

April 17, 2006, MB#50

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The Catawba County Board of Commissioners met in regular session on Monday, April 17, 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 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 7:00 p.m.
2. Commissioner Glenn E. Barger led the Pledge of Allegiance to the Flag.
3. Chair Barnes offered the invocation.
4. Vice-Chair Dan Hunsucker made a motion to approve the minutes from the Special Session of March 27, 2006, the Regular Meeting of April 3, 2006, the Closed Session of March 13, 2006 and the revised Closes Session Minutes of March 20, 2006. The motion carried unanimously.
5. Guests: Chair Barnes welcomed sheriff's candidate Mike Ledford and noted that three of the Commissioners were also candidates: Commissioner Lail, Commissioner Barger and herself.
6. Comments for Items not on the Agenda.
Mr. Carl Pope, President of the Catawba County Chapter of the Fraternal Order of Police (FOP), came forward to address the Board regarding a request for a piece of property on which to place a Peace Officer Memorial. He said this monument would commemorate three law enforcement officers who had died in the line of duty in Catawba County as well as those officers who continue to patrol the highway and the community. He named State Highway Patrol Officer A. B. Smart, State Highway Patrol Officer D. B. Searcy and Hickory Police Officer J. W. Maynor as those who had lost their lives in the line of duty. Numerous peace officers and their family members were present at the meeting to support this request. Mr. Pope proposed that the FOP would bear the cost and maintenance of the monument and his request was for a 4' X 5' piece of property located at or near the flagpoles in front of the Justice Center on which to place the monument. After some discussion by the Commissioners, the County Manager and Mr. Pope regarding the request and whether the monument should memorialize all public safety officers or be limited to peace officers only, staff was directed by the Board of Commissioners to convene a committee to research such a memorial, the proposed location and the verbiage to be used and obtain input from municipalities and law enforcement agencies within the County prior to Board action. Mr. Pope also requested that the Board designate May 15, 2006 as Peace Officer Memorial Day and the week of May 15-21 as National Police Week, and direct all flags on County property to be flown at half-staff on May 15th in recognition of this day of remembrance. The Board directed that a proclamation be presented to this effect at the May 1, 2006 Board of Commissioners meeting.
7. Public Hearings:
 - a. Jacky Eubanks, Planning Director, came forward to present a request to rezone an 11.6 acre tract from the R-2 Residential district to the E-2 Intensive Manufacturing district. The property is located at 1936 Amity Street in the Startown Small Area Planning District, Newton Township, and further identified as Parcel ID number 3721-20-92-0125.

The E-2 Intensive Manufacturing district is intended to provide areas for intensive manufacturing, processing and assembly uses, controlled by performance standards to limit the effect of such uses on adjacent districts.

The subject property is undeveloped.

- There is at least 125 acres of property (in various tracts) that surround the Shook parcel to the north, west and south, which are within the City of Hickory's Planned Development Industrial Park (PD-IP) zoning district. Various other parcels are contiguous to the PD-IP district and are also zoned for industrial use but may be owned by others. The majority of this industrial zoned property is currently vacant. As you

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approach from the north some parcels are developed with various uses such as the ABC warehouse, The Tudor House Restaurant, and Haynes Mills (engineering manufacture).

- Property to the east is zoned in the County as R-2 Residential. Property to the immediate east is undeveloped. On August 29, 1995 the Board of Adjustment issued a Special Use Permit for the mining of earth products (clay, soil, sand) on the property. Public water is located at the site. Public sewer is not available at the site.

Direct access to the site is by Amity Street, a paved road connecting to the property. Currently the paved road extends to 30 foot of the parcel frontage. Amity Street connects to Fairgrove Church Road extension and then approximately .5 miles intersects with US 70. The Hickory-Newton-Conover Urban Area Transportation Plan shows a proposed major thoroughfare through this parcel, the Fairgrove Road extension. As Hickory has developed the industrial park the development of Fairgrove Road extension has aligned with the current right-of-way location, not through this parcel.

US 70 is a major thoroughfare, which provides access to various developments ranging from industrial activities in Hildebran to commercial centers in Hickory, Newton and Conover. The road spans the entire planning area paralleling I-40. The section of US 70 is a 5 lane road, which provides access to the subject rezoning site. According to the Thoroughfare Plan, there are no traffic problems along this section of US 70. Much of this can be attributed to the completed Catawba Valley Boulevard, which parallels US 70 to the south.

Traffic counts show approximately 16,700 Average Daily Trips (ADT) along US 70 near the Fairgrove Church intersection. The road has a capacity of 37,400 ADT. The Plan recommends the section of US 70 between US 321 in Hickory and US 321 Business in Conover be widened to 7 lanes.

