

Regular Session, August 5, 2013, 9:30 a.m.  
Catawba County Board of Commissioners

**Appointments**

Town of Maiden Planning Board	2	08/05/13
Nursing and Rest Home Advisory Board	2	08/05/13
Voting Delegate to the NCACC Annual Conference	2	08/05/13

**Awards**

Top Digital Counties Survey Award	2	08/05/13
-----------------------------------	---	----------

**Catawba County Schools**

Transfer of funds from existing projects for removal of light poles at Maiden Middle School	27	08/05/13
---	----	----------

**Closed Session**

Location or expansion of industries or other businesses	28	08/05/13
---	----	----------

**Economic Development Corporation**

Amendment to Turbotec Incentive Agreement	24	08/05/13
---	----	----------

**Emergency Services**

Appropriate Existing Fund Balance for Catawba Volunteer Fire Department	4	08/05/13
Amendment to Chapter 14 – Emergency Management and Services	4	08/05/13
Ordinance – Chapter 14 - Emergency Management	4	08/05/13
Ordinance – Chapter 15 – Emergency Medical Services	4	08/05/13
Ordinance – Chapter 40 – Telecommunications – Article III 911 Emergency Telephone Number System	4	08/05/13
Ordinance – Chapter 9 – Designation of House Numbers and Street Names	4	08/05/13
Update on Response to and Recovery from the flood of July 27, 2013	28	08/05/13

**Ordinances**

Project Budget Ordinance for 2013 Urgent Repair Grant	2	08/05/13
Amendment to Chapter 14 – Emergency Management and Services	4	08/05/13
Ordinance – Chapter 14 - Emergency Management	4	08/05/13
Ordinance – Chapter 15 – Emergency Medical Services	4	08/05/13
Ordinance – Chapter 40 – Telecommunications – Article III 911 Emergency Telephone Number System	4	08/05/13
Ordinance – Chapter 9 – Designation of House Numbers and Street Names	4	08/05/13

**Planning, Parks and Development**

2013 Urgent Repair Grant	2	08/05/13
--------------------------	---	----------

**Proclamation**

100 <sup>th</sup> Anniversary of the Catawba County extension and Community Association	2	08/05/13
---	---	----------

The Catawba County Board of Commissioners met in regular session on Monday, August 5, 2013 at 9:30 a.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 Barbara G. Beatty and Commissioners Dan A. Hunsucker and Randy Isenhower. Commissioner Lynn M. Lail was absent.

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

1. Chair Katherine W. Barnes called the meeting to order at 9:30 a.m. and noted that Commissioner Lynn M. Lail was absent from the meeting.
2. Commissioner Dan Hunsucker led the Pledge of Allegiance to the Flag.
3. Chair Barnes offered the invocation.
4. Commissioner Hunsucker made a motion to approve the minutes from the Board's Regular Session of July 15, 2013. The motion carried unanimously.
5. Recognition of Special Guests: Chair Barnes welcomed everyone present.
6. Public Comments for Items Not on the Agenda: None.
7. Presentations:
  - a. All the members of the Board joined Mr. Jeff Honeyman from Dell Software at the podium to recognize Web Team members involved in the County's winning the Top Digital Counties Survey Award from the Center for Digital Government. The award ranked Catawba County number one in the United States among counties with a population between 150,000 and 249,999 people in an evaluation of the County's ability to demonstrate successful outcomes through the strategic use of technology. Mr. Honeyman presented the award and congratulated Chief Information Officer Terry Bledsoe and his team for their accomplishments. The Web Team included Marcia Hardy, Dave Hardin, Lee Yount, Steve Lackey, Ralph Dell, Denise Simmons, Valerie Jones and Michelle Deese.
  - b. Commissioner Hunsucker presented Extension & Community Association President Gail Welch with a proclamation recognizing the 100<sup>th</sup> anniversary of the Catawba County Extension and Community Association, which contributes thousands of volunteer hours to Catawba County and its citizens to promote educational advancement, social connectivity and community awareness. Members of the Association joined Ms. Welch at the podium to be recognized by the Board.
8. Appointments:

Vice-Chair Barbara Beatty recommended the reappointment of Lori Herman and Bruce Ikard for second terms on the Town of Maiden Planning Board. These terms will expire June 30, 2015. A recommendation was made by Commissioner Lynn Lail and presented by Chair Kitty Barnes for the appointment of Kathy Wood for a first term on the Nursing and Rest Home Advisory Board. Ms. Wood's initial term will expire August 4, 2014. Chair Barnes recommended the appointment of Commissioner Randy Isenhower as the Voting Delegate to the North Carolina Association of County Commissioners (NCACC) Annual Conference in Guilford County on August 22-25, 2013.. These recommendations came in the form of a motion which carried unanimously.
9. Consent Agenda  
County Manager J. Thomas Lundy presented the following three items on consent agenda:
  - a. A request for the Board to take actions associated with the Catawba County 2013 Urgent Repair Program Grant, which included entering into an agreement between the Western Piedmont Council of Governments (WPCOG) and Catawba County for the provision of Grant Management Assistance, adopting a project budget ordinance in the amount of \$75,000 for rehabilitation and administration, and adopting the 2013 NCHFA Urgent Repair Grant Assistance Policy and Procurement/Disbursement Policy for Catawba County's Urgent Repair Program.

The North Carolina Housing Finance Agency awarded Catawba County a 2013 Urgent Repair Program Grant in the amount of \$75,000 in May 2013. The Program will assist approximately sixteen low-income households at \$5,000 or less per house by providing energy efficiency improvements and minor structural repairs. NCHFA allows up to \$600 a house for administration, work write-ups and inspections. The WPCOG contract is for \$9,600 which averages out to about \$600 a house. The remaining \$65,400 will be used for rehabilitation for urgent needs such as leaking roofs, non-functional heating units, etc. The WPCOG will provide day-to-day management of the program

with administration oversight provided by the Planning Department. The following budget ordinance applies:

**ORDINANCE#\_\_\_\_\_**

**CATAWBA COUNTY'S PROJECT BUDGET ORDINANCE  
FOR THE 2013 URGENT REPAIR GRANT**

Be it ordained by the County Commissioners of the Catawba County that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby adopted.

Section 1. The project authorized is the North Carolina Housing Finance Agency Urgent Repair Grant described in the work statement contained in the Funding Agreement URP#\_\_\_\_\_ between this unit and the North Carolina Housing Finance Agency. This project is more familiarly known as the 2013 Catawba County Urgent Repair Program.

Section 2. The officers of this unit are hereby directed to proceed with the grant project within the terms of the grant document(s), the rules and regulations of the North Carolina Housing Finance Agency, and the budget contained herein.

Section 3. The following revenues are anticipated to be available to complete this project.

Revenues

North Carolina Housing Finance Agency-URP

NCHFA-URP Grants Revenue \$75,000

Section 4. The following amounts are appropriated for the project:

Expenditures

North Carolina Housing Finance Agency-URP

Rehabilitation-URP \$65,400  
WPCOG/Administration \$ 9,600  
\$75,000

Section 5. The Finance Officer is hereby directed to maintain within the Grant Project Fund sufficient specific detailed accounting records to provide the accounting to the grantor agency required by the grant agreement(s) and federal and state regulations.

Section 6. Funds may be advanced from the General Fund for the purpose of making payments as due. Reimbursement requests should be made to the grantor agency in an orderly and timely manner.

Section 7. The Finance Officer is directed to report quarterly on the financial status of each project element in Section 4 and on the total grant revenues received or claimed.

