

Minutes
 Catawba County Board of Commissioners
 Regular Session, Monday, March 20, 2006, 7:00 p.m.

Closed Session

To instruct staff concerning position to be taken in negotiations on real property 199 03/20/06

CVCC

Request for transfer of capital funds to purchase van 195 03/20/06

Department of Transportation

Request to waive preliminary Board approval of petitions for road additions 195 03/20/06

Emergency Services

Resolution to approve financing by Sherrills Ford-Terrell Fire/Rescue
 For the purchase of two fire trucks 194 03/20/06

Pandemic Flu Presentation 197 03/20/06

Finance

Catawba Elementary School Financing 198 03/20/06

Grants

CDBG Scattered Site Housing Grant Public Hearing 193 03/20/06

Criminal Justice Partnership Program Grant 195 03/20/06

Planning

CDBG Scattered Site Housing Grant Public Hearing 193 03/20/06

Rezoning Request .8 acre portion from R-2 to C-2 191 03/20/06

Presentations

John H. Cover Life Saving Medal to Deputy Dennis W. Smith 191 03/20/06

Distinguished Public Service Award to Deputy Dennis W. Smith 191 03/20/06

Public Comments

Ron King – Illegal immigration 193 03/20/06

Public Health

Energy Conservation Policy for Public Facilities 195 03/20/06

Pandemic Flu Presentation 197 03/20/06

Public Hearing

Request to rezone .8 acre portion of larger 60 acre parcel from R-2 to C-2 191 03/20/06

Second Public Hearing for the CDBG Scattered Site Housing Grant 193 03/20/06

Resolutions

To rezone .8 acre portion of larger 60 acre parcel 193 03/20/06

Authorizing resolution 2006 Community Development Block Grant Scattered Site
 Rehabilitation Project 193 03/20/06

Resolution calling for Public Hearing in Connection with an installment financing for
 The construction and equipping of public schools facilities 199 03/20/06

Resolution – Condemnation – Powell 199 03/20/06

Resolution – Condemnation – Wilhelm 199 03/20/06

Resolution – Condemnation – Shuford 199 03/20/06

Roads

DOT request to waive preliminary Board approval for petitions for road additions 195 03/20/06

Tax

Refund requests 195 03/20/06

The Catawba County Board of Commissioners met in regular session on Monday, March 20, 2006, at 7:00 p.m. in the 1924 Courthouse, Robert E. Hibbitts Meeting Room, 30 North College Avenue, Newton, North Carolina.

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

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, Attorney Anne Marie Pease and County Clerk Barbara E. Morris.

1. Chair Katherine W. Barnes called the meeting to order at 7:00 p.m.
2. Commissioner Lynn Lail led the Pledge of Allegiance to the Flag.
3. Commissioner Barbara Beatty asked that the Invocation be offered by Jerry McCombs, President of the Catawba County Chapter of the NAACP.
4. Vice-Chair Dan Hunsucker made a motion to approve the minutes from the Regular Meeting of February 20, 2006. The motion carried unanimously.
5. Guests:
Chair Barnes recognized Joab Cotton, Hickory School Board member and Jerry McCombs, President of the Catawba County Chapter of the NAACP. Chair Barnes thanked Mr. McCombs for offering the invocation.
6. Comments for Items not on the Agenda. No one came forward at this time.
7. Presentations:
Sheriff L. David Huffman came forward to present Deputy Dennis W. Smith with the John H. Cover Life Saving Medal. Sheriff Huffman said that many time deputies are faced with life and death situations and have to decide to shoot or not shoot. Deputy Smith was faced with a situation where a suspect was yielding an axe. Deputy Smith utilized his taser versus his gun to bring this suspect under control. This John H. Cover Life Saving Medal is awarded by the manufacturer of the taser. Chair Katherine W. Barnes presented Deputy Smith with a Distinguished Public Service Award for his actions in this situation. Deputy Smith's wife Linda, who works for Social Services, was present to see him receive these awards.
8. Public Hearings:
 - a. Jacky Eubanks, Planning Director, came forward to present a request to rezone a .8 acre portion of a larger 60 acre parcel from the R-2 Residential District to the C-2 Commercial District. Upon rezoning, the applicant will seek to combine this .8 acre portion with the adjoining 2.89 acre parcel to accommodate another commercial structure.

The property is located off of Startown Road at the Catawba/Lincoln County line in the Startown Small Area Planning District, Jacobs Fork Township, and further identified as Parcel ID number 3626-01-36-2881.

The C-2 commercial district is intended to provide land for the provision of convenience shops and specialty retail goods and business and personal services to the traveling public and the residents of neighborhoods. The C-2 district shall be located with direct access to arterial and collector streets.

