infrastructure is already there. He too wants kids to stay in the County and thinks this nice planned development is far better than solar panels or chicken farms.

Commissioner Beatty asked EDC President Scott Millar to address environment issues and options. Mr. Millar stated some studies had been done regarding the soil such as environmental testing, soil boring and soil samplings.

Mr. Millar explained that the option involved an agreement with the Lutz for the ability to acquire the land over the next seven years. Appraisals had been done on the land and the price was based on those appraisals. If no property is acquired in seven years, no property will be bought. If one tract is purchased, the remainder of the property will be purchased by the end of the seven years. Chair Barnes then said if the Board voted for this rezoning, the Board will have a hand in keeping the rural character of the land and both the City and the County would have to approve each option.

Commission Beatty said this agreement had come a long way in the last few days as a result of meetings and efforts by all involved. Commissioner Hunsucker confirmed that the restrictive covenants would address concerns of noise levels and water runoff.

Chair Barnes indicated there was a motion presented by Commissioner Lail before the Board and asked for a vote. The motion carried unanimously. Chair Barnes thanked everyone present.

The following ordinance and consistency statement applies:

### **ZONING MAP AMENDMENT CONSISTENCY STATEMENT**

On July 21, 2014 the Catawba County Board of Commissioners conducted a public hearing for the purpose of considering a zoning map amendment to PINs 3721-17-22-0111, 3721-14-32-0698, 3721-18-32-4209, 3721-17-11-9870, 3721-18-31-1271, 3721-17-10-5489, 3721-18-30-2926 (Case #RZ2014-02). The applicants are the Economic Development Corporation and property owners Ruth B. Lutz (Ruth A. Hollar, trustee), Kevin Lutz, Carol Y. Lutz and W. R. Lutz Jr., Brenda G. Lutz, and Brenda Lutz Kiser.

Upon considering the matter, the Catawba County Board of Commissioners finds the request to be consistent with a substantial number of Economic Development and Land Use guiding principles and recommendations of the Startown Small Area Plan and reasonable for rezoning based upon:

- 1) The development meeting landscape requirements and preserving the rural character of the property as much as possible;
- 2) The proposed development conditions and conceptual site plan prepared by McGill and Associates (see attached);
- 3) The request promoting the harmony and compatibility of the proposed conditional zoning district in relationship to the surrounding land uses (proximity to Catawba Valley Community College, nonconforming distribution facility on Robinwood Road, and non-residential uses just north on Startown Road); and
- 4) Promoting economic development and the guiding principles from the Startown Small Area Plan.

The Catawba County Board of Commissioners therefore approves the zoning map amendment. This approval was affirmed by a vote of \_\_\_\_ - \_\_\_\_ of the Catawba County Board of Commissioners.

### **AMENDMENT TO THE CATAWBA COUNTY ZONING MAP**

**BE IT ORDAINED BY THE BOARD OF COMMISSIONERS**, that the Catawba County Official Zoning Atlas is hereby amended by rezoning the following described property from R-20 Residential to Planned Development-Industrial Park-Conditional District (PD-IP-CD).

Approximately 174 acres as identified on the conceptual site plan prepared by McGill and Associates. The portions of property are located at 2255, 2349, 2355, 2369, 2405, and 2415 Startown Road in the Startown Small Area Planning District, Newton Township, and further identified by Parcel Identification Numbers 3721-17-22-0111, 3721-14-32-0698, 3721-18-32-4209, 3721-17-11-9870, 3721-18-31-1271, 3721-17-10-5489, 3721-18-30-2926. The applicants are the Economic Development Corporation and property owners Ruth B. Lutz (Ruth A. Hollar, trustee), Kevin Lutz, Carol Y. Lutz and W. R. Lutz Jr., Brenda G. Lutz, and Brenda Lutz Kiser.

**PLAN CONSISTENCY STATEMENT:**

Pursuant to NCGS 153A-341, the Catawba County Board of Commissioners finds the request to be consistent with a substantial number of Economic Development and Land Use guiding principles and recommendations of the Startown Small Area Plan and reasonable for rezoning based upon:

- 1) The development meeting landscape requirements and preserving the rural character of the property as much as possible;
- 2) The proposed development conditions and conceptual site plan prepared by McGill and Associates (see attached);
- 3) The request promoting the harmony and compatibility of the proposed conditional zoning district in relationship to the surrounding land uses (proximity to Catawba Valley Community College, nonconforming distribution facility on Robinwood Road, and non-residential uses just north on Startown Road); and
- 4) Promoting economic development and the guiding principles from the Startown Small Area Plan.

This, the 21st day of July 2014.

