

Minutes  
Catawba County Board of Commissioners  
Regular Session, Monday, October 3, 2004, 9:30 a.m.

**Appointments**

Alcoholic Beverage Control Board	698	10/03/04
Criminal Justice Partnership Advisory Board	698	10/03/04
Juvenile Crime Prevention Council	698	10/03/04
Local Emergency Planning Committee	698	10/03/04
Map Officer of City of Conover	700	10/03/04
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**Budget Revisions**

Mental Health Budget	699	10/03/04
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**Finance**

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**Fire Marshal**

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**Junk Vehicle Ordinance**

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**Meetings, Board of Commissioners**

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**Sign Ordinance**

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**Solid Waste Management**

Update on Enforcement Efforts	694	10/03/04
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**Tax**

Property Tax Refund	701	10/03/04
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**Transportation**

Public Hearing for Proposed Fare and Route Changes for Piedmont Wagon Transit System	690	10/03/04
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The Catawba County Board of Commissioners met in regular session on Monday, October 4, 2004, 9:30 a.m., at the 1924 Courthouse, Robert E. Hibbits Meeting Room, 30 North College Avenue, Newton, North Carolina.

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

A quorum was present.

Also present were County Manager J. Thomas Lundy, Assistant County Manager Joellen J. Daley, County Attorney Robert Oren Eades, Staff Attorney Tammera Hill and County Clerk Barbara E. Morris.

1. Chair Barnes called the meeting to order at 9:30 a.m.
2. Chair Barnes led the Pledge of Allegiance to the Flag.
3. The Invocation was offered by Commission Lail.
4. Commissioner Barger made a motion to approve the minutes from the regular session of Monday, September 20, 2004. The motion carried unanimously.
5. Chair Barnes recognized Barbara E. Morris in her new position of County Clerk and wished her well in her duties.
6. Public Comment for items not on the agenda. None.
7. Public Hearings:
  - a. Continuation of Public Hearing for Piedmont Wagon Transit System (PWTS)

Cynthia McGinnis, Transit Manager of the Piedmont Wagon Transit System (PWTS) thanked the Board for hearing this information again after the continuation of this matter from the September 20, 2004 meeting. Ms. McGinnis stated that it had been some time since any changes had been made to the existing routes and fares and, since the proposed changes were significant, it was important that public comment be solicited. She stated that any changes ultimately decided upon would be effective January 2005. Public comment would be accepted through the end of October and changes would be approved by the Piedmont Wagon Managers Consortium in early November and the City of Hickory would also be asked to approve the proposed changes as the lead operating entity.

She stated that the goals of modifying the fee structure were to:

1. Provide a simple, equitable fare structure that rewards the frequent rider;
2. Simplify the current ticket program and reduce the use of unauthorized or

- fraudulent tickets;
3. Produce and pre-sell tickets in order to improve accountability; and
  4. Introduce a reduced fare for disabled or elderly persons (a photo id card would be issued for program eligibility).

Fare changes were proposed as follows:

Current	Proposed
Adult fare \$.75	Adult fare \$.75
\$6.75/10 tickets	\$3 one day bus pass
	\$7.50/10 tickets
Student fare \$.45 (18 yrs)	Eliminate student fare and tickets
Tickets \$4.05/10 tickets	
Elderly/Disabled \$.35	PW photo id card - \$3
No id card	No charge until March 2005
\$3.15/10 tickets	No change to tickets
Paratransit Van \$.75	Paratransit Van \$1.00
\$6.75/10 tickets	\$10.00/10 tickets
Children under 5 free	Max 2 children per adult

One of the most significant changes in the plan is the transfer. Currently, passengers paying a fare for one route can transfer to another bus to complete their trip free of charge. Under the new proposal, transfers would be eliminated and passengers needing to transfer to another bus would pay the full fare boarding each bus. The \$3 one day bus pass would help frequent riders.

Proposed service modifications would:

1. Provide service to highly requested areas
2. Eliminate service to non-productive areas
3. Make routes easier to understand
4. Reduce transfers; more direct service
5. Rename routes to reflect service areas.

Proposed service modifications include eliminating mall shuttles, improving work runs, and would define a trip as “a passenger may travel to the point where he/she boarded the bus on one fare; once a passenger passes the point where he/she boarded, the passenger must exit the bus or pay another fare.”

Proposed routes would include:

