

Regular Session, August 16, 2010, 7:00 p.m.
Catawba County Board of Commissioners

Appointments

Nursing and Rest Home Advisory Board 638 08/16/10

Emergency Services/Fire Marshall

Pyrotechnics Permit 639 08/16/10

Legislative Update

2010 Short Session 640 08/16/10

Ordinance

Amendment to Sec. 44-562 – On-premise signs 637 08/16/10

Public Comments not on Agenda

Mr. Suddreth 636 08/16/10

Public Hearings

Amendment to UDO – On-premise Signs 637 08/16/10

Naming unnamed street 638 08/16/10

Town of Catawba

Appropriate existing fund balance 639 08/16/10

Tax

2011 Revaluation Process 640 08/16/10

The Catawba County Board of Commissioners met in regular session on Monday, August 16, 2010 at 7:00 p.m. in the 2nd Floor Conference Room of the Government Center in Newton. The change in location was due to the Soldier Reunion taking place at the 1924 Courthouse in Newton, North Carolina.

Present were Chair Katherine W. Barnes and Commissioners Glenn Barger, Dan A. Hunsucker, and Barbara G. Beatty.

Vice-Chair Lynn M. Lail was absent.

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

1. Chair Katherine W. Barnes called the meeting to order at 7:00 p.m.
2. Commissioner Dan Hunsucker led the Pledge of Allegiance to the Flag.
3. Commissioner Glenn Barger offered the invocation.
4. Commissioner Hunsucker made a motion to approve the minutes of the Regular Meeting of August 2, 2010. The motion carried unanimously.
5. Recognition of Special Guests: Chair Barnes welcomed all present and specifically recognized Sheriff David Huffman and Commissioner Candidate Randy Isenhour.
6. Public Comments for Items not on the Agenda:
Mr. Billy Suddreth of Hickory came forward to speak about an item that had been on the Board's July 12, 2010 agenda. Mr. Suddreth indicated that the wording regarding the County's Sheriff's

Office's newly approved Inmate Work Crews Policy was offensive to some of the area's residents. Mr. Suddreth had read about the policy in a newspaper and, while he did not have a problem with inmates providing service to the community, he asked that the Board reconsider the wording used in the policy and eliminate the term "contract labor". Sheriff David Huffman responded that the policy did not contain that terminology and the newspaper had used the term in error. The Board assured Mr. Suddreth that it would direct the County's legal staff to review the policy to ensure it met all statutory requirements.

7. Public Hearings:

a. Chris Timberlake, Planner, came forward to request the Board hold a public hearing and consider adopting an amendment to County's Unified Development Ordinance (UDO), Section 44-562(f) On-premise signs (freestanding) for the purpose of allowing LED and similar technologies in residential districts for the following uses: schools, places of worship, public use facilities, non-conforming uses, community recreation and other non-profit organizations.

When the UDO was adopted on February 5, 2007, LED technology was relatively new to the sign industry, thus there were few requests or examples of LED signs in the area. LED technology continues to expand within the signage marketplace. According to an article "Light-Emitting Diodes", in Economic Developer's Guide to the Renewable Energy Industries, LED technology is commercializing more rapidly because it is highly energy efficient and the products last nearly three times as long as compact fluorescent bulbs. Since the adoption of the UDO, the Planning Department has continued to receive an increasing number of requests to erect freestanding LED signs on non-residential properties and have begun to receive requests for them on residentially zoned properties. On February 25, 2010, a request was received to allow an LED sign on residential property for Mt. Pleasant United Methodist Church. Also, several schools within the County have inquired as to the possibility of erecting a LED sign on their campuses. Presently non-residential uses such as places of worship, schools, public use facilities (e.g. volunteer fire departments, police stations, etc.), community recreation and other non-profit organizations are permitted by right in residential districts. Non-conforming uses also exist in residential districts. Each of these uses is allowed to erect freestanding signs with exception to LED signs which are not allowed in residential districts.

The amendment will permit LED signs in residential districts for the following uses: places of worship, schools, public use facilities, non-conforming uses, community recreation and other non-profit organizations. Based on a survey, nine out of ten area jurisdictions allow such uses to have LED signs in residential districts. Places of worship, schools, public use facilities, community recreation and non-profit organizations are permitted in residential districts by right and are allowed to have an on-premise (freestanding) sign. The ordinance also allows those on-premise signs to be illuminated by floodlight or spotlight as long as the light does not shine directly into any public right-of-way or any adjacent residential property. Non-conforming uses exist in residential districts and are also permitted to have a lighted on-premise (freestanding) sign. Section 44-562(f) of the UDO states that LED signs are not allowed to pulsate or flash and must hold a static message a minimum of eight (8) seconds and, Section 44-558 requires that any LED sign must not be of an intensity that glares or creates a safety concern to travelers along the public right-of-way. As indicated, regulations exist that should protect adjacent property owners from light spillage and motorists from glaring or intense illumination. LED signs benefit the owner and public in some cases in that the display can offer a variety of messages and as the technology advances the clarity of the signs continues to increase.