9. Appointments.

Commissioner Hunsucker recommended the reappointment of Dr. William Geideman and Brenda Watson for third terms on the Public Health Board. These terms will expire June 30, 2017. Commissioner Hunsucker also recommended the reappointment of Ann Gaither and Jerry McCombs for third terms on the Newton-Conover Auditorium Authority Board of Directors. These terms will expire June 30, 2017. Commissioner Hunsucker recommended the appointment of Richard Shook to the Dangerous Dog Appellate Board for a first term which will expire July 20, 2017.

Vice-Chair Isenhower recommended the reappointment of Dr. Walter Hart for a first term and Tara Conrad and Heather Reedy for fourth terms on the Juvenile Crime Prevention Council. These terms will expire June 30, 2016.

Commissioner Beatty recommended the reappointment of Roger Isenhour for a third term and Lewis Parlier for a sixth term on the Town of Maiden Board of Adjustment. These terms will expire June 30, 2017.

Commissioner Lail recommended the reappointment of Dr. Kathy Wood for a second term on the Nursing and Rest Home Advisory Board. Dr. Wood's term will expire August 4, 2017. Commissioner Lail recommended the reappointment of Gail Miller and Michelle Roseman for second terms, Tami Hefner for a fourth term, Alicy Layne, Mary Mode and John Waters for sixth terms, Sheila Weeks for a seventh term and Miriam Davis for an eighth term on the Home & Community Block Grant Advisory Board. These terms will expire June 30, 2017. Commissioner Lail recommended the reappointment of Michael Blackburn, Linda Lutz and Laura McPherson for second terms on the Community Service Block Grant Advisory Board and the appointment of Arnita Dula for a first term to succeed Christopher Johnson on this Board. The terms of Mr. Blackburn, Ms. Lutz and Ms. Dula will expire June 30, 2016 and Ms. McPherson's term will expire January 17, 2017.

Chair Barnes recommended the appointment of Vice-Chair Isenhower to fill Commissioner Lail's unexpired term as the Commissioner representative on the Social Services Board. Commissioner Lail expressed her desire to remain on the Social Services Board after leaving her position as a commissioner and has been appointed to this Board by the State Social Services Board to succeed Jennie Connor who was not eligible for reappointment. Vice-Chair Isenhower's term will expire December 1, 2014. Chair Barnes recommended the reappointment of Jason Cloninger for a third term to the Subdivision Review Board, with a term expiration of June 30, 2016, and the reappointment of Dr. John Eldridge for a sixth term to the Hickory Regional Planning Commission, with a term expiration of June 30, 2017. Chair Barnes recommended that she be appointed as the

Voting Delegate to the North Carolina Association of County Commissioners Annual Conference on August 14-17, 2014.

County Manager Lundy recommended the reappointment of Lori Mathes for a first term as Tax Collector and Jeanne Jarrett for a seventh term as Deputy Tax Collector. These terms will expire June 30, 2016.

Chair Barnes stated that these recommendations came in the form of a motion, which carried unanimously.

10. Consent Agenda:  
County Manager J. Thomas Lundy presented the following five items for consideration as part of the consent agenda:
- a. A request for the Board to adopt resolutions approving the donation of a 2007 Ford Crown Victoria to the Propst Crossroads Fire Department and a 2006 Ford Crown Victoria to the Newton-Conover Rescue Squad, as requested by those departments. These vehicles will be used primarily to transport Department members to department meetings and training classes. They will replace other vehicles the departments are now using, and will not be an expansion to their fleets. The 2007 vehicle has been driven for 146,000 miles and the 2006 vehicle has been driven for 124,337 miles.

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

**RESOLUTION No.  
DECLARATION OF SURPLUS PROPERTY AND DONATION TO THE  
PROPST CROSSROADS FIRE DEPARTMENT**

WHEREAS, Catawba County owns a 2007 Crown Victoria that is no longer needed for any governmental use;

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

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

WHEREAS, the Propst Crossroads Fire Department is a nonprofit organization that provides a public service;

THEREFORE, the Catawba County Board of Commissioners resolves that:

1. A 2007 Crown Victoria is declared surplus property.
2. The property will be donated to the Propst Crossroads Fire Department without monetary consideration.
3. The Purchasing Manager shall be authorized to conduct the transfer of property and shall publish a notice summarizing the contents of this resolution and the property shall be conveyed anytime after ten days after the notice publication.

This the 21st day of July.

