

Minutes
 Catawba County Board of Commissioners
 Regular Session, Monday, June 5, 2006, 9:30 a.m.

Appointments

Mental Health Services of Catawba Co.	262	06/05/06
Workforce Development Board (nominations)	262	06/05/06
Tax Collector	262	06/05/06
Deputy Tax Collector	262	06/05/06

Board of Commissioners

Change in Meeting Schedule and Subcommittee Dates	265	06/05/06
---	-----	----------

Budget

Budget revision for increased ambulance billing fees	264	06/05/06
Request for Capital Funds for Bunker Hill Classroom Addition	266	06/05/06

Catawba County Schools

Request for Capital Funds for Bunker Hill Classroom Addition	266	06/05/06
--	-----	----------

County Code

Amendment to Chapter 42, Water and Sewer	267	06/05/06
--	-----	----------

Parks

Appropriation in Parks/Historic Preservation Fund – marketing items	264	06/05/06
---	-----	----------

Personnel

Reinventing Government – Social Services	286	06/05/06
--	-----	----------

Proclamations

World Adult Abuse Awareness Day	262	06/05/06
---------------------------------	-----	----------

Public Comment

Danny Hearn – deadlines for public hearings, forums and final vote on UDO	262	06/05/06
---	-----	----------

Reinventing

Personnel changes – Social Services	286	06/05/06
-------------------------------------	-----	----------

Resolutions

Declaration of Surplus Personal Property and authorizing sale by Upset Bid	263	06/05/06
Clean Water Bond Resolution	264	06/05/06
In support of designating NC 150 as a Strategic Corridor	266	06/05/06
Supporting State Assumption of County Share of Medicaid	265	06/05/06

Social Services

Reinventing Government – Personnel Changes	286	06/05/06
--	-----	----------

Utilities and Engineering

Amendment to Chapter 42, Water and Sewer	267	06/05/06
--	-----	----------

Voting Equipment

Sale of Surplus Voting Equipment by Upset Bid	262	06/05/06
---	-----	----------

The Catawba County Board of Commissioners met in regular session on Monday, June 5, 2006 at 9:30 a.m. in the 1924 Courthouse, Robert E. Hibbitts Meeting Room, 30 North College Avenue, Newton, North Carolina.

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

Chair Katherine W. Barnes was absent.

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

1. Vice-Chair Dan A. Hunsucker called the meeting to order at 9:30 a.m.
2. Commissioner Barbara G. Beatty led the Pledge of Allegiance to the Flag.
3. Commissioner Glenn E. Barger offered the invocation.
4. Commissioner Barger made a motion to approve the minutes from the Special Session of May 12 and 13, 2006, the Regular Meeting of May 15, 2006 and the Special and Closed Session meetings of May 29, 2006. The motion carried unanimously.
5. Recognition of Special Guests: Vice-Chair Hunsucker welcomed all present as special guests.
6. Comments for Items not on the Agenda.
Danny Hearn, President of the Chamber of Commerce came forward and on behalf of the Chamber, its Land Development Committee and the Catawba Valley Realtors Association and the Home Builders Association, requested that the proposed schedule for public forums, public hearings and adoption of the County's proposed Unified Development Ordinance be modified. Mr. Hearn said an extension to the current deadlines would allow these entities sufficient time to review and make recommendations on the 300+ page ordinance. County Manager J. Thomas Lundy said the County appreciated the dialog that the County had had with the Chamber and the Land Development Committee and staff had incorporated suggestions that had been made by members of the Land Development Committee in the proposed UDO. County Manager Lundy recommended to the Board a revised schedule which included Planning Board Workshops in late June and early July; two public forums on July 11 and July 25 and two public hearings before the Board of Commissioners on August 21 and September 18. The Board approved Mr. Lundy's recommendations by common consent.
7. Presentations:
Commissioner Lynn M. Lail presented a proclamation declaring Monday, June 15, 2006 as World Adult Abuse Awareness Day in Catawba County to Terri Franco, Social Services Adult Services Supervisor.
8. Appointments:
Commissioner Lail recommended the reappointment of John Bryson for a second term on the Mental Health Services Board. She also asked the Board's ratification of her nominations for reappointment of William "Bill" Burton (private industry rep) and Coy Hudson (higher education rep) and the appointment of Debra Miller (private industry rep) to the Workforce Development Board. County Manager Lundy recommended the reappointment of Jackie Spencer as Tax Collector and Jeanne Jarrett as Deputy Tax Collector. These recommendations came in the form of a motion. The motion carried unanimously.
9. Consent Agenda:
J. Thomas Lundy, County Manager asked the Board to take item e – Resolution Requesting the Addition of NC 150 as a Strategic Highway Corridor – off the consent agenda and act on that item separately and asked Commissioner Beatty to address that item. County Manager presented the remaining six items on the consent agenda which had been recommended by subcommittees:
 - a) A request to declare some of the County's e-slate voting equipment as surplus. The County has a bid to purchase about 2/3 of the equipment from Hart. Knox County, Tenn. is the interested purchaser but Federal funding does not allow them to buy used equipment so Hart is actually submitting the bid and then