The subject property is undeveloped:

North – Property directly abutting the subject property to the north along Startown Road is zoned C-2 Commercial and developed with mini-storage units. Other property to the north is zoned R-2 Residential and has some housing. There are a number of larger undeveloped vacant tracts zoned for housing. The R-2 Residential District allows singlewide manufactured homes, doublewide manufactured homes, modular homes, stick-built single-family housing and two-family dwellings as permitted uses.

East –Property directly to the east across Startown Road is in Lincoln County. This land is undeveloped.
South – Property to the south is in Lincoln County. The land adjacent to the subject property is vacant. There is a home approximately .25 miles to the south.
West – Property to the west is owned by the applicant and is the remainder of the 60 acre parcel from where the .8 acre portion is from. The 60 acre tract is undeveloped.

There is no public water or sewer to the site.

Startown Road is designated as a major collector road on the Catawba County Thoroughfare Plan, 1991. Major collector roads provide service to the larger towns not directly served by the higher systems and to other traffic generators of equivalent intra-county importance, such as consolidated schools, shipping points, county parks, significant mining and agricultural areas, etc. Major collector roads also link these places to routes of higher classification and serve the more important intra-county travel corridors.

In 1991, the Transportation Plan stated that Startown Road, from the Lincoln County line to the Hickory Planning limit, operates at a satisfactory level of service (LOS), but will worsen as the years go on due to anticipated industrial and residential growth. The Transportation Plan recommends the widening of Startown Road to 24 feet with adequate left turn provisions at key intersections.

The most recent traffic counts are 7,000 Average Daily Trips (ADT) on Startown Road near this parcel. The capacity of this road is 11,000 ADT. By 2010 it is predicted that the road will see 13,000 ADT.

The Board of Commissioners adopted the Startown Small Area Plan on October 17, 2005 which serves as the current land use plan for this area. This plan is used as a guide for new growth. The plan shows the subject properties and the surrounding properties as remaining zoned R-2 Residential to support single-family development

The request to change this .8 portion of land to C-2 Commercial merely expands an existing established commercial district as opposed to creating a new district. Due to the configuration of the portion of land adjacent to the Lincoln County line, it serves no practical use as residential. Rezoning the land to commercial affords another opportunity to place a structure similar to the existing adjacent commercial use. The remainder of the parcel (60 acres) will still be zoned R-2 residential.

On February 13, 2006, Lincoln County approved a similar request to rezone a .6 acre portion of land, directly abutting this .8 acre request, to a commercial district. Chair Barnes asked if the entire tract in Lincoln County was rezoned commercial and Jacky Eubanks replied that it was only a very small portion of the property that was actually rezoned. Commissioner Barger asked about a commercial node that already exists at the intersection of HWY 321 and Startown Road and if this property will extend that node and Jacky said that it would not extend that node since there was some distance between the parcel at issue and that node.

Staff supported the request to rezone the property to the C-2 Commercial district and the Planning Board conducted a public hearing on February 27, 2006. No one spoke in support or opposition to the request. The Planning Board unanimously recommended rezoning the property from the R-2 Residential district to the C-2 Commercial district with a subsequent request to the Board of Commissioners for approval based upon the location to existing commercially zoned properties and the location to existing commercial businesses.

Chair Barnes stated the public hearing had been advertised and opened the hearing for any comments for or against the rezoning. Hearing and seeing no one, Chair Barnes closed the public hearing. Commissioner Barger made a motion to approve the rezoning request and the below Ordinance. The motion carried unanimously. Commissioner Barger asked Mr. Eubanks if the small area plan needed to be amended to include the small commercial node but Jacky thought since this was an isolated piece of land that an amendment would not be necessary. He said the Planning Board would continue to look at this area and if the commercial use expanded, then they may address amending the small area plan and expand the node.

Ordinance No. 2006-

AMENDMENT TO THE CATAWBA COUNTY ZONING MAP

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS, that the Catawba County Official Zoning Atlas is hereby amended by rezoning the following described property from the R-2 Residential district to the C-2 Commercial district.

The property is a .8 acre portion of a larger 60 acre tract located off of Startown Road at the Catawba/Lincoln County line in the Startown Small Area Planning District, Jacobs Fork Township. It is further identified as Parcel ID number 3626-01-36-2881.

This the 20th day of March 2006.

Chair Barnes then noted she would change the agenda and wait to conduct the second public hearing because there was a gentleman who wanted to address the Board regarding an item that was not on the agenda.

Ron King, Volunteer Chapter Leader of the John Birch Society, came forward to urge the Board's review of procedures and laws regarding illegal aliens and the resulting costs to public services and the legal system. Mr. King resides in Caldwell County but is employed in Catawba County and asked the Board to research what actions Mecklenburg County was enacting to address these issues. Chair Barnes advised Mr. King that the Board was conscious of the illegal immigration issues and several of the aspects of illegal immigration had been addressed at the recent NaCO conference. She also indicated that the regulations which apply in this area are mainly at the state and federal level and not enacted at the County level and the Commissioners do not have a lot of choice in this area. Mr. King gave the clerk copies of materials to be reviewed by the Board members and Chair Barnes said the Board would take the information under advisement.