Section 8. The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on this grant project in every budget submission made to this Board.

Section 9. Copies of this grant project ordinance shall be made available to the Budget Officer and the Finance Officer for direction in carrying out this project.

Adopted this the 5th day of August, 2013.

b. A request for the Board to appropriate existing fund balance in the amount of \$20,000 for the Catawba Volunteer Fire Department. The department applied for and received two grants that require it to provide a percentage of matching funds. The first grant is a North Carolina Department of Insurance 2013 Volunteer Fire Department grant for a total amount of \$15,485. This grant requires the department to provide 50% in matching funds in the amount of \$7,742.50. It will be utilized to replace two automated external defibrillators and two chainsaws, and purchase a thermal imaging camera. The second grant is a 2012 FEMA Assistance to Firefighters Grant in the amount of \$219,926. It requires the department to provide 5% in matching funds in the amount of \$10,996.30 and will be utilized to replace the department's self contained breathing apparatus and purchase a personnel accountability system. Total matching funds needed for both grants are \$18,738.80. The remaining \$1,261.20 will be used to cover the cost of shipping and any other miscellaneous charges.

Historically, each fire department has its own fund balance, carried from year to year unless the department makes a request to appropriate it. The fund balance is created through tax revenue collections exceeding the projections established by the County's Budget Department prior to the fiscal year. Fire departments may utilize ninety percent of the existing fund balance to address major projects such as buildings, building additions, truck replacement and other non-recurring needs such as equipment items. Ten percent of each department's fund balance is held for unforeseen expenditures during the budget year. Catawba Volunteer Fire Department's fund balance prior to this withdrawal is \$264,202. The following appropriations apply:

<u>Appropriation of Existing Fund Balance</u>		<u>Expense</u>	
361-260010-690100	\$20,000	361-260010-849010	\$20,000
Fund Balance		Fire Protection	

c. A request for the Board to adopt amendments to Chapter 14, Emergency Management and Services, Catawba County Code of Ordinances. The North Carolina General Assembly enacted significant legislation during the 2012 Session which consolidated, reorganized, and updated the state's emergency management statutes. House Bill 843 was known as the "Modernization of the Emergency Management Act" and included the most comprehensive changes to North Carolina's statutes for emergency management in more than 30 years.

The new legislation amended state and local government emergency management authorities by consolidating several separate statutes into one statute, clarifying and making terminology uniform throughout the emergency management statutes, adopting legislation that incorporates current emergency management practices and clears up points of confusion under current law, and placing legislative limits on the restrictions and prohibitions that counties and municipalities may impose during a locally declared state of emergency. Since this legislation went into effect on October 1, 2012, Emergency Services and the County's legal staff thoroughly reviewed and revised Chapter 14 to make the County ordinance consistent with the new statutes in NCGS Chapter 166A-19. The following ordinances apply:

**Ordinance No. 2013-10**

**BE IT ORDAINED that the Catawba County Code of Ordinances, Chapter 14, Emergency Management and Services, is hereby renamed Emergency Management and amended in its entirety to read as follows:**

**Chapter 14 - EMERGENCY MANAGEMENT**

**ARTICLE I. - IN GENERAL.**

**Sec. 14-1. - Short title.**

This Chapter shall be known and may be cited and referred to as "The Emergency Management Ordinance for Catawba County."

**Sec. 14-2. – Purpose Statement.**

The purposes of this Article are to set forth the authority and responsibility of the local governments in prevention of, preparation for, response to, and recovery from natural or man-made emergencies or hostile military or paramilitary action and to do the following:

- (1) Reduce vulnerability of people and property of this County to damage, injury, and loss of life and property.
- (2) Prepare for prompt and efficient rescue, care, and treatment of threatened or affected persons.
- (3) Coordinate with state and federal agencies for the orderly rehabilitation of persons and restoration of property.
- (4) Provide for cooperation and coordination of activities relating to emergency mitigation, preparedness, response, and recovery among agencies and officials of this County and with similar agencies and officials of other counties, with state and federal governments, with interstate organizations, and with other private and quasi-official organizations.

**14.3. – Definitions.**

The following definitions apply in this Chapter.

Chair of the Board of County Commissioners. – The chair of the board of county commissioners or, in case of the chair's absence or disability, the person authorized to act in the chair's stead. Unless the governing body of the county has specified who is to act in lieu of the chair with respect to a particular power or duty set out in this Chapter, this term shall mean the person generally authorized to act in lieu of the chair.

County-authorized emergency management personnel – Any person duly registered, identified and appointed by the coordinator of the county emergency management agency and assigned to participate in the emergency management activity.

Emergency. – An occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or man-made accidental, military, paramilitary, weather-related, or riot-related cause.

Emergency area. – The geographical area covered by a state of emergency.

Emergency management. – Those measures taken by the populace and governments at federal, state, and local levels to minimize the adverse effect of any type emergency, which includes the never-ending preparedness cycle of planning, prevention, mitigation, warning, movement, shelter, emergency assistance, and recovery.

Emergency management agency. – The local governmental agency charged with coordination of all emergency management activities for its jurisdiction.

Hazardous materials emergency response team or hazmat team. – An organized group of persons specially trained and equipped to respond to and control actual or potential leaks or spills of hazardous materials.

Hazardous materials. – Any material defined as a hazardous substance under 29 Code of Federal Regulations, 1910.120(a)(3).

Hazardous materials incident or hazardous materials emergency. – An uncontrolled release or threatened release of a hazardous substance requiring outside assistance by a local fire department or hazmat team to contain and control.

Political subdivision. – Incorporated cities, towns, and villages.

State of emergency. – A finding and declaration by the governing body of a county or the chair of the board of commissioners of a county, acting under the authority of G.S. 166A-19.22 that an emergency exists.

Responsible party. – A person or entity who causes directly or indirectly the release of a hazardous material creating a hazardous materials incident shall be liable for all reasonable costs incurred in responding to and mitigating the incident pursuant to the Catawba County Fee Schedule. In the event that the responsible party cannot be determined or is unable to pay, the owner of or person in possession of hazardous materials at the time of the incident is liable for the costs.

**Sec. 14-38. - Violations.**

It shall be a misdemeanor for any person to violate any of the sections of this article or plans issued pursuant to the authority contained in this article or to willfully obstruct, hinder or delay any member of the emergency management organization in the enforcement of this article or any plan issued under this article.

**ARTICLE. II. - EMERGENCY MANAGEMENT AGENCY.**

**Sec. 14-31. – Authority.**

Pursuant to NCGS 166A, the North Carolina Emergency Management Act, a county emergency management agency is hereby established.

**Sec. 14-32. - Establishment; coordinator.**

The county director of emergency services serves as the coordinator of the emergency management agency

**Sec. 14-33. - Intent**

(a) The intent of this article is to establish an agency that will ensure the complete and efficient utilization of all of the county's resources to combat emergencies as defined in this chapter.

(b) The emergency management agency will be the coordinating agency for all activity in connection with emergency management. It will be the instrument through which the board of commissioners may exercise its authority and discharge the responsibilities vested in it during a emergency.

(c) This chapter will not relieve any county department of the moral responsibilities or authority given to it in the county charter, local ordinances, or state law nor will it adversely affect the work of any volunteer agency organized for relief in emergencies.

**Sec. 14-34. - Organization and appointments.**

- (a) The department director of the emergency services department shall serve as the coordinator of the emergency management agency as required by NCGS 166A-19.15.
- (b) The coordinator shall designate and appoint deputy coordinators to assume the duties of the coordinator in his absence or inability to act.