they will end up with Knox County. The other 117 e-slates and 43 judges controls will be marketed. The following resolution was adopted as part of this request:

RESOLUTION #
DECLARATION OF SURPLUS PERSONAL PROPERTY AND
AUTHORIZING THE SALE BY UPSET BID PROCEDURE

WHEREAS, G.S. 160A-269 allows the Catawba County Board of Commissioners to sell personal property by the upset bid procedure, and

WHEREAS, the County has received an offer to purchase the property described above, in the amount of \$344,600 from Hart Intercivic; and

WHEREAS, Hart Intercivic has paid the required five percent (5%) deposit on this offer;

WHEREAS, the following Hart Intercivic voting equipment is no longer needed for any governmental use by Catawba County;

- (244) e-Slates voting unit and booth combination
- (51) DAU's - handicap unit and booth combination. Used for handicap and curbside voting with (40) headphones and (40) tactile switches
- (9) JBC's control unit

WHEREAS, the Catawba County Board of Commissioners accepts the offer of \$344,600 or any higher, upsetting offer, subject to the upset bid procedure;

THEREFORE, the Catawba County Board of Commissioners resolves that:

1. The Catawba County Board of Commissioners authorizes the sale of the property described above through the upset bid procedure of North Carolina General Statute 160A-269.
2. The Purchasing Agent shall cause a notice of the proposed sale to be published. The notice shall describe the property and the amount of the offer, and shall state the terms under which the offer may be upset.
3. Persons wishing to upset the offer that has been received shall submit a sealed bid with their offer to the office of the Purchasing Agent within ten days after the notice of sale is published. At the conclusion of the ten-day period, the Purchasing Agent shall open the bids, if any, and the highest such bid will become the new offer. If there is more than one bid in the highest amount, the first such bid received will become the new offer.
4. If a qualifying higher bid is received, the Purchasing Agent shall cause a new notice of upset bid to be published, and shall continue to do so until a ten-day period has passed without any qualifying upset bid having been received.
5. A qualifying higher bid is one that raises the existing offer by not less than ten percent (10%) of the first \$1,000 of that offer and five percent (5%) of the remainder of that offer.
6. A qualifying higher bid must also be accompanied by a deposit in the amount of five percent (5%) of the bid; the deposit may be made in cash, cashier's check, or certified check. The County will return the deposit on any bid not accepted, and will return the deposit on an offer subject to upset if a qualifying higher bid is received. The County will return the deposit of the final high bidder at closing.
7. The terms of the final sale are that: The buyer must pay with cash, cashier's check or certified check at the time of closing.

8. The County reserves the right to withdraw the property from sale at any time before the final high bid is accepted and the right to reject at any time all bids.

9. If no qualifying upset bid is received after the initial public notice, the offer set forth above is hereby accepted. The appropriate County officials are authorized to execute the instruments necessary to convey the property.

