

Minutes
Catawba County Board of Commissioners
Regular Session, Monday, December 5, 2005, 9:30 a.m.

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Board of Commissioners

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The Catawba County Board of Commissioners met in regular session on Monday, December 5, 2005, at 9:30 a.m. in the 1924 Courthouse, Robert E. Hibbits Meeting Room, 30 North College Avenue, Newton, North Carolina.

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

Commissioner Barbara G. Beatty was absent.

Also present were County Manager J. Thomas Lundy, Assistant County Manager Joellen Daley, Assistant County Manager Lee Worsley, County Attorney Robert Oren Eades, Attorney Debra Bechtel and County Clerk Barbara E. Morris.

1. Chair Katherine W. Barnes called the meeting to order at 9:30 a.m.
2. Vice-Chair Dan Hunsucker led the Pledge of Allegiance to the Flag.

3. The Invocation was offered by Commissioner Glenn Barger.
4. Vice-Chair Dan Hunsucker made a motion to approve the minutes from the Regular Meeting of November 21, 2005. The motion carried unanimously.
5. Chair Barnes announced that this was the organizational meeting of the Board of Commissioners and asked for the County Manager to conduct the election of the chair and vice-chair. County Manager J. Thomas Lundy opened the floor for nominations and Vice-Chair Dan Hunsucker nominated Chair Barnes to remain as Chair and Commissioner Barger recommended Vice-Chair Dan Hunsucker to remain as Vice-Chair. These nominations were approved unanimously.

Chair Barnes went on to make the following organizational appointments:

County Attorney – Robert Oren Eades

Finance and Personnel Subcommittee: Commissioners Beatty and Barger

Policy and Public Works Subcommittee: Commissioners Lail and Hunsucker

WPCOG Policy Board Delegate: Chair Barnes

WPCOG Policy Board Alternate: Commissioner Lail

Hospital Board of Trustees: Commissioner Beatty

Mental Health Services Board: Commissioner Lail

Public Health Board: Commissioner Barger

Social Services Board and Community Service Block Grant Advisory Board: Vice-Chair Hunsucker

Catawba County Criminal Partnership Advisory Board: Chair Barnes

Catawba County Partnership for Children Board: Commissioner Lail

Child Advocacy Center Board: Commissioner Lail

Juvenile Crime Prevention Council: Vice-Chair Hunsucker

Chair Barnes presented these appointments as motion and the motion carried unanimously.

6. Recognition of Special Guests.
Chair Barnes recognized Roy Carr of the NAACP and staff members in attendance.
7. Public comment for items not on the agenda. County Manager J. Thomas Lundy recognized members from the Leadership Catawba Class who were present at the meeting. These members, Dee Hunt, _____, Diana Foster, Ann Siber and Paula Hodges, stood and introduced themselves at Mr. Lundy's request.
8. Presentations.
 1. The County's Tax Administrator, Mr. Randy Moose, came forward to give the Board an overview of the changes expected to the State's Vehicle Tax Billing System. Mr. Moose introduced his assistant, Alan Royal. The new system will begin in 2009, as a result of House Bill 1779 passed in the last session of the North Carolina General Assembly. Although a number of details remain to be outlined by the State, the new law will mean that, instead of the North Carolina Department of Motor Vehicles sending a license plate renewal notice to the owner of a motor vehicle and the County Tax Office then sending a separate tax bill for that vehicle, the North Carolina Department of Revenue will send both a license plate renewal notice and a tax bill for each vehicle in a single mailing. Since taxes on a vehicle will be paid at the time of license plate renewal, the new law is expected to insure a near 100% collection rate for registered motor vehicles, which historically has shown a lower collection rate than for real property. This equates to approximately \$250,000 in taxes that were not previously collected. This will also free up the tax office employees to seek payment on delinquent property taxes. Mr. Moose estimated the cost savings for the County for not having to bill and collect these vehicle taxes should be around \$35,000. Chair Barnes said the Commissioners Association worked diligently on this change and they have an implementation committee already named to deal with this change and potential issues with the process. This system should be implemented in July 2009.