**RESOLUTION No.  
DECLARATION OF SURPLUS PROPERTY AND DONATION TO THE  
NEWTON-CONOVER RESCUE SQUAD**

WHEREAS, Catawba County owns a 2006 Crown Victoria that is no longer needed for any governmental use;

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

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

WHEREAS, the Newton-Conover Rescue Squad is a nonprofit organization that provides a public service;

THEREFORE, the Catawba County Board of Commissioners resolves that:

1. A 2006 Crown Victoria is declared surplus property.
2. The property will be donated to the Newton-Conover Rescue Squad without monetary consideration.
3. The Purchasing Manager shall be authorized to conduct the transfer of property and shall publish a notice summarizing the contents of this resolution and the property shall be conveyed anytime after ten days after the notice publication.

This the 21<sup>st</sup> day of July, 2014

b. A request for the Board to approve an amendment to the County Personnel Code, allowing an employee to appeal a written warning to the County Manager. Prior to the amendment, the grievance procedure allowed employees the following levels of appeals: written warnings and performance evaluations may be grieved to the Department Head and suspensions without pay, involuntary demotions, dismissals and reductions in force may be grieved up to the County Manager.

Prior to the amendment, employees who believe they have unfairly received disciplinary action in the form of a written warning may file an appeal of that written warning to their department head, whose decision regarding the appeal may not be appealed. A recent survey conducted by Human Resources found that, of those counties allowing the appeal of written warnings, the appeal was heard by the County Manager. Years ago, the Personnel Code allowed employees to appeal written warnings to the County Manager. For employees in departments where there are few layers of supervision or where supervisors consult with the department head on matters of discipline, employees are potentially placed in the position of appealing a written warning to their department head even though the department head may have appropriately provided consultation and guidance to the supervisor initiating the written warning. For the employee, this could result in an appeal process that feels neither fair nor impartial. Allowing employees the opportunity to appeal the written warning to the County Manager provides an additional level of review, to enhance fairness and impartiality in the disciplinary process. All other disciplinary actions recognized by the Personnel Code (suspensions without pay, involuntary demotions, and dismissals) are currently appealable to the County Manager. To ensure employees receive a timely resolution to their grievances, the Personnel Code allows for the County Manager to appoint a designee to hear an appeal and this flexibility would be extended to appeals of written warnings as well. The following ordinance applies:

**Ordinance No. 2014-**

**BE IT ORDAINED that the Catawba County Code of Ordinances, Chapter 28 Personnel, Article V Employment Compensation and Employee Performance, is hereby amended to read as follows:**

**Sec. 28-170. - Grievance procedure**

The grievance procedure exists to provide prompt and orderly resolution of a dispute or employee concern regarding a disciplinary action, performance evaluation, or reduction in force. Grievances which are not received within the time allowed as prescribed in this section or which are not filed with the designated authorities as prescribed in this section shall be dismissed.

This grievance procedure applies to all departments and employees of the County, except in those instances when North Carolina statutes apply to certain activities of the Sheriff or Register of Deeds. Employees in Social Services and Public Health have additional rights under the State Personnel Act.

- 1) All permanent employees shall have the right to grieve the following:
  - a) Performance evaluations may be grieved to the Department Head.
  - b) Written warnings, suspensions without pay, involuntary demotions, and dismissals may be grieved up to the County Manager.
  - c) Reductions in force may be grieved to the County Manager.
- 2) The grievance procedure does not apply to the following issues:
  - a) Complaints of workplace harassment covered by the Workplace Harassment Policy. Procedures for filing a workplace harassment complaint are outlined in the County's Workplace Harassment Policy.
  - b) Personnel Actions which do not result in any harm to the employee, such as an assignment to another position or location where the employee does not suffer any loss of pay.
- 3) The grievance procedure is to be used internally only and does not confer upon any party any remedy other than those expressly contained herein. All parties involved in a proceeding within the purview of this policy shall be protected from reprisals for such involvement. Parties engaging in any form of retaliation will be subject to disciplinary action, up to and including dismissal. When an employee has a grievance, the following successive steps are to be taken. The number of days indicated at each level should be considered as the maximum number of days unless provided otherwise, and every effort should be made by those involved to expedite the process. However, when mutually agreed upon in writing, time limits given below may be extended. If the grieving employee does not follow the timelines for successive steps, it may be considered as a withdrawal of the grievance and the grievance may be dismissed accordingly.
  - a) An employee must file a grievance, in writing, with the Human Resources Director and the immediate supervisor within fifteen calendar days of the date of the action being grieved. The written notice of filing shall include the date of the disputed action, the reasons for the grievance, and the remedy being sought. A conference will be scheduled to consider the employee's grievance.
  - b) Employees shall be allowed one hour from regular duties to work on their grievance or prepare for the grievance conference.
  - c) An employee shall have the right to legal counsel, and the expense of legal counsel shall be borne by the employee. However, no attorneys representing either side may attend the grievance conference.