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 property zoned for R-2 Residential development. During the review of the area with the Startown SAP committee, this site was not discussed as it was considered to be included in the industrial park by the City of Hickory.

The request to change the zoning of this 11.6 acre tract keeps with the intent of the land use of the surrounding industrial zoned properties. There is no immediate housing to be impacted by industrial zoning; therefore, the spirit of the neighborhood has not materialized as residential. New residential development is unlikely at this location. Rezoning this land to industrial expands an existing industrial district as opposed to creating a new district.

The Planning Board conducted a public hearing on March 27, 2006. No one spoke in support or opposition to the request.

The Planning Board concurred with the staff recommendation to support the request to rezone the property from the R-2 Residential district to the to the E-2 Intensive Manufacturing district based on:

- The location to existing industrial zoned properties
- The expansion of existing industrial zoned area
- The property location and proximity to other industrial uses would make it unsuitable for residential uses

Commissioner Barbara Beatty asked if this rezoning would be in keeping with what the City of Hickory was planning for this area and Jacky said that although this property was not in Hickory city limits, Hickory was working with the owner regarding designs so that any buildings would be in harmony with what Hickory would be building in the area. Commissioner Lynn Lail asked why the subject property was not in Hickory's ETJ and Jacky said it would not be a forced annexation but a voluntary one at the request of the petitioner. Jacky said the fact that the property had received a mining permit in 1995 may have prevented any annexation attempts. Chair Barnes asked if the mining permit had ever been utilized and Jacky said removal of soil had been done but that was all.

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Chair Barnes noted that the public hearing had been duly advertised as required and she opened the floor for anyone wishing to speak for or against the proposed rezoning. Hearing and seeing no one, Chair Barnes closed the public hearing. Commissioner Barger said he was surprised the property had not been annexed by the City of Hickory and Jacky said there were ongoing discussions regarding doing so. Commissioner Barger made a motion to approve the proposed rezoning and the below resolution. The motion carried unanimously.

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 E-2 Intensive Manufacturing district.

The 11.6 acre tract located at 1936 Amity Street in the Startown Small Area Planning District, Newton Township, and further identified as Parcel ID number 3721-20-92-0125.

This the 17th day of April 2006.

b. Eric Ben-Davies from the Piedmont Wagon Transit System came forward to present a request for Board approval of the FY 2006-07 Catawba County Rural Operating Assistance Program Grant application.

The Rural Operating Assistance Program is an annual grant that is available from the North Carolina Department of Transportation---Public Transportation Division. The County is the eligible applicant for the ROAP funds. It includes the Elderly and Disabled Transportation Assistance Program (EDTAP), the Work First Transitional/Employment Transportation Assistance Program and the Rural General Public (RGP) Program. These program funds are made available to counties through formula allocation.

EDTAP provides operating assistance funds for the transportation of the state's elderly and persons with disabilities. This transportation assistance allows these individuals to reside for a longer period in their homes, thereby enhancing their quality of life.

Work First/Employment program is intended to provide operating assistance for transitional Work First and general public employment transportation needs.

RGP, which provides operating assistance funds, are intended to provide transportation services to individuals who are not human service agency clients.

The FY 2006-2007 Rural Operating Assistance Program allocation to the County is \$151,469.00 (approximately .1 percent decrease over last year's allocations). This money will fund the following programs: EDTAP (\$74,134.00), Work First (\$12,358.00) and Rural General Public (\$64,977. 00). The EDTAP and Work First funding will be provided with 100 percent state funds and requires no local match. RGP are funded at 90 percent of the fully allocated cost of each general public trip. The remaining 10 percent RGP match is funded through existing Catawba County sub-allocations to Piedmont Wagon Transit System and fares.

Chair Barnes opened the public hearing and noted it had been appropriately advertised. Hearing and seeing no one wishing to speak, Chair Barnes closed the public hearing. Commissioner Lynn Lail made a motion to approve the grant application. The motion carried unanimously.

c. Jacky Eubanks, Planning Director, came forward with a request for the Board to review and consider an amendment to Catawba County Code, Chapter 44, Article II, Administration and Enforcement, Section 44-45.

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The General Assembly of North Carolina in its 2005 session ratified Senate Bill 518 and Session Law 2005-426, Senate Bill 814, which was an act to clarify and make technical changes to City and County Planning Statutes. This bill included clarification on the Filing of applications, information needed in the contents of the application, and the action of the Planning Board and Board of Commissioners. Other items were listed under Notice of Public Hearing, such as, when notices must be published, mailed notice deadlines and who should be notified, rezoning affecting more than 50 property owners, and requirement for the posting of subject property.

The Planning Board unanimously agreed to support the text amendments and recommended to the Board of Commissioners that they favorably consider the request.