1. #10 Viewmont/Malls – From Union Square turn right on 3<sup>rd</sup> St, right on 2<sup>nd</sup> Ave, left on 2<sup>nd</sup> St, to 5<sup>th</sup> Ave NW turn right to 127/2<sup>nd</sup> St. Travel 127 turn right on 26<sup>th</sup> Ave NE and turn left back to 127, reverse route to return to Union Square via 2<sup>nd</sup> St. From Union Square the bus travels Center St to US70W to Hickory Corners (Food Lion); reverse route back to Union Square.
2. #12 West Hickory/Springs Road – Routes serves current Red Route, at Union Square turn left on 3<sup>rd</sup> St, left on Government Ave, left on 2<sup>nd</sup> St back to Main/8<sup>th</sup> St to 12<sup>th</sup> Ave left to 12<sup>th</sup> Ave NE to 5<sup>th</sup> St NE, go right to 21<sup>st</sup> St NE, go right on Sandy Ridge Rd continue on Springs Road to 20<sup>th</sup> St NE to 9<sup>th</sup> Ave to Union Square.
3. #14 Tate Blvd/Canova – From Union Square take Main St turn left on 4<sup>th</sup> St SW, turn left at 2<sup>nd</sup> Ave SW continue to Tate Blvd. Turn left on 18<sup>th</sup> St SE circle by service road, back left to Tate, turn right at Fairgrove Church Rd, serves CVMC, turn back left to Fairgrove turn right on 1<sup>st</sup> St SE to Canova Shopping Center; route reserves back to Union Square.
4. #16 Malls/Northwest Blvd – From Hickory Corners Food Lion cross Catawba Valley Blvd to Target service road, return to Catawba Valley Blvd turn left to Valley Hills service road to US 70, to CVCC main campus eastern entrance, exit the main entrance cross US 70 to Wal-Mart service road to CVCC East Campus to Sweetwater, turn left on 21<sup>st</sup> St Dr SE to DSS, exit CVMC right on Fairgrove Church Road, left on US70, right on Boundary St to BiLo service road, left on US321, right on US70 to Villa Park Shopping Center. Reverse route to Food Lion.
5. #18 – Newton/Conover – From Canova Center to Conover via 1<sup>st</sup> St services YMCA and Goodwill, travels to Rankin via 20<sup>th</sup> St E to East 1<sup>st</sup> St to N Caldwell to D St/NC16, serves Catawba County Justice Center, Downtown Newton, Main to Boundary to Villa Park Shopping Center, route reverses to Canova Center.

Ms. McGinnis concluded her presentation upon her description of the new routes.

Chair Barnes thanked Ms. McGinnis for her presentation.

Commissioner Barger clarified with Ms. McGinnis that there would probably be some adjustment in the proposed day pass. Based on feedback from passengers, they currently ride all day for \$1.50 with the use of transfers. The elimination of transfers and the proposed \$3.00 day pass would double their daily expense and increase their weekly costs from approximately \$7.50 to \$15.00. Ms. McGinnis praised the use of public hearings to get this type of feedback and make the necessary adjustments, thus not losing ridership. She anticipates the day pass might be adjusted to \$2.00 or \$2.50. Commissioner Beatty suggested keeping the fare a round number to eliminate the difficulty of the drivers making change. Ms. McGinnis stated this suggestion would be

taken into consideration.

Vice-Chair Hunsucker inquired as to the reasoning for the limit of two children per adult eligible for the free child's fare. He questioned what the fare would be for the third child and was advised that the regular adult fare would be charged. Ms. McGinnis stated the reasoning for this fare structuring is that two children take up one seat on the bus, and the addition of a third child would require the use of two seats and clarified it was a space issue.

Commissioner Beatty asked whether there was any data available regarding the number of riders on each route. Ms. McGinnis responded that this data was compiled by day and ridership has been consistent with increases in fair weather months but overall steady, almost stagnant. She stated that they had captured all the riders who need their services and unless changes are made increases in ridership would not occur. She stated she was confident that the proposed changes will increase ridership.

Ms. McGinnis reiterated that her presentation was an information item for the Board and while every public meeting Piedmont Wagon has does not come before each elected body, it had been some time since transit issues had come before the Board. With the significance of the proposed changes, she appreciated the opportunity to make this presentation.

Chair Barnes opened the floor for public comment.

Vivian Parker, 18<sup>th</sup> Place, Hickory – She has existing purchased tickets and wondered whether they would still be honored. Ms. McGinnis indicated that existing tickets would still be valid and there would be an allotted time to make use of these tickets.

Linda Gross, Director of Catawba County Workforce Development Center, Newton-Conover – She spoke in support of the proposed changes and stated her primary concern was the routes and stated the new routes were more inclusive of the public in general. Her main concern was the expansion of the existing Conover Route to Thornburg Drive which will allow access to the Shuford YMCA, Food Lion Shopping Center and the industrial park that houses the Catawba County Workforce Development Center. The Workforce Development Center Business Advisory Council has identified several short term training programs that will be offered in January 2005 (Certified Nursing Assistant, Customer Service, Forklift, Computer Skills and GED classes) with a goal of making people employable within the county. The graduates of these programs will be able to fill current, existing jobs in Catawba County. Ms. Gross stated that this new proposed route will allow unemployed/under-employed individuals who do not have cars due to financial reasons to participate in this training. In addition, many of the current participants in the Catawba County Workforce Development Center will benefit from these changes as the Piedmont Wagon services are more cost effective than those provided by the Center. She further stated that other participants in the Workforce programs who are mentally and physically disabled

have physician/counselor appointments on Tate Boulevard and that the new proposed route will allow them to go to their appointments and return to Center, thus not losing an entire day of training and/or pay.

