

Regular Session, September 3, 2013, 9:30 a.m.
Catawba County Board of Commissioners

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The Catawba County Board of Commissioners met in regular session on Tuesday, September 3, 2013 at 9:30 a.m. in the Robert E. Hibbits Meeting Room of the 1924 Courthouse, 30 North College Avenue, Newton, North Carolina.

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

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

1. Chair Katherine W. Barnes called the meeting to order at 9:30 a.m.
2. Vice-Chair Barbara Beatty led the Pledge of Allegiance to the Flag.
3. Commissioner Randy Isenhower offered the invocation.
4. Vice-Chair Barbara Beatty made a motion to approve the minutes from the Board's Regular Meeting of August 19, 2013.
5. Recognition of Special Guests: Chair Barnes welcomed everyone present.
6. Public Comments for Items Not on the Agenda: None.
7. Presentations:
 - a. Jack McCaskell, Executive Director of the Carolina Cycle Challenge Steering Committee, was joined by Rotary Club Member Mark Childers to update the Board on plans for the Carolina Cycle Challenge (CCC) in Hickory on Sunday, October 6, 2013. Originally known as "Brett's Ride", in honor and memory of Brett Gosnell and his battle against pediatric cancer, the 2013 Carolina Cycle Challenge will donate its proceeds to fight pediatric cancer in combination with Carolinas Health Care Foundation of Charlotte. The CCC is a partnership of the Rotary Clubs of the Greater Hickory area in cooperation with the City of Hickory and the Hickory YMCA.

b. Dr. Garrett Hinshaw, President of Catawba Valley Community College, presented an update about the repairs to a sinkhole that opened near the Tarleton Complex on the CVCC campus on the weekend of July 27, 2013, as a result of the severe flooding in the county that weekend. The repairs are expected to be completed in 60-90 days, with an estimate cost of \$1.5 million. The College will be seeking Federal assistance and insurance reimbursement for these repairs. Dr. Hinshaw specifically thanked Emergency Management Coordinator Karyn Yaussy for all her assistance during the flooding event and aftermath.

c. Commissioner Isenhower presented Assistant Emergency Services Director Mark Pettit with a proclamation recognizing October 6-12, 2013, as Fire Prevention Week, urging Catawba County citizens to protect their homes and families by practicing home fire safety and by having a home fire escape plan in place, with a special emphasis this year on the theme "Prevent Kitchen Fires!" to remind the public to stay alert and use caution when cooking to reduce the risk of kitchen fires.

8. Appointments: Chair Barnes noted at this time that Commissioner Dan Hunsucker was unable to attend the meeting.

Commissioner Isenhower recommended the appointment of Dr. Walter Hart to fill an unexpired term in the School Superintendent position on the Juvenile Crime Prevention Council. Dr. Redmond retired earlier this year, creating a vacancy in this position on the Council. This term will expire June 30, 2014. Chair Barnes stated that this recommendation came in the form of a motion which carried unanimously.

9. Departmental Reports:

A. Utilities and Engineering.

Utilities and Engineering Assistant Director Jack Chandler presented a request for the Board to consider entering into an interlocal revolving loan agreement with the Town of Maiden to extend municipal water along portions of South D Avenue and Ramseur Road and to award the bid for construction to RAM Utility Construction Co., LLC, of Mooresville, NC in the amount of \$70,825. The Board was also requested to consider entering into an agreement for construction administration with the design engineers, Davis & Floyd of Hickory, NC, in the amount of \$7,850, to waive water capital fees and plumbing permit fees for the ten homes in danger of losing water, and to approve a budget revision, which includes a 10% contingency, in the amount of \$47,500.

In November 2011, the County was approached by the Town of Maiden to extend municipal water along portions of South D Avenue and Ramseur Road. The project will begin at an existing 6-inch Maiden water line on South D Avenue Extension, and travel west to Ramseur Road for approximately 817 linear feet. Turning onto Ramseur Road, a 2-inch water line will be extended for approximately 1,050 linear feet, along with customary valves, hydrants and accessories.