The Planning Board held a public hearing on July 26, 2010. There was no outside public attendance at the hearing. No additional comments were made in regard to the request. By a vote of 5-0 the Planning Board made a motion to favorably recommend allowing LED and similar technologies in residential districts for the following uses: schools, places of worship, public use facilities, community recreation and other non-profit organizations. It should be noted the term "non-conforming uses" was inadvertently overlooked as a use which could be located in a residential district and allowed to have a lit sign when this amendment was presented to the Planning Board and staff recommended

that this use also be allowed to utilized LED and similar technologies in residential districts when it came before the Board of Commissioners.

Chair Barnes reiterated the requirement for the length of time message stays in place and Commissioner Barger asked if there had been any violations of the ordinance – and was told no and it was confirmed that enforcement was complaint driven.

Chair Barnes opened the public hearing and noted no one came forward to speak. The public hearing was closed. Commissioner Barger made a motion to approved the proposed amendment. The motion carried unanimously. The following amendment applies:

Ordinance No. 2010-

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

Sec. 44-562. On-premise signs (freestanding)

On-premise signs are allowed as follows:

- (f) Light Emitting Diodes (LED), tri-vision, electronic messages and other similar technologies are allowed in all nonresidential districts, with the exception of the village district. LED and other similar technologies are allowed in residential districts for the following uses: schools, places of worship, public use facilities, non-conforming uses, community recreation and other non-profit organizations. This technology can be utilized subject to the following:
 - (1) Pulsating or flashing sin structures are prohibited.
 - (2) LED signs must hold a static message a minimum of 8 seconds.

This 16th day of August, 2010

b. Renee Hart, E-911 Addressing Coordinator, came forward and requested the Board conduct a public hearing and consider approval of a request from the Catawba County E-911 Office to name an unnamed street in Bandys Township as Holly Ridge Drive. The goal of the County's E-911 Office is to assign individual E-911 numbers to all dwellings located in Catawba County. One step towards achieving this goal is to name streets or right-of-ways that meet the road naming requirements. The requirements for the road naming process are: the road must be at least 1200 feet in length and/or access three or more parcels. An unnamed right-of-way had been identified in Bandys Township off Highway 10 West. This was brought to staff's attention by Mr. Larry Stallings, a property owner of several adjoining parcels. It had been determined that this right of way should be named since there are (6) properties potentially accessed from it. The suggestion was received from Mr. Stallings to name the right-of-way Holly Ridge Drive. There were no other road names suggested, and this name is not a duplicate. Chair Barnes opened the public hearing and no one came forward to speak. The public hearing was closed. Commissioner Barbara Beatty made a motion to approve the naming of this street as Holly Ridge Drive. The motion carried unanimously.

- 8. Appointments.
Chair Barnes presented a recommendation by Vice-Chair Lynn Lail to appoint Lucille Woodrum for a third term on the Nursing and Rest Home Advisory Board. Ms. Woodrum's term will expire on August 15, 2013. This was presented in the form of a motion and the motion carried unanimously.
- 9. Consent Agenda:
County Manager J. Thomas Lundy presented the following two items on the consent agenda: Because there was some discussion regarding the first item on the consent agenda, the grouped items were separated by the Chair and acted upon separately.

a. The Board was requested to appropriate existing fund balance up to the amount of \$7,000 for the Town of Catawba Fire Department. The funds will be used as part of a matching grant to purchase a thermal imaging camera, four-gas monitor and a chain saw/vent saw. The matching grant was awarded to the fire department by the Office of the State Fire Marshal, Volunteer Fire Department Fund grant program. Historically, each department has its own fund balance which is 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 Budget Department prior to the fiscal year. Fire departments have been allowed to utilize ninety percent of the existing fund balance to address major projects such as buildings, building additions, truck replacement and other non-operating budget needs such as equipment items. Ten percent of each department's fund balance is held for unforeseen expenditures during the budget year. The Town of Catawba Fire Department's current fund balance is \$40,478.

County Manager Lundy asked, since this volunteer fire department was funded by both the County and the Town of Catawba, if the appropriate amount of the appropriation should be \$3,500 by the County and \$3,500 by the Town of Catawba. For this reason, Commissioner Beatty made a motion to authorize the County Manager to approve an appropriation of existing fund balance in an amount of \$3,500 to \$7,000, but to ensure that the grant monies were not lost due to lack of matching funds. The motion carried unanimously. On August 17, 2010, the County Manager approved the appropriation of \$7,000 in existing fund balance for this match.