2. Finance Director Rodney Miller and Paula Hodges of Martin, Starnes and Associates came forward to present the County's Comprehensive Annual Financial Report, for the fiscal year which ended on June 30, 2005. Their report showed that, as local economic conditions have improved, the County's financial picture has improved and that the County has maintained a sound financial position by carefully controlling spending, despite lower than normal property tax revenue and continued pressure to meet Medicaid costs and fund necessary expansion to services. Paula Hodges said the audit process went very smoothly and complimented the County on their competent staff. Her final comment was that the County continued to be in good financial condition. Chair Barnes asked County Manager Lundy to comment on the need to maintain the fund balance at specific level. Mr. Lundy said the Local Government Commission requires at least 8% be held in a fund balance for a city or county which is one month's operating expenses. The County has two months expenses in this fund. Mr. Lundy said that the reasons for this level fund balance is the County's contributes to the schools approx. \$30 million per year for operating expenses and begins making those payments to them on July 1 and tax collections are not received until late December or early January – so there is a need from a cash flow standpoint to have money to send to the schools. Rodney Miller added another reason for the level of the fund balance is the advantageous bond rating the County could receive as a result of the higher fund balance.

Vice-Chair Hunsucker made a motion to accept the Comprehensive Annual Financial Report of FY 2005. The motion carried unanimously.

9. Appointments.

Vice-Chair Hunsucker recommended the appointment of Dr. Barry Redmond, Newton-Conover Schools Superintendent to replace Interim Superintendent Janie Sigmon and Investigator Aaron Turk to replace Deputy Tonya White as the local sheriff designee on the Juvenile Crime Prevention Council. Chair Barnes presented Commissioner Barbara Beatty's recommendation for the appointment of Rick Young to replace Roger Shook on the Town of Catawba Planning Board. These recommendations came in the form of a motion. The motion carried unanimously.

10. Departmental Reports.

a. Mental Health:

1. John Hardy, Mental Health Director, presented a request for a budget revision to the current Mental Health Budget by \$501,785, bringing it to \$19,270,987. The requested adjustments were as follows:

Additional State Allocations

\$257,911

\$27,300

Mental Health Services of Catawba County is being allocated an additional \$27,300 on a recurring basis to supplement current funding for Geriatric Specialty Team (GST) services. These funds will be contracted to Adult Life to assist with the support of 2 FTE positions (a registered nurse and a master's prepared therapist). The team provides follow up to consumers moved back into the community from state hospitals as downsizing continues, and provides formal training for community caregivers of services within Catawba County and in the Foothills Area Program. Funds will expand training efforts for the community caregivers beyond the facilities served last year.

\$219,500

Mental Health Services of Catawba County has received a one-time allocation of \$219,500 in Community Capacity Funds. MHSCC will contract with Catawba Valley Behavioral Health (CVBH) to carry out a diversion project initiative designed to "divert" consumers needing inpatient care back to the local area rather than receiving service in state psychiatric facilities. This diversion project is a partnership among MHSCC, New River and Pathways area programs and Catawba Valley Medical Center (CVMC). Funds will specifically be used to secure 3 inpatient beds at CVMC and provide funding for (2) FTE CVBH staff responsible for assessment and referral in this effort.

\$11,111

Funds in the amount of \$111,512 for Criminal Justice Partnership Program (CJPP) grant have been approved for FY 2005/2006. This increases the current budget line item by \$11,111. These funds are effective July 1, 2005 and will be used for the purchase of Substance Abuse direct and

support services for adults coming through the Criminal Justice System. Last year approximately 120 adults were served through this grant, so additional funds will increase service capacity.

Realignment of State Allocation: \$5,533

This realignment increases / (decreases) contract line items:

Goodwill \$7335 Adult DD
Catawba Valley Behavioral Health (\$1802) Child DD

Medicaid CAP Contracts \$20,000

Medicaid funds have been increased by \$20,000 for services provided by two contract CAP providers, Footprints and the ARC. These increases require an adjustment to the contract line items. These funds will be used to provide and supplement the CAP case management services to the 70+ consumers recently referred to these providers as the result of service divestiture from MHSCC.

Diversion Project \$61,000

Pathways will be purchasing bed days from Catawba Valley Medical Center in the amount of \$61,000 for Mental Health and Substance Abuse clients through, Mental Health Services of Catawba County.

Provider Refunds \$132,341

Contracts for FY 04/05 were written with 1/12 payment schedules. Funds in the amount of \$132,341 are expected back from providers as reconciliation against advances paid beyond actual service provision earnings. Of this amount \$119,726 will be expended back out to Catawba Valley Behavioral Health and Clay Wilson for additional services rendered in FY 2004/2005. The remaining \$12,615 will roll to LME Reserve.

