

Regular Session, October 17, 2016, 7:00 p.m.  
Catawba County Board of Commissioners

**Appointments**

Parks Advisory Committee	67	10/17/16
Region E Development Corporation	67	10/17/16

**Attorney's Report**

Acquisition of Property	73	10/17/16
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**Budget**

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**Closed Session**

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**Public Hearing**

Grant Submission of Section 5310 Enhanced Mobility of Seniors and Individuals With Disabilities Program (Rural)	66	10/17/16
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**Social Services**

Grant Submission of Section 5310 Enhanced Mobility of Seniors and Individuals With Disabilities Program (Rural)	66	10/17/16
New Family Justice Center	68	10/17/16

**Tax**

Contract with Mark D. Bardill, P.C. to handle Mortgage-Style Foreclosures for Delinquent Real Property Taxes	67	10/17/16
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**Utilities and Engineering/Purchasing**

Jail Expansion Architect Design Services	67	10/17/16
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The Catawba County Board of Commissioners met in regular session on Monday, October 17, 2016, at 7:00 p.m., in the Robert E. Hibbitts Meeting Room of the 1924 Courthouse, 30 North College Avenue, Newton, North Carolina.

Present were Chair Randy Isenhower, Vice-Chair Barbara G. Beatty and Commissioners Katherine W. Barnes, Sherry E. Butler and Dan A. Hunsucker.

Also present were County Manager Mick Berry, Assistant County Managers Dewey Harris and Mary Furtado, County Attorney Debra Bechtel, Assistant County Attorney Jodi Stewart and County Clerk Barbara Morris.

1. Chair Randy Isenhower called the meeting to order at 7:00 p.m., noting a quorum was present.
2. Commissioner Katherine W. Barnes led the Pledge of Allegiance to the Flag.
3. Commissioner Sherry E. Butler offered the invocation.
4. Commissioner Barnes made a motion to approve the minutes from the Board's Special Joint Meeting with Hickory City Council of September 26, 2016 and the Regular Meeting and Closed Session of October 3, 2016. The motion carried unanimously.
5. Recognition of Special Guests: Chair Isenhower welcomed everyone present.
6. Public Comments. None.

7. Public Hearing:

Social Services Director John Eller presented a request for the Board to hold a public hearing to receive citizen comments and consider approval of the submission of a grant for the enhanced mobility of seniors and individuals with disabilities (Federal Section 5310) to the NC Department of Transportation. The goal of the Section 5310 program is to improve mobility for seniors and individuals with disabilities, by removing barriers to transportation services. Catawba County received a 5310 rural transportation grant in the amount of \$125,000 (federal, state and local funds) for a one-year grant ending June 30, 2017. The request for urban funds was submitted to the Greater Hickory Metropolitan Planning Organization in August 2016. The grant application for trips originating in rural areas must be submitted to NC Department of Transportation no later than November 4, 2016.

Catawba County will continue to contract with Western Piedmont Regional Transit Authority (WPRTA) to provide transportation funded by Section 5310. The funds will allow seniors and individuals with disabilities, to primarily attend the congregate nutrition program, have access to essential shopping, medical appointments, pharmacy, banking, and other essential services. Additionally, as funds allow, transportation will be provided for individuals to access education and employment opportunities, volunteer activities, senior centers, and Adult Day Care/Day Health programs when no other transportation is available.

A total of \$250,000 is being requested for trips originating in rural areas in FY 17/18. This is a significant increase over the \$125,000 traditionally requested and received. During FY 15/16 the County did not have enough rural 5310 funding to provide transportation for the entire fiscal year. Rural trips are significantly more expensive than urban trips, and the additional funding will help serve more seniors and individuals with disabilities. While there is a possibility of a 10% state match, the state match is not guaranteed at this time. If the state match is not available, the requirement for local match would be 20% or \$50,000. If the state match is available the local match requirement will be 10% or \$25,000. Social Services will provide the match utilizing current local funding allocated for senior transportation. There will be no increased cost to the County.

Approximately 10,000 one-way trips will be provided to an estimated 80-160 individuals for the period of the grant (July 1, 2017-June 30, 2018). Many of the seniors will utilize transportation for multiple purposes and a large percentage of the target population will utilize transportation daily. Providing transportation will allow older adults the opportunity and the choice to remain active and involved in the community.

Chair Isenhower opened the public hearing; no one came forward to speak and he closed the public hearing. He then asked while 10,000 one-way trips would be provided with these grant funds, how many were actually needed. Mr. Eller estimated approximately 30,000.