b. The Board was requested to issue a Pyrotechnics Permit to Rock Barn Golf Club. Rock Barn Golf Club had submitted a Pyrotechnic Permit application. The permit is for a fireworks display to be conducted on September 18th, 2010 at 3763 Golf Drive, Conover NC 28613. This display is a part of "Ensure Classic at Rock Barn". The display is scheduled to occur at 9:30 p.m. on September 18th and last approximately 30 minutes. Rock Barn Golf Club has contracted with Pyro Shows Inc, which has a valid "Outdoor Pyrotechnics Display Operators Permit" through the North Carolina Department of Insurance, Office of State Fire Marshal. Based on the application, all statutory requirements had been or will be met. If at any time, any requirement of the permit is not satisfied, the Fire/Rescue Division will immediately revoke the permit. Commissioner Hunsucker made a motion to issue the requested permit. The motion carried unanimously. The following permit applies:

PERMIT TO POSSESS AND DISPLAY REGULATED PYROTECHNICS

The applicant, Rock Barn Golf Club, having met or asserting they will meet, all the requirements of NCGS 14-410, 14-413, 58-82A-3 and Chapter 33 of the NC Fire Prevention Code, the Catawba County Board of Commissioners hereby authorizes Rock Barn Golf Club to possess and display pyrotechnics provided all statutory regulations and conditions asserted in the application are met at all times.

When atmospheric conditions, local circumstances or a ban on outdoor burning has been issued, the Fire/Rescue Division of the Catawba County Emergency Services Department has the authority to approve a new date for the pyrotechnics display.

The Fire/Rescue Division has the authority to revoke this permit at any time if any requirements are not being met.

Signed this ____ day of _____, 2010.

Katherine W. Barnes, Chair
Catawba County Board of Commissioners

Tax Office:

Tax Administrator Mark Logan presented a power point presentation on the 2011 revaluation process from the County's Tax Administrator. This presentation addressed why the County does revaluations (required by Statute), why it changed its revaluation schedule from the maximum time frame of every eight years to every four years (keeps all property types closer to 100% of market value to ensure each property is valued fairly); and the process by which property is valued. The following events will occur in the revaluation process for 2011: September 7, 2010 – Assessor's formal presentation of the proposed 2011 Schedule of Values to the Board of Commissioners; September 20, 2010 – Public Hearing by the Board of Commissioners on proposed Schedule of Values; October 4, 2010 – formal adoption of the proposed Schedule of Values by the Board of Commissioners; October 5, 2010 – taxpayers have the right to appeal the adoption of proposed Schedule of Values with the North Carolina State Property Tax Commission within 30 days of this date; Mid-October 2010 – revaluation staff will begin applying the Schedule of Values to begin generating new values; Mid-November 2010 – target date for mailing of new valuation notices to property owners (the notices will give instructions on how to appeal values); Late-November 2010 through March 2011 – Informal hearing before staff appraisers by property owners wishing to appeal the new value; January 1, 2011 – New values go into effect for 2011 tax bills to be mailed in July 2011; April, May and June 2011 – Board of Equalization and Review hearings.

11. Other Items of Business:

Assistant County Manager Lee Worsley presented a a PowerPoint presentation summarizing the legislative actions of the North Carolina General Assembly 2010 Short Session. Goals which were reached, or partially reached, during this Session included a fairer distribution method in the School Capital Fund Formula/Lottery Proceeds; the opposing of the transfer of responsibility of North Carolina Secondary road infrastructure to counties and the elimination or decrease in current road infrastructure funding levels for municipalities or the transfer of any State- maintained road to municipalities; the opposing of any State efforts to force additional unfunded mandates or take away local revenues as a result of the State budget crisis; the opposing of an attempts to eliminate the prohibition on collective bargaining for public employees; supporting of greater flexibility in the use of E-911 funds; the opposing of attempts to reduce the property tax base, and place more of a burden on property taxpayers; supporting of legislation facilitating target industry sectors and encouraging the County's competitiveness as a whole; supporting of maintaining local control of the North Carolina ABC System and preservation of local revenues received from the system, and supporting of local legislation to allow Catawba County flexibility with energy efficient projects.

Goals which were not reached in the 2010 Session were as follows: supporting of an increase to \$35,000 in the Homestead Exclusion income limit; supporting of an increase in State funding for Child Advocacy Centers; supporting of a rate increase for Medicaid and State mental health services; supporting of flexible local revenue options to avoid future property tax increase or reduce the property tax rate; supporting of an increase in the \$40 reimbursement rate for state inmates in county jails and reinstatement of the \$18 misdemeanor reimbursement; supporting of an exemption of State sales tax on purchases made by local school systems; supporting of an increase in the reimbursement rate for local government legal work related to in rem foreclosures and working with the North Carolina Association of County Commissioner regarding local preferences in purchasing.

The Board complimented the County's local representatives to the General Assembly for their efforts in achieving the above listed goals during the Short Session. Assistant County Manager Lee Worsley was praised for his continuing efforts to keep Board members apprised of critical legislative matters and for his participation in ensuring the passage of legislation that resulted in far greater flexibility in the use of E-911 funds, a long time goal of this Board.

12. Attorneys' Report:

13. Manager's Report: None.

14. Adjournment: Chair Barnes adjourned the meeting at 8:25 p.m.

Katherine W. Barnes, Chair
Catawba County Board of Commissioners

Barbara E. Morris
County Clerk