**Sec. 14-35. - Duties and responsibilities of coordinator.**

- (a) For the purposes of this article, the coordinator shall:
  - (1) Be responsible to the board of commissioners in regard to all phases of emergency management activity.
  - (2) Be responsible for the planning, coordination and operation of the emergency management activities in the county.
  - (3) Maintain liaison with the state and federal authorities and the authorities of other political subdivisions to ensure the most effective operation of the emergency management plans.
- (b) The coordinator's duties shall include, but not be limited to, the following:
  - (1) Coordinating the recruitment of volunteer personnel and agencies to augment the personnel and facilities of the county for emergency management purposes. Such services from persons outside of government may be accepted by local government on a volunteer basis.
  - (2) Developing and coordinating plans for the immediate use of all facilities, equipment, manpower and other resources of the county for the purpose of minimizing or preventing damage to persons and property; and protecting and restoring to usefulness governmental services and public utilities necessary for the public health, safety, and welfare.
  - (3) Enter into agreements with owners or persons in control of buildings or other property for the use of such buildings or other property for the emergency management purposes and designating suitable buildings as public shelters.
  - (4) Through public informational programs, educating the populace as to actions necessary and required for the protection of their persons and property in an emergency, either impending or present.
  - (5) Conducting drills and exercises to ensure the efficient operation of the emergency management forces and to familiarize residents with emergency management regulations, procedures and operations.
  - (6) Coordinating the activity of all other public and private agencies engaged in any emergency management activities.
  - (7) When personnel, equipment, or supplies for an emergency function are not available within the local government, the coordinator is authorized to seek assistance from other governments or from persons outside of government.
  - (8) The assignment of duties, when of a supervisory nature, shall also include the granting of authority for the persons to carry out duties prior to, during, and after the occurrence of an emergency.
  - (9) The invoicing of persons liable for hazardous materials release, and, in the event of non-

payment, the discretion to proceed with legal action to recover costs.

**Sec. 14-36. - Emergency management plans.**

(a) Comprehensive emergency management plans shall be adopted by resolution of the board of commissioners. In the preparation of these plans as they pertain to county organization, it is intended that the services, equipment, facilities, and personnel of all existing departments and agencies shall be utilized to the fullest extent. All departments and agencies have the responsibility to perform the functions assigned by these plans and be in a current state of readiness at all times. These plans shall have the effect of law whenever an emergency, as defined in this article, has been declared.

(b) The coordinator shall prescribe those positions within the emergency organizational structure for which lines of succession are necessary. In each instance, the responsible person will designate and keep on file with the coordinator a current list of three persons as successors to his position. The list will be in order of succession and will designate persons best capable of carrying out all assigned duties and functions.

(c) Any individual assigned responsibility in the plans shall be responsible for carrying out all assigned duties and functions. Duties include the organization and training of assigned employees and, where needed, volunteers. Each individual shall formulate the standing operating procedure to implement the plans.

(d) The coordinator may submit recommended changes to the board of commissioners.

**Sec. 14-37. - Liability.**

(a) All functions and other activities relating to emergency management as provided for in this Chapter or elsewhere in the Catawba County Code of Ordinances are hereby declared to be governmental functions. Except in cases of willful misconduct, gross negligence, or bad faith, any emergency management worker, firm, partnership, association, corporation, or agent complying with or reasonably attempting to comply with this Article or any order, rule, or regulation promulgated pursuant to the provisions of this Article or pursuant to any ordinance relating to any emergency management measures enacted by the County, shall not be liable for the death of or injury to persons, or for damage to real or personal property as a result of any such activity.

(b) Any person, firm, or corporation, together with any successors in interest, if any, owning or controlling real or personal property who, voluntarily or involuntarily, knowingly or unknowingly, with or without compensation, grants a license or privilege or otherwise permits or allows the designation or use of the whole or any part or parts of such real or personal property for the purpose of activities or functions relating to emergency management as provided for in this Chapter or elsewhere in the Catawba County Code of Ordinances shall not be civilly liable for the death of or injury to any person or the loss of or damage to the property of any persons where such death, injury, loss, or damage resulted from, through, or because of the use of the real or personal property for any of the above purposes, provided that the use of the property is subject to the order or control of or pursuant to a request of the County government.

**Secs. 14-39—14-65. - Reserved.**

**ARTICLE III. - STATE OF EMERGENCY.**

**Sec. 14-66. – Authority.**

(a) A state of emergency may be declared by the chairperson of the board of commissioners when he or she finds that an emergency exists. The proclamation shall be in writing. The chairperson shall take reasonable steps to give notice to the public of the terms of the proclamation. The chairperson shall send reports of the substance of the proclamation to the mass

communications media which serve the affected area. The chairperson shall retain a text of the proclamation and provide copies upon request.

(b) The proclamation declaring a state of emergency shall include a definition of the area constituting the emergency area. The emergency area of a state of emergency declared by a county shall not include any area within the corporate limits of any municipality, or within any area of the county over which a municipality has jurisdiction to enact general police-power ordinances, unless the municipality's governing body or mayor consents to or requests the state of emergency's application.

**Sec. 14-67. – Prohibitions and restrictions authorized.**

(a) The proclamation declaring a state of emergency may or may not include any or all of the following prohibitions and restrictions:

(1) Movements of people in public places, including imposing a curfew; directing and compelling the voluntary or mandatory evacuation of all or part of the population from any stricken or threatened area within the governing body's jurisdiction; prescribing routes, modes of transportation, and destinations in connection with evacuation; and controlling ingress and egress of an emergency area, and the movement of persons within the area.

(2) The operation of offices, business establishments, and other places to or from which people may travel or at which they may congregate.

(3) The possession, transportation, sale, purchase, and consumption of alcoholic beverages.

(4) Upon the possession, transportation, sale, purchase, storage, and use of gasoline, and dangerous weapons and substances, except that this subdivision does not authorize prohibitions or restrictions on lawfully possessed firearms or ammunition. As used in this subdivision, the term "dangerous weapons and substances" has the same meaning as it does under NCGS 14-288.1. As used in this subdivision, the term "firearm" has the same meaning as it does under NCGS 14-409.39(2).

(5) Other activities or conditions the control of which may be reasonably necessary to maintain order and protect lives or property during the state of emergency.

(b) The proclamation declaring state of emergency may or may not exempt from all or any part of prohibitions and restrictions the following persons or groups of persons while acting in the line of and within the scope of their respective duties:

(1) Law enforcement officers, firefighters and other public employees, rescue squad members, doctors, nurses, employees of hospitals and other medical facilities;

(2) On-duty military personnel, whether state or federal;

(3) On-duty employees of public utilities, public transportation companies, and newspaper, magazine, radio broadcasting, and television broadcasting corporations operated for profit; and

(4) Such other classes of persons as may be essential to the preservation of public order and immediately necessary to serve the safety, health, and welfare needs of people within the county.

(c) Prohibitions and restrictions imposed pursuant to this section shall expire upon the earliest occurrence of any of the following:

(1) The prohibition or restriction is terminated by the official that imposed the prohibition or restriction.

(2) The state of emergency is terminated.

(d) This section is intended to supplement and confirm the powers conferred by NCGS 153A-121(a), G.S. 160A-174(a), and all other general and local laws authorizing counties to enact ordinances for the protection of the public health and safety in times of riot or other grave civil disturbance or emergency.