Public Hearings continued:

b. Jacky Eubanks, Planning Director, came forward to present the request for a second public hearing for the CDBG Scattered Site Housing Grant. Catawba County is allocated \$400,000 every three years on a rotating basis for a Scattered Site Housing Grant from the Department of Commerce. Catawba County received their first allocation in 2003 and it is now time for their next allocation of funds. In order to receive this next round of funding for \$400,000, an application will need to be submitted to the Department of Commerce, Division of Community Assistance by March 31, 2006. A first public hearing was held on September 19, 2005 for any CDBG grant funds that the county may receive through the Department of Commerce. WPCOG staff advertised the second public hearing in a newspaper having general circulation on March 10, 2006. The C-1 grant funds will provide assistance for the rehabilitation of seven (7) severely deteriorated homes which are owned and occupied by very low-income household members and the clearance and relocation of one (1) severely substandard house which is owned and occupied by a very low-income household member located within the County limits. Also, included in this grant application is a request for \$40,000 for emergency repairs to a minimum of eight (8) homes of low and moderate income homeowners. The Program is scheduled to last 30 months from the time funding is awarded to completion. Part of the grant application process is for the County to have a Housing Selection Committee which helps with the evaluation of the housing rehabilitation applications received and the final selection of the homes to receive assistance.

Chair Barnes noted this was the second public hearing and it had been duly advertised and she opened the public hearing for anyone to come forward to speak for or against this grant. Hearing and seeing no one, Chair Barnes closed the public hearing. Commissioner Barger made a motion approve the below Authorizing Resolution and Certification, and approve both Distributions Plans for the C-1 Project and the L-1 Project. The motion carried unanimously.

Resolution No. 2006-
CATAWBA COUNTY
AUTHORIZING RESOLUTION AND CERTIFICATION
2006 COMMUNITY DEVELOPMENT BLCOK GRANT SCATTERED SITE

REHABILITATION PROJECT

WHEREAS, various State and Federal agencies provide for funds to municipalities to meet the needs of local governments in financing the cost of Community Development; and

WHEREAS, the Division of Community Assistance is the State administering agency for the Community Development Block Grant Program whose funds are designed to improve the housing conditions of very low-income households with incomes at or below 50% of area median income; and

WHEREAS, the Catawba County Board of Commissioners has solicited and received citizen input regarding the Community Development Block Grant Scattered Site Housing Project which will provide housing rehabilitation assistance to approximately eight (8) households as part of the grant; and

NOW, THEREFORE, BE IT RESOLVED BY THE CATAWBA COUNTY BOARD OF COMMISSIONERS:

That Catawba County us applying for \$400,000 in Community Development Block Grant (CDBG) Scattered Site Housing funds to assist eight (8) low-income families;

That Catawba County will substantially comply with all Federal, State and local laws, rules, regulations and ordinances pertaining to the project and to Federal and State grants pertaining thereto.

That, Katherine W. Barnes, Chair of the Catawba County Board of Commissioners, and successors so titled is hereby authorized to develop, execute and file an application on behalf of the Catawba County to appropriate Federal and State agencies to secure funds for the Community Development Block Grant Project.

That, Katherine W. Barnes, Chair of the Catawba County Commissioners, and successors so titled is hereby authorized and directed to furnish such information as the appropriate governmental agencies my request in connection with such applications for the project; to make the assurances and certifications as contained above; and to execute such other documents as may be required in connection with the construction of the project.

That this resolution shall take effect immediately upon its adoption.

9. Appointments. None.

10. Consent Agenda.

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

a. Request for a resolution to approve financing by Sherrills Ford-Terrell Fire/Rescue for purchase of two fire trucks. This resolution is required by the Internal Revenue Code for the Sherrills Ford-Terrell Fire/Rescue Department to received tax-exempt financing. With the approval of this resolution their interest rate will be 4.23% as opposed to the 5.5% they would otherwise be paying.

Resolution No. 2006-___

Resolution Approving the Financing by
Sherrills Ford-Terrell Fire/Rescue

Of up to \$1,050,000 for Two Fire Trucks

WHEREAS, Sherrills Ford-Terrell Fire/Rescue has determined to finance an amount of up to \$1,050,000 for the purchase of a 2006 Pierce 1500 GPM Pumper truck and a 2006 Dash 105' ladder truck. The United States Internal Revenue Code requires that for such financing to be carried out on a tax-exempt basis, the Catawba County Board of Commissioners must first approve the financing. The Fire Department held a public meeting on March 17, 2006, after published notice in accordance with the Internal Revenue Code. Sherrills Ford-Terrell Fire/Rescue has reported the proceedings of such a hearing to this Board.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Catawba County, North Carolina, as follows:

1. The County approves Sherrills Ford-Terrell Fire/Rescue's entering into the financing, as required under Internal Revenue Code for the financing to be carried out on a tax-exempt basis. The Fire Department's conduction to the required public hearing is approved.

b. Request for approval to submit an annual grant to the State for the Criminal Justice Partnership Program. The grant amount request is the same as the past year - \$111,512. The program has a good completion rate - 46% - which is higher than the state average - and is one of the efforts taken to divert as many people as safely can from confinement in the jail.

c. Request by CVCC to close out three capital projects and transfer those funds (\$14,487.68) in order to buy and replace the college's courier van.