Larry Pope, 129 3<sup>rd</sup> Ave SW, Hickory – Praised Ms. McGinnis’ efforts for Piedmont Wagon. He stated he was hopeful that once the public comment on this issue is gathered, concerns regarding the proposed changes will be presented to the consortium. His concern is the elimination of the transfers but believes that Ms. McGinnis’ recommendation on reducing the all day fare is a workable solution. His other concern is the limit of the number of children per adult eligible for the free fare. He stated this concerned him since most of the young mothers in this community who use the bus system are single parents and are unemployed, on welfare, on AFDC or in the Workfirst program and may have three or four children. The increase for these single, non-working parents may be a burden with this limit of two children per paying adult. He further stated the average income of the disabled, senior citizens and non-working people who use the bus system should be considered.

Roy Carr, 3137 Liberty Hill Church Road, Claremont – His concern was the limit of two children per paying adult. His worry was for the mothers who will not use the bus due to financial considerations.

Chair Barnes closed the public hearing and stated this was a non-action item for the Board of Commissioners. She stated that she hoped the feedback Ms. McGinnis received would be helpful and looked forward to hearing the results.

8. Presentation:

- a. Commissioner Beatty presented a Fire Prevention Week Proclamation for October 3-9, 2004 to David Pruitt, Fire Marshal and Kevin Yoder, Newton Fire Chief and Vice President of Catawba County Fire Fighters Association.

Commissioner Beatty expressed her appreciation for their efforts and encouraged all citizens to test their smoke alarms.

David Pruitt expressed his appreciation for the ongoing support of the fire service, Fire Marshal’s office and through the Fire Fighter’s Association. While the County had a number of fire fatalities in the last few months, none had been the direct result of lack of smoke detectors and he wanted to encourage their continued use.

Kevin Yoder thanked the Board for their continued support and recognition of their fire prevention efforts.

Chair Barnes thanked both gentlemen.

- b. Chair Barnes recognized attorney Tammera Hill and Mark Fowler, Code Enforcement Officer, for an update on the enforcement efforts for the Sign and Solid

Waste violations.

Ms. Hill began with the signs, pursuant to Ordinance Sections 44-946 et.seq. She stated the desire is to beautify the main corridors into the County and eliminate clutter. She indicated that they investigate complaints as they come in. They do not accept anonymous complaints. The staff also periodically canvases the County to find violations which are easy to identify such as signs on telephone poles or signs that don't belong in public rights-of-way.

Once a violation is identified, a letter is sent to the property owner or the owner of the sign, if that can be determined. The letter advises the owner is in violation of the ordinance and provides a time-certain to comply with the ordinance as well as the penalties for non-compliance. The owner may contact Mr. Fowler with any questions. Failure to comply with the ordinance results in a court action by the District Attorney in District Court seeking a Class III misdemeanor.

As to Solid Waste (Junk Vehicles), pursuant to Ordinance Sections 16-26 et.seq., Ms. Hill described their reactive and proactive efforts. Reactively they respond to complaints from the public, such as adjacent landowners or anyone who observes the vehicles. Again, anonymous complaints are not accepted. The proactive efforts are only in the major corridors of the County. Staff generated complaints are only accepted if the vehicle is visible from the road. This visibility cannot be from a "minor collector" road (i.e. at the end of a dead end street). This would not be enforced unless there was a complaint from a citizen. A letter is sent to the property owner with a time-certain to comply, a copy of the ordinance, the time and date of the observation of the vehicle, a photo of the junk vehicle, if available, and names of haulers who will come out and remove the vehicle for free. The letter includes the penalties for non-compliance and telephone numbers for questions or comments. The letter has been updated with a less harsh tone and the rationale for the enforcement. A follow up thank you letter is sent upon compliance. Repeated non-compliance results in court action as in the sign violations.

Mr. Fowler, with Ms. Hill, presented a slide presentation on the sign issues. He stated that forty-nine sign letters had been sent out regarding violations and forty-two had been corrected. The remaining violations are still pending due to litigation. He indicated the majority of the violations were businesses that had more than one sign or signs posted on light posts. The slides showed examples of sign issues on both Hwy 16 and Hwy 150 and the resulting compliance. Mr. Fowler stated he had found that a lot of the property owners were unaware of the ordinance content and the letters and discussions with these owners were more a public relations effort and most wanted to comply. He stated there are a few unresolved violations on Hwy 150 and a community meeting is scheduled for next week with some of the business owners wanting to review the sign ordinance.

Mr. Fowler indicated that a major issue is the placement of multiple signs at an intersection which results in a traffic hazard. Multiple signs also detract from appearance.

Mr. Fowler's main focus for the last year has been the Junk Vehicle Ordinance. He stated when he started in his position in November of last year, there were approximately 150 zoning violations open and the year ended with over 300 cases. As of this date, including signs and junk vehicles, there have been 575 opened. Of those, as far as junk vehicles, 490 have been closed this year alone. He stated they average about two vehicles per property, thus 500-700 vehicles have been removed over the last year. A slide presentation showed examples of junk vehicles that had been removed. This year 526 letters regarding junk vehicles have been sent out, with 490 property owners now in compliance. Approximately 20 cases have gone to court, with 4 actually going to trial. Mr. Fowler stated he has found that if a property owner is going to come into compliance, it generally will be done within 15 days. Currently, there are 7 cases pending in court and another 8 being prepared to go to court. He indicated that when property owners find that the County is serious about taking the matter to court, they then comply.