This the 5th day of June, 2006.

b) A request to take \$10,000 out of the Parks Historic Preservation fund as seed money or an investment for marketing to try and earn some money for the Parks Fund. The initial effort will be to publish two cookbooks – one of which was very successful in the late 1990's.

c) Request to increase the expenditure portion of the Finance Department budget which recognizes increased collections for ambulance billing. The County has a contract for ambulance collections where the vendor is paid 8% of any additional collections and the County is on track to have \$860,000 in excess of budgeted revenues and the 8% fee for the vendor would be \$70,000 – so the budget would be increased to pay the vendor cost.

d) A resolution requesting that the NC General Assembly enact a \$1 billion bond bill in the 2006 session. The resolution reads as follows:

RESOLUTION #2006-_____
CATAWBA COUNTY
2006 CLEAN WATER BOND

WHEREAS North Carolina's continued prosperity depends on protecting the state's water resources for current use and future generations; and

WHEREAS North Carolina is expected to grow by 3.5 million people to exceed 12 million by the year 2030, placing pressures on the state's water resources and local water providers; and

WHEREAS North Carolina's businesses, traditional and emerging industries, all depend on reliable supplies of clean water, reasonable utility costs and an attractive natural environment; and

WHEREAS the 1998 Clean Water Bonds delivered significant benefits to North Carolina communities and citizens, supporting 1,103 projects in 97 counties which:

- ♦ helped create or retain 42,000 jobs
- ♦ corrected major regulatory violations in 97 communities
- ♦ addressed failing septic systems and contaminated wells in 59 counties
- ♦ resulted in 50 communities receiving sewer service for the first time,
- ♦ encouraged regional efficiencies, sound planning and conservation practices; and

WHEREAS North Carolina's public water, sewer and stormwater utilities will require investments totaling \$16.63 billion to keep pace with necessary improvements and population growth over the next 25 years, including \$6.85 billion in investments within the next five years.

NOW THEREFORE BE IT RESOLVED that the Catawba County Board of Commissioners urges the North Carolina General Assembly to enact a \$1 billion bond bill in the 2006 session to fund construction and repair of urgently needed water, sewer and stormwater facilities with eligibility accessible to all funds by all 100 counties.

BE IT FURTHER RESOLVED that the Catawba County Board of Commissioners calls upon the Governor and the General Assembly to activate the State Water Infrastructure Commission to address the state's long-term water infrastructure needs with a visionary plan for sustained funding of water, sewer and stormwater system improvements.

Adopted this 5th day of June 2006.

f) A resolution in support of Medicaid relief for counties – expressing the County's support for a House Bill which would provide \$1 million in relief for the County this next year – but also indicating the eventual goal and legislative priority is the complete phase out of any county responsibility for Medicaid. The resolution read as follows:

**RESOLUTION 2006-
SUPPORTING STATE ASSUMPTION OF COUNTY SHARE OF MEDICAID**

WHEREAS, North Carolina is the only state that requires its counties to pay a fixed percentage of the state's Medicaid services costs; and

WHEREAS, the counties' share of Medicaid reimbursements has increased 85 percent since 2000 and is expected to total approximately \$488 million in FY 07; and

WHEREAS, counties are not allowed to set Medicaid policy, eligibility criteria, service options or provider rates; and

WHEREAS, it is estimated that in FY 07 Catawba County will spend \$7,500,000 or approximately 3.8 percent of its expenditures or 7% of local revenues for services to Medicaid eligible citizens; and

WHEREAS, in Catawba County 5.77 cents of tax rate goes to support Medicaid and 17 percent of the population is Medicaid eligible; and

WHEREAS, the Department of Public Instruction's School Planning section 2006 Long Range Facility Plans recently identified \$9.7 billion of school facility needs over the next five years; and

WHEREAS, the county Medicaid mandate is compromising some counties' ability to meet the demands for new classroom space and classroom improvements; and

WHEREAS, the state has a budget surplus for 2006-07 of more than \$2.4 billion; and

WHEREAS, bills have been introduced in the House and Senate that would provide \$65 million of Medicaid relief for counties in 2006-07;

WHEREAS, while the \$65 million currently being sought from the budget surplus will provide some relief for counties in 2006-07, state assumption of the counties' share of Medicaid is the ultimate goal and should be aggressively pursued.