This project began with a letter written to the Town of Maiden by a resident living on South D Avenue Extension, who has a water meter on his property. This meter serves ten additional homes on Ramseur Road, located behind his property. In addition to the ten homes which need individual meters and connections, several other properties along the route will benefit from the extension of municipal water service, including one church. Due to the low income of those living in the ten residences that will be served by the project, the Town of Maiden has waived its water connection fees for those ten residences.

County staff originally planned to apply for Community Development Block Grant (CDBG) funding to cover the cost of water line installation and hook-up for the ten homes; however, the project requires the crossing of a creek and an environmental assessment could not be completed in time for CDBG application. As part of the preliminary design, three easements were required. One of those three easements was part of an estate that included more than 12 signatures for property with almost no value. An agreement could not be reached with several of those heirs.

Due to the difficulty in obtaining easements, County staff tasked Davis & Floyd to reassess the preliminary design to ascertain whether or not the water line could be placed within North Carolina Department of Transportation right-of-way. It was determined that the water line could be installed within the right-of-way and the line was redesigned as such. Bids for construction were received on July 17, 2013, with Ram Utility Construction Company, LLC, being the lowest responsive, responsible bidder.

An interlocal agreement between Catawba County and the Town of Maiden was approved by Maiden's Town Council on March 18, 2013. Partial funding for the Ramseur Road Water project in the amount of \$50,000 was appropriated with the County's Fiscal Year 2012-13 budget. At that time, this project ranked as one of the highest priorities in the County's Utility Prioritization Tool. A budget revision is required in the amount of \$47,500 from the Water and Sewer Enterprise Fund. Under the revolving loan agreement, the Town of Maiden will reimburse the County for 75% of the project costs.

Commissioner Lail questioned the large difference in the bids and Mr. Chandler felt that two of the bidders were currently involved in large projects and were not quite "as hungry" for the work, thus resulting in higher bids. Commissioner Isenhower asked if there was any added expense by rerouting the lines due to the difficulty in getting the easements from the heirs. Mr. Chandler said that staff had concluded there was no cost savings or extra incurred costs by utilizing the right-of-way. Commissioner Lail made a motion to enter into an interlocal revolving loan agreement with the Town of Maiden to extend municipal water along portions of South D Avenue and Ramseur Road; award the bid for construction to RAM Utility Construction Co., LLC, of Mooresville, NC in the amount of \$70,825; enter into an agreement for construction administration with the design engineers, Davis & Floyd of Hickory, NC, in the amount of \$7,850; waive water capital fees and plumbing permit fees for the ten homes in danger of losing water, and approve a budget revision, which includes a 10% contingency, in the amount of \$47,500. The motion carried unanimously. The following appropriations and documents apply:

(Clarification note: breakdown of project costs are:

| | |
|-----------------------------|--------------------------------------|
| Ramseur Road Project Budget | |
| \$ 50,000.00 | Board appropriated with Budget 12/13 |
| <u>\$ 47,500.00</u> | Budget appropriation 9/2/13 |
| \$ 97,500.00 | |

Itemization:

| | |
|--------------------|------------------------------|
| \$ 9,800.00 | Design/Engineering Agreement |
| \$ 150.00 | State Permit fee |
| \$ 70,825.00 | Construction Cost |
| \$ 7,850.00 | Construction Observation |
| <u>\$ 8,862.00</u> | 10% contingency |
| \$ 97,487.00 | |

| | |
|-------------------------|----------|
| Appropriations | |
| Revenue | |
| 475-431100-690100 | \$47,500 |
| Fund Balance Applied | |
| 475-431100-861500-27006 | \$47,500 |
| Ramseur Road Water | |

STATE OF NORTH CAROLINA
CATAWBA COUNTY
TO SERVE A PORTION OF RAMSEUR ROAD

AGREEMENT BETWEEN CATAWBA
COUNTY AND THE TOWN OF MAIDEN
FOR CONSTRUCTION, OPERATION
AND MAINTENANCE OF WATER LINE(S)

THIS AGREEMENT, effective the _____ day of _____, 2013, by and between **CATAWBA COUNTY**, a political subdivision of the State of North Carolina, (hereinafter "County") and the **TOWN OF MAIDEN**, a body politic, organized and existing under laws of the State of North Carolina, (hereinafter "Town").