Commissioner Beatty asked Mr. Fowler what actions could be taken regarding abandoned mobile homes. He responded that Ms. Hill would address that in her presentation.

Commission Barger asked for clarification regarding a canopy at a gas station and whether it would be counted in the signage for ordinance purposes. Mr. Fowler indicated that since the sign was part of the building it would not be counted toward the total number of signs on the property. The number of signs applies to those that are free-standing. Commissioner Barger requested further clarification regarding signage when the business was at an intersection and whether there could be signs facing both directions from which traffic was approaching. Mr. Fowler indicated there is a stipulation where the business has frontage on two roads that two signs are allowed but there are requirements regarding footage.

Ms. Hill stated there were some problem areas that needed to be addressed. One issue is home business signs placed in front yards. These signs are regulated and a permit is required with applicable fees. She indicated that most people do not know this and the County is not going to be canvassing to ensure permits have been obtained and fees paid. She believes it will be a matter of educating the citizens and not a proactive issue to be addressed by the County at this time.

Ms. Hill then addressed off-site directional signs such as signs that indicate a subdivision or physician's office so many miles down the road. The ordinance allows these signs only if they are in one complete unit – rather than five or six signs pointing in the same direction.

Ms. Hill then further clarified the junk vehicle problem and proposed that if the junk vehicle was visible in the winter, it would be enforceable in the summer. She also stated that the ordinance does allow the code enforcement officer entry onto private land to investigate the violation. Credentials must be presented by the officer.

Another problem Ms. Hill addressed is the ordinance's requirement that junk vehicles maintained on a property must be in a four-walled building (i.e. a garage) versus a carport or three walled shed or they will be considered a violation. Ms. Hill indicated this requirement may need to be revisited.

Ms. Hill stated that at this point the County has no ordinance which addresses abandoned mobile homes or any other type of structure, i.e. storage containers. She stated this issue is being worked on and a Rowan County ordinance addressing this issue is being studied.

In the area of solid waste, particularly trash and tires, the County currently goes directly to Superior Civil Court and requests an order of abatement or injunction. This is a civil action. The ordinance violations regarding signs and junk vehicles are channeled to District Court, making them criminal actions and there is a question whether it should be a crime to have a junk vehicle or too many signs. Attorney fees can be awarded in these civil cases should Ms. Hill need to go to Superior Court on these matters. Currently, the District Attorney tries these cases since they are in the criminal arena.

Commissioner Barger questioned Ms. Hill regarding an intersection where there were approximately 15 "going out of business" signs and whether this constituted a violation. Ms. Hill indicated this type sign is called a temporary sign and stated some temporary signs are a violation and some are not. This is determined by where the signs are located or if they are in the public right-of-way, where only one is allowed. Commissioner Barger further requested clarification on the home business signs and Ms. Hill indicated the sign itself is not a violation but a permit and \$25.00 fee is required. Commissioner Barger stated he did not believe this requirement was well publicized. County Manager Lundy stated that he understood Ms. Hill's point on this issue was it was not a matter of compliance but one of education of the public on the ordinance content. Chair Barnes inquired if the \$25.00 was a one-time fee or an annual fee and Mr. Fowler indicated this was a one-time fee. Commissioner Barger stated with all the job losses incurred in the County and the number of people forced to go into home businesses, he questioned the need to charge these people a fee, particularly when the County was not currently collecting/enforcing the fee.

Chair Barnes stated these are things that need to be thought about when updating the ordinances.

Chair Barnes thanked Ms. Hill and Mr. Fowler for bringing the Board up to date on this issue.

Chair Barnes opened the floor for public comments.

Dwight Caldwell, Right Angle Electric Company – Mr. Caldwell wanted to know what happens to all the photos that Mr. Fowler has taken as part of his investigation. Mr. Caldwell stated he talked with Mr. Fowler many times. Mr. Caldwell indicated his business had been broken into 23 times since David

Huffman had been Sheriff. Since Mr. Fowler started taking pictures Mr. Caldwell's business has been broken into seven times – two times in the last two weeks. Over \$25,000 worth of wire was stolen. Mr. Caldwell knew of incidences in Cline, North Carolina where an insurance agency advised insureds to take picture of their possessions to be included in their records. The cleaning person of the insurance agency used these pictures to rob insureds. It is appearing to Mr. Caldwell that this may be the case with the pictures being taken by the County. He stated that no one is trying to stop it though he indicated that the Sheriff had been assisting him lately. He stated he did not know if Mr. Fowler had the right to take pictures. He stated that Catawba County is treating their citizens worse than people were treated in Germany when Hitler was in power. He does not believe the ordinance is fair.

Chair Barnes thanked Mr. Caldwell and stated his comments would be reviewed.

9. Appointments:

**Mental Health Services of Catawba County Board**

Commissioner Beatty nominated Susan B. McDonald, 1052 13<sup>th</sup> Ave Place, NW, Hickory, (Openly Declared Family Member or Consumer with Mental Illness Category), to replace Lora Holman. The unexpired term will end June 30, 2007.

Commissioner Beatty nominated Joseph F. Beaman, Jr., 1547 Brentwood Circle, Newton, NC, (Finance Category), to replace Stephen C. Sayers, who did not wish to be reappointed. The four-year term will expire June 30, 2008.