Commissioner Butler made a motion to authorize the submission of the grant, adopt the Public Transportation Program Resolution regarding this grant and authorize John Eller to submit the grant application. The motion carried unanimously. The following resolution applies:

## **PUBLIC TRANSPORTATION CONSOLIDATED CAPITAL CALL FOR PROJECTS PROGRAM RESOLUTION**

WHEREAS, Article 2B of Chapter 136 of the North Carolina General Statute and the Governor of North Carolina have designated the North Carolina Department of Transportation (NCDOT) as the agency responsible for administering federal and state public transportation funds; and

WHEREAS, the North Carolina Department of Transportation will apply for a grant from the US Department of Transportation, Federal Transit Administration and receives funds from the North Carolina General Assembly to provide assistance for public transportation projects; and

WHEREAS, NCDOT has been designated as the State agency with principle authority and responsibility for administering capital projects for small urbanized and rural areas; and

WHEREAS, (Legal Name of Applicant) Catawba County hereby assures and certifies that it will comply with the federal and state statutes, regulations, executive orders, and all small administrative requirements related to the applications made to and grants received from the Federal Transit Administration, as well as the provisions of Section 1001 of Title 18, U.S.C.

WHEREAS, (Legal Name of Applicant) Catawba County understands and agrees that capital project requests will be funded with 5310, 5311 (RTAP or ADTAP), 5339, state funds or a combination thereof. The applicant agrees they will adhere to the compliance of the grant used to fund the project.

NOW, THEREFORE, be it resolved that the (Authorized Official's Title)\* John Eller, Director, Catawba County Department of Social Services of (Name of Applicant's Governing Body) Catawba County Board of Commissioners is hereby authorized to submit a grant for federal and state funding, provide the required local match, make the necessary assurances and certifications and be empowered to enter into an agreement with the NCDOT to provide public transportation services.

I (Certifying Official's Name)\*Barbara Morris (Certifying Official's Title) County Clerk do hereby certify that the above is true and correct copy of an excerpt from the minutes of a meeting of the (Name of Applicant's Governing Board) Catawba County Board of Commissioners duly held on the 17th day of October, 2016.

8. Appointments.

Chair Isenhower recommended the appointment of Judge Nathan Poovey, Terry Holdsclaw and John McAuley for first terms and the reappointment of Paul Beatty, Jr. for a third term on the Parks Advisory Committee. These terms will expire October 6, 2019. Commissioner Barnes recommended the reappointment of County Manager Mick Berry for a fourth term and Ronnie Hainor for a second term on the Region E Development Corporation. These terms will expire September 30, 2019. These recommendations came in the form of a motion which carried unanimously.

9. Consent Agenda:

County Manager Mick Berry presented the following two items on the consent agenda:

a. A request for the Board to approve a contract with Mark D. Bardill, P.C. for mortgage style foreclosure actions on delinquent real property taxes. As of September 1, 2016, there were 4,150 residential real property parcels with \$3,942,613 in delinquent taxes owed. In addition, there were 519 commercial real property parcels with \$1,723,315 in delinquent taxes owed. This totals 4,669 parcels with \$5,665,928 in delinquent taxes. Of the 4,669 parcels, 1,847 are in municipalities. These figures represent delinquencies from the past 10 years (from 2006 through 2015), which is the authorized statutory time frame for the collection of delinquent taxes.

The County utilized in-house Legal staff to perform in-rem style foreclosures. This type of foreclosure is less desirable/marketable to the public due to an inability to acquire title insurance for the properties, which drastically reduces potentially interested individuals from bidding, impairs resale value, and may suppress sale prices of these properties. In addition, due to demands of many county departments and the time-intensive nature of processing foreclosures, in-house attorneys have not been able to process more than about a dozen cases per year. This has resulted in a growing backlog of delinquent real property taxes.

After staff review of outside legal firms regarding the alternative mortgage-style foreclosure process, Mark D. Bardill's firm, Zacchaeus Legal Services, stood out as the most qualified, based on the following: dedication to performing only one task: mortgage style foreclosures; more than 30 years of experience in tax foreclosures; currently represents 20 counties and 9 municipalities from across the state; has developed and refined customized reporting to lend transparency to client on the status of tax foreclosure proceedings; as experienced in-house staff dedicated to foreclosures, and provides county staff training to ensure an efficient and smooth process. Based on Mr. Bardill's ability to handle a larger volume of delinquent properties, the positive improvement on County tax collection rates has been documented among his clients. As the County's backlog of 4,669 delinquent parcels is addressed, an improvement in the County's 2015/2016 collection rate of 98.02%, as well as prior and future year collection rates, are realistic goals.