Transfer:

From	420-750100-862200-34100-3-30	Roofing	\$13,845.24
	420-750100-862200-34100-4-05	Tractor Replacement	462.13
	420-750100-862200-34100-4-06	Mower Replacement	180.31
To	420-750100-862200-34100-4-07	Vehicle Replacement	\$14,487.68

d. Tax refund requests (five) in the total amount of \$86,984.92. One is the result of a tax appeal and the other four relate to errors in listing.

e. Request by the North Carolina Department of Transportation for the Board of Commissioners to waive the need to act on preliminary petitions for road additions. These petitions would go straight to the state for action. This would not apply to road abandonments.

Chair Barnes asked if any commissioner would want any item broken out from the consent agenda and no items were asked to be broken out. Commissioner Lail made a motion to approve the consent agenda. The motion carried unanimously.

11. Departmental Reports.

a. Public Health

1. Doug Urand, Public Health Director, came forward to present the proposed Energy Conservation Policy for Public Facilities. On April 15, 2004, the Environmental Protection Agency (EPA) designated Catawba County and the Unifour Area as being in violation of federal air quality standards (non-attainment) for ozone. In an effort to address the serious issue of air quality and the health and potential economic concerns related to it, the Unifour local governments adopted an Early Action Compact (EAC). The EAC and corresponding "toolbox" assisted the region in devising a plan to address ozone pollution through many local activities and policy changes. One of the components of the EAC is the implementation of an Energy Conservation Policy.

Beyond being a part of the EAC, an Energy Conservation Policy provides the opportunity for long-term benefits for air quality and county cost savings. Energy efficiency, delivering the same (or more) services for less energy, reduces the amount of energy necessary to be generated at power plants. This reduces emissions and thus, helps to improve air quality. In addition, the steps we take to increase energy efficiency also assists in saving money. According to <http://www.energystar.gov/>, energy efficient solutions can reduce the energy bill for many homeowners and businesses by 20 to 30 percent.

The ozone level across the Unifour has decreased and the trend continues to demonstrate a decline in these rates. Unfortunately, our particulate matter (PM2.5) averages are increasing. However, the adoption of this policy provides the County with the opportunity to conserve energy and improve air quality thereby leading our community by example. The proposed policy is as follows:

Energy Conservation Policy for Public Facilities

Findings

(a) The **Catawba County Board of Commissioners** hereby finds:

(1) That it is important to take a leadership role in undertaking energy conservation;

- (2) That **Catawba County** facilities have a considerable impact on the region's consumption of energy;
 - (3) That energy conservation practices adopted for the design, construction, operation, maintenance, and renovation of these facilities and for the purchase, operation, and maintenance of equipment for these facilities will have a beneficial effect in reducing emissions from electrical generating units (EGUs) that contribute to air pollution;
 - (4) That the cost of energy is significant and facility designs shall take into consideration the total life-cycle cost, including the initial construction cost, and the cost, over the economic life of the facility, of the energy consumed, and of operation and maintenance of the facility as it affects energy consumption; and
 - (5) That local government shall undertake a program to reduce energy use in **Catawba County** facilities and equipment in those facilities in order to provide its citizens with an example of energy-use efficiency.
- (b) It is the policy of **Catawba County** to ensure that energy conservation practices are employed in the design, construction, operation, maintenance, and renovation of **Catawba County** facilities and in the purchase, operation, and maintenance of equipment for **Catawba County** facilities.

Definitions

For purposes of this Policy:

- (1) "Economic life" means the projected or anticipated useful life of a facility.
- (2) "Energy-consuming system" includes but is not limited to the following equipment or measures:
 - a. Equipment used to heat, cool, or ventilate the facility;
 - b. Equipment used to heat water in the facility;
 - c. Lighting systems;
 - d. On-site equipment used to generate electricity for the facility;
 - e. On-site equipment that uses the sun, wind, oil, natural gas, liquid propane gas, coal, or electricity as a power source; and
 - f. Energy conservation measures in the facility design and construction that decrease the energy requirements of the facility.
- (3) "Facility" means a building or a group of buildings served by a central energy distribution system or components of a central energy distribution system.
- (4) "Life-cycle cost analysis" means an analytical technique that considers certain costs of owning, using, and operating a facility over its economic life, including but not limited to:
 - a. Initial costs;
 - b. System repair and replacement costs;
 - c. Maintenance costs;
 - d. Operating costs, including energy costs; and
 - e. Salvage value.
- (5) "Energy conservation measure" means a facility alteration, training, or services related to the operation of the facility, when the alteration, training, or services provide anticipated energy savings. Energy conservation measure includes any of the following:
 - a. Insulation of the building structure and systems within the building.
 - b. Storm windows or doors, caulking, weatherstripping, multiglazed windows or doors, heat-absorbing or heat-reflective glazed or coated window or door systems, additional glazing, reductions in glass area, or other window or door system modifications that reduce energy consumption.
 - c. Automatic energy control systems.
 - d. Heating, ventilating, or air-conditioning system modifications or replacements.
 - e. Replacement or modification of lighting fixtures to increase the energy efficiency of a lighting system without increasing the overall illumination of a facility, unless an increase in illumination is necessary to conform to the