(e) Any person who violates any provision of an ordinance or a declaration enacted or declared pursuant to this section shall be guilty of a Class 2 misdemeanor in accordance with NCGS 14-288.20A.

**Sec. 14-68. - Superseding and amendatory proclamations.**

The chairperson may invoke the restrictions authorized by this article in separate proclamations and may amend any proclamation by means of a superseding proclamation in accordance with the procedures set forth in section 14-66 and 14-67 pertaining to the prohibitions and restrictions authorized.

(Ord. No. 2010-07, 9-7-2010)

**Sec. 14-69. - Termination of proclamation.**

A state of emergency declared under this article shall expire when terminated by the authority who issued it following the same procedures set forth in section 14-66.

(Ord. No. 2010-07, 9-7-2010)

**Sec. 14-70. - Absence or disability of chairperson.**

In the absence or disability of the chairperson, the vice-chairperson of the board of commissioners or such other commissioner as may be designated by the board of commissioners shall have and exercise all of the powers given the chairperson in this article.

(Ord. No. 2010-07, 9-7-2010)

**Secs. 14-71—14-105. - Reserved.**

**ARTICLE IV. - HAZARDOUS MATERIALS.**

**Sec. 14-106. - Authority.**

The emergency services director may designate a hazardous materials coordinator(s) to coordinate operations of the county hazardous materials team.

**Sec. 14-107. - Intent and purpose.**

The intent and purpose of this article is to establish the duties of the county emergency management agency as it relates to hazardous materials emergencies. Such incidents include, but are not limited to, spills, accidents, illegal dumping and other releases or threatened releases of hazardous materials requiring control. The emergency management agency shall have the authority to summarily remove, abate, or remedy hazardous material emergencies within the jurisdiction of the county that are, or potentially are, a threat to public safety.

**Sec. 14-108. - Right of entry.**

When responding to a release or threatened release of hazardous materials the county emergency management agency, along with any agencies it calls in to provide assistance, may enter onto any private or public property, or any adjacent or surrounding property where the release or threatened release occurred.

**Sec. 14-109. - Liability and fees.**

Liability for a hazardous material incident lies with the responsible party who shall be responsible for all reasonable costs incurred in responding to and mitigating the incident as listed in the Catawba County Fee Schedule.

This the 5<sup>th</sup> day of August, 2013.

---

Katherine W. Barnes, Chair  
Catawba County Board of Commissioners

**ORDINANCE NO. 2013 – 11**

**BE IT ORDAINED** that the Catawba County Code of Ordinances is hereby amended to add Chapter 15, entitled “Emergency Medical Services” (which had previously been located in Chapter 14, Emergency Management and Services, Articles IV and V) and reads as follows:

**ARTICLE I. EMERGENCY MEDICAL SERVICES MUTUAL AID**

---

**Sec. 15-1. Endorsement of guidelines.**

(a) The board of commissioners, in view of the board's interest in promoting health and safety, endorses the guidelines for emergency medical services mutual aid.

(b) Nothing in this section shall be construed to make any county or its departments or agents responsible for the payment or collection of emergency medical services charges for services provided by any emergency medical service with its base of operation located in any county other than its own, except that a county requesting mutual aid in a disaster should make provision to reimburse the assisting county for expenses (limited to fuel, food and lodging) incurred as a result of the disaster response. Counties may elect to reimburse further expenses, to be judged on an individual basis.

*(Ord. No. 2010-07, 9-7-2010)*

**Sec. 15-2. Mutual aid between counties on emergency vehicles.**

(a) The board of commissioners authorizes mutual aid to surrounding counties in the use of the county gas pump for emergency vehicles coming through the county when gas stations are closed.

(b) The county shall be reimbursed for its services.

*(Ord. No. 2010-07, 9-7-2010)*

**Secs. 15.3—15.10 Reserved.**

## ARTICLE II. AMBULANCE FRANCHISES

---

### Sec. 15-11. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Ambulance* means any privately or publicly owned motor vehicle, aircraft, or vessel that is specially designed, constructed, or modified and equipped and is intended to be used for and is maintained or operated for the transportation of patients on the streets or highways, waterways or airways of this state.

*Approved* means approved by the state medical care commission pursuant to the applicable rules and regulations promulgated under state law.

*Communications center* means the county communications center which provides a system that coordinates the many interdependent agencies and facilities involved in emergency response care.

*County* means the county board of commissioners or its designated representative.

*Department* means the North Carolina Department of Health and Human Services.

*Emergency medical dispatcher* means an emergency telecommunicator who has completed an educational program approved by the department and has been credentialed as an emergency medical dispatcher by the department.

*Emergency medical services* means services rendered by emergency medical services personnel in responding to improve the health and wellness of the community and to address the individual's need for emergency medical care within the scope of practice as defined by the North Carolina Medical Board in accordance with state law in order to prevent loss of life or further aggravation of physiological or psychological illness or injury.

*Emergency medical services instructor* means an individual who has completed educational requirements approved by the department and has been credentialed as an emergency medical services instructor by the department.

*Emergency medical services personnel* means all the personnel defined herein as an emergency medical dispatcher, emergency medical technician, emergency medical technician-intermediate, emergency medical technician-paramedic, emergency medical services instructor or medical responder.

*Emergency medical technician (EMT)* means an individual who has completed an educational program in emergency medical care approved by the department and has been credentialed as an emergency medical technician by the department.

*Emergency medical technician-intermediate* means an individual who has completed an educational program in emergency medical care approved by the department and has been credentialed as an emergency medical technician-intermediate by the department.

*Emergency medical technician-paramedic* means an individual who has completed an educational program in emergency medical care approved by the department and has been credentialed as an emergency medical technician-paramedic by the department.

*EMS provider* means a firm, corporation or association which engages in or professes to provide emergency medical services.

*First responder agency* means an organization with personnel trained in emergency medical care that is dispatched to the scene of a medical emergency for the primary purpose of providing emergency medical assistance to a patient until the ambulance and additional medical aid arrives.

*Franchise* means a permit issued by the county to a person, corporation or other legal entity for the operation of an ambulance service.

*Franchisee* means any person, corporation or other legal entity having been issued a franchise by the county for the operation of an ambulance service.

*License* means any driver's license or permit to operate a motor vehicle issued under or granted by the laws of the state.

*Medical responder* means an individual who has completed an educational program in emergency medical care and first aid approved by the department and has been credentialed as a medical responder by the department.

*Nonemergency transportation services* means the operation of an ambulance for any purpose other than transporting emergency patients.

*Operator* means a person in actual physical control of an ambulance which is in motion or which has the engine running.

*Owner* means any person who owns an ambulance.

*Patient* means an individual who is sick, injured, wounded, or otherwise incapacitated or helpless such that the need for some medical assistance might be anticipated.

*Person* means any individual, firm, partnership, association, corporation, company, group of individuals acting together for a common purpose, or organization of any kind, including any governmental agency other than the United States.

*Rescue* means a situation where the victim cannot escape an area through the normal exit or under his own power.

*Secondary ambulance provider* means the system of personnel and equipment meeting the same criteria as a primary ambulance provider, but not normally dispatched on first call response.