Lifeskills Project \$25,000

Mental Health Services of Catawba County is appropriating Fund Balance for the LifeSkills program in the amount of \$25,000. The Lifeskills building requires some modifications to its landscaping where excessive erosion to the landscaping is taking place. Fixing that problem is estimated not to exceed \$10,000. The project has not been closed out and settlement with the bonding company and their contractor is not complete. Attention needs to be given to the problem, so it does not get worse during the wetter winter months. It is suggested that this amount be added to the project to allow management to do what is needed and then recoup what is appropriate in the settlement process. The additional dollars \$15,000 is to provide a cushion for any other negotiations in the closing process. It is expected that final settlement will return some dollars.

Transfer of Appropriations

LME Reserve

Funds in the amount of \$10,000 are being transferred from the LME reserve line item to the Adult Life contract line item to assist with expenses incurred from adding (4) full-time and (2) part-time staff, and the purchase and installation of computers, and telephone service. This assistance will aid in their ability to continue providing quality service to the clients served.

This revision adds no new positions and requests no additional County funding.

SUPPLEMENTAL APPROPRIATIONS			
Account Number		Account Number	
Expenditures:		Revenues:	
110-530906-916300 Goodwill Contract	\$7,335	110-530906-635000 Adult DD	\$7,335
110-530906-915610 CVBH Contract	(\$1,802)	110-530906-622300 Child DD	(\$1,802)
110-530906-868124 Adult Life Contract	\$27,300	110-530906-635200 Adult Mental Health	\$27,300
110-530906-911720 MH Emergency Service	\$354,000	110-530906-635000 Adult Mental Health	\$354,000
110-530906-915570 Medicaid Service	\$20,000	110-530906-672116 Medicaid CAP	\$20,000
110-530906-916150 Clay Wilson Contract	\$11,111	110-530906-635012 CJPP Grant	\$11,111
110-530906-831065 Prior Year Settlements	\$132,341	110-530906-680120 MH Prior Year Refund	\$132,341
110-530906-911720 MH Emergency	\$61,000	110-530906-680100 Miscellaneous Revenue	\$61,000
110-530901-995410 Transfer to General Capital Project Fund	\$25,000	110-530901-690101 Fund Balance Applied	MH \$25,000
410-460100-988000-15027 LifeSkills – Building Structure & Improvement	\$25,000	410-460100-695100 from General Fund	Transfer \$25,000

Vice-Chair Hunsucker made a motion to approved the budget revision. The motion carried unanimously.

2. John Hardy, Mental Health Director, presented an update on Secretary Odom’s Regionalization Proposal. In September 2005 DHHS Secretary Odom outlined a plan to create 10 regions in the state for the purposes of consolidating functions of Medicaid and State Dollar UR/Um and after hours STR. Since then there have been numerous reactions by mental health authorities, county commissioners, advocates, and consumers about the wisdom and real intent of this efficiency and cost savings proposal. After numerous meetings and a variety of reiterations and different configurations in response to this proposal, it is recommended to partner with the surrounding counties to establish a region to perform the proposed tasks. The proposed partners are Catawba, Crossroads (Iredell, Surry, Yadkins) Foothills (Alexander, Burke Caldwell, McDowell), New River (Alleghany, Ashe, Avery, Watauga, Wilkes) Pathways (Cleveland, Gaston, Lincoln). The reasons for selecting these surrounding area programs are: contiguousness; historic interplay around a variety of service and administrative exchanges; similar consumer demographics; common environments that are partially rural, semi-rural, small town, and suburban in nature; similar levels of administrative sophistication and application of technology; sharing of some common providers; representing 1,182,000 – offering a sizable region; some represent opportunity for possible future merger.

It was recommended that the Board of Commissioners approve an alliance with Crossroads, Foothills, New River and Pathways LMEs and recommend Catawba County be the lead LME. This is contingent upon the Mental Health Board’s concurrence at their meeting on December 12, 2005. Also requested was the delegation of the issue of being the lead LME to the County Manager and/or the Mental Health Director.