Commissioner Beatty nominated Danny Graves, Post Office Box 858, Conover, NC, (Consumer-DD Category), to replace Karen G. Lane, who was not eligible for reappointment. The four-year term will expire June 30, 2008.

**Criminal Justice Partnership Advisory Board**

Vice-Chair Hunsucker nominated David W. Streater, Department Head of Criminal Justice and Chair of Social Sciences, Health/PE at Catawba Valley Community College.

**Juvenile Crime Prevention Council**

Vice-Chair Hunsucker nominated Doug Urland, Catawba County Public Health Director, to replace Barry Blick, former Public Health Director.

**Local Emergency Planning Committee**

Vice-Chair Hunsucker nominated Doug Urland, Catawba County Public Health Director, to replace Barry Blick, former Public Health Director.

**Alcoholic Beverage Control Board**

Chair Barnes nominated Jeffrey P. Bronnenberg, Post Office Box 1103, Hickory, NC, to replace Hal F. Huffman, who has served on the ABC Board for nine terms. The three-year term will expire August 31, 2007.

**Public Health Board**

Commissioner Lail nominated Thomas L. Richards, Sr., (Pharmacist Category), for reappointment to a second term. The three-year term will expire June 30, 2007.

Commissioner Lail nominated Susan M. Witherspoon, 4693 Bolick Road, Claremont, NC, (General Public Category), for a first term. The three-year term will expire June 30, 2007.

**Region E Development Corporation**

Commissioner Lail nominated Tom N. Carr, III, (Government/Economic Development Representative), for reappointment to a second term and Ronald H. Lindler, (Local Business Community Representative), for reappointment to a seventh term. These three-year terms will expire September 30, 2007.

Commissioner Lail nominated Debbie Wilkinson, Wachovia, Post Office Box 279, Hickory, NC, (Financial Institutions Representative), to replace David L. Phillips, Jr. who is not eligible for reappointment . The three-year term will expire September 30, 2007.

Chair Barnes made the motion to approve the aforementioned nominations. The motion carried unanimously.

10. Consent agenda:

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

a. Mental Health Budget Revision.

This is a request to approve an increase to the current Mental Health budget by \$262,000 bringing it to \$18,378,819 This would be accomplished by transferring the requested amount from Mental Health Fund Balance.

These funds are for expenditures related to the continuation of the Life Skills project. The General Capital Projects for Life Skills building is being increased by a total of \$50,000, which is being used to cover unexpected contingencies and change orders not originally budgeted. \$25,000 is being used to purchase a camera surveillance system, which will be used to monitor activities in the new Life Skills building, and provide increased safety. In addition, funds will be used to replace (2) lift vans for Life Skills. This revision of \$262,000 adds no new positions and requests no additional County funding.

**SUPPLEMENTAL APPROPRIATIONS**

<b>Account Number</b>		<b>Account Number</b>	
<b>Expenditures:</b>		<b>Revenues:</b>	
110-540100-984000		110-530901-690101	
Motor Vehicles	72,000	MH Fund Balance Applied	130,00
110-530901-995410		410-460100-695110	
Transfer to General Capital Projects Fund	50,000	Transfer from General Fund	50,000
110-530901-870100		110-540100-690101	
Small Tools & Minor Equip	80,000	MH Fund Balance Applied	132,000
410-460100-988000-15027			
Life Skills Project	50,000		
110-540100-870100			
Small Tools & Minor Equipment	35,000		
110-540100-988000			
Building Structure & Improvement	25,000		

b. Appointment of a Map Review Officer for the City of Conover.

General Statutes require the Board to formally appoint and name a Map Review Officer and this must be recorded with the Register of Deeds every time a new officer is added or relieved from the County or any of the city staffs within the County.

The City of Conover requested the removal of Randy Williams and the addition of Cara C. Reed as the Map Review Officer.

**RESOLUTION #2004-29  
APPOINTMENT OF MAP REVIEW OFFICER**

**WHEREAS**, S.L. 1997-309 (SB875) made a number of significant changes in the procedures for recording maps and plats; and

**WHEREAS**, the main purpose of the law was to transfer the responsibility for reviewing plats to determine whether they meet recording requirements from the Register of Deeds to a Review Officer; and

**WHEREAS**, G.S. 47-30.2 requires the Board of County Commissioners in each County, by resolution, to appoint a person or persons to serve as Review Officer to review each plat or map before it is recorded and certify that it meets the statutory requirements for recording; and

**WHEREAS**, it is the desire of the Catawba County Board of Commissioners to insure an expeditious review of all maps and plats as required by G.S. 47-30.2 before they are presented to the Register of Deeds for recording; and

**WHEREAS**, the Catawba County Board of Commissioners on September 30, 1997 adopted Resolution #1997-160 which included names of individuals who were appointed as Review

Officers for representative jurisdictions in Catawba County; and

**WHEREAS**, said Resolution was recorded in the Office of the Register of Deeds in Book 2050 Pages 604 and 605 and amended resolutions were subsequently recorded; and

**WHEREAS**, Cara C. (Chris) Reed is the City Clerk for the City of Conover; and

**WHEREAS**, Ms. Cara Reed's job responsibilities include reviewing subdivision plats and serving as a Review Officer for the City of Conover; and

**WHEREAS**, Randolph S. Williams is no longer employed by the City of Conover;

**NOW THEREFORE, BE IT RESOLVED**, that the following individual is hereby appointed to perform the responsibilities of Review Officer for the planning jurisdiction as indicated in accordance with the appropriate General Statutes:

City of Conover: Cara C. Reed

And that the following individual is hereby removed from the list of appointed Review Officers for Catawba County:

City of Conover: Randolph S. Williams

**BE IT FURTHER RESOLVED**, that a copy of this Resolution designating Review Officers be recorded in the Catawba County Register of Deed's Office and indexed in the names of the Review Officers.