d) The County Manager or Department Head has the discretion to appoint a designee to act in his stead for this process. The official conducting the hearing shall within seven calendar days of receiving the grievance contact the employee to set the date, place and time for oral presentation of the grievance.

e) The County official shall make every possible effort to achieve an equitable solution to the problem at this meeting but may take the necessary time to investigate the problem.

f) In no event shall the County official delay rendering a written decision more than seven calendar days from the grievance conference without the written consent of the employee. The written decision shall also contain notice of appeal rights, if applicable, and shall designate the County or other official who should hear a continuation of the grievance.

g) If the conclusions are satisfactory, the procedure is ended and the documents are filed in the Human Resources Department. If the conclusions are unsatisfactory, the employee may proceed up the chain of command, dependent upon where the grievance began and whether the employee is entitled to appeal. The employee shall have fifteen calendar days from the receipt of the decision to file a written notice with the Human Resources Director for continuation of the appeal. The employee shall attach all additional information and supporting documents to the written notice. The notice of appeal shall be received by the Human Resources Director by 5:00 p.m. on the fifteenth day.

h) The decision of the County Manager is administratively final, except that permanent employees of Social Services and Public Health who are subject to the State Human Resources Act shall have 30 calendar days to appeal a decision of the County Manager to the Office of Administrative Hearings in accordance with NCGS150B-23(a). Employees should consult with the Office of State Human Resources regarding the State appeals procedures.

i) Employees of Social Services or Public Health filing a grievance which alleges discrimination may proceed through the County's internal grievance procedure or proceed directly to the State for a hearing by the Office of Administrative Hearings. Such appeals must be filed with the Office of Administrative Hearings within 30 calendar days of the alleged discriminatory act. Employees should consult with the Office of State Human Resources regarding the State appeals procedures.

*Exceptions.* An initial probationary employee as set forth in section 28-119 may be released at any time during the probationary period for causes relating to the performance of duty or personal conduct without right of grievance or appeal process.

(Ord. No. 2003-19, 10-6-2003)

This the 21<sup>st</sup> day of July, 2014.

c. A request for the Board to waive normally charged permit fees, applicable to the Catawba County Fee Schedule, Building Permit Fees section, for the 2014 Greater Hickory Kia Classic Golf Tournament at Rock Barn. The County received a request from Mr. Peter Fisch, Tournament Manager, to waive the permit fees for the 2014 tournament. The event is scheduled to be held at the Rock Barn Golf and Spa in Conover from October 13-19, 2014.

Building Permit Fees have been waived for the previous Greater Hickory Kia Classic events, now in its 12<sup>th</sup> year. The waived permit fees are applicable only to the section of the Catawba County Fee Schedule associated with Building Permit Fees. In order to protect the safety, health, and welfare of citizens and visitors to Catawba County for this event, the approval will not negate permit issuance or inspections. The waived permit fees are estimated to be valued at less than \$4,000. It has been estimated that last year's event impacted the local economy in excess of \$15 million. The event attracts more than 65,000 spectators, volunteers and vendors, and airs over 15 hours of live and replay coverage on the Golf Channel.

d. A request for the Board to approve a Travel Policy for the Alcoholic Beverage Control (ABC) Board. The ABC Board requested that the Board of Commissioners approve an ABC Travel Policy

that has been approved by the Catawba County ABC Board. The North Carolina Alcoholic Beverage Control Commission requires that the Catawba County ABC Board provide proof that its appointing authority has approved its travel policy on an annual basis. The policy very closely mirrors the County's travel policy.

e. A request for the Board to accept and appropriate the following Library Services and Technology Act Grants awarded to Catawba County Library by the State Library of North Carolina:

1. A Planning Grant in the amount of \$20,352 that will be used to assess current services and gather community input to strategically identify priority goals for increasing alignment with citizens needs, resulting in a long-range strategic plan to assist with outcome development and prioritizing library services. The grant does not require a local match. The library will be cross-collaborating with the Hickory Public Library with this project. The Hickory Public Library also received a grant for strategic planning with the same consultant. The following supplemental appropriations apply:

**Revenue**

|                        |          |
|------------------------|----------|
| 110-810050-631910      | \$20,352 |
| EZ-LSTA Planning Grant |          |

**Expenditure**

|                   |          |
|-------------------|----------|
| 110-810050-841057 | \$20,352 |
| Planning          |          |