b. A request for the Board to approve a contract for additional services from O'Brien Atkins for the design of the Jail Expansion Project in the amount of \$203,010. On June 20, 2016, the Catawba County Board of Commissioners approved the award of the architectural services contract to O'Brien Atkins for the design of the Jail Expansion Project. The Board approved the O'Brien/Atkins fee of 7.6% based on a \$17,000,000 cost estimate for the basic design of the 256 bed expansion. Staff indicated at that time that additional services were not included in that base fee cost estimate. Staff negotiated a price for the additional services in the

amount of \$203,010.00, including: Programming, Electronic Security Engineering, Food/Laundry Service Design, Door Hardware Detention Equipment, Signage and Cost Consulting.

Chair Isenhower asked if any Commissioner wished for an item to be broken out of the consent agenda for individual discussion and consideration; none was requested. Commissioner Dan Hunsucker made a motion to approve the consent agenda. The motion carried unanimously.

10. Departmental Reports.

A. Social Services.

Social Services Director John Eller presented a request for the Board to approve the submission of an application for a Governor's Crime Commission Grant to create a new Family Justice Center. Recently, emergency meetings were convened by United Way and Catawba County Social Services regarding the sudden closing of the Rape Crisis Center, leaving adult victims of sexual assault void of vital services in our county. Service loss included court advocacy, a 24-hour crisis line for information and referral, hospital accompaniment, therapy, and support groups. The Family Guidance Center and the Children's Advocacy and Protection Center (CAPC) both stepped up to help fill the void and provide services to adult victims of sexual assault until a more permanent solution is found. The Family Guidance Center will provide court advocacy and respond to crisis line calls. The CAPC will provide hospital accompaniment and support groups. These are short term solutions that cannot be sustained.

The Family Justice Center (FJC) model would provide a long term solution for all victims of violence in our community. Family violence is an extremely complex issue which manifests itself in varying dynamics within families – from intimate partner violence to child abuse, from teen dating violence to elder abuse, from sexual assault to emotional and psychological abuse. Many times violence that begins within the family unit carries over beyond familial relationships in the form of youth, gang, school, and community violence. Therefore, a comprehensive approach to preventing and intervening with family violence is essential. The concept co-locates various providers' intake services to "triage" and benefit victims of family violence from going to multiple sites thus avoiding them experiencing the unnecessary trauma of telling their account of violence multiple times. The FJC uses a "safe place" model where the victim is invited to a safe, comfortable room and representatives from the agencies come to the victim to develop a coordinated community response. Some of these services include: a place where law enforcement and prosecutors can meet with victims; nurses can consult with victims (for diagnostic, treatment and forensic purposes); victim advocate services from service provider agencies; therapy (individual and group); social services protective services; substance abuse services; information and referral to appropriate services; and emergency housing/shelter when homelessness is present due to domestic violence or abuse.

FJCs have been implemented in several counties across the state through a grant provided by the Governor's Crime Commission (GCC). FJCs reflect a single entry point for a continuum of care and facilitate the coordination of a community response between victim service agencies, local law enforcement, social services, and non-profits to improve the level of service for families experiencing domestic violence, child abuse, sexual assault, and elder abuse. FJC's are formed through and coordinated by existing community-based service agencies with financial and policy-based support and leadership from local law enforcement agencies, county government, and a diverse team of service providers. The core principal is community-based leadership and strong partnerships between public and private agencies (District Attorney, Judges, Sheriff and Police Chiefs, Social Services, and provider agencies). Catawba County has demonstrated the ability to bring public and private agencies together using the Multidisciplinary Team Model (MDT) at the CAPC to provide victim services to children who have experienced sexual and physical abuse. All of these entities are supportive of the FJC concept. Some communities have not been able to achieve this model, so our community is "ready" from that perspective.

Under the CGG grant, Catawba County would have to agree to be the "sponsor." What this means is that the county would have to be the fiscal agent, develop Contracts or Memorandums of Understanding (MOU's) with partner agencies, and distribute grant funds received to each agency as specified in the MOU's. A "coordinator" must be designated. Because of the work already being done at the CAPC which positions Catawba County well, the CAPC Director would also serve in this role (and is already doing much of it now). The County has done this kind of activity in the past for other services including JCPC. The County would need to provide shared space to "triage" services which need to be on the same campus as the Justice

Center in Newton. This will require 5-7 office-like spaces, one or two of which would need to be a larger room for groups/meetings and a therapeutic room for victims. Options meeting this space requirement are available within the Justice Center, or elsewhere on the Government Center campus.