*(Ord. No. 2010-07, 9-7-2010)*

**Cross reference**— *Definitions generally, § 1-2.*

**Sec. 15-12. Enforcement.**

The county division of emergency medical services shall be the enforcing agency for the regulations contained in this article. Such office will:

- (1) Receive all franchise proposals from potential providers.
- (2) Study each proposal for conformance to this article.
- (3) Recommend to the county manager and board of commissioners the award of the franchise to the applicant submitting the best proposal.
- (4) Inspect the premises, vehicles, equipment, and personnel of franchisees to ensure compliance to this article and perform any other inspections that may be required.
- (5) Recommend to the county manager and board of commissioners the temporary or permanent suspension of a franchise for noncompliance with the franchise terms of this article; recommend the imposition of misdemeanor or civil penalties as provided herein.
- (6) Ensure by cooperative agreement with other ambulance services the continued service in a district where an ambulance service franchise has been suspended.
- (7) Receive monthly reports from ambulance services and consolidate the reports into a quarterly summary for review by the county.
- (8) Receive complaints from the public, other enforcing agencies, and ambulance services regarding franchise infractions; take corrective action.
- (9) Recommend improvements to the county which will ensure better medical transportation.
- (10) Maintain all records required by this article and other applicable county regulations.

*(Ord. No. 2010-07, 9-7-2010)*

**Sec. 15-13. Inspection of records, premises, and equipment.**

Under this article the county may inspect a franchisee's records, premises, and equipment at any time in order to ensure compliance with this article and any franchise granted under this article.

*(Ord. No. 2010-07, 9-7-2010)*

**Sec. 15-14. Required.**

(a) No person, either as owner, agent or otherwise, shall furnish, operate, conduct, maintain, advertise, or otherwise be engaged in or profess to be engaged in the business or service of emergency and/or nonemergency transportation of patients within the county unless the person holds a valid permit for each ambulance used in such business or service issued by the state department of health and human services, office of emergency medical services, and has been granted a franchise for the operation of such business or service by the county pursuant to this article.

(b) No person shall drive an ambulance, attend a patient in one, or permit one to be operated when transporting a patient within the county unless he holds a currently valid credential as a medical responder, emergency medical technician, EMT-intermediate or EMT-paramedic issued by the state department of health and human services, office of emergency medical services

(c) No franchise shall be required for the following:

(1) Any entity rendering assistance to a franchised ambulance service in a major catastrophe, mutual aid or emergency with which the services franchised by the county are insufficient or unable to cope upon request of the county;

(2) Any licensed entity operated from a location or headquarters outside of the county in order to transport patients who are picked up beyond the limits of the county to a location within the county or where a licensed entity operated from a location or headquarters outside the county transports a patient from one of the two county hospitals to a location outside the county; or

(3) Any nonprofit agency licensed by the state, having a contract with franchisee to assist franchisee with providing secondary ambulance service.

(4) Ambulances owned and operated by an agency of the United States government.

*(Ord. No. 2010-07, 9-7-2010)*

**Sec. 15-15. Application.**

Application for a franchise to operate ambulances in the county shall be made by the ambulance provider upon such forms as may be prepared or prescribed by the county and shall contain the following:

- (1) The name and address of the ambulance provider and of the owner of the ambulance.
- (2) The trade or other fictitious name, if any, under which the applicant does business, along with a certified copy of an assumed-name certificate stating such name or articles of incorporation stating such name.
- (3) A full description of the type and level of service to be provided, including the location of the place from which it is intended to operate, the manner in which the public will be able to obtain assistance and how the vehicles will be dispatched; an audited financial statement of the applicant as it pertains to the operations in the county, the financial statement to be in such form and in such detail as may be required by the county. The financial statement must provide sufficient detail in a form accepted by the county.
- (4) A full description of how each component listed in the North Carolina Administrative Code are being accomplished.
- (5) Reserved.
- (6) Any information the county shall deem reasonably necessary for a fair determination of the capability of the applicant to provide ambulance services in the county in accordance with the requirements of state laws and this article.

*(Ord. No. 2010-07, 9-7-2010)*

**Sec. 15-16. Procedures for grant.**

- (a) Prior to accepting applications for the operation of an ambulance service, the board of commissioners may designate specific service areas as franchise districts. The districts will be established using criteria that include geographic size, road access, the location of existing medical transportation services, population, and response time. The county shall have the authority to redistrict or rearrange existing districts at any time at its discretion.
- (b) An applicant must apply for a franchise to operate either emergency transportation service and nonemergency transportation service or both. If both types of service are to be provided, separate applications must be filed for each type.
- (c) Upon receipt of an application for a franchise, the county shall schedule a time and place for hearing the applicant. Within 30 days after the hearing, or as soon as may be practical the county shall conduct an investigation of the applicant, the proposed operation and other existing operations, if applicable.
- (d) A franchise may be granted if the county finds that:

- (1) The applicant meets all applicable state standards, standards outlined in this article, and standards required by the Catawba County Emergency Medical Services System Plan.
- (2) The proposed service will fit within the existing service so as not to adversely affect the level of service or operations of other franchisees to render service.
- (3) A need exists for the proposed service to improve the level of ambulance services available to residents of the county, and this is a reasonable and cost effective manner of meeting the need.

*(Ord. No. 2010-07, 9-7-2010)*

**Sec. 15-17. Conditions of issuance.**

- (a) The county may issue a franchise to an ambulance provider, to be valid for a term to be determined by the county, provided that either party, at its option, may terminate the franchise upon 60 days' prior written notice to the other party. After a notice of service termination is given, the ambulance provider may reapply for a franchise if continued service is desired.
- (b) Upon suspension, revocation, or termination of a franchise granted under this article, such franchised ambulance service immediately shall cease operations. Upon suspension, revocation, or termination of either a driver's license to operate a motor vehicle or a credential issued by the state, such person shall cease to drive an ambulance or provide medical care in conjunction with an ambulance service or attend an ambulance. The franchisee shall not permit such an individual to drive an ambulance or provide medical care in conjunction with the ambulance service.
- (c) Each franchised ambulance service shall comply at all times with the requirements of this article; the franchise granted under this article; all applicable state and local laws relating to health, sanitation, safety, equipment, and ambulance design; and all other laws and ordinances.
- (d) Prior approval of the county shall be required where ownership or control of more than ten percent of the right of control of the franchisee is acquired by a person or group of persons acting in concert, none of whom owns or controls ten percent or more of such right of control, singularly or collectively, at the date of the franchise. By its acceptance of the franchise, the franchisee specifically agrees that any such acquisition occurring without prior approval of the county shall constitute a violation of the franchise by the franchisee and shall be cause for termination at the option of the county.
- (e) Any change of ownership of a franchised ambulance service without the approval of the county shall terminate the franchise and shall require a new application and a new franchise and conformance with all the requirements of this article as upon original franchising.

(f) No franchise may be sold, assigned, mortgaged, or otherwise transferred without the prior written approval of the county and a determination of conformance with all requirements of this article as upon original franchising. Each franchised ambulance service, its equipment and the premises designated in the application and all records relating to its maintenance and operation, as such, shall be open to inspection by the state, the county, or their designated representatives immediately upon request.

(g) A franchise may not be defaced, removed, or obliterated.

*(Ord. No. 2010-07, 9-7-2010)*

**Sec. 15-18. Insurance.**

No ambulance franchise shall be issued under this article, nor shall such franchise be valid after issuance, nor shall any ambulance be operated in the county unless the franchisee has at all times in force and effect insurance coverage, issued by an insurance company licensed to do business in the state, for each and every ambulance owned and/or operated by or for the ambulance service providing for the payment of damages as follows:

(1) In the sum of \$1,000,000.00 for injury to or death of individuals in accidents resulting from any cause for which the owner of the vehicle would be liable on account of liability imposed on him by law, regardless of whether the ambulance was being driven by the owner or his agency; and

(2) In the sum of \$1,000,000.00 for the loss of or damage to the property of another, including personal property, under like circumstances, in sums as may be required by the state or as approved by the county.