WITNESSETH:

WHEREAS, County and Town have agreed that municipal water service is needed to serve portions of RAMSEUR ROAD; and

WHEREAS, to provide said service County will install and Town will operate a series of water lines described as Ramseur Road Water (hereinafter "Project"); and

WHEREAS, the activities contemplated under this Agreement are authorized pursuant to Catawba County Code, Chapter 42, entitled "WATER AND SEWER", including specifically Article IV, Division III, the "REVOLVING LOAN PROGRAM."

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained, the parties agree as follows:

1. The Project consists of the installation of approximately 1,750 linear feet of water line. A map of the location of the Project is attached and incorporated by reference as Exhibit "A".
2. The estimated cost of the Project is \$98,000.00. This Agreement is dependent upon the availability of funds and approval by the Catawba County Board of Commissioners and the Maiden Town Council.
3. The parties agree that the estimated cost of the water line includes design, permitting, fees, installation, and the estimated cost of easements and rights-of-way acquisition. County will pay the full amount of all costs reasonably necessary for the design and installation of the water line, with payment being made directly from County to the appropriate contractor. Costs associated with change orders will be included in the total construction cost for the Project.

Town agrees to reimburse County an amount equal to Seventy-Five percent (75%) of the total Project cost, payable over a ten (10) year period, in equal annual installments, with the first payment being due upon the Town's assumption of maintenance of the water line(s).

4. The ten (10) year payment period set forth is for the water lines that remain outside the Town's corporate area. If Town annexes any portion of the area served by Project water lines, Town shall purchase the lines at the time of annexation. The purchase price of the annexed portion of the Project shall be determined according to the provisions of Section 42-190(4) of the Catawba County Code, including any future amendments.
5. County has the right, at its option, to construct and install future line additions, extensions or connections from any water line(s) installed and operated as part of the Project, provided any addition, extension or connection will serve County customers and not customers inside Town's corporate limits and adequate capacity is available. If some portion of an addition, extension or connection is within the Town's corporate limits, Town has the right to add to, connect to or extend the line to its citizens with no participation from County.

6. If Town proposes to County to make an addition, extension or connection to Project lines, County shall within ninety (90) days notify Town of its intention to participate in the addition, extension or connection. If County opts not to participate in any addition, extension or connection, Town retains the right to proceed without any participation from County.

7. Town will operate and maintain Project lines and connections as required by the Catawba County Code, Chapter 42, entitled "WATER AND SEWER". The connection fee for tap stub-outs shall be those in effect for the Town at the time of installation as amended from time to time by the Town Council.

8. The County Capital fee for connection tap stub-outs installed with the initial construction of the Project shall be those in effect for the County at the time of installation as adopted from time to time by the County.

9. County shall design and develop the Project, and shall secure necessary permits and permissions from the Public Water Supply Section of NCDENR and NCDOT for construction of the Project. Further, County shall assume responsibility for the substantial completion of the Project. The Application for Approval of Engineering Plans and Specifications for Water Supply Systems, to be submitted to the Public Water Supply Section of NCDENR, shall be in the name of Town. Any NCDOT encroachments required to complete the Project shall be in the name of the Town.

10. County shall secure all necessary rights-of-way, easements and other permissions for construction of the Project. Costs associated with rights-of-way, easements, and other permissions will be included in the total cost for the Project.

11. All specifications for materials and installation of all lines and systems in the Project shall be in accordance with Town's standard specifications for water line installations. All designs, developments, plans, engineering and construction shall be subject to review and consent by both parties. The parties will not suggest or make unreasonable changes in the designs, developments, and plans for the Project.

12. County agrees that all customers of this System shall be subject to policies, practices, ordinances and directives of the Town in operation of the System. This includes but is not limited to: Water Conservation Ordinances, Rate Reviews, Irrigation Meter Policy, and Backflow Prevention Policy.