This the 4<sup>th</sup> day of October, 2004.

/s/Katherine W. Barnes, Chair  
Catawba County Board of Commissioners

c. Property Tax Refund.

This is a request for a tax refund in the amount of \$1,691.22 for Catawba Truck Rental which was incorrectly billed for fire tax. This refund corrects that error.

d. Annual Extension for Listing Personal Property.

General Statutes allow the Board to give the Tax Administrator the authority, on an individual basis, to extend the listing of personal property up to April 15. The Board has annually given this authority to Tax Administrator.

Commissioner Hunsucker made a motion to approve the consent agenda. The motion was carried unanimously.

11. Departmental Reports:

a. Public Works:

Jacky Eubanks stated the Public Works Subcommittee has recommended (at the September 27, 2004 meeting) the approval of the PARTF contract. Mr. Eubanks clarified that this park is not a park for dogs but a park for dog owners and their pets. In August 2004, the County received notification that the Parks and Recreation Authority approved their Parks and Recreation Trust Fund (PARTF) grant for Riverbend Park.

The project scope includes:

- a) A fenced in dog park including benches, picnic tables, trash receptacles, dog refuse stations, signage and two entrances with contained leashing areas;
- b) A 36'x36' enclosed educational shelter/meeting room to allow us to conduct educational programs with the use of digital media;
- c) A 20'x40' open picnic shelter near the river, including picnic tables, (2 of them ADA accessible), grill sites and trash receptacles;
- d) Paving for additional lower level parking for the open shelter, dog park, and canoe access, and;
- e) A maintenance storage building with attached carport to house the tractor and implements.

Grant conditions include:

- a) The PARTF grant is a matching funds grant, with the State and the County each contributing \$125,000 for the project.
- b) The County may submit bills to the State for reimbursement on a quarterly basis, after a significant portion of work has been completed on the project element.
- c) The project term is 36 months beginning September 1, 2004 and ending September 30, 2007.
- d) The County may not deviate from the scope of the project without approval of the State.
- e) The County agrees to comply with all applicable statutory provisions.
- f) The County agrees to permit periodic site visits by the State Department of Environment and Natural Resources to ensure work progresses in accordance with the approved project

Once the State receives and approves the contract signed by County, they will authorize staff to proceed with the preparation of the project budget ordinance and other documents necessary to proceed with the project.

This is a match grant of \$125,000 PARTF and \$125,000 local match. The local match will come from the Parks Trust Fund.

Commissioner Beatty made a motion to approve the proposed contract. The motion was carried unanimously.

b. Tax:

Jackie Spencer presented the Tax Collector's Report and Settlement of 2003 Tax, Fiscal Year July 1, 2003 to June 30, 2004 as required by General Statutes.

CATAWBA COUNTY 2003 TAX YEAR

ADJUSTED LEVY as of 6-30-04 .....	\$ 57,179,727
BALANCE OF A/R as of 6-30-04	
Real & Personal Property .....	\$ 972,480
COLLECTIONS as of 6-30-04 .....	\$ 56,207,247
PERCENTAGE COLLECTED as of 6-30-04 .....	98.30%

COLLECTIONS FROM OTHER SOURCES

Garnishment & Attachment Fees .....	\$ 6,252
Street Assessments .....	\$ -0-
Privilege Licenses .....	\$ 29,045
Gross Receipts Tax ..(Tax on Rental Vehicles)	\$ 42,039
NSF Check Charges .....	\$ 3,762
Interest of 2003 and Prior Years .....	\$ 228,308
Prior Years 1993 to 2002...(Pr & FD Taxes) .....	\$ 737,726
Prepaid Tax Distribution on 2004 County Tax ...	\$ 166,215
Fees for Deed and Map Copies .....	\$ 3,196
* Municipal Collection Charges:	
Cities @ \$3.15/bill & \$2.68/bill Out of County	\$ 125,734
Cities Fees of 1 1/2% on Auto Tax Collected .	\$ 37,855
Vehicle Tax Collected for County .....	\$5,454,803
Interest on Vehicle Tax .....	\$ 86,664
15% Revenue Loss / NC Dept of Revenue..	
Did not receive:	\$ -0-
Inventories Tax Reimbursement / NC	
Dept. Revenue	\$ -0-