- applicable State or local building code or is required by the light system after the proposed modifications are made.
 - f. Energy recovery systems.
 - g. Cogeneration systems that produce steam or forms of energy such as heat, as well as electricity, for use primarily within a building or complex of buildings.
 - h. Other energy conservation measures.
- (6) "Energy savings" means a measured reduction in fuel costs, energy costs, or operating costs created from the implementation of one or more energy conservation measures when compared with an established baseline of previous fuel costs, energy costs, or operating costs.

Life-cycle cost analysis.

- (a) A life-cycle cost analysis shall include, but not be limited to, the following elements:
 - (1) The coordination, orientation, and positioning of the facility on its physical site;
 - (2) The amount and type of fenestration employed in the facility;
 - (3) Thermal characteristics of materials and the amount of insulation incorporated into the facility design;
 - (4) The variable occupancy and operating conditions of the facility, including illumination levels; and
 - (5) Architectural features, which affect energy consumption.
- (b) The life-cycle cost analysis performed for any facility shall include, but not be limited to, the following:
 - (1) An energy-consumption analysis of the facility's energy-consuming systems;
 - (2) The initial estimated cost of each energy-consuming system being evaluated;
 - (3) The estimated annual operating cost of all utility requirements; and
 - (4) The estimated annual cost of maintaining each energy-consuming system.
- (c) The **Catawba County** requires each entity to conduct a life-cycle cost analysis pursuant to this section for the construction or the renovation of any facility of 20,000 or more gross square feet.
- (d) Each agency shall use the life-cycle cost analysis over the economic life of the facility in selecting the optimum system or combination of systems to be incorporated into the design of the facility.

Authority and duties of Catawba County Agencies

- (a) Catawba County Board of Commissioners authorizes and directs that **Catawba County** agencies shall carry out the construction and renovation of **Catawba County** facilities, under their jurisdiction in such a manner as to further the policy declared herein, ensuring the use of life-cycle cost analyses and energy-conservation practices.
- (b) The **Finance and Maintenance Departments** shall identify and recommend energy conservation maintenance and operating procedures that are designed to reduce energy consumption within facilities, in conjunction with appropriate personnel, which require no significant expenditure of funds. Relevant **Catawba County** departments, institutions, or agencies shall implement these recommendations.

Commissioner Beatty said the Board was please this had been brought before the Board and noted the schools had very aggressive energy programs and suggested reviewing those plans. Commissioner Beatty made a motion to accept this policy. The motion carried unanimously.

2. Doug Urland, Public Health Director and David Weldon, Emergency Services Director, came forward to present an update on the pandemic flu issue. Mr. Urland gave an overview of the flu itself

and then outlined the proposed processes that would occur to develop a plan for the County to implement if such an epidemic should occur. He stressed these were just the preliminary steps in this process. Presentations have already been given to the Commissioners, the Board of Health, the Chamber of Commerce. The SNS Planning Committee has been established and collaboration with Emergency Management, Red Cross, United Way and hospital has been initiated. The immediate steps planned is a public awareness campaign, assessment of community needs and the development of a Public Health Plan. The intent is to reduce illness, reduce mortality and minimize social disruption. The Public Health Flu Plan Development Outline is as follows: (1) Public awareness; (2) Surveillance and investigation; (3) Quarantine and Isolation; and (4) Mass Dispensing. David Weldon pointed out that it was possible that 35-45% of the county's workforce could be affected by a pandemic flu and planning to have the depth within the county's positions to provide continuing service is a real issue. Chair Barnes clarified that the specific plan had not yet been finalized and would this plan list what people needed to have in their homes for this scenario. Mr. Urland said such a checklist was likely available on the CDC website. Commissioner Barger asked about the development of a vaccine for this flu. Mr. Urland said that vaccines are being developed at the Federal level but it would be difficult to have a vaccine that would be affective against a flu that continues to mutate and the volume of vaccine that would be necessary. Commissioner Beatty thanked the staff for their work on this presentation.

b. Finance

Rodney Miller, presented a request for the Board to adopt a resolution calling for a public hearing to be held on March 27, 2006 to receive public comment regarding a proposed financing of a Catawba Elementary School in the amount of \$9.2 million.