(3) In the sum of \$6,000,000.00 beyond the \$1,000,000.00 for each of the requirements listed herein.

(4) Franchisee must annually supply a certificate of insurance for all requirements contained within this section. Additionally, franchisee must immediately notify the county if franchisee's insurance lapses for any reason.

*(Ord. No. 2010-07, 9-7-2010)*

**Sec. 15-19. Rates and charges.**

(a) Under this article each franchisee shall submit a schedule of rates to the county for approval and shall not charge more or less than the approved rates without specific approval by the county.

(b) No ambulance service shall attempt to collect rates on emergency calls until the patient has reached the point of destination, has received medical attention and is in a condition deemed by the

physician fit to consult with the ambulance service, but such service may attempt to secure guarantee of payment with the family or guardian of the patient once the patient is in the process of receiving medical attention.

(c) Only on not medically necessary transports where a person requires transportation to a nonemergency facility, attempts to collect payment can be made before the ambulance begins its trip.

*(Ord. No. 2010-07, 9-7-2010)*

**Sec. 15-20. Violations.**

It shall be unlawful for any person to provide ambulance services or to operate ambulances within the territorial limits of the county without having been granted a franchise by the board of commissioners to do so. Further, this article shall not apply to ambulances based outside of the county, except any such ambulance may not receive a patient within this county for transportation to a location within this county without a franchise to operate within the county.

*(Ord. No. 2010-07, 9-7-2010)*

**Sec. 15.21. Penalty.**

(a) Any person, firm or corporation who violates any provision of this article shall be subject to all penalties authorized by this article and any other applicable local, state or federal law.

(b) A violation of any provision of this chapter for which a specific penalty has not been provided shall constitute a misdemeanor and be punishable as provided by law.

*(Ord. No. 2010-07, 9-7-2010)*

**Secs. 15-22—14-40. Reserved.**

---

FOOTNOTE(S):

---

--- (4) ---

**State Law reference**— *Regulation of ambulance services, G.S. 131E-155—131E-162 and any amendment; authority to franchise ambulance services, G.S. 153A-250.* [\(Back\)](#)

**This the 5<sup>th</sup> day of August 2013.**

**ORDINANCE NO. 2013-12**

**BE IT ORDAINED** that the Catawba County Code of Ordinances, Chapter 40, Telecommunications, is hereby amended to add Article III. 911 Emergency Telephone Number System (which had previously been located in Chapter 14, Emergency Management and Services, Article VI) and reads as follows:

**ARTICLE III. 911 EMERGENCY TELEPHONE NUMBER SYSTEM**

**Sec. 40-236. Monthly charge on exchange facilities and commercial mobile radio service (CMRS) connections.**

(a) *Imposed.* A monthly 911 landline charge of \$0.85 is imposed upon each exchange access facility subscribed to by all telephone subscribers whose exchange access lines are in the area served or which would be served by the county enhanced 911 service. The monthly charge shall be uniform and shall be charged to each exchange access facility regardless of the type of the exchange access facility used. A monthly 911 wireless charge of \$0.80 is imposed on each commercial mobile radio service (CMRS) connection. The monthly charge shall have uniform application and shall be imposed throughout the state.

(b) *Adjustment to charge.* Prior to the beginning of each fiscal year of the county, along with and at the same time as a public hearing conducted for the purpose of adopting the budget for the following fiscal year, the board of commissioners shall determine the amount of the monthly 911 charge for the following fiscal year. The amount of such charge is on file and available for inspection in the county offices.

*(Ord. No. 2010-07, 9-7-2010)*

**Secs. 40-237 - 250. Reserved.**

**This the 5<sup>th</sup> day of August, 2013.**

**ORDINANCE NO. 2013-13**

**BE IT ORDAINED** that the Catawba County Code of Ordinances is hereby amended to add Chapter 9, entitled "Designation of House Numbers and Street Names" (which had previously been located in Chapter 14, Emergency Management and Services, Article VII) and reads as follows:

**ARTICLE I. HOUSE NUMBERING AND STREET NAMING**

---

**Sec. 9-1. Physical address system; house numbering.**

(a) *Generally.* The county physical address system was engineered by the department of planning and development staff in 1986 as part of the enhanced 911 (E-911) emergency response project. In 1995 the department was reorganized, and this function is now under the department of planning and information technology. The system standardizes each address throughout the county into a three-part physical location—a house number, street name, and community name—which is compatible with E-911 technology. Each physical address is unique and permanent for a specific location. The system allows for an orderly increasing progression of numbers from the center of the county and excludes existing municipal numbering boundaries.

(b) *Base numbering grid.* The address system utilizes digitized planimetric maps scaled at one inch equals 1,600 feet that are based on the state plane coordinate system and which were provided by Duke Power. Using the state plane coordinate system grids, 1,000-foot blocks were set up starting at 1,000 for the beginning point at the geographical center of the county and increasing by 100 in the four compass directions. Beginning ranges for each road in the county's jurisdiction were established by directly reading the block scale and interpolating to the nearest foot interval.

(c) *Numbering procedure.* The procedure for numbering is as follows:

(1) Depending on the major trending compass direction of the road, either a north-south or east-west axis is drawn on the corresponding tax map, and the beginning range is attached to this reference line. From this reference line all buildings are assigned a number at an interval of one number every ten feet. This allows 100 numbers per 1,000-foot block, which is sufficient to allow for growth. Even numbers are assigned on the north and east sides of a road, and odd numbers are assigned on the south and west sides of a road.

(2) Curvilinear (winding) roads are numbered with a simple axis rotation at the property boundary of two parcels of land at the greatest bend in the road. Often several rotations are necessary on some of the more winding roads in the county. The odd and even sides of a road are relatively maintained the entire length of the road so that only one side of a road is even and one side is odd.

(d) *Municipal coordination.* In the fall of 1986, the county and the municipalities located within the county signed agreements establishing numbering areas located in and around the perimeter of each city. These boundaries were established to avoid duplications of numbers on any street and allow the cities to make a progressive effort to resolve existing numbering problems located within the city limits as well as allow them to number areas slated for future annexations. By contract, the cities are responsible for the assignment and maintenance of house numbers within their numbering area. Municipalities participating in numbering boundary agreements include Catawba, Conover, Newton, and Hickory, which includes Brookford and Long View. The City of Claremont elected to adopt the county's numbering system and will be numbered and maintained by the county.

(Ord. No. 2010-07, 9-7-2010)

**Sec. 9-2. Requirements for posting/displaying of E-911 numbers on new construction and existing buildings.**

All new and existing structures, residential and nonresidential, on any street, alley or water body within the boundaries of the county shall display their assigned E-911 address numbers in accordance with the following conditions and standards:

(1) *Number specifications.* All structure numbers shall be constructed of a durable material and shall be reflective for night readability. The color shall contrast with the color scheme of the structure and, if mounted on glass, shall contrast with the background and be clearly visible. The minimum number size for residential structures or units shall be four inches in height. The minimum size for all other structure numbers shall be six inches in height. A number size larger than the minimum size may be required when the minimum size does not provide adequate identification as deemed appropriate by the ordinance administrator.