\* MUNICIPAL COLLECTION CHARGES

Brookford 303 Bills x \$3.15 =	\$ 954.45
Catawba 613 Bills x \$3.15 =	\$ 1,930.95
Claremont 1,113 Bills x \$3.15 =	\$ 3,505.95
Conover 4,857 Bills x \$3.15 =	\$ 15,299.55
Hickory 20,807 Bills x \$3.15 =	\$65,542.05
86 (Burke County) Bills	
x \$2.68 = \$ 230.48 **....	\$ 65,772.53
Long View 2,540 Bills x \$3.15 =	\$ 8,001.00
427 (Burke County) Bills	
x \$2.68 = \$ 1,144.36 **....	\$ 9,145.36
Maiden 2,109 Bills x \$3.15 =	\$ 6,643.35
Newton 7,137 Bills x \$3.15 =	\$ 22,481.55
<b>TOTALS 39,992 Bills</b>	<b>\$125,733.69</b>

\*\* No data processing was done by Catawba County's ITC for these

Burke County Bills. \$2.68 represents the cost of collection.

2003 COLLECTIONS INFORMATION BY CITY AND TOWN

Real Estate and Personal Property

	LEVY	COLLECTED	OUTSTANDING BALANCE	PERCENT
Brookford	\$ 98,900	\$ 96,421	\$ 2,479	97.49
Catawba	238,680	231,760	6,920	97.10
Claremont	1,741,675	1,729,465	12,210	99.30
Conover	3,161,116	3,113,300	47,816	98.48
Hickory	19,516,979	19,260,240	256,739	98.68
Long View	1,060,971	1,022,936	38,035	96.42
Maiden	1,066,557	1,054,505	12,052	98.87
Newton	3,420,659	3,354,825	65,834	98.08

Vehicle Collections

	PRINCIPAL	INTEREST	TOTAL
Brookford	\$ 6,550	\$ 37	\$ 6,587
Catawba	15,286	119	15,405
Claremont	51,753	207	51,960
Conover	203,550	873	204,423
Hickory	1,490,625	7,816	1,498,441
Long View	78,453	534	78,987
Maiden	65,150	496	65,646
Newton	268,596	2,098	270,694

STATUS OF COLLECTION PERCENTAGE AS OF JUNE 30, 2004

Fiscal Year - 7-1-02 thru 6-30-03

Tax Year 2002

Adjusted Levy	\$ 53,188,043
Collections	52,901,954
Outstanding Balance (Real Estate & Personal Property)	286,089
Percentage Collected	99.46%

Fiscal Year - 7-1-01 thru 6-30-02

Tax Year 2001

Adjusted Levy	\$ 51,209,839
Collections	51,040,871
Outstanding Balance (Real Estate & Personal Property)	168,968
Percentage Collected	99.67%

Fiscal Year – 7-1-00 thru 6-30-01  
 Tax Year 2000

Adjusted Levy	\$ 48,994,831
Collections	48,889,780
Outstanding Balance (Real Estate & Personal Property)	105,051
Percentage Collected	99.80%

**PRIOR YEARS COLLECTION RESULTS**

PERCENTAGE FISCAL YEAR COLLECTED	TAX YEAR	LEVY	
1979/80	1979	11,062,367	91.92
1980/81	1980	11,723,000	97.01
1981/82	1981	12,341,738	97.98
1982/83	1982	12,769,270	98.85
1983/84	1983	14,364,144	99.43
1984/85	1984	15,016,524	99.46
1985/86	1985	15,023,711	99.30
1986/87	1986	17,970,927	99.12
1987/88	1987	17,385,223	99.31
1988/89	1988	17,812,972	99.35
1989/90	1989	21,676,434	99.34
1990/91	1990	22,611,620	99.19
1991/92	1991	27,682,982	99.30
1992/93	1992	28,240,644	99.20
1993/94	1993	28,280,279	99.64
1994/95	1994	29,570,920	99.61
1995/96	1995	33,664,697	99.61

1996/97	1996	34,868,643	99.57
1997/98	1997	37,850,343	99.50
1998/99	1998	39,189,655	98.98
1999/2000	1999	47,323,073	98.76
2000/2001	2000	49,092,961	98.53
2001/2002	2001	51,214,653	98.52
2002/2003	2002	53,182,726	98.47
2003/2004	2003	57,179,727	98.30

Ms. Spencer indicated with the plant closings and layoffs this year, the garnishments and attachments have been returned from the employers and banks with no results. The main reason for delinquent taxes are the result of the increase in real estate mortgage foreclosures and increase in bankruptcy filings.

Commissioner Barger made a motion to accept this report. The motion was carried unanimously.

c. Finance:

Piedmont Wagon Transit Facility Capital Project

Rodney Miller, Finance Director, stated that the Finance and Personnel Subcommittee requests and recommends that the Board of Commissioners appropriate \$50,000 to establish a Phase I project budget to prepare a survey, appraisal and environmental study which would ultimately lead to the construction of a Piedmont Wagon Transit Facility. A grant of \$45,000 (90%) has been received from the NC Department of Transportation for this project, leaving a balance of \$5,000 (10%) as the local share.