2. A Project Access and Digitization Grant in the amount of \$100,000 that will be used to install and implement Radio Frequency Identification (RFID) technology at the Main Library and St. Stephens Branch. RFID implementation will increase library customers' access to library holdings by utilizing technology that improves inventory tracking, increases work efficiencies, and allows staff to focus on improved personal service. The grant requires a \$14,950 match, which will be funded from the Library reinventing budget. Library staff is working on a Request for Proposals for the project to coordinate with the Purchasing Department. The following supplemental appropriations apply:

**Revenue**

|                                |           |
|--------------------------------|-----------|
| 110-810050-631911              | \$100,000 |
| LSTA Access Digitization Grant |           |

**Expenditure**

|                         |           |
|-------------------------|-----------|
| 110-810050-841058       | \$100,000 |
| Access and Digitization |           |

3. A Literacy and Lifelong Learning Grant in the amount of \$10,220 that will be used to partner with local business and educators to host an eight week robotics camp for young adults; promoting science, technology, engineering and math career paths and supporting 21st century learning skills needed for students to succeed in the global market. Following the camp, libraries will maintain open robotics labs at each branch for continued exploration. The grant does not require a local match.

**Revenue**

|   |          |
|---|----------|
| 110-810050-631912                         | \$10,220 |
| LSTA Literacy and Lifelong Learning Grant |          |

**Expenditure**

|                       |          |
|-----------------------|----------|
| 110-810050-841059     | \$10,220 |
| Literacy and Learning |          |

Chair Barnes asked if any commissioner wished for an item to be broken out for individual consideration from the consent agenda. None was requested. Commissioner Beatty made a motion to approve the consent agenda. The motion carried unanimously.

11. Departmental Reports:

a. Catawba Valley Medical Center (CVMC):

David Boone, Sr. VP of Finance and Chief Financial Officer of Catawba Valley Medical Center (CVMC), came forward and requested the Board adopt a resolution approving the County entering into a new interest rate cap agreement for 2009 North Carolina Taxable Variable Rate Demand Hospital Revenue Bonds used to fund renovations to CVMC's surgical suite, improvements to its central energy plant and equipment acquisitions. The 2009 Bonds bear interest at variable rates.

On December 15, 2010, the County also issued \$22 million of Hospital Revenue Bonds (the "2010 Bonds") for the benefit of CVMC. The 2010 Bonds were used to fund a new five level patient tower with an outpatient infusion center, 16 inpatient oncology beds, a new birthing center and a 20 bed special care nursery. The 2010 Bonds bear interest at fixed rates. Both the 2009 Bonds and the 2010 Bonds are secured with a pledge of hospital revenues. No County funds or County assets are pledged for either bond issue.

As a pre-condition to issuing the 2010 Bonds, the North Carolina Local Government Commission ("LGC") advised CVMC and the County that they needed to enter into an interest rate cap to protect against future upward interest rate fluctuations associated with the variable interest rates on the 2009 Bonds as long as the 2009 Bonds remain outstanding. Under an interest rate cap, CVMC pays an upfront fixed fee to the cap counterparty; and the counterparty agrees to make periodic payments to CVMC equal to the amount of interest payable on the 2009 Bonds that is in excess of the cap rate. Since the County is the issuer of the 2009 Bonds, the County is a necessary party to the interest rate cap. CVMC pays the upfront fixed fee from CVMC revenues. After payment of the upfront fixed fee, neither CVMC nor the County has any ongoing financial liability under an interest rate cap. The initial interest rate cap was entered into with BB&T as the cap counterparty. This initial interest rate cap expires on August 1, 2014, and must be replaced with a new interest rate cap with a new cap counterparty. BB&T is no longer a permitted cap counterparty for this transaction. The LGC must approve the terms and provisions of the new interest rate cap. Under current LGC policies, an interest rate cap advisor must be retained. CVMC has hired Efficient Capital Corporation (ECC) to serve as advisor on the interest rate cap on the 2009 Bonds. CVMC will pay ECC's fee from CVMC revenues.

The cap counterparty on the new interest rate cap will be selected through a competitive bid process that will be conducted by ECC. Detailed bid forms will be sent out by ECC to the three most competitive providers of interest rate cap agreements that also meet the ratings qualifications established by the County's existing Interest Rate Cap Policy. The competitive bid process is intended to generate the best possible price, in the opinion of ECC, for the new interest rate cap.