(2) *Posting locations.* Locations for posting the numbers shall be in accordance with the following:

a. For single-family residential or duplex structures, the structure's E-911 number shall be posted and maintained within a three-foot perimeter of the front entrance of the structure, in a location visible and readable from the street. For all other structures, the E-911 number shall be posted on a building face most readily visible from the road from which the number is assigned. For multiunit buildings, unit numbers shall be posted at each unit within a three-foot perimeter of the front entrance of the unit. If the structure is not visible from the street from which its number is assigned or is located further than 50 feet from the street, the assigned E-911 number shall be posted on the property adjacent to the street at or near every driveway or access to such structure.

b. In all cases the structure's E-911 number shall be clearly displayed in such a way that the structure number can easily be identified from the street or road during both day and night.

c. Structures such as boathouses, piers, and docks that are located on water shall post an E-911 number. This number must be posted on a structure so that it is visible from the water to ensure it can be located or identified by a water vehicle, if needed, in an emergency situation.

d. Structures facing an alley must have E-911 identification numbers posted in the same manner as required for the street.

(3) *Procedures.* Procedures for posting the numbers are as follows:

a. No building permit shall be issued for any building, or structure until the owner or developer has applied for or has been issued a street address for the proposed structure.

b. Final approval for a certificate of occupancy of any structure or building erected or repaired after the effective date of the ordinance from which this article is derived shall be withheld until permanent and proper structure numbers have been posted in accordance with the requirements of this article.

(4) *Address changes.* Within 90 days after written notification from the ordinance administrator of the assignment of a change of a structure number, the owner of such structure shall post the assigned E-911 number in compliance with the requirements of this article.

(Ord. No. 2010-07, 9-7-2010)

**Sec. 9-3. Naming of streets.**

(a) *Naming new street.* When a new street, road or right-of-way is dedicated, the developer of the street, road or right-of-way shall be required to select a name for the new street, road or right-of-way. The name selected shall not duplicate or be deceptively similar to the name of any other public road in the county in accordance with G.S. 153A-239.1 pertaining to naming roads in unincorporated areas. The developer of the street shall also be responsible for the costs of street signs and erection as a result of the new dedication in accordance with section 36-6. When the naming of a street is complete, the county shall notify the postmaster with jurisdiction over the road, the sheriff's department, fire and rescue departments, the board of transportation and any city within five miles of the road.

(b) *Renaming existing street.* When an existing street is desired to be renamed, one of the following methods shall be used to change the name:

(1) A petition containing 51 percent of the names of persons owning property on the street may be filed with the county planner. The proposed name shall not duplicate or be deceptively similar to the name of any other public street in the county in accordance with G.S. 153A-239.1 pertaining to naming roads in unincorporated areas. The planner shall verify the names on the petition against the property tax records of ownership to ensure the petition's validity. The planner shall request the clerk to the board of commissioners to set a date for the required public hearing. The planner shall advertise the proposed hearing at least ten days prior to the hearing in each newspaper of general circulation published in the county and shall post notice of the proposed action in at least two public places in the township where the road is located and at the county courthouse, also in accordance with G.S. 153A-239.1. The board of commissioners shall hold the proposed hearing to consider the proposed name change at the time and place advertised. The board of commissioners shall then decide whether or not to rename the road. If the road is renamed, the planner shall notify the postmaster with jurisdiction over the road, the sheriff's department, fire and rescue departments, the board of transportation and any city within five miles of the road. A fee in accordance with the current fee schedule per sign that will be affected as a result of the proposed name change shall be charged to the petitioners. This fee shall be paid in advance when the petition is first filed with the

planner. If the request for the name change is denied, all funds paid shall be returned to the petitioners less \$50.00.

(2) The board of commissioners may request the clerk to the board to set a date, time and place for a public hearing to consider a proposed name change. The board shall direct the clerk to verify with the county planner that the proposed name is neither a duplicate nor deceptively similar to the name of any other street in the county in accordance with G.S. 153A-239.1 pertaining to naming roads in unincorporated areas. The county shall post notice of the proposed change in at least two public places in the township where the road is located and at the justice center. Notice of the time and place of the hearing shall also be published in each newspaper of general circulation published in the county at least ten days prior to the meeting. The board of commissioners shall then hold the hearing at the time and place advertised and shall decide if the name will be changed. If the street is renamed, the clerk shall notify the post-master with jurisdiction over the street, the sheriff's department, the fire and rescue departments, the board of transportation, and any city within five miles. All costs associated with this change shall be paid by the county.

*(Ord. No. 2010-07, 9-7-2010)*

**Cross reference**— *Streets, sidewalks and other public places, ch. 34.*

**Secs.9-4—9-10. Reserved.**

This the 5<sup>th</sup> day of August, 2013.

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

10. Departmental Reports:

A. Economic Development Corporation.

Julie Pruett, Director of Business Recruitment, Economic Development Corporation, presented a request by Turbotec to amend its existing incentive agreement with the County to shift the three year investment period forward by one year, with the yearly maximum payments remaining exactly as outlined in the original contract. The County will not exceed the yearly or total amounts agreed upon in the original contract. Turbotec has invested \$5,007,725 and created 74 new jobs paying above the county average wage, exceeding their commitment by \$1,507,725 and 1 new job. Turbotec did not request incentives until it met the full job creation and investment amounts, as it felt it inappropriate to request any benefits until the company demonstrated that it had fulfilled its commitment for new job creation and made the required capital investments in the plant and equipment.

Turbotec, as a result of several issues out of its control, missed the incremental time requirements and the overall timeline for incentives by two months for job creation and by less than a year for investment. Turbotec was required by its major customers to perform extensive product qualifications that were not anticipated and the testing protocols were not given to Turbotec until October 2011 by one major customer and December 2011 by the other. The testing requirements



4. Paragraph 4 of the Agreement is deleted in its entirety and replaced with the following language. "Subject to satisfaction of the conditions set forth in Sections 1, 2 and 3 in the Agreement, Turbotec covenants and agrees with the County that in consideration of the appropriation and expenditure by the County of such economic development incentives, Turbotec shall make substantial improvements to the Property during the investment period. The improvement period shall be amended and is now between March 15, 2010 and December 31, 2012. Cumulative expenditures are in addition to the purchase price of the building and property and will meet or exceed Three Million Five Hundred Thousand (\$3,500,000) Dollars by December 31, 2012, all of which will qualify and result in additional value for ad valorem tax purposes as determined by the Catawba County tax office. Turbotec further covenants and agrees it will maintain, in good condition, in place said improvements through December 31, 2019. The parties understand and agree that the minimum investment of five million (\$5,000,000) dollars and the maintenance of that investment through December 31, 2019 is a material term of this Addendum."

5. Paragraph 5 of the Agreement is deleted in its entirety and replaced with the following language. "Also subject to satisfaction of the conditions set forth in Sections 1, 2 and 3 of the Agreement, Turbotec covenants and agrees with the County that in consideration of the appropriation and expenditure by the County of such economic development incentives, Turbotec shall create and maintain a minimum of 74 new jobs by February 28, 2013. Turbotec shall maintain and continue to make available the 74 jobs through December 31, 2019. The parties understand and agree that the minimum number of 74 jobs and the maintenance of those jobs through December 31, 2019 is a material term of this Addendum."

