

Catawba County Board of Commissioners
Regular Session, Tuesday, September 15, 2008, 9:30 a.m.

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The Catawba County Board of Commissioners met in regular session on Monday, September 15, 2008 at 7:00 p.m. in the 1924 Courthouse, Robert E. Hibbitts Meeting Room, 30 North College Avenue, Newton, North Carolina.

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

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

1. Chair Katherine W. Barnes called the meeting to order at 7:00 p.m.
2. Chair Barnes led the Pledge of Allegiance to the Flag.
3. Vice-Chair Lynn Lail offered the invocation.
4. Commissioner Glenn Barger made a motion to approve the minutes of the Regular Meeting of Tuesday, September 2, 2008. The motion carried unanimously.
5. Recognition of Special Guests: Chair Barnes welcomed everyone present and specifically Cass Ballenger and Jerry McCombs. Chair Barnes also reminded those present that Commissioners Dan Hunsucker and Barbara Beatty were candidates in the upcoming election.
6. Presentations:

a. All the Commissioners came forward to present the County's highest award, the Catawba County Spirit Award, to Cass Ballenger for his leadership and public service to the county. Mr. Ballenger served as a United States Congressman, both a North Carolina State Representative and Senator and a Catawba County Commissioner. Among his many accomplishments, Cass Ballenger worked tirelessly to ensure the success of The No Child Left Behind legislation and has made accountability and flexibility in our school systems a lifelong priority and as Chair of the Western Hemisphere Subcommittee of the House International Relations Committee promoted political stability in Latin America.

b. Commissioner Dan Hunsucker presented Mark Petitt, Fire/Rescue Manager, with a proclamation declaring the week of October 5-11, 2008 as Fire Prevention Week in Catawba County and urging all the citizens of Catawba County and people throughout the state of North Carolina to protect their homes and families by heeding the important safety messages of Fire Prevention Week 2008, and to support the many public safety activities and efforts of North Carolina's fire and emergency services agencies.

c. Commissioner Barbara Beatty presented Kelly Groves, North Carolina Cooperative Extension Agent, with a proclamation declaring September 20-October 4, 2008 as fall Litter Sweep in Catawba County to encourage local governments and communities, civic and professional groups, businesses, churches, schools, families and individuals to participate in the cleanup of roadsides and common areas such as parks and lake shores.

7. Comments for Items not on the Agenda. None. (This was done out of order after the presentations.)

8. Public Hearing:

Chris Timberlake, Planner, presented a request for the Board to conduct a public hearing and approve a request by Ronald L. Fulbright for the rezoning of 6.9 acres of land from R-20 Residential to GI General Industrial. The property is located at 3250 Plateau Road in the Mountain View Small Area Planning District. The property to be rezoned is currently split zoned GI General Industrial and R-20 Residential. The split zoning was created when the 6.9 acres (R-20 Residential) was purchased and recombined with the existing 35.8 acres (GI General Industrial). The 6.9 acre portion is vacant. There is an existing saw mill operation and a single family home (legally nonconforming) on the GI portion of the property. Surrounding properties to the north, south, east and west are zoned R-20 and R-40 residential and are occupied by single family homes or are vacant and used for agricultural purposes with two properties to the west split zoned LI Light Industrial and RC Rural Commercial and occupied by Southland Furniture Company and Light Industrial and occupied by Propst Crossroad Volunteer Fire Department.

The Catawba County UDO section 44-421, GI General Industrial District states, "...this district provides areas for intensive manufacturing, processing, and assembly uses. The district promotes the County's policies to promote economic development opportunities. The uses permitted in this district may be very intensive, with their impacts controlled by performance or design standards". Generally the R-20 Residential District is considered a medium-density residential and agricultural district. Permitted uses in the R-20 Residential District consist predominately of site-built homes and agricultural uses.

The property is 6.9 acres in size. The current R-20 Residential District would permit for a maximum of 2 dwelling units per acre, which would theoretically calculate into eight 15 dwelling units. The GI General Industrial District, which was requested and approved, will permit a maximum floor area ratio of 1:2.5, or one square foot of building floor space per 2.5 square feet of land area. The allowed floor area will be 120,225 square feet. The property owner has indicated that he would like to expand a portion of the existing saw mill's operations to the 6.9 acres. A general rezoning to GI General Industrial will not limit the applicant to such uses. However, any proposed structures to be placed on the 6.9 acre property will be reviewed through the commercial site plan review process and proper standards such as screening and setbacks will be evaluated.

Public water is available and located along Plateau Rd., but public sewer is currently unavailable. Plateau Road is considered a two-lane minor collector road. According to the 2007 NCDOT traffic count maps, there are 4,800 average daily vehicle trips along this portion of Plateau Rd. The Catawba County Thoroughfare Plan indicates that the road design can accommodate 13,300 vehicles per day and recommends minor widening of Plateau Rd. for safety reasons once funds are available.