The County owns a 111-acre site, which includes the Government Center, Justice Center, Animal Shelter, Garage, maintenance facility and several group homes. In the middle of this site, the construction of a Piedmont Wagon Transit Administration and Operations Facility is proposed, which is just west of the Justice Center and between the County maintenance facility and the garage. This site was selected based on a review of sites by the City of Hickory Planning staff, and approved by Piedmont Wagon consortium members. The site will be accessed through a driveway from Radio Station Road to the new facility, which will connect the maintenance facility and the garage as well as provide access to the new Jail by Sheriff's department personnel.

Estimated costs of the new facility are \$2.6 million, which will be funded 90% with Federal and State funds. On December 1, 2003, the Board of Commissioners approved the lease of approximately 8 acres of land on this site to the City of Hickory as part of the matching funds (10%) necessary for completion of the project.

The Phase I project will commence with a survey of the site to insure all topographical considerations are reviewed and no problems arise. Second, an appraisal is necessary to determine the value of the land, which can be used as the local match for the project. Finally, an environmental study on the soil will be done to insure the land is free from any negative environmental attributes.

Upon completion of the Phase I requirements, NCDOT and FTA will review the documents and, if no issues materialize, approve Phase II of the project. This phase will include the selection of an architect/engineer to begin the design of the driveway and the facility itself. Piedmont Wagon plans call for a 21,647 square foot facility, which includes a 4000 sq. ft. administrative area and 17,467 sq. ft. dedicated for maintenance. In addition, a vehicle wash facility, landscaping and a parking area for cars, buses and vans are proposed.

Proposed appropriation of funds:

410-460100-12055-866000	Piedmont Wagon Facility	\$50,000
410-460100-631655	NCDOT-PW Facility	\$45,000
410-460100-690100	Fund Balance Appropriated	\$5,000

The County Manager clarified with Mr. Miller that the \$260,000 local match required would be borne by the cities of Hickory, Newton, Conover and the County and it would not just be the County's responsibility. The local match consists of a land contribution by the County (appraisal of the land involved is around \$170,000) and the balance of \$90,000 would be a cash contribution from the cities of Hickory, Newton and Conover, to which these cities have tentatively agreed.

The Phase I would include:

- An updated appraisal of the 81/2 acres;
- Soil testing
- Surveying work

After Phase I is complete, discussions with architects will commence regarding the design of the roads and the facility.

Commissioner Barger questioned whether the Board would have approval on the proposed building on the property. Mr. Miller indicated that the building would be in the County's name since it is the grant recipient of the funds but it would then be deeded to Piedmont Wagon Transit. The land will be the property of Piedmont Wagon Transit and DOT because once the land is included in the grant, it becomes their land. Commissioner Beatty wanted to insure the County would have control over the appearance of the building and Mr. Miller agreed this would be the case and nothing would be built without the County's approval. Chair Barnes then clarified that all the County had was control of the appearance of the building, not the ownership and use of some parts of the property. Piedmont Wagon Transit and DOT

would then give the County egress through their property for County vehicles.

Mr. Miller clarified, should Piedmont Wagon go out of business, that DOT would have the right to sell the property and the County could seek right of first refusal. Commissioner Beatty recommended further investigation into these issues.

Chair Barnes wanted clarification of the legal issues of accepting the grant. Attorney Eades recommended not accepting the final project grant if questions remained. Mr. Miller indicated the acceptance of the grant had a tight time frame since it coincides with the jail expansion.

County Manager Lundy clarified that this approval is just for Phase I and a contract signed with DOT conveying the property would not be signed in this phase. Approval of this first phase only applies to the appraisal, soil testing and surveying.

Commissioner Barger asked if language could be added to the contract to determine the disposition of the property. He inquired if Piedmont Wagon was not the occupant, would the monies paid for Phase I have to be paid back by the County? Mr. Miller indicated that payback would not be necessary.

Chair Barnes indicated that this should be looked at as a feasibility study.

The County Manager suggested that the Board go on record directing the staff to work with DOT so if the facility is ever not in use by Piedmont Wagon that there be some stipulation of right of first refusal for the County. Attorney Eades indicated this should be explored early in the process.

Vice Chair Hunsucker moved to approve this appropriation, provided that the long-term use of this property be explored, and the motion was carried unanimously.

12. Attorney's Report. None.

13. Manager's Report.

The Board has historically has a retreat in the Fall – primarily to set goals for the coming fiscal year and an opportunity to take up and discuss other matters that are underway. County Manager Lundy proposed the Fall Retreat be set for Tuesday, November 9, 2004. He further proposed the subcommittee meeting scheduled for Monday, November 8, 2004 be cancelled and start the November 9<sup>th</sup> meeting with subcommittee. A more formal schedule would be forthcoming. He stated Commissioner Lail had suggested the Hickory Higher Education Center as a site for the retreat and the availability of that facility would be checked upon the Board's approval of the proposed date.

Commissioner Beatty moved to approve the proposed retreat date and the cancellation of the November 8, 2004 subcommittee and the motion was carried unanimously.

14. Adjournment.

At 10:52 a.m., there being no further business to come before the Board, a motion to adjourn was carried unanimously.

The next regularly scheduled meeting is November 1, 2004, 9:30 a.m., 1924 Courthouse, Newton.

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Katherine W. Barnes  
Chair, Board of Commissioners

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Barbara E. Morris  
County Clerk