Chair Barnes said she was still troubled as to the cost of doing this – and what are the gains for the LMEs for doing UR. (Utilization Review). Mr. Hardy said they do not yet have any of those figures. Commissioner Barger questioned the amount of local control would be lost in this process.

County Manager Lundy said this was a very frustrating process and John Hardy had done a good job making sure that he is speaking for the clients in Catawba County.

Chair Barnes stated the motion would be to approve the proposed alliance for the purpose of the UR/UM and STR based on the Secretary's directive and contingent upon the Mental Health Board concurring at their December 12 meeting and once the RFA was received from the Secretary, the Board would delegate to the County Manager and Mental Health Director the authority to make the determination regarding the position of lead LME. Commissioner Barger asked if there were any other choices in this matter and Mr. Hardy said the County could attempt to select their partners as they were attempting to do here or have those partners assigned by the Secretary. Commissioner Lail made this motion. The motion carried unanimously.

b. Planning, Development and Parks:

1. Blair Rayfield, Parks Manager, presented a request for the Board of Commissioners to endorse the Riverbend Park Habitat Restoration Project and declare approximately 30 acres of timber located at the Riverbend Park as surplus and authorize the sale by sealed bid.

Riverbend Park is a 450-acre passive recreation park that focuses on education and preservation. Riverbend Park has a variety of habitats. There are 200-acres planted in Loblolly Pine, 8-acres of wetland, a 2-acre pond, 30-acres of meadow grassland, 20 acres of middle aged successional forest, 30 acres in trail, and the remainder is mature mixed hardwood forest and riparian habitat. One important habitat type that is missing from the diversity of the forest of Riverbend Park is early successional forest habitat.

The 200 acres of planted Loblolly Pine were planted with the intent of being harvested at maturity when close to thirty years of age. There are now over 35 acres that have reached maturity and are ready for harvest. Planted Loblolly Pine areas are a monoculture habitat providing very little benefit to wildlife diversity and sustainability. These areas are currently corridors for wildlife moving to other beneficial habitats in the park. Loblolly Pines are not exactly a native tree to this area of the region and when planted in rows with dominating canopies they do not allow native plant life to occur or thrive. Ultimately, to create the maximum habitat diversity and for the long range benefit of the property to become a true native mature forest for future generations, we must begin a management plan that will over the next 40 years reduce the Loblolly habitat from 200-acres to 50-acres or less. Essentially, in fifty years, through good forestry and habitat management practices there will be a park and forest habitat community that will be the pride of the County and a true asset in the County's efforts to preserve Catawba County's unique and diverse natural heritage.

Mr. Ray Taylor of Taylor Forestry is currently managing a timber harvest at Blackburn Landfill. He has inspected the proposed habitat restoration area and believes the project can be executed to meet the County's expectations and minimally influence park usage by park patrons. Mr. Taylor is also aware of the County's concerns and priority for the safety of park patrons and the positive environmental impact of the site. It has been stipulated that no hauling of timber will occur during operational hours and that the entire project area will be surrounded with caution tape in both Spanish and English. An educational campaign will be launched regarding the project. The habitat restoration project will become an educational tool representing sound forestry and habitat management. Mr. Taylor's willingness to meet the County's unique needs and seek the most qualified operators is clear. Once the project has been properly surveyed and "cruised" an accurate figure for the value of the timber can be determined. At this point, after casual observation and evaluation, the potential revenue in excess of \$30,000 and possibly as high as \$60,000 + is anticipated.

Standing timber (to be cut by the buyer) is considered real property. In North Carolina, standing timber is most commonly sold through a timber deed, which in this state has conveyed a fee simple title to the timber. Typically, the grantee of a timber deed must cut and remove the timber within a specific period of time; once that period passes, title to any uncut timber reverts to the fee simple owner of the land

itself. General Statute 160A-268 authorizes the sale of real property by sealed bid procedure and states it will be done in a manner prescribed by law for the purchase of real property.

The following services would be provided by Raymond Taylor, Registered Forester, for a fee of 8%:

- Designate the sale boundaries and any trees or buffers not in the sale
- Appraise the timber
- Advertise and/or show the sale
- Provide a timber deed; secure performance deposit
- Monitor the harvesting operations

RESOLUTION#
DISPOSAL OF SURPLUS TREES LOCATED ON COUNTY OWNED PROPERTY

WHEREAS, Catawba County owns a 30 acre tract located along N.C. Highway 16N in Catawba County; and

WHEREAS, North Carolina General Statute 160A-268 permits the county to sell real property by advertisement and sealed bid;

THEREFORE, THE BOARD OF COMMISSIONERS OF CATAWBA COUNTY RESOLVES THAT:

The Board of Commissioners hereby authorizes the sale of the following described timber by sealed bid;

30 acre tract located along N.C. Highway 16N, Riverbend Park, Conover, N.C.