The Mountain View Small Area Plan, adopted on October 21, 2002, serves as the current land use plan for this area. The subject property is in an area recommended to remain residential. The property is adjacent to the neighborhood commercial center depicted at the intersections of NC Hwy 10, NC Hwy 127, and Plateau Rd. Because the request was for a general industrial use district, staff considered this request to be inconsistent with the adopted land use plan. However, because of the location of the 6.9 acres in relationship to the existing GI General Industrial property, its close proximity to LI Light Industrial properties and nearby uses (furniture factory, farm supply, saw mill, fire department), staff considered the request reasonable and in context with the surrounding uses.

The Planning Board held a public hearing on August 25, 2008. There were no questions for the applicant. No one spoke for or against the request. It was noted that only with new State regulations is the Board required to make a consistency statement in reference to adopted plans (in this case small area plans). Furthermore, while this request was inconsistent with the Mountain View Small Area Plan, generally in the past, extensions to zoning districts were approved to allow businesses to expand. The Planning Board recommended the adoption of a statement affirming the inconsistency of the rezoning request with the Mountain View Small Area Plan, and the rezoning of the property from R-20 Residential to GI General Industrial based upon: the relationship of the 6.9 acres to the existing 35.8 acres of GI General Industrial property; the purpose of the GI General Industrial district and the requirement that all general industrial properties be screened from less intensively used properties, and the close proximity of existing LI Light Industrial properties.

No one came forward at this public hearing to speak for or against the rezoning request and the Board of Commissioners approved the rezoning.

Commissioner Barger made a motion to approve this rezoning request. The motion carried unanimously. The following ordinance and consistency statement apply:

Ordinance No. 2008-_____

AMENDMENT TO THE CATAWBA COUNTY ZONING MAP

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS, that the Catawba County Official Zoning Atlas is hereby amended by rezoning the following described property from R-20 Residential to GI General Industrial.

Approximately 6.9 acres located at 3250 Plateau Road in the Mountain View Small Area Planning District, Jacobs Fork Township, and further identified as a portion of Parcel Identification Number 2698-02-59-1519.

PLAN CONSISTENCY STATEMENT:

Pursuant to NCGS 153A-341, and upon consideration of the recommendations and guiding principles of the Sherrills Ford Small Area Plan, the Catawba County Board of Commissioners finds the rezoning request to be consistent with the Sherrills Ford Small Area Plan.

This, the 15st day of September 2008.

ZONING MAP AMENDMENT CONSISTENCY STATEMENT

On September 15, 2008, the Catawba County Board of Commissioners conducted a Public Hearing for the purpose of considering a zoning map amendment at the request of Ronald L. Fulbright (Case #RZ2008-7).

Upon considering the matter, the Catawba County Board of Commissioners finds the item to be inconsistent with the Mountain View Small Area Plan, but reasonable for consideration based upon:

- (a) The relationship of the 6.9 acres to the existing 35.8 acres of GI General Industrial property,
- (b) The purpose of the GI General Industrial district and the requirement that all general industrial properties be screened from less intensively used properties, and
- (c) The close proximity of existing LI Light Industrial properties.

The Catawba County Board of Commissioners therefore approves the zoning map amendment. This approval was affirmed by a vote of 5 - 0 of the Catawba County Board of Commissioners.

9. Appointments.

Vice-Chair Lail recommended that the Western Piedmont Council of Governments appoint Carolyn Thompson for an unexpired term on the WPCOG Aging Advisory Committee. Upon WPCOG's appointment, Ms. Thompson will replace Mary Jo Williams in the General Public category on this Committee and her term will expire June 30, 2009.

This recommendation came in the form of a motion. The motion carried unanimously.

10. Consent Agenda:

County Manager J. Thomas Lundy presented the following two items on the consent agenda:

a. A request to amend the 2008-09 budget to appropriate \$35,140 for co-location cell towers services and establishing an expense account to disburse the funds. In 2007-08, \$35,140 was collected from cell tower vendors in application fees for tower co-locations. These funds were not required to be expensed because services were not provided during the fiscal year and invoiced. On June 30, 2008, the \$35,140 fell to the General Fund/Fund Balance account. This request was made to appropriate these funds to pay the consultant fees for four cell tower co-locations that are still active and will have expenses during this fiscal year as part of the approval process. Catawba County has been collecting funds for cell tower co-locations since 2003. Originally, Finance created an escrow account to deposit the funds, pay the consultant and return excess funds to the applicant. Effective December 1, 2007, the State General Assembly passed legislation that prohibits the use of an escrow account for cell tower construction or co-locations. As a result of that, a revenue account was established to collect a consolidated sum to cover the County's application fee and consultant costs associated with the review process. It is necessary to create an appropriation line item to expense the funds as they are invoiced.

b. A request to approve two tax refund requests totaling \$114.14. Records have been checked and the refunds verified, so the Tax Collector recommends it be approved. Under North Carolina General Statute 105-381, a taxpayer who has paid his or her taxes may request a refund (in writing) for the amount paid in error.