The recommended amendments were as follows:

Ordinance No. 2006-

AMENDMENT TO THE CATAWBA COUNTY ZONING ORDINANCE

BE IT ORDAINED that the Catawba County Code of Ordinances, Chapter 44, Article II, Administration and Enforcement, Section 44-45 is hereby amended, which said section reads as follows:

Sec. 44-45. Amendments.

(a) *Intent.* For the purpose of establishing and maintaining sound, stable, and desirable development within the county planning jurisdiction, this chapter shall be amended to rezone an area, to extend the boundary of an existing zoning district, or to change the regulations and restrictions of an existing zoning district, only where necessary to correct a manifest error in this chapter or otherwise where necessary to promote the public health, safety, or general welfare. Any such amendment must reflect and achieve the purposes of the adopted land use plan.

(b) *Initiation.* Subject to the limitations of the statement of intent in subsection (a) of this section, an amendment to this chapter may be initiated by the following:

- (1) The board of commissioners on its own motion.
- (2) The planning board.

(3) Application by any property owner or his agent.

(c) *Filing and contents of application.* The procedure for filing for an amendment to this chapter and the contents of the application are as follows:

(1) *Filing of applications.* All applications for amendments to this chapter shall be in writing, on a form prescribed by Catawba County, signed, and filed with the zoning administrator-planning director. In the case of a conditional zoning district, the application must be signed by all owners of the property subject to the application.

(2) *Contents of application.* All applications for amendments to this chapter, without limiting the right to file additional material, shall contain at least the following:

- a. If the proposed amendment would require a change in the official zoning atlas; that is, if the proposed amendment would change the zoning classification of only a portion of an existing parcel, a fully dimensional map, at a scale of not less than 100 feet nor more than ten feet to the inch, showing the portion of the parcel covered by the proposed amendment;
- b. If applicable, a legal description of such land;
- c. If applicable, a detailed statement of any alleged error in this chapter which would be corrected by the proposed amendment and a detailed explanation of the manner the

proposed amendment will correct the alleged error; and

- d. A detailed statement of all other circumstances, factors and reasons including a statement as to the reasonableness of the proposed rezoning, which the applicant offers in support of the proposed amendment. This statement shall address consistency with the Comprehensive Plan and other county adopted plans, the compatibility of the proposed rezoning with the property and surrounding area, and the benefits and detriments of the proposed rezoning for the landowner, the immediate neighbors and the surrounding community.

(d) Action of Planning Board. After hearing presentations, the Planning Board must review the amendment application, staff report, and additional information and comments submitted or presented to the Planning Board, and must recommend to the Board of Commissioners approval or denial of the application in writing. In deciding whether to recommend approval or denial of the application, the Planning Board shall consider whether the proposed amendment is consistent with the Comprehensive Plan and other county adopted plans and otherwise advances the public health, safety and general welfare.

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(de) Referral of application to planning board and county planner. The application for the proposed amendment shall be referred to the planning board and county planner in accordance with the following

(1) ~~The zoning administrator-planning director~~, upon receipt of the application to amend this chapter, which has been examined and approved as to form by the ~~zoning administrator-planning director~~, shall refer the application to the planning board for study and report. The board of commissioners shall not enact the proposed amendment until 30 days after such referral to the planning board or until the planning board makes its report, whichever first occurs. The ~~zoning administrator-planning director~~, concurrently with the referral to the planning board, shall refer the application to the county planner for the preparation of a report thereon.

(2) The county planner shall prepare and submit a written report to the planning board prior to its meeting to consider the application and also to the board of commissioners prior to the public hearing described in subsection (f) of this section.

(ef) Public hearing and notice. A public hearing shall be held in accordance with the following:

(1) Public Hearing. A public hearing shall be held by the board of commissioners before adoption of any proposed amendment to this chapter.

(2) Notice of Public Hearing. ~~Notice of public hearing shall state the time and place of the public hearing, summarize the nature of the application and proposed development, and invite interested parties to review the application at the Planning Department and submit oral or written comments on the application at the public hearing. Notice shall be provided as follows: Notice of the public hearing shall be given by publishing the notice at least twice in a newspaper of general circulation in the county, stating the time and place of such hearing and the substance of the proposed amendment. This notice shall appear in such newspaper for two successive weeks, with the first notice appearing not less than 10 days nor more than 25 days before the date set for the public hearing.~~

~~(2) In addition to notice required in subsection (e)(1) of this section, where the proposed amendment involves a change in the designation of any parcel of land, the zoning administrator shall, by first class mail, give notice of the public hearing to the owner of the parcel involved in the proposed amendment, if the owner is different from the applicant, as well as the owners, as shown on the tax rolls, of all land abutting the parcel involved in the proposed amendment. The zoning administrator shall also post a sign on the property giving notice of the pendency of the hearing.~~

a. Published Notice. An advertisement shall be placed by the Planning Director, or designee, in a local newspaper of general circulation once a week for two successive calendar weeks. The first notice shall be published not less than 10 days nor more than 25 days before the date fixed for public hearing.