NOW, THEREFORE, BE IT RESOLVED that the Catawba County Board of Commissioners urges the North Carolina General Assembly to include County Medicaid relief when it adopts its budget for 2006-07 and continue to seek state assumption of the counties' share of Medicaid.

FURTHER BE IT RESOLVED that copies of this resolution be transmitted to the members of the General Assembly representing Catawba County and to all 100 counties in North Carolina.

Adopted this the 5th day of June, 2006.

g) A request to change the Commissioners mid-month June meeting and subcommittee schedule because of individual conflicts. The Board is already meeting the evening of June 15th for budget public hearing, so it was proposed that the Board convene at 4:30 on that date, change the agenda and deal with the staff items first and then have a rezoning hearing and then the budget public hearing at 5:30. After that

public hearing was closed, the Board would make its budget decisions and actually adopt the budget that evening. This would cancel the June 19, 2006 meeting. Again because of schedule conflict, staff proposed the changing of the subcommittee scheduled for Monday, June 12, 2006 be rescheduled to Tuesday, June 13, 2006 at 8:30 a.m.

Vice-Chair Hunsucker asked, with the exception of item e, if any commissioner would want any item broken out from the consent agenda and none were requested. Commissioner Barger made a motion to approve the consent agenda. The motion carried unanimously.

Item e. Commissioner Barbara Beatty presented a resolution which joined the Metropolitan Planning Organization in its request to the DOT to add NC Hwy 150 as a Strategic Highway Corridor. Our DOT representative, Judge Collier, recommended that the County try to get that classification for Hwy 150 which would make it available for specific funds. The resolution read as follows:

RESOLUTION NO: 2006 - __
A RESOLUTION REQUESTING THE ADDITION OF NC 150
AS A STRATEGIC HIGHWAY CORRIDOR

WHEREAS, the North Carolina Department of Transportation adopted the Strategic Highways Concept (SHC) in September 2004 and developed and adopted a Strategic Highways Corridor plan for the state in October 2005; and

WHEREAS, the development of Corridor Studies for the identified Strategic Highway Corridors is outlined as a main component of implementation for the Strategic Highway Corridor initiative; and

WHEREAS, the SHC represents an initiative to protect and maximize the mobility and connectivity on a core set of highway corridors throughout the state while promoting environmental stewardship through maximizing the use of existing facilities to the extent possible and fostering economic prosperity through the quick and efficient movement of people and goods; and

WHEREAS, NC 150 from I-77 to the City of Mooresville in Iredell County to NC 16 Bypass in Catawba County is a significant connector in the region and heavily influences the mobility of Iredell, Catawba and Lincoln Counties; and

WHEREAS, according to 2003 Annual Average Daily Traffic counts supplied by NCDOT, NC 150 carries 35,000 vehicles per day in Mooresville, 14,000 vehicles per day in Catawba County and 29,000 vehicles per day where NC 150 and NC 27 merge in Lincolnton; and

WHEREAS, NC 150 provides connection between the fast growing areas in and around Mooresville and Lincolnton, the largest city in Lincoln County, and passes through a rapidly growing area of Catawba County.

NOW, THEREFORE, BE IT RESOLVED that the Catawba County Board of Commissioners hereby supports and joins in the Greater Hickory Metropolitan Planning Organization and the Unifour Planning Organization's request for NC 150 to be designated as a Strategic Corridor from I-77 to NC 16 Bypass by NCDOT.

Adopted this 5th day of June, 2006.

Commissioner Beatty made a motion to adopt this resolution. The motion carried unanimously.