In fiscal year 2003-04, the Board of Commissioners set aside two cents of the property tax rate to be used for financing school construction over a four-year period.

Four projects have been completed and/or under construction with those funds: a new Grandview Middle School, a new Maiden High School, a new Learning Library and Technology Center at CVCC and the conversion of Tuttle Middle School to an elementary school. These projects were identified by a Citizens' Advisory Committee that was formed in 2001 and included in the first half of an eight-year school construction and improvement plan, as presented to the Board of Commissioners in 2002. The Catawba Elementary School project is the final project in the first four-year cycle.

The County will pursue financing under G.S. 160A-20, which pledges the asset acquired or constructed as collateral for the loan in case of default. Since the County does not own the land upon which the Elementary School will be built, the Catawba County Board of Education must convey the land to the County in order for the County to borrow the funds for the new school. The County will, in turn, lease the new school and land back to the Board of Education for its use, and at the end of the financing term, transfer all rights to the property back to the school system.

All local governments in North Carolina that borrow funds greater than \$500,000 and longer than five years to maturity must receive approval by the Local Government Commission (LGC), a division of the NC Department of State Treasurer. The LGC meets again on April 4, 2006 in Raleigh.

The Board of Commissioners, at its January 17, 2006 meeting authorized the Catawba County Board of Education to proceed with bids for a new Catawba Elementary School. Bids were received in February at a total cost of \$9.9 million. Almost \$700,000 in funds have been secured, leaving a balance of \$9.2 million to be financed.

County Manager J. Thomas Lundy said he wanted to make the point that the first step is the public hearing which will take place right after subcommittee and all commissioners did not have to be present but at least three needed to be there.

Commissioner Barger made a motion to adopt the following resolution:

**RESOLUTION CALLING FOR A PUBLIC HEARING IN CONNECTION WITH AN
INSTALLMENT FINANCING FOR THE CONSTRUCTION AND EQUIPPING OF PUBLIC
SCHOOL FACILITIES**

WHEREAS, the County of Catawba, North Carolina (the "County") is considering entering into an installment financing agreement pursuant to G.S. 160A-20 in the principal amount not to exceed \$9,200,000 for the purpose of providing funds, together with other available funds, to construct and equip a public elementary school for the Catawba County School District; and

WHEREAS, the County will acquire the site of the elementary school from the Catawba County Board of Education to be used by the County for public school purposes, and the County will lease back the site of the elementary school to the Catawba County Board of Education;

WHEREAS, in accordance with 160A-20(g) of the General Statutes of North Carolina, the County is required to hold a public hearing on such installment financing agreement;

WHEREAS, in accordance with 153A-158.2 of the General Statutes of North Carolina the County is required to hold a public hearing relating to the proposed acquisition of such property;

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners for the County hereby fixes March 27, 2006, immediately following the subcommittee meetings scheduled for 8:30 a.m. in the Second Floor Conference Room at the Catawba County Government Center in Newton, North Carolina, as the day, time and place for the public hearing on such installment financing contract and hereby directs the Clerk to the Board to publish notice of such public hearing once in The Hickory Daily Record and The Observer-News-Enterprise not later than the 10th day before said date.

The motion carried unanimously.

12. Other Business. None.
13. Attorneys' Report. None.
14. Manager's Report. County Manager Tom Lundy introduced Carrie Ross, an employee with the County. Carrie is getting her Masters through Chapel Hill and was present at this meeting to audit and write a paper on the proceedings. Mr. Lundy commended those County employees who are so well educated and those who continue to pursue education.

Mr. Lundy then asked the Board's consideration to go into Closed Session under General Statute 143-318.11(a)(5) to establish or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating real property. He stated he anticipated action after the closed session. Vice Chair Dan Hunsucker made a motion to move into closed session at 8:05 p.m. The motion carried unanimously.

At 8:21 p.m., the Board moved back into open session and Chair Barnes stated that authorization had been requested for a condemnation action against James W. Powell, Jr. and Vice-Chair Dan Hunsucker made a motion to approve this condemnation. The motion carried unanimously. Chair Barnes stated that authorization had been requested for a condemnation action against Dennis C. and Barbara B. Wilhelm. Commissioner Barger made a motion to approve this condemnation. The motion carried unanimously. Chair Barnes stated that authorization had been requested for a condemnation action against Robert L. Shuford, as trustee of the Robert Shuford III Revocable Living Trust. Commission Lail made a motion to approve this condemnation. The motion carried unanimously. The County needed to obtain permanent easements and temporary construction easements necessary for the construction and maintenance of the Balls Creeks Sewer Project Extension. The staff began obtaining all necessary easements for this project in 2003 and made numerous attempts to negotiate with Mr. Powell and the Wilhelms. These condemnation actions were vital to the Balls Creek Sewer Project because bids could not be solicited until all easements were obtained. The project is currently scheduled to begin in April 2006. Compliance with this time schedule is critical in order to receive state grant funds. The condemnation action against Robert L. Shuford, as trustee of the Robert Shuford, III Revocable Living Trust, was to obtain a permanent sanitary

sewer easement and temporary construction easement necessary for the construction and maintenance of the G&G Lumber Sewer Project. Numerous attempts to negotiate with Robert Shuford, III were unsuccessful and this easement was necessary to begin work on the project. In order to retain the EDA grant for this project, this easement had to be acquired by May 4, 2006. The resolutions follow:

RESOLUTION AUTHORIZING CONDEMNATION ACTION

WHEREAS, Catawba County is undertaking acquisition activities necessary for the construction and maintenance of a sanitary sewer system entitled the "Balls Creek Sewer Project Extension," a plat of which is recorded in Plat Book 56, Page 204, of the Catawba County Registry; and

WHEREAS, in order to provide for the necessary and expedient purchase of real property designated to be acquired for the construction and maintenance of a permanent sanitary sewer, Catawba County has negotiated with the property owners in an attempt to acquire the necessary property by negotiation in accordance with state law; and it appears that negotiations will not be successful in acquiring the needed property;

NOW, THEREFORE, BE IT RESOLVED BY CATAWBA COUNTY that the attorney for Catawba County be, and hereby is, authorized to institute condemnation action against:

James W. Powell, Jr.

Deed Book 1671, Page 296

Parcel Identification # 3669-01-25-9284

Being a 0.646 acre portion designated for a Permanent Sanitary Sewer Easement and a 0.615 acre portion designated for a Temporary Construction Easement, of the following described property:

BEGINNING at an iron pin in the center of a county public road, an old corner of R. I. Love; thence with the R. I. Love line, South 32° 15' West 249 feet to an iron pin, a corner of R. I. Love; thence continuing with an old R. I. Love line, South 32° 15' West 541 feet to an iron pin, an old corner of R. I. Love; thence continuing with another old line of R. I. Love, South 20° 30' West 118.5 feet to an iron pin in an old road; thence continuing with the old R. I. Love, South 18° West 111.5 feet to an iron pin in an old road; thence with another old line of R. I. Love, South 76° East 462 feet to a stone, a corner of Fred Seitz; thence with the Fred Seitz line, South 45° 45' West 326 feet to an iron pin in a sourwood stump; thence with another Fred Seitz line, South 26° 45' West 363 feet to an iron pin, a corner of the Beard Girls; thence with the Beard Girls' line, North 87° West 250 feet to an iron pin, a corner of Beard; thence continuing with the Beard line, North 37° 20' West 328.5 feet to an iron pin, a corner of Beard; thence continuing with another Beard line, North 75° 37' West 657.1 feet to an iron pin, a corner of Dr. L. M. Caldwell; thence with the Caldwell line, North 73° 56' East 417.6 feet to an iron pin in a pine stump; thence continuing with the Caldwell line, North 48° 58' West 154.75 feet to an iron pin in a stone; thence with the Caldwell line, North 36° 52' East 688.6 feet to an iron pin, a corner of Caldwell; thence continuing with Caldwell, North 53° 30' East 472 feet to a twin post oak; thence continuing with the Caldwell line, North 77° 30' East 95.8 feet to an iron pin, a corner of R. I. Love; thence with the R. I. Love line, North 82° 30' East 356.5 feet to the point of Beginning; being Farm No. 4 of the R. H. Barringer Property as contained in Plat recorded in Plat Book 11 at Page 47, Catawba County Registry, and being Tract No. 4 of that certain deed from R. H. Barringer and wife, Louise T. Barringer to Jasie Barringer Craig recorded in Book 1004 at Page 544, Catawba County Registry.

The Permanent Sanitary Sewer Easement and Temporary Construction Easement are more particularly described in the attached survey entitled "Condemnation Survey of Property Owned by James W. Powell, Jr.," prepared for Catawba County on February 19, 2006, by Roger D. Morgan, a Professional Land Surveyor for W.K. Dickson and Company, Inc.

RESOLUTION AUTHORIZING CONDEMNATION ACTION

WHEREAS, Catawba County is undertaking acquisition activities necessary for the construction and maintenance of a sanitary sewer system entitled the "Balls Creek Sewer Project Extension," a plat of which is recorded in Plat Book 56, Page 204, of the Catawba County Registry; and

WHEREAS, in order to provide for the necessary and expedient purchase of real property designated to be acquired for the construction and maintenance of a permanent sanitary sewer, Catawba County has negotiated with the property owners in an attempt to acquire the necessary property by negotiation in accordance with state law; and it appears that negotiations will not be successful in acquiring the needed property;

NOW, THEREFORE, BE IT RESOLVED BY CATAWBA COUNTY that the attorney for Catawba County be, and hereby is, authorized to institute condemnation action against:

Dennis C. Wilhelm and
Barbara B. Wilhelm

Deed Book 1890, Page 450
Parcel Identification # 3659-07-67-4879

Being a 0.056 acre portion designated for a Permanent Sanitary Sewer Easement and a 0.034 acre portion designated for a Temporary Construction Easement, of the following described property:

FIRST TRACT: BEGINNING at a maple and runs North 20° East 18 2/5 poles to a stake in the public road that leads by the Noah Barringer place; thence with the public road, North 47 1/2° West 12 2/5 poles to a stake in the road; thence North 67 1/2° West 8 poles to a stake; thence North 41 1/2° West 31 poles to a stake in the public road at the cross roads, near the Bolick residence; thence with the public road that leads by Parlier place, South 32° West 14 poles to a stake in the road; thence South 43 1/2° West 25 3/4 poles to a stake in the road and the old line; thence with the line, South 71° East 68 2/5 poles to the beginning, and containing 9 1/5 acres, more or less.

SECOND TRACT: BEGINNING at a persimmon tree in an old corner on the east side of the public road and running with the said road, South 42 3/4° West 107 feet to a corner in the said road; thence a new line, South 68° 35' East 983 feet to an iron stake on the old line; thence with the Cecil Parlier line, North 20° 10' East 113 feet to a stake in a small branch; thence along the R. E. Cansler line, North 68° 50' West 944 feet to the point of Beginning, containing 2.43 acres, more or less.

The Permanent Sanitary Sewer Easement and Temporary Construction Easement are more particularly described in the attached survey entitled "Condemnation Survey of Property Owned By Dennis C. Wilhelm and Wife, Rebecca B. Wilhelm," prepared for Catawba County on February 15, 2006, by Roger D. Morgan, a Professional Land Surveyor for W.K.Dickson and Company, Inc.

RESOLUTION AUTHORIZING CONDEMNATION ACTION

WHEREAS, Catawba County is undertaking acquisition activities necessary for the construction and maintenance of a sanitary sewer system entitled the "G&G Lumber Sewer Project"; and

WHEREAS, in order to provide for the necessary and expedient purchase of real property designated to be acquired for the construction and maintenance of a permanent sanitary sewer, Catawba County has negotiated with the property owner in an attempt to acquire the necessary property by negotiation in accordance with state law; and it appears that negotiations will not be successful in acquiring the needed property;

NOW, THEREFORE, BE IT RESOLVED BY CATAWBA COUNTY that the attorney for Catawba County be, and hereby is, authorized to institute condemnation action against:

Robert L. Shuford, III, as trustee of the
Robert L. Shuford III Living Trust

Deed Book 2641, Page 1828
Parcel Identification # 3619-03-42-5668

Being a 23 square foot portion designated for a Permanent Sanitary Sewer Easement and a 33 square foot portion designated for a Temporary Construction Easement, of the following described property:

BEGINNING at a point in the center line of NC Highway #10, the NE corner of Tract 2 "East Pasture" of the Sylvia V. Franks & Oakwood Farms, LLC property shown on a plat recorded in Plat Book 58 at Page 7 in the Catawba County Public Registry, and running thence S 21-31-22 E 29.95 feet to an iron in the southerly margin of NC Highway #10; thence S 58-24-57 W 149.25 feet to an iron; thence S 57-37-30 E 173.76 feet to an iron; thence S 33-01-24 E 142.30 feet to an iron; thence S 42-29-38 E 88.14 feet to an iron; thence a new line S 52-32-21 W 919.23 feet to an iron; thence a new line N 47-04-57 W 90.94 feet to an iron; thence N 42-34-04 W 351.26 feet to a nail in the center line of NC Highway #10; thence with the center line of NC Highway #10, five courses and distances, as follows: (1) N 46-59-31 E 343.92 feet; (2) N 50-21-46 E 200.00 feet to a point; (3) N 55-48-15 E 150 feet to a point; (4) N 60-34-45 E 150 feet to a point; (5) N 63-43-19 E 229.68 feet to the point or place of Beginning; and containing 10.001 acres as the same is shown on a survey by Bradshaw Surveying Company, Data File 343, Map File 343D, dated June 24, 2003, reference to which is hereby made.

The Permanent Sanitary Sewer Easement and Temporary Construction Easement are more particularly described in the attached survey entitled "Catawba County, Utility and Engineering Department, Engineering Division, Newton, North Carolina, Sanitary Sewer Right of Way to Serve US 321/HWY 10, Property of Robert Shuford, III," prepared for Catawba County on August 8, 2005, by Stephen S. Dyer, a Professional Land Surveyor for The Isaacs Group, Inc.

15. Adjournment. Vice-Chair Hunsucker made a motion to adjourn at 8:26 p.m. The motion carried unanimously.

Katherine W. Barnes, Chair
Board of Commissioners

Barbara E. Morris, County Clerk