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b. Mailed Notice. The Planning Director, or designee, must notify by first class mail all property owners, as indicated by the latest County tax listing of property ownership, subject to the application and all property owners abutting that property subject to the

application to the address listed for such owners in the county tax abstracts. This notice must be placed in the mail at least 10 but not more than 25 days prior to the date of the public hearing. The Planning Director shall certify to the Board of Commissioners the date the notices were mailed.

- c. Major Rezoning. For zoning map amendments directly affecting more than 50 properties owned by at least 50 different property owners, the County may elect to provide notice with mailed notices as provided in Section 2(b) above or the County may, as an alternative, elect to public notice of the hearing as described in Section 2(a) above, provided that each advertisement must be at least ½ of a newspaper page in size. The advertisement is effective notice only for those property owners who reside in the area of general circulation of the newspaper which publishes the notice. Property owners who reside outside of the newspaper circulation area, according to the address listed on the most recent property tax listing for the affected property, must be provided with mailed notice.
- d. Posted Notice. A sign noticing the public hearing must be prominently posted by the Planning Director, or designee, on the property(ies) subject to the application at least 10 days but not more than 25 days prior to the public hearing at which the application will be reviewed. The sign must be posted on the property at a point visible from the nearest public street. In the case of multiple parcel, sufficient signage must be posted to provide reasonable notice to interested parties.
- e. Minor Defect in Notice. Minor defects in notice will not impair the notice or invalidate proceedings pursuant to the notice if a good faith attempt has been made to comply with the applicable notice requirements.

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Eg. Public hearings by board of commissioners. The board of commissioners shall conduct a public hearing on the proposed amendment at its regular monthly meeting.

(gh) Action of board of commissioners. After the public hearing on the application, the board of commissioners shall review the amendment application, recommendations of the Planning Director and the Planning Board, and other information and comments submitted or presented at the public hearing and must receive the recommendation of the planning board and the county planner. It shall then take one of the following actions:

- (1) Approval of the proposed amendment application.
- (2) Approval of a modified version of the proposed amendment that is within the scope of matters considered at the public hearing application; or
- (3) Denial of the proposed amendment application.

Before completing review and making its final decision, the Board of Commissioners may postpone its discussion and/or action to a later meeting or refer the application to a committee or back to the Planning Board for further consideration. In deciding whether to approve or deny an amendment application, the Board of Commissioners shall adopt a statement describing whether its action is consistent with an adopted comprehensive plan and explaining why the Board of Commissioners considers the action taken to be reasonable and in the public interest. The Board of Commissioners may adopt the statement furnished by staff, applicant, other agencies or may formulate its own statement.

(hi) Withdrawal of application. An applicant may withdraw the application at any time by written notice to the zoning administrator- planning director. However, any withdrawal of an application after the giving of the first notice as required in subsection (f) of this section shall be considered, for the purposes of subsection (j) of this section, a denial of the application.

(ij) Effect of denial on subsequent petitions. When the board of commissioners shall have denied an application or the application shall have been withdrawn after the first notice of the public hearing thereon, the zoning administrator planning director shall not accept another application for the same or similar amendment affecting the same property or a portion of it until the expiration of a one-year period, extending from the date of denial or withdrawal, as appropriate.

(jk) Fees. Fees for filing an application for an amendment shall be set by resolution of the board of

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commissioners.

This the 17th day of April 2006.

Chair Barnes clarified the posting requirements for posting on the actual property and where it needed to be in regard to the roads surrounding the property. She noted the public hearing had been appropriately advertised and opened the floor for comments. Hearing and seeing no one wishing to speak, she closed the public hearing. Vice-Chair Hunsucker made a motion to approve these amendments. The motion carried unanimously.

d. Jacky Eubanks, Planning Director, came forward to present a request to amend the County code to add section 44-89 Conditional Zoning District to Chapter 44, Article III, Districts. The new section, 44-89, which would allow for the consideration of certain uses that are not necessarily supported by the underlying zoning. This new tool would allow for the establishment of conditional use zoning districts and provide the Board of Commissioners with flexibility to determine what uses are in the best interests of the citizens of Catawba County. The districts would contain specific uses that would not otherwise be allowed without the zoning change. The specific uses would be permitted and conditioned. They would only stay in existence as long as the use continued. Once the use ceased, the underlying zoning would be restored to the property. Staff and the Planning Board recommend approval of the ordinance.