The resolution authorizes the Senior Vice President of Finance and Chief Financial Officer of CVMC to solicit and negotiate the terms of the interest rate cap agreement, authorizes the Finance Director of the County to file an application for the required LGC approval of the interest rate cap and to execute and deliver the interest rate cap agreement and other related documents or certificates on behalf of the County, authorizes other designated representatives of the County to take any and all other actions necessary or advisable to put the interest rate cap on the 2009 Bonds in place, and make certain findings required by North Carolina statutory provisions applicable to interest rate cap agreements. Catawba Valley Medical Center's Board of Trustees Executive Committee has approved a similar resolution. Commissioner Hunsucker made a motion to adopt the applicable resolution. The motion carried unanimously. The following resolution applies:

**EXTRACT FROM MINUTES OF  
MEETING OF THE BOARD OF COMMISSIONERS FOR  
THE COUNTY OF CATAWBA, NORTH CAROLINA**

A regular meeting of the Board of Commissioners for the County of Catawba, North Carolina, was held in the Robert E. Hibbits Meeting Room of the 1924 County Courthouse in Newton, North Carolina, the regular place of meeting, at 7:00 p.m., on July 21, 2014.

**PRESENT:** Chair Katherine W. Barnes, presiding, Vice-Chair Randy Isenhower, and Commissioners Lynn M. Lail, Dan A. Hunsucker and Barbara G. Beatty.

**ABSENT:** N/A

**ALSO PRESENT:** County Manager J. Thomas Lundy, County Attorney Debra Bechtel, Assistant County Attorney Jodi Stewart and County Clerk Barbara E. Morris.

\* \* \* \* \*

Catawba Valley Medical Center Sr. Vice President/Chief Financial Officer David Boone introduced the following resolution, a copy of which had been provided to each Commissioner and which was read by title:

**RESOLUTION # 2014-16**

RESOLUTION AUTHORIZING AND APPROVING AN INTEREST RATE CAP AGREEMENT FOR OUTSTANDING REVENUE BONDS INCURRED FOR BENEFIT OF CATAWABA VALLEY MEDICAL CENTER; ADOPTING MODIFICATIONS TO EXISTING POLICY REGARDING INTEREST RATE CAP AGREEMENTS RELATED TO DEBT INCURRED FOR BENEFIT OF CATAWABA VALLEY MEDICAL CENTER; AND AUTHORIZING THE EXECUTION AND DELIVERY OF RELATED DOCUMENTS IN CONNECTION THEREWITH

**WHEREAS**, The Board of Hospital Trustees of Catawba County, North Carolina has requested the County to approve the execution and delivery of an interest rate cap agreement related to the \$25,000,000 County of Catawba, North Carolina Taxable Variable Rate Demand Hospital Revenue Bonds (Catawba Valley Medical Center Project), Series 2009 (the "2009 Bonds"), all of which are currently outstanding, and to authorize Catawba Valley Medical Center ("CVMC"), on behalf of the County, to solicit and negotiate an interest rate cap agreement to be executed and delivered by the County for the 2009 Bonds with one or more counterparties, as determined by CVMC in its discretion;

**WHEREAS**, the Board of Commissioners (the "Board") desires to approve the execution and delivery of an interest rate cap agreement for the 2009 Bonds, subject to the limitations set forth herein, to authorize CVMC to solicit and negotiate an interest rate cap agreement for the 2009 Bonds with one or more counterparties, as determined by CVMC and to authorize other actions in connection therewith;

**WHEREAS**, on November 15, 2010, the Board adopted a "Policy Regarding Interest Rate Cap Agreements Related to Debt Incurred for Benefit of CVMC" (the "Interest Rate Cap Policy"); and

**WHEREAS**, the Board desires to adopt certain amendments to the Interest Rate Cap Policy in order to incorporate additional procedures and requirements that are currently applicable to interest rate cap agreements as a result of Dodd-Frank and other statutory and regulatory requirements;

**WHEREAS**, there has been submitted to this meeting a document entitled "Appendix I to Policy Regarding Interest Rate Cap Agreements Related to Debt Incurred for Benefit of CVMC" ("Appendix I");

**WHEREAS**, the Board desires to approve and adopt Appendix I, which will also be approved and adopted by CVMC;

**NOW, THEREFORE, BE IT RESOLVED** by the Board as follows:

Section 1. Subject to the limitations set forth in this resolution, the Senior Vice President of Finance and Chief Financial Officer of CVMC is hereby authorized to solicit and negotiate an interest rate cap agreement for the 2009 Bonds with one or more counterparties, as determined by CVMC in its discretion; provided, however, that (a) the notional amount of the interest rate cap agreement for the 2009 Bonds shall not exceed \$25,000,000, (b) the interest rate under the interest rate cap agreement for the 2009 Bonds shall not exceed 8% per annum, and (c) the scheduled termination date of the initial interest rate cap agreement for the 2009 Bonds shall not extend beyond August 12, 2019. The Finance Director is hereby authorized to execute and deliver the final interest rate cap agreement for the 2009 Bonds on behalf of the County, and the execution and delivery thereof by the Finance Director shall be conclusive evidence of the approval and authorization thereof by the County.