10. Departmental Reports:

a. Budget/Catawba County Schools:

Judy Ikerd, Budget Manager, presented a request for appropriation of funds from Schools Capital Projects fund balance for a classroom addition and renovations at Bunker Hill High School and approval of an Addendum to the Agreement between the County and Catawba County Schools related to the reimbursement of funds once the old St. Stephens Elementary property sells.

Bids have been received for a nine-classroom addition at Bunker Hill High School with an alternate bid to add air conditioning to the gym. The air conditioning bid is to retrofit the gym with wall mounted, self-contained air conditioner units, saving considerable cost over the installation of traditional ductwork and air handlers. The total bid with the alternate is \$1,682,243. With \$139,000 in County funding available from planning funds for the project, the additional funding request is \$1,543,243.

In May of 2004, the County and Catawba County Schools entered into an agreement where the County advanced the schools money to add on to and renovate St. Stephens High School and the school system agreed to reimburse the County from the proceeds of the sale of the old St. Stephens Elementary property.

Catawba County Schools is requesting an advance of \$1,543,243 from Schools' Capital Projects Fund Balance and agrees to reimburse the County out of the sale of the real estate that housed the former St. Stephens Elementary School. This will be in addition to the \$3,100,000 the Catawba County Schools currently owes the County that was borrowed for the St. Stephens High School renovation project. An addendum to the May 2004 contract between the County and Catawba County Schools has been prepared reflecting these requests and reimbursements.

Supplemental Appropriation:

Increase	420-750100-690100	Fund Balance Applied	\$1,543,243
Increase	420-750100-863200-31103-1-01	Bunker Hill Renovations	\$1,543,243

Dr. Markley came forward and thanked the Commissioners for considering the request. Ernest Williams, the construction manager, gave the Board a brief overview of the proposed project.

Commissioner Barger made a motion to approve this supplemental appropriation and the addendum to the May 2004 contract between the County and Catawba County Schools. The motion carried unanimously.

b. Utilities and Engineering:

1. Barry Edwards, Director of Utilities and Engineering, came forward to present a request to amend the County Code , Chapter 42, Water and Sewer. Overall, the amendment restructures the Chapter to a logical order and to address the extension of sewers within the County and incorporate County Owned Water and Waste Water Utilities into the ordinance.

Article II of Chapter 42 previously addressed the extension of water and sewer service together and the guidelines for fire hydrants were in a separate article. The amendment divides the Extension of Water and the Extension of Sewer Service into Article II - Water Extensions and Article III - Extension of Sewer Service. Additionally the amendment incorporates the guidelines for fire hydrants into Article II along with the other provisions for water.

Article III - Extension of Sewer Service is a new article for Chapter 42 giving guidelines for the extension of sewer service in the unincorporated areas of the county. Article III mirrors Article II in its structure and in the requirements for the extension of sewer service. .

The proposed amendment also includes new Article V - County Owned Water and Waste Water Utilities in order to define the procedures and standards, including metering and connections, of County owned water and sewer infrastructure such as the existing SECC water distribution system.

The proposed amendment read as follows:

Ordinance No. 2006-

AMENDMENT TO THE CATAWBA COUNTY WATER AND SEWER ORDINANCE

BE IT ORDAINED that the Catawba County Code of Ordinances, Chapter 42, Water and Sewer is hereby amended, which said chapter reads as follows:

Chapter 42 WATER AND SEWER*

***Cross references:** Buildings and building regulations, ch. 8; environment, ch. 16; manufactured home parks, ch. 26; utility requirements for manufactured home parks, § 26-93; solid waste management, ch. 32; streets, sidewalks and other public places, ch. 34; subdivisions, ch. 36; water supply and sanitary sewer in subdivisions, § 36-85; underground utilities in subdivisions, § 36-88; zoning, ch. 44.

State law references: Authority to operate public enterprises, G.S. 153A-275; authority to fix and enforce rates, G.S. 153A-277; special provisions for water and sewer services, G.S. 153A-283 et seq.