The County will accept sealed bids for the property until 3:00 p.m., January 9, 2006. Bids shall be delivered to the office of Raymond Taylor, Registered Forestry, 3722 Whitney Drive NE, Hickory, N.C. until 2:00 p.m. Any other bids can be delivered to the Riverbend Park Office after 2:00 p.m. but prior to 3:00 p.m., January 9, 2006.

At 3:00 p.m., January 9, 2006, all bids received shall be opened in public at the Riverbend Park Office N.C. Highway 16N, Conover, N.C. and the amount of each bid recorded. The record of bids shall be reported to the Board of Commissioners at their regular meeting on February 6, 2006.

The Board of Commissioners will determine the highest responsible bidder for the property and will award the bid by its regular meeting on February 6, 2006. Bids will remain open and subject to acceptance until the Board of Commissioners award the bid.

To be responsible, a bid must be accompanied by a bid deposit of five percent (5%) of the amount of the bid. A bid deposit may take the form of cash, cashier's check, a certified check, or a surety bond. The deposit of the bidder to whom the award is made will be held until sale of property is closed; if that bidder refuses at any time to close the sale, the deposit will be forfeited to the county. The deposits of the other bidders will be returned at the time of the Board of Commissioners awards the property to the highest responsible bidder.

In addition, to be responsible, a bidder must be current on payment of all property taxes owned by the county.

The County reserves the right to withdraw the property from sale at any time and the right to reject all bids.

Commissioner Barger made a motion to endorse the project and to declare 30 acres of timber as surplus and authorize the sale through a sealed bid procedure as well recommend the resulting funds be placed in the Parks Preservation Fund. The motion carried unanimously.

2. Planning:

Jacky Eubanks, Planning Director, presented a request to appoint Mr. Charles T. Mullis as a Review Officer by adoption of the following resolution. The resolution also removes Russell Cochran as a Review Officer for the Town of Long View.

RESOLUTION #2005-
APPOINTMENT OF MAP REVIEW OFFICERS

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, Mr. Charles T. Mullis has the responsibility of reviewing plats for the Town of Long View; and

WHEREAS, Russell Cochran is no longer required to perform Review Officer responsibilities for the Town of Long View;

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:

Town of Long View: Charles T. Mullis

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

Town of Long View: Russell Cochran

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.

Adopted this the 5th day of December 2005.

Vice-Chair Hunsucker made a motion to approve the appointment of Charles T. Mullis as Review Officer for the Town of Long View and adopt the proposed resolution. The motion carried unanimously.

11. Attorneys' Report. None.

12. Manager's Report.
County Manager J. Thomas Lundy asked the Board to consider a closed session under General Statute 143.318.11. for two purposes – one to consult with an attorney to preserve the attorney/client privilege and the other is to consider the qualifications, competence and performance of a public officer or employee and no action is expected after the closed session.

Commissioner Barger made a motion to go into closed session. The motion carried unanimously.

The Board went into closed session at 10:58 a.m.

13. Other items of business.

Section II F of the 2005-2006 Budget Ordinance states: "Reinventing Departments may create or abolish positions which impact the outcomes approved by the Board of Commissioners and within available revenues upon summary approval of the Board of Commissioners. Approval will come at the next regularly scheduled Board of Commissioners' meeting and will be attached and approved as part of the minutes."

Under this provision of the Budget Ordinance, the following personnel changes have been made to Social Services' budget:

Social Worker II (2)

In order to address the increasing requests for case management services two additional social worker II positions are necessary. They will connect families and children to proper services within and outside Catawba County as indicated by presenting problems. These positions will eliminate a six weeks waiting list for the service.

14. Adjournment.

Vice-Chair Hunsucker made a motion to adjourn at 11:16 a.m. The motion carried unanimously.

Katherine W. Barnes, Chair
Board of Commissioners

Barbara E. Morris, County Clerk