13. Upon a Final Approval being issued by the State of North Carolina, Town will maintain, replace and repair all water lines and appurtenances which are part of the Project as a part of the overall Town water system. Town shall respond with reasonable promptness and efficiency to any and all complaints with respect to the Project and will provide necessary services related to such complaints. The foregoing notwithstanding, nothing contained herein shall be deemed to give any third party any rights arising under this Agreement.

14. The Town shall assume ownership and full responsibility of said water line(s) after all the payments of the loan are fully satisfied.

IN WITNESS WHEREOF, both parties have hereunto set their hands on the day and year above first written.

10. Other Items of Business:

a. Commissioner Beatty made motion for the Board to adopt a resolution in support of the completion of U.S. Highway 16, North, in Catawba County. The expansion of U.S. Highway 16, North, to a multi-lane facility has been entirely completed with the Counties of Mecklenberg and Lincoln, but is yet to be completed in Catawba County between Tower Road and Claremont Road. The necessary engineering plans and specifications have been completed for this section of Highway 16, North, in Catawba County and the project is now under review by the Department of

Transportation. This resolution expresses the Board's support of the completion of this section of U.S. Highway 16, North, in Catawba County and seeks the support of the North Carolina Department of Transportation to maintain funding for the timely completion of the project. The City of Newton is expected to adopt a similar resolution. The motion carried unanimously. The following resolution applies:

RESOLUTION NO: 2013-

A RESOLUTION IN SUPPORT OF THE COMPLETION OF U.S. HIGHWAY 16 IN CATAWBA COUNTY

WHEREAS, The State of North Carolina is presently establishing criteria in which to review transportation projects that are proposed for future funding; and

WHEREAS, U.S. Highway 16, North, has been identified by Catawba County as a critical transportation corridor linking Catawba County to the Charlotte Metropolitan area; and

WHEREAS, The Unifour Metropolitan Planning Organization and Rural Planning Organization have respectively prioritized the expansion of U.S. Highway, 16, North to a multi-lane facility; and

WHEREAS, An expansion of U.S. Highway 16, North, to a multi-lane facility will improve and encourage economic growth in Catawba County; and

WHEREAS, The expansion of U.S. Highway 16, North, to a multi-lane facility has been entirely completed within the Counties of Mecklenberg and Lincoln, but is yet to be completed in Catawba County between Tower Road (SR 1895) and Claremont Road (SR 1801); and

WHEREAS, The necessary engineering plans and specifications for Project #R-3100 have been completed for U.S. Highway 16, North, in Catawba County; and

WHEREAS, The North Carolina Department of Transportation has conducted public meetings and solicited public comment on the completed plans and specifications; and

WHEREAS, The North Carolina Department of Transportation has intended to begin right-of-way acquisition for Segment A of the project during the 2013 calendar year with bids let and construction planned during the 2015 calendar year; and

WHEREAS, The North Carolina Department of Transportation has intended to begin right-of-way acquisition for Segment B of the project during the 2014 calendar year with bids let and construction planned during the 2016 calendar year; and

WHEREAS, The project is now under review by the Department of Transportation for future funding.

NOW, THEREFORE, BE IT RESOLVED BY THE CATAWBA COUNTY BOARD OF COMMISSINERS, that The County supports the completion of U.S. Highway 16, North, in Catawba County and seeks the support of the North Carolina Department of Transportation to maintain funding for the timely completion of the project in accordance with the existing plans and specifications.

Adopted this the ___ day of _____, 2013

b. Budget Transfers: Pursuant to Board authority granted to the County Manager, the following budget transfer has been completed:

| | | |
|--------------------|----------------------------------------|---------|
| Contingency | | |
| 110-190100-994000 | Contingency | \$4,000 |
| 110-420050-849004 | NC League of Municipalities Conference | \$4,000 |

9/4/13 – Transfer from contingency needed to cover County support/sponsorship of N. C. League of Municipalities Conference hosted by the City of Hickory in October 2013

10. Attorney's Report: None.
11. Manager's Report: None.
12. Adjournment. Vice-Chair Beatty made a motion to adjourn at 10:07 a.m.

Katherine W. Barnes, Chair
Catawba County Board of Commissioners

Barbara E. Morris
County Clerk