In the 1980s North Carolina cities and counties began use of conditional use district zoning. In this technique a new zoning district with no automatically permitted uses is created and a concurrent conditional use permit is issued for a particular development within the new district. An example of how the conditional use district zoning could be used relates to permitting a residential property, which is adjacent to a commercial property, to be used for a specific commercial purpose. With the conditional use zoning tool, the residential property could be restricted to a specific use, with conditions such as screening and hours of operation, rather than rezoned to permit the traditional family of uses that correlates with a commercial district. Once the specific commercial use ceased, the property would return to the residential use. Conditional use district zoning is used on a voluntary basis and allows for flexibility and discussion between the local government and the specific property owner(s).

In 2005, amendments to the existing statutes addressed the origin and nature of conditions that may be imposed. Specifically, the owner or the government, with citizen input, may suggest conditions but only those conditions mutually acceptable to both the owner and the government may be incorporated into the individual permit involved. In addition, conditions or site-specific standards imposed are limited to those (1) that address the conformance of the development and use of the site to county ordinances and officially adopted plans and (2) those that address the impacts reasonably expected to be generated from the development or use of the site.

A conditional zoning district allows particular uses to be established only in accordance with specific standards and conditions pertaining to each individual development project. The districts are attached to individual properties. Conditional zoning districts allow for the consideration of certain uses that because of their nature or scale have particular impacts on both the immediate area and the community as a whole. The development of these uses cannot be predetermined and controlled by general district regulations. In addition, circumstances arise when a general zoning district designation would not be appropriate for a certain property, but specific uses permitted under the district would be consistent with the objectives of conditional zoning. Conditional zoning districts will accommodate those situations. A conditional zoning district is not intended for securing speculative zoning for a proposal but rather is based on a firm development proposal.

Parameters for conditional zoning districts:

- Voluntary and optional to the developer;
- Must be consistent with adopted plans as would any other rezoning request;
- Must be able to withstand the "Spot Zoning" challenge. Spot zoning occurs when a relatively small tract of land is zoned differently than the surrounding area. In North Carolina, spot zoning is not illegal in and of itself. The four part test to determine spot zoning is:

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- o Size of tract;
- o Compatibility with adopted plan;
- o Public benefits and detriments of proposed rezoning; and
- o The relationship between proposed use and current use of adjacent properties.
- Conditions mutually agreed to by the County and developer with input from the public may include but are not necessarily limited to the following:
 - o Additional buffering, screening and landscaping;
 - o Hours of operation;
 - o Additional open space;
 - o Lighting;
 - o Setbacks;
 - o Architectural design;
 - o Public facilities; or
 - o Any other reasonable amenities or improvements that address the impacts of the proposed development.
- Board of Commissioners in exercising its legislative discretion determines it is in the best interests of the community to approve the conditional use zoning district.

Chair Barnes opened the public hearing and noted that it had been duly advertised. Hearing and seeing no one wishing to come forward to speak for or against this request, she closed the public hearing. Commissioner Glenn Barger said he was a little concerned that while there were some fertile places where this ordinance would apply and Sherrills Ford was one of the fastest growing communities in the County, he saw no one from that community present at the meeting. He recommended before the Board acted upon this amendment, that the staff meet with that community and review the Sherrills Ford Small Area Plan and ask for public input. Vice-Chair Hunsucker agreed with Commissioners Barger, particularly after receiving some phone calls from residents, and suggested the Board wait at least until the May 1 meeting before taking action on this matter. Commissioner Barbara Beatty agreed with Vice-Chair Hunsucker and Commissioner Barger and said the Sherrills Ford area residents should be allowed to weigh in on this amendment. Chair Barnes stated this document was a tool that can help the County move forward. She noted she lived in the Sherrills Ford/Terrell area and observed the changes that are rapidly taking place and this amendment gives the Board an opportunity to guide that growth and she felt the amendment should be adopted. Chair Barnes said she would do whatever the Board agreed upon, though she was prepared to vote at this meeting. Commissioner Lynn Lail said she thought the Board had very carefully thought through the actions it had taken and saw no reason that this amendment could not wait until the next meeting in order to do all the steps they should do. Attorney Robert Eades advised the Board that since they were only postponing consideration of the amendment, he did not think they needed another public hearing. If a substantial change was made to what was presented at this meeting, then a new public hearing would need to be advertised. Chair Barnes asked Vice-Chair Hunsucker if his proposal was to postpone action on this item until the May 1 meeting. Vice-Chair Hunsucker confirmed this was his proposal and this was made in the form of a motion. The motion carried unanimously. County Manager J. Thomas Lundy said the staff would take steps to get the Sherrills Ford Small Area Plan Committee together to review this amendment. Commissioner Beatty suggested staff contact any organized groups in the area regarding the review of this amendment.