The GCC grant would help up fit the shared space with office equipment, technology, and administrative dollars for staff. This grant would last two years, and all equipment and staffing would then become the responsibility of the provider agencies to sustain after the grant ends. This would be outlined in their MOU's. The Counties that have successfully rolled out the FJC model utilized the GCC grant to fund the center with the expectation that the provider agencies would sustain it. Under this MOU, the County's only long term role was to continue to provide the shared space.

Staff is hopeful about Catawba County's ability to receive the GCC grant due to our former Sheriff, David Huffman, being the Executive Director, and former Hickory Police Chief and CAPC Board member, Tom Adkins being on the NC GCC Board. There is strong support from Judges, the District Attorney, law enforcement leaders, Social Services, and the community for this model. Should the County receive the grant, the FJC will not only provide a more supportive experience for victims, but will also increase efficiency in service provision, increase prosecution of offenders, and would be a deterrent for crime.

Commissioners inquired where this might be located and Mr. Eller indicated it should be on the Justice Center/Government Center campus in an uninhabited building or in either of the Centers – the requirement would be just 5-7 offices. He was unsure if an additional bailiff would be needed and confirmed there would be security measures such as background checks before people would enter the Family Justice Center. Commissioner Butler made a motion to approve the submission of this grant application. The motion carried unanimously.

**B. Tax.**

Tax Collector Lori Mathes requested Board approval of the Fiscal Report and Settlement of 2015 taxes for Fiscal Year July 1, 2015 to June 30, 2016. As required by North Carolina General Statutes 105-352, and 105-373, the Tax Collector is required to make an annual settlement for all taxes in the hands of the Tax Collector for collection. Ms. Mathes reported that 98.01% or \$88,282,176, of the \$90,073,401 Tax Year 2015 levy had been collected as of June 30, 2016 and as of the date of the October 17, 2016 Board Meeting, 98.39% had been collected. Vice-Chair Beatty made a motion to accept and approve this report. The motion carried unanimously. The following applies:

**FISCAL YEAR JULY 1, 2015 TO JUNE 30, 2016**

**CATAWBA COUNTY 2015 TAX YEAR**

**REAL ESTATE / PERSONAL PROPERTY TAXES – COUNTY AND FIRE DISTRICTS**

ADJUSTED LEVY as of 6/30/2016	-----	90,073,401
BALANCE OF A/R as of 6/30/2016	-----	1,791,225
COLLECTIONS as of 6/30/2016	-----	88,282,176
PERCENTAGE COLLECTED AS OF 6/30/2016	-----	98.01%

**COLLECTIONS FROM OTHER SOURCES**

**Real and Personal Property Taxes**

Collected 2015 --- County and Fire Districts	88,282,175.67
Prior Years 1999-2014 Principal – County & Fire	1,754,155.12
Interest -----2015 and Prior Years	526,392.42

**Vehicle Tax**

Collected 2015---County and Fire Districts <i>County Collections</i>	2,286.53
Collected 2015---County and Fire Districts <i>State Collections</i>	8,023,085.04
Prior Years    1999-2014 – County and Fire Districts	60,058.86
Interest on Vehicle Tax – 2015 and Prior Years	86,147.74
Prepaid Tax Distribution on 2016 County Tax (REPP)	101,481.05
Prepaid Tax Distribution on 2016 County Tax (RMV)	561.99
NSF Check Charges	4,143.48
Garnishment & Attachment Fees	31,891.34
Privilege Licenses	8,780.00
Gross Receipts Tax (Tax on Rental Vehicles)	110,551.79
Gross Receipts Tax (Tax on Heavy Equipment)	19,440.47
Fees for Deed and Map Copies	2,471.70
Foreclosure & Legal Fees	6,128.30

**Municipal Collection Charges for Motor Vehicles**

Cities Fees of 1 1/2% on Auto Tax Collected	639.45
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**MUNICIPAL COLLECTION CHARGES**

Brookford	322 bills	4.00	1,288.00
Catawba	633 bills	4.00	2,532.00
Claremont	1,150 bills	4.00	4,600.00
Conover	5,274 bills	4.00	21,096.00
Hickory	21,512 bills	4.00	86,048.00
Longview	2,562 bills	4.00	10,248.00
Maiden	2,297 bills	4.00	9,188.00
Newton	<u>7,173 bills</u>	4.00	<u>28,692.00</u>
<b>Total</b>	<b>40923 bills</b>	<b>4.00</b>	<b>163,692.00</b>