Section 2. The Finance Director is hereby authorized to file an application with the North Carolina Local Government Commission for approval of the County and CVMC entering into an interest rate cap agreement for the 2009 Bonds under the terms set forth in this resolution, and the North Carolina Local Government Commission is hereby requested to approve the same. In connection with the Local Government Commission's consideration of such application, the Board makes the following findings and determinations:

- a. The annual audits of the County show the County to be in strict compliance with debt management policies and that the budgetary and fiscal management policies are in compliance with law and the County is not in default on any of its debt service obligations.
- b. Entering into the interest rate cap agreement for the 2009 Bonds is necessary or expedient.
- c. No increase in taxes will be necessary to enable the County and CVMC to make the payments expected to be required with respect to the interest rate cap agreement for the 2009 Bonds; CVMC will make all such payments from CVMC's revenues.
- d. The County has considered the nature and amount of its outstanding debt incurred for the benefit of CVMC in proposing the interest rate cap agreement for the 2009 Bonds.
- e. CVMC has employed Efficient Capital Corporation ("ECC") as interest rate cap agreement advisor; and ECC has advised CVMC as to the structure, risks and benefits of an interest rate cap agreement.

Section 3. The Chair, the Vice-Chair, the County Manager, the Finance Director, the County Attorney and the Clerk to the Board of Commissioners, or any of them or their deputies, are hereby authorized to take any and all such further action, and to execute and deliver for and on behalf of the County such other documents and certificates as they may deem necessary or advisable to carry out the intent of this resolution and to execute and deliver an interest rate cap agreement for the 2009 Bonds. The Clerk to the Board of Commissioners is hereby authorized to affix the seal of the County to such documents and certificates as may be appropriate and to attest to the same and to execute and deliver such certificates as may be appropriate.

Section 4. Appendix I is hereby approved and adopted.

Section 5. All actions heretofore taken by the officers or other representatives of the County, CVMC or the Board of Hospital Trustees of CVMC relating to an interest rate cap agreement for the 2009 Bonds or approval and adoption of Appendix I are hereby ratified, authorized and approved.

Section 6. The County hereby requests a temporary waiver by the LGC or the Secretary of the Local Government Commission until August 12, 2014 of the requirement under the Interest Rate Cap Policy that, commencing December 7, 2010, the County and CVMC will have a cost effective interest rate cap or other interest rate protection agreement in effect with respect to the 2009 Bonds.

Section 7. This Resolution shall take effect immediately upon its passage.

Upon motion of Commissioner Dan Hunsucker, and unanimously carried, the Board approved the passage of the foregoing resolution entitled "RESOLUTION AUTHORIZING AND APPROVING AN INTEREST RATE CAP AGREEMENT FOR OUTSTANDING REVENUE BONDS INCURRED FOR BENEFIT OF CATAWBA VALLEY MEDICAL CENTER; ADOPTING MODIFICATIONS TO EXISTING POLICY REGARDING INTEREST RATE CAP AGREEMENTS RELATED TO DEBT INCURRED FOR BENEFIT OF CATAWABA VALLEY MEDICAL CENTER; AND AUTHORIZING THE EXECUTION AND DELIVERY OF RELATED DOCUMENTS IN CONNECTION THEREWITH."

I, Barbara Morris, Clerk to the Board of Commissioners for the County of Catawba, North Carolina, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of said Board at a regular meeting held on July 21, 2014, as relates in any way to the passage of a resolution (No. 2014-16) authorizing and approving an interest rate cap agreement for certain outstanding revenue bonds incurred for the benefit of Catawba Valley Medical Center, adopting modifications to the existing Policy Regarding Interest Rate Cap Agreements Related to Debt Incurred for Benefit of CVMC, and authorizing the execution and delivery of related documents, and that said proceedings are recorded in Minute Book No. \_\_ of the minutes of said Board, beginning at page \_\_\_\_\_.

I DO HEREBY FURTHER CERTIFY that a schedule of regular meetings of said Board, stating that regular meetings of said Board are held on the first and third Mondays of each month at 9:30 a.m. and 7:00 p.m., respectively, (with such exceptions applicable thereto) in the Robert E. Hibbits Meeting Room of the 1924 County Courthouse in Newton, North Carolina, has been on file in my office as of a date not less than seven days before the date of said meeting in accordance with G. S. §143-318.12.