8. Appointments. None.

9. Consent Agenda.

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

a. A request for a \$61,000 increase in revenue and expenses for the Public Health Home Health budget. The caseload has grown 40% in this fiscal year and these funds would be used for physical and occupational therapy. The supplemental appropriations would be as follows:

580150-841010 Travel	\$ 5,000
580150-856301 Physical Therapy	\$44,000
580150-856304 Occupational Therapy	\$12,000
580150-672106 Home Health Third Party	\$61,000

b. A request to approve a revised grant for the Criminal Justice Partnership Program (did not go to subcommittee). The Board had previously approved the grant and the grant has since been increased by \$1204. The total amount received by the County would be \$112,716.

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c. A request for the County to grant a right-of-way to the NC Department of Transportation on County owned property on Wilfong Road. This is part of the closing of Wilfong Road and putting a cul-de-sac in for the neighbor who are remaining and need access.

d. A request from Newton-Conover Schools for a letter of commitment for two project that are their high priority projects and would be recommended as part of the upcoming budget. The first is replace the bleachers at the high school. A year ago the Board had provided funds to replace the handrails but it has been discovered the bleachers were in bad repair. \$35,000 was previously appropriated for the rails and they are asking for an additional \$160,000 to replace the bleachers. The second request is for \$115,000 for the replacement of the multi-zone HVAC units at Newton-Conover. The school would like to get started on both of these project this summer before school starts so they need a letter of commitment prior to the budget hearings.

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 Barger made a motion to approve the consent agenda. The motion carried unanimously.

10. Departmental Reports.

Social Services:

Jo Sloan, Family Support Program Manager, came forward to update the Board on TANF Electing County Status. In 1995-96, Catawba County applied to become an Electing County under Welfare Reform. The typical welfare program was in flux – changing from Aid to Families with Dependent Children (AFDC) to Temporary Assistance for Needy Families (TANF). North Carolina's General Assembly established the opportunity for a limited number of counties to apply for "electing" status. Counties chosen to be electing counties could implement local policy changes that were outside the standard state TANF plan and allowed for the county to move welfare savings from Cash Assistance to the Services provision, thereby resulting in savings. Although Catawba County's plan was rated the highest of those submitted, it was not selected as an Electing County due to a chance selection of "drawing the names from a hat". Further, Catawba County's application included a Job Quit policy for those seeking assistance. The State adopted many of the County's suggested policy changes –along with creative policies from other counties --and implemented them as a general standard even though Catawba County was not selected as an Electing County.

After many years of reviewing the possibilities of submitting another application for "electing" status, Catawba County decided to apply again for FY05-06. The primary motivating factor was based on the belief that savings could be realized from Cash Assistance to Services. The Department of Social Services was willing to take the risk under Reinventing Government, and the Board of County Commissioners agreed. The only major policy change included that was different from the state's standard plan was a Medical Initiative as described below:

Medical Initiative: Some applicants/recipients claim they are unable to work or participate in work-related training due to medical or mental problems. Social Services may require an independent medical/mental exam of any person who requests to be exempt from work requirements when the medical/mental conditions are questionable, or the limitations caused by that condition are not clearly established. The individual must agree to the exam and be fully cooperative once it is scheduled. The agency (Medicaid) will cover the cost of the exam. Persons who fail to cooperate will be subject to sanctions.

Update: After Catawba County's policy was developed and approved, the state completely rewrote the medical form that the client takes to the doctor. The new form is much better and asks pertinent questions that clearly convey the applicant's physical/mental limitations and abilities. Therefore, most of the time the staff are able to get the information needed to make informed decisions from the information supplied by the physician. In other instances, staff have been able to get additional needed information from Vocational Rehabilitation assessments. Between the Vocational Rehabilitation assessment and the new medical form, Work First has been able to get the information needed and has not had a situation requiring referral of anyone to a specialist for their proposed independent medical/mental exam.

Social Services is grateful this policy change has worked smoothly. It is refreshing to see the state change the form as these enhancements were greatly needed.

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The citizens of Catawba County have benefited greatly from North Carolina's bold Electing County experiment. With welfare reform, counties were encouraged to 'think outside the box' and offer suggestions for innovative policy changes that would enable families to move more quickly to higher levels of personal responsibility and economic self-sufficiency. All of the policy changes suggested by Catawba County's first Electing County Plan have been incorporated into statewide policy that has touched the lives of thousands of citizens. Staff at the County level are now able to respond quickly to the individual problems and concerns of local citizens and are no longer encumbered by the one-size-fits-all state policies of the past. Catawba County's Electing County Plan clearly communicates to all that the expectation in this county is that all able-bodied persons will seek and maintain employment and support their families to the best of their ability. A wide-range of supportive services and resources are offered to divert citizens from welfare, to help Work First recipients develop job skills and to assist them in finding employment, such as the Job Link Career Center, Employment Security Commission, Vocational Rehabilitation, Goodwill and the Catawba County Community College.