## 2015 COLLECTIONS INFORMATION BY CITY AND TOWN Real Estate and Personal Property

	LEVY	COLLECTED	OUTSTANDING BALANCE	PERCENT
LE				
BROOKFORD	85,588	78,968	6,620	92.27%
CATAWBA	282,792	255,903	26,889	90.49%
CLAREMONT	1,698,975	1,692,985	5,990	99.65%
CONOVER	4,527,243	4,440,317	86,927	98.08%
HICKORY	22,899,422	22,490,290	409,132	98.21%
LONGVIEW	881,751	845,815	35,936	95.92%
MAIDEN	5,563,809	5,539,685	24,124	99.57%
NEWTON	4,927,912	4,799,652	128,260	97.40%

### Vehicle Collections

	PRINCIPAL	INTEREST	TOTAL
CONOVER	43	0	43
HICKORY	413	0	413
HICKORY CITY TAG FEES	35	0	35
NEWTON	79	0	79

### STATUS OF COLLECTION PERCENTAGE AS OF June 30, 2016

**Fiscal year 07/01/2014 thru 06/30/2015**

**Tax Year 2014**

Adjusted Levy

Collections

Outstanding Balance (Real Estate & Personal Property)

Percentage Collected

## **Fiscal year 07/01/2013 thru 06/30/2014**

### **Tax Year 2013**

Adjusted Levy

Collections

Outstanding Balance (Real Estate & Personal Property)

Percentage Collected

As of 6/30/2016 99.23 % of the 2012 levy was collected

As of 6/30/2016 99.41 % of the 2011 levy was collected

As of 6/30/2016 99.51 % of the 2010 levy was collected

11. Other Items of Business: None.

12. Manager's Report.

County Manager Berry reported budget transfers completed pursuant to Board authority granted to the County Manager. Funds were transferred from Special Contingency in Self-Insurance and County Manager Contingency to allow the Utilities and Engineering Department to replace a vehicle involved in a no-fault accident. The following applies:

#### **County Manager Contingency Transfers:**

##### ***Transfer of Appropriations:***

###### ***From:***

115-150120-994200	Special Contingency	\$6,253.51
115-150120-691500	Special Contingency	\$6,253.51
110-190100-994000	Contingency	\$17,367.44

###### ***To:***

115-150120-995110	To General Fund	\$6,253.51
115-150120-691500	Insurance Settlements	\$6,253.51



110-430100-984000	Motor Vehicles	\$17,367.44
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**Supplemental Appropriation:**

*Appropriation:*

110-430100-984000	Motor Vehicles	\$6,253.51
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*Revenue:*

110-430100-695115	From Self Insurance Fund	\$6,253.51
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9/30/16 – A transfer from Special Contingency in Self-Insurance (\$6,253.51) and County Manager contingency \$17,367.44) was approved to allow Utilities & Engineering to replace a vehicle involved in a no-fault accident. Total cost of vehicle replacement including bed cover, liner, side steps; seat covers; and 3% road use tax was \$28,303.95. The County received an insurance settlement of \$6,253.51 for the vehicle. Utilities & Engineering had \$4,683 remaining in its Motor Vehicles account due to better pricing than anticipated for Building Services vehicles purchased earlier this year. The remaining \$17,367.44 was transferred from County Manager Contingency to complete the purchase.

13. Attorneys Report.

a. County Attorney Debra Bechtel requested the Board approve the purchase by the County and appropriation of funds for approximately 32 acres of property located on Rob Heavner Farm Road. Commissioner Barnes made a motion to approve this purchase and appropriation of funds. The motion carried unanimously. The following appropriation applies:

Revenue:

525-350050-690100	\$485,000.00
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Fund Balance Applied

Expenditure

525-350150-856900	\$5,000.00
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Other Professional Services

525-350150-987000	\$480,000.00
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Purchase of Property

b. Attorney Bechtel requested the Board moving into Closed Session pursuant to North Carolina General Statute 143-318.11(a)(3) and (4) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege and to discuss matters relating to the location or expansion of industries or other businesses incentives that may be offered by the public body in negotiations. She did not anticipate any action to be taken when the Board returned to Open Session. Commissioner Hunsucker made a motion to move into closed session pursuant to above referenced statute. The motion carried unanimously. The Board moved into Closed Session at 7:32 p.m.

14. The Board returned to open session; no action was taken. Commissioner Hunsucker made a motion to adjourn at 7:43 p.m. The motion carried unanimously.

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Randy Isenhower, Chair  
Catawba County Board of Commissioners

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Barbara E. Morris  
County Clerk