WITNESS my hand and the corporate seal of said County, this 21st day of July, 2014.

b. Social Services

Social Services Director John Eller presented a request for the Board to inform the North Carolina Department of Health and Human Services that Catawba County intends to pursue Electing County Status and appoint members to serve on a Planning Committee.

In 1996, Congress ended the national welfare program known as AFDC (Aid to Families with Dependent Children) and crafted legislation to allow states to implement their own welfare programs. This federal devolution of authority enabled the North Carolina General Assembly to go even further with welfare reform. The legislature took the next step; allowing counties to compete for Electing County status, in essence offering a limited number of counties the opportunity to have greater control over local welfare policies, as well as greater control over available funding. Catawba County has pursued Electing County status from the beginning in January 1998. With welfare reform, counties were encouraged to "think outside the box" and offer suggestions for innovative policy changes that would enable families to move more quickly to higher levels of personal responsibility and economic self-sufficiency. Catawba County's Electing Plans have clearly communicated to all that the expectation in this county is that all "able-bodies" persons will seek and maintain employment and support their families to the best of their ability. The Work First caseload has dropped by 88% since the beginning of Welfare Reform in 1995.

On July 3, 2014, Social Services received notice that all counties must once again participate in the Work First biennial planning process. Current Electing Counties must notify the state by August 4, 2014, if they wish to remain Electing. In prior years, there were numerous advantages to being an Electing County. Electing Counties are given greater flexibility in establishing eligibility policies (who is eligible to receive assistance and under what conditions). However, through the years, the State has gradually adapted a State plan to mirror the policies recommended by counties vying for Electing status. The primary reason for pursuing Electing County status for the 2016-19 biennium would be to realize funding flexibility within the Work First County Block Grant. Funds available for distribution to electing counties will be adjusted based on State and/or Federal legislation. When electing counties are preparing their plans and deciding whether to remain as electing or change to standard, counties must be cognizant that any estimates received from the North Carolina Division of Social Services Budget Office will be based on current available dollars and subject to change based on legislative decisions.

North Carolina General Statute 108A-27 requires a Board of County Commissioners to appoint a committee of local leaders to assist in the development of the county Work First Block Grant plan. Membership of the committee must include, but is not limited to, representatives of: Board of Social Services, Board of County Commissioners, Partners Behavioral Health Management (LME), Public Health, Local School System, Business Community, Department of Commerce Division of Workforce Solutions (NC Works Career Center), Community-based organizations (that represent the population to be served), Childcare Service Provider, Transportation Service Provider, Vocational Rehabilitation and Social Service staff.

Commissioner Hunsucker made a motion to inform the North Carolina Department of Health and Human Services that Catawba County intends to pursue Electing County Status and appoint members to serve on a Planning Committee. The motion carried unanimously. The following people were appointed to the Planning Committee:

Members to serve on the 2016-2019 Work First County Planning Committee:

|                   |  |
|-------------------|--|
| Lynn Lail         | Board of Social Services / the Board of County Commissioners |
| Michael Smith     | Partners Behavioral Health Management                        |
| Dana Lynch        | Public Health  |
| Angela Simmons    | Local School System Representative                           |
| Michael Pons      | Business Community   |
| Veronica Grantham | Department of Commerce Division of Workforce Solutions       |
| Barbara Rush      | Greater Hickory Cooperative Christian Ministry               |
| Robert Silber     | Eastern Catawba Cooperative Christian Ministry               |
| Captain Harris    | Salvation Army   |
| Henry Steele      | Vocational Rehabilitation Manager                            |
| Malle Vue         | Goodwill Manger  |
| Cassie Nantz      | Child Care Service Provider                                  |
| Joyce Watson      | HRD Director   |
| Bob Skinner       | Qualified Substance Abuse Professional (QPSA)                |
| Julie Walker      | Cognitive Connection Corporation                             |
| Lori Williams     | Prevention Unit Supervisor                                   |
| Kristen Sigmon    | Child Support Unit Program Manager                           |
| Julie Raper       | Food Assistance Program Manager                              |
| Karen Mace        | Medicaid Program Manager                                     |
| Bruce McCoury     | Transportation Supervisor                                    |
| Karen Heffner     | Work First / Day Care Program Manager                        |
| Susan Parrish     | Program Administrator  |

12. Other Items of Business: None

13. Attorney's Report: None.
14. Manager's Report: None.
15. Adjournment. Commissioner Hunsucker made a motion to adjourn at 10:25 p.m. The motion carried unanimously.

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Katherine W. Barnes, Chair  
Catawba County Board of Commissioners

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Barbara E. Morris  
County Clerk