The savings to be realized will be available from reduced Cash Assistance cases. In other words, if more families are employed or self-supporting, then there is less need for TANF assistance. There are specific dollars allocated for Cash Assistance based on previous usage. If the number of families receiving TANF is less than those projections, then the monies that would have been used to fund TANF are available for county transfer. At the time Electing Status was granted in July 2005 our goal was to realize a surplus of \$200,000. Through February 2006, the actual realization is approximately \$300,000. The state has agreed to transfer \$325,000 from Cash Assistance to Services. The new projection for end-of-year surplus is \$355,000. With \$200,000 savings goal budgeted as revenue for FY 05-06 we should realize approximately \$155,000. The funds will be used to lessen the Reinventing Government deficit for the year brought on by new legislation and budget cuts.

Social Services is pleased that the Work First Cash Assistance has decreased from 360 to 331 from July 2005 to February 2006. That is a reduction of 9.2 percent. It is unlikely that the caseload will continue to demonstrate this kind of decrease. Two-thirds of the remaining Work First caseload in Catawba County, 207, are caretaker-cases which include no adult in the assistance unit. Most of these cases fall under the category of 'kinship care' which means that some adult is caring for a relative-child who can no longer live with his/her parents. Kinship care is almost always an alternative to Foster Care—which keeps the child in contact with his natural family at a much lower expense. The remaining cases, 124, consist of adults in various situations such as: those who are able-bodied; 51, those with a child under the age of one, who are exempt from the program; 37, and those with a doctor's statement stating incapacity; 36. Of the 124 adult cases, 97 are receiving intensive employment services. Future reductions in caseload will be related to the progress of these individuals as well as those who are diverted from receiving assistance. It is difficult to establish a specific outcome for reducing the number of families receiving TANF as they recycle depending on the economy and other situations beyond social services control. The real focus is on keeping 94% of families off TANF 12 months after they first exited the program.

Further, it is important to note that previous Work First recipients who have found work and gone off of assistance are now self-sufficient with approximately 94 percent of those who exited welfare remaining off of assistance one year later. The significance of remaining for assistance relates to a State performance measure addressing caseload reduction – "Remaining Off Welfare after Going to Work." The performance measure tracks the number of families who leave Work First assistance because of earning and remain off the caseload in the report month one year following their exit from Work First. The State goal (for every county) is set at 90% for FY2006. Catawba County's performance on this goal as of February 2006 was 95%.

On a negative side, it should be noted that Day Care is a crucial component of enabling families to enter or maintain employment. Because of recent shortages of Day Care funds and increased demand for need, it has become necessary to re-institute a waiting list. Without adequate Day Care to assist individuals entering service employment, it is going to be very difficult to maintain the gains. Day Care is a state/federal funding responsibility; therefore, advocacy is focused on Congress and North Carolina General Assembly to appropriate adequate monies to enable families with low wages to become or remain employed. The other primary barriers to employment are lack of transportation; lack of work experience and limited education/skill levels. However, as stated previously, many local resources work closely

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together to help Work First citizens become job ready. Those resources include: the Job Link Career Center, Goodwill, Catawba Valley Community College and The Employment Security Commission. Additionally, the Transportation Plan developed by Piedmont Wagon with social services input addresses the use of state funds to help with transporting problems.

Overall, it is hard to correlate a reduction in caseload based on Catawba County becoming an Electing County, as the significant reduction in caseload happened before we became an electing county. The reductions in caseloads were a result of state changes in policy, such as the Job Quit policy we suggested in the mid 1990's, and the robust economy of the late 1990's. However, becoming an Electing County, even at this time has produced tangible financial benefits for Catawba County. This was an informational item for the Board and no action was taken. Commissioner Lail commended Jo Sloan for the work she has done and the entire Social Services staff to get to this point.

11. Other Business.

Tony Gallegos, Cooperative Extension Agent, presented a request for the Board to approve a resolution supporting the establishment of KEEP CATAWBA COUNTY BEAUTIFUL. Henry Helton and Fred Miller were also present.

On October 8, 2003, a Litter Summit was held at the Catawba County Agricultural Resource Center to focus on litter issues within the county and brainstorm potential solutions. As a result of this summit, and at the direction of the Board of Commissioners, the Catawba County Litter Task Force was developed to evaluate and recommend the most effective way to reduce litter in the county.