6. Paragraph 6 of the Agreement is deleted in its entirety and replaced with the following language. "Payment of economic development incentives will be made as provided in this Section 6. The County will provide annual payments equal to 75% of the ad valorem taxes associated with the additional value as paid to the County for a three year period, commencing with the taxes payable for the tax values on January 1, 2013, and January 1 of the succeeding two years. In no event will the cumulative payments by the County exceed thirty six thousand one hundred fifteen dollars (\$36,115). Said amount shall be payable in three (3) annual installments, beginning with taxes due for calendar year 1 and payable through calendar year 3. For purposes of this Agreement, "CY 1" means calendar year 2013 and "CY 2" through "CY 3" means the succeeding two (2) calendar years. Upon payment of ad valorem taxes by Turbotec to the County for each of CY 1 through CY 3, and certification by Turbotec in the form or substantially in the form of the certificate attached hereto as Exhibit B, of improvements made to the date of such certification with proof of taxes paid by Turbotec and verification that Turbotec has created and maintained jobs as outlined in the schedule above, the County will, within sixty (60) days, pay to Turbotec an economic development incentive payment, the amount of which is calculated by multiplying by .75 the total ad valorem tax revenue received by the County attributable to the value of the eligible improvements made by Turbotec pursuant to this Agreement in excess of the amount attributable to improvements already in place and taxed on the site as of the date that Turbotec acquires the Property. Should the existing real property values in place as of the date of company acquisition be reduced by future assessment, an incentive will be reduced accordingly. This same process will be followed by the County in each of the immediately following two (2) years. Regardless of the calculation, the maximum amount the County would pay in calendar year 1 will be \$8,027 and in each of the calendar years 2 through 3 will be \$14,044, for a combined, maximum total over the three year period of \$36,115. No incentives will be paid to Turbotec in any year they fail to create and maintain aforementioned job requirements or investment minimums as previously set forth. No incentives will be paid by the County after the third year pursuant to this Agreement, but nothing in this Agreement precludes the County and Turbotec from entering into a subsequent agreement pertaining to other economic development incentives. Turbotec shall furnish to the County on or before December 31 of each calendar year the certification required by this Section 6. If requested, Turbotec shall provide the County, at the County's expense, independent certification as to such expenditures."

<b>GRANT</b>	<b>MAXIMUM PAYMENT BY</b>
--------------	---------------------------

YEAR	COUNTY
1	\$ 8,027
2	\$ 14,044
3	\$ 14,044
<b>Total</b>	<b>\$36,115</b>

7. The term of this Agreement shall commence on the date of execution and expire upon payment by the County of all payments due to Turbotec hereunder and Turbotec fulfilling its investment and job creation requirements under the Agreement, unless earlier terminated as provided herein.

8. All notices, certificates or other communications required or permitted to be given or served hereunder shall be deemed given or served in accordance with the provisions of this Agreement if the notice is (i) mailed in a sealed wrapper and is deposited in the United States mail, certified mail, return receipt requested, postage prepaid, or (ii) deposited with a national overnight courier service that retains receipts for its deliveries, properly addressed as follows:

Catawba County: Catawba County  
 100-A S.W. Blvd.  
 Newton, NC 28658  
 Attn: J. Thomas Lundy, County Manager

Copy to: Catawba County Attorney's Office  
 100-A S.W. Blvd.  
 Newton, NC 28658  
 Attn: Debra Bechtel, County Attorney

Company: Turbotec Products, Inc.  
 2042 Fairgrove Church Road  
 Newton, NC 28658  
 Attn: Sunil Raina

Catawba County or Turbotec may, by notice given to the other, designate any further or different addresses to which notices, certificates, requests or other communications shall be sent. Executed the date first set forth above.

**B. Catawba County Schools.**

Catawba County Schools Superintendent Dr. Dan Brigman and Budget Manager Jennifer Mace presented a request to transfer funds from existing projects totaling \$60,000 to remove and dispose of concrete light poles and visitor bleachers at Maiden Middle School. Catawba County Schools is in the process of replacing bleachers at Bandys, Bunker Hill, Fred T. Foard, and St. Stephens High Schools. During this process, a structural defect was discovered in the light poles at Bandys High School that prompted the System to hire a structural engineer to inspect all concrete football field light poles. The old Maiden High School is now Maiden Middle School and its football field is still used heavily by the school and the community. The engineer recommended removal of three of the four concrete light poles at Maiden Middle School for structural integrity reasons. While the field is still used, the lights are not. The System plans to remove the lights and visitor side bleachers (necessary to get to the light poles). The project is estimated at \$55,750 plus \$4,250 contingency allowance for a total cost of \$60,000. Nine projects with balances totaling \$57,379.71 can be closed, with the remaining \$2,620.29 coming from a reduction in the Webb Murray Computer Technology project, to fund the removal of the lights and bleachers. In response to Board members questions, Dr. Brigman clarified that the utilization of that campus does not justify the expense of the replacement of the light poles that are being removed. Vice-Chair Beatty made a motion to approve the transfer of these funds. The motion carried unanimously. The following transfer of appropriations apply:

Transfer of Appropriations

From:		
420-750100-863200-31101-3-02	Arndt Middle Roofing	\$30,190.69
420-750100-863200-31103-3-02	Bandys HS Gym Lobby Roof	\$ 3,814.29
420-750100-863200-31150-3-25	CCS Transportation Office	\$ 3,111.95
420-750100-863200-31119-3-01	SF Wastewater	\$ 2,832.43
420-750100-863200-31150-3-20	Window Replacements	\$14,897.98
420-750100-863200-31150-3-01	ADA	\$ 1,025.02
420-750100-863200-31106-3-06	Bunker Hill HS Guidance Area	\$ 24.83
420-750100-863200-31150-4-14	Dump Truck	\$ 500.00
420-750100-863200-31150-3-19	Energy Management	\$ 986.52
420-750100-863200-31124-4-01	Webb Murray Computer Technology	\$ 2,616.29
To:		
420-750100-863200-31113-3-01	Maiden Middle General Renovations	\$60,000.00

11. Other Items of Business: Emergency Services Director Bryan Blanton updated the Board on the response to and recovery from the July 27, 2013, flooding in the County. As of August 2, 2013, damage assessment has been completed on 648 properties, with 4 homes deemed destroyed, 78 sustaining major damage and 416 sustaining minor damage. On August 1, 2013, the County received notification that the threshold for a Small Business Administration declaration had been met and the Small Business Administration Loan Declaration was approved by Governor McCrory and forwarded to Washington. Governor McCrory was requested to approve a Type I Individual Assistance Disaster Declaration and Emergency Services is awaiting a response to that request. This Declaration would allow flood victims to apply for temporary housing and rental assistance, repair or replacement of dwellings, replacement of personal property, repair or replacement of privately owned vehicles, medical or dental expenses, and funding for the cost of the first year's flood insurance premium to meet the requirements of the National Flood Insurance Act of 1968.
12. Attorney's Report: None.
13. Manager's Report: County Manager J. Thomas Lundy requested the Board consider moving into Closed Session pursuant to North Carolina General Statute 143-318.11(a)(4) to discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body. Mr. Lundy did not anticipate any action upon returning to Open Session. Vice-Chair Beatty made a motion to move into closed session for the stated purpose. The motion carried unanimously. The Board moved into closed session at 10:23 a.m.
14. Adjournment. The Board returned to open session at 10:38 a.m. No action was taken. The meeting adjourned at 10:38 a.m.

The Board participated in a groundbreaking ceremony for the new Sherrills Ford-Terrell Branch Library at 9154 Sherrills Ford Road at 11:30 a.m. following this Board meeting.

---

Katherine W. Barnes, Chair  
Catawba County Board of Commissioners

---

Barbara E. Morris  
County Clerk