Chair Barnes asked if any Commissioner wished for an item or items to be removed from the consent agenda and considered individually. None were requested. Commissioner Beatty made a motion to approve the consent agenda. The motion carried unanimously.

11. Departmental Reports:

Emergency Services:

David Weldon, Emergency Services Director, presented a request for a supplemental appropriation in the amount of \$242,174 for the purchase of a Neonatal Ambulance for the joint Catawba County Emergency Medical Services and Catawba Valley Medical Center Neonatal Program. Catawba County Emergency Medical Services (EMS) and Catawba Valley Medical Center entered a joint venture to provide a neonatal transport program on January 11, 2006. Currently, this program generates \$36,000.00 in annual revenue for EMS. In return EMS provides Catawba Valley Medical Center with a spare ambulance to use as a neonatal unit and the County provides a driver for the unit. In FY-07 Catawba Valley Medical Center's Neonatal unit conducted a total of 78 transports. In addition, Catawba County Emergency Medical Services and Frye Regional Medical Center have a

similar agreement that has been in place since February 7, 1995 that also generates \$36,000 annually. In FY-07 Frye Regional Medical Center's Neonatal unit conducted a total of 13 transports. Both programs were designed to bring critically ill neonatal patient to their respective hospital's Level III Neonatal Nursery. Catawba County citizens directly benefit from both hospitals having Level III Nurseries.

Due to the volume of transports and the level of care that Catawba Valley Medical Center is providing, there is a need to replace the current neonatal ambulance. Catawba Valley Medical Center has agreed to reimburse Catawba County the full purchase price of the ambulance. The proposed ambulance has been specifically designed to accommodate Neonatal transports and the specialty equipment that Catawba Valley Medical Center utilizes. The ambulance will be purchased by Catawba County utilizing specifications agreed on by both parties. Catawba Valley Medical Center's neonatal transport program is the only program in the State of North Carolina that offers nitric oxide therapy and high frequency jet ventilation during each transport. Nitric Oxide is an inhalation gas that helps the blood flow to the lungs in babies that have pulmonary hypertension. It dilates the pulmonary vessels so more blood flows to the lungs and helps improve the oxygen level in the bloodstream. High frequency jet ventilation is used on babies that are critical and don't have good lung function. It provides an advanced mode of ventilation that is capable of providing effective ventilation to infants with very stiff lungs. Wake Forest Baptist Medical Center can provide one or the other, but not both simultaneously. Carolina's Medical Center can provide nitric oxide therapy, but not high frequency jet ventilation.

The current ambulance used by Catawba County Medical Center for neonatal transports was an EMS spare unit retrofitted to serve as a neonatal unit. Due to the size of the equipment required to provide nitric oxide therapy and high frequency jet ventilation there is very limited working space inside the patient compartment. The current unit will not accommodate a mother and the newborn. This creates treatment issues and commits more than one ambulance. In addition, this unit has in excess of 106,000 miles. The proposed unit will provide the extra space needed for the nitric oxide therapy and high frequency jet ventilation as well as provide a mechanism to transport the mother along with the newborn.

A contractual arrangement has been developed that requires Catawba Valley Medical Center to pay the entire purchase price of the ambulance over a period of eight years. In addition, should the hospital decide to terminate the agreement prior to the end of the eight years, they will be required to buy out the remaining years of the contract. Thus the County will retain ownership of the ambulance and the hospital will reimburse the County the purchase price of the ambulance either over the eight year agreement or in a lump sum payment. In addition to the payment associated with the new ambulance the agreement requires that Catawba Valley Medical Center continue to pay monthly service fee for the provision of this service (\$36,000 annually). The costs associated with the ambulance purchase are: 2009 Wheeled Coach Class I, Type I Medium Duty Ambulance \$237,174; 60 Month/150,000 Miles Extended Warranty \$4,000; Road Use Tax \$ 1,000 – Totaling: \$242,174.

Commissioner Hunsucker made a motion to approve the supplemental appropriation. The motion carried unanimously. The following appropriation applies:

| | | |
|-------------------|---------------------------|-----------|
| <i>Revenue:</i> | | |
| 110-190050-690100 | Fund Balance Appropriated | \$242,174 |
| <i>Expense:</i> | | |
| 110-260150-984000 | Motor Vehicles | \$242,174 |

12. Other Items of Business: None
13. Attorneys' Report. None
14. Manager's Report. County Manager J. Thomas Lundy requested the Board consider moving into closed session pursuant to General Statute 14-318.11(a)(3) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney

and the public body. He did not anticipate any action upon returning to open session. Commissioner Hunsucker made a motion to move into closed session. The motion carried unanimously. The Board moved into closed session at 7:46 p.m.

15. Adjournment: The Board returned to open session with no additional action. Vice-Chair Lail made a motion to adjourn the meeting at 8:02 p.m. The motion carried unanimously.

Katherine W. Barnes, Chair
Board of Commissioners

Barbara E. Morris, County Clerk