Cooperative Extension staff facilitated the development of the Litter Task Force, which held its first meeting on February 18, 2004. Since that time, Cooperative Extension has been working with the local municipalities, government agencies and concerned citizens on several program areas. The first priority was to enhance participation in clean-up events, in particular the Spring and Fall Litter Sweeps. Other efforts focused on working with schools and local educators to improve litter education; general public outreach; coordinating and seeking ways to improve Adopt-A-Highway and inmate and court appointed community service pick-ups. The Task Force soon came to the conclusion that the most effective way to meet its goal to "Keep Catawba County a Clean and Beautiful Place to Live and Work" would be to establish a local affiliated chapter of Keep America Beautiful (KAB) called *Keep Catawba County Beautiful (KCCB)*.

Founded in 1953, Keep America Beautiful, Inc. is the nation's largest volunteer-based non-profit organization dedicated to litter and graffiti prevention, beautification, waste minimization and community improvement. The organization, which has both state and local affiliates, engages millions of volunteers each year in hands-on community improvement activities during which citizens learn to take personal responsibility for improving their local community environments and their quality of life. The organization teaches citizens how to care for, preserve, and protect the natural beauty of their communities.

An essential part of the organization's success is its emphasis on developing productive partnerships with local governments, businesses, civic groups and dedicated individuals. Through this diverse and dynamic network of affiliates, Keep America Beautiful will inspire stewardship in Catawba County focused on litter prevention, waste reduction, beautification and community improvement. The Litter Task Force has already begun the pre-certification process for establishing an affiliated local chapter in Catawba County. These initial efforts include:

- Generating \$7,500 in community and corporate donations for the KAB application fee and local chapter operating costs
- Working with a KAB national trainer through the pre-certification process.
- Identifying possible community leaders to serve on the Keep Catawba County Beautiful Board of Directors
- Developing the organizational/administrative structure of the local chapter
- Research and Analysis (Litter Index and Survey) on high impact litter areas in the county
- Developing a strategic plan to address litter concerns in the county

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With litter as its main focus, Keep Catawba County Beautiful will enable interested community leaders and members to have access to expansive programming opportunities and educational resources to address litter issues and other environmental issues as the organization progresses.

A pre-certification workshop determined that a non-profit structure, with a Board of Directors, would be the most workable organizational structure for Catawba County. County support could continue in its current form, with Cooperative Extension staff providing coordination for a short period of time while the organization develops. It was suggested that this type of structure would encourage board recruitment and donations since funds go to programming efforts vs. overhead. It is anticipated that *Keep Catawba County Beautiful* will be self-supporting, through community and corporate sponsorship, within 3 years.

Commissioner Barbara Beatty made a motion to adopt the following resolution. The motion carried unanimously.

RESOLUTION NO:

Keep Catawba County Beautiful

WHEREAS, the Keep America Beautiful mission is "to empower individuals to take greater responsibility for enhancing their community environment", and;

WHEREAS, the Catawba County Litter Task Force, established as a result of the 2003 Litter Summit, and directed by the Board of Commissioners, has determined it will be beneficial to develop the Keep America Beautiful program in Catawba County, and;

WHEREAS, the name of the affiliate will be "Keep Catawba County Beautiful" and it will be a future 501(c)(3) reporting to a Board of Directors, and;

WHEREAS, the mission of Keep Catawba County Beautiful will be to promote education and responsible behavior regarding littering, recycling, proper solid waste management, and beautification through positive individual and community involvement which will enhance the quality of life for all, and;

WHEREAS, the Keep Catawba County Beautiful organization shall develop ongoing programs focusing on fostering positive personal attitudes and behaviors concerning waste handling and community appearance, and;

WHEREAS, the Keep Catawba County Beautiful organization will benefit the communities, neighborhoods and municipalities of Catawba County;

NOW, THEREFORE, BE IT RESOLVED by the Catawba County Board of Commissioners, that the Board hereby declares its support of Keep Catawba County Beautiful.

This the 17th day of April, 2006.

12. Attorneys' Report.
County Attorney Robert Eades announced his resignation as County Attorney effective June 30, 2006 – giving the Board time to find another attorney and have a transition period. He noted the number of Commissioners, County Manager, Assistant County Managers, staff attorneys and Planning Directors he had worked with since he had been appointed County Attorney in 1994. Robert said he appreciated the opportunities he had been afforded. Chair Barnes expressed the Board's appreciation for his work.
13. Manager's Report. None.
14. Adjournment. Vice-Chair Hunsucker made a motion to adjourn at 8:16 p.m. The motion carried unanimously.

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Katherine W. Barnes, Chair
Board of Commissioners

Barbara E. Morris, County Clerk