Article I. In General

Sec. 42-1. Sewer use.
Sec. 42-2. Definitions.
Secs. 42-3--42-30. Reserved.

Article II. Extension of Water Service

Division 1. Generally
Sec. 42-31. Legislative Authority.
Secs. 42-32--42-56. Reserved.

Division 2. Water Extensions
Sec. 42-57. Purpose and Applicability.
Sec. 42-58. Reserved.
Sec. 42-59. Procedures and Standards.
Secs. 42-60--42-84. Reserved.

Division 3. Fire Hydrant Installation
Sec. 42-85. Guidelines.

Article III. Extension of Sewer Service

Division 1. Generally
Sec. 42-86. Legislative Authority
Secs. 42-87—42-107. Reserved.

Division 2. Sewer Extension

Sec. 42-108. Purpose and Applicability.
Sec. 42-109. Reserved
Sec. 42-110. Procedures and Standards.
Secs. 42-111—42-135 Reserved.

Article IV. Water and Sewer Extension Funding

Division 1. Generally
Sec. 42-136. Purpose and Applicability
Secs. 42-137—42-150. Reserved

Division 2 Revenue Sharing Program

Sec. 42-151 Purpose.
Sec. 42-152. Eligibility requirements.
Sec. 42-153. Application deadlines.
Sec. 42-154. General responsibilities of county.
Sec. 42-155. General responsibilities of municipality.
Sec. 42-156. Contract terms.
Secs. 42-157--42-185. Reserved.

Division 3. Revolving Loan Program
Sec. 42-186. Purpose.
Sec. 42-187. Eligibility requirements.
Sec. 42-188. Limitation of loan amounts.
Sec. 42-189. Application deadlines.
Sec. 42-190. General responsibilities of county.
Sec. 42-191. General responsibilities of municipality.
Sec. 42-192. Contract terms.
Secs. 42-193--42-219. Reserved.

Article V. County Owned Water and Waste Water Utilities

Division 1. Generally
Sec. 42-220. Purpose
Secs. 42-221—42-235. Reserved

Division 2 Procedures and Standards

Sec. 42-236 Metering.
Sec. 42-237 Required Connections.

D. ARTICLE I. IN GENERAL

Sec. 42-1. Sewer use.

(a) Through individual contracts with municipalities, the county provides wastewater treatment facilities to both residential and business property owners in unincorporated areas of the county. Each such wastewater treatment facility is operated pursuant to a municipal ordinance which has been created in conformance with applicable laws and which has been approved by the appropriate controlling state agency.

(b) Every property owner whose property is connected to a municipality's wastewater treatment system, pursuant to the county's contract with such municipality, will be subject to all applicable terms and conditions of the municipality's sewer use ordinance, which ordinance is adopted by the county and incorporated in this section by this reference, and a copy of such ordinance is on file and available for inspection in the county offices.

Sec. 42-2. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Agricultural/Horticultural Well means a system for providing potable well water or groundwater, for the purposes of agriculture and residential, commercial, or industrial lawn care.

Availability Charge means a County and/or municipal fee for water infrastructure maintenance.

Capital Fee means a one-time fee collected by the county for connection to the water system.

Customer Charge means a fee for servicing customer accounts.

Eligible Refund means that portion of the project cost qualified for reimbursement to the petitioner in accordance with this division.

Engineering Fee means fees for engineering review and project observation for residential and commercial subdivision and development set in accordance with a schedule adopted by the board of commissioners.

Extension means any water or waste water line segment which is necessary to connect water or waste water service to an existing water or waste water line.

Extension Permit means the permit issued by the county and, where applicable, a municipality to allow and regulate the extension of water and/or waste water infrastructure.

Geothermal Well means a well used to provide water to a system which employs groundwater for the sole purpose of cooling and heating a structure.

Immediate Family Members means direct lineal family members, including children, grandchildren, great-grandchildren, father, mother, grandmother, grandfather and respective spouses.

Major Subdivision means as defined in chapter 36 pertaining to subdivisions.

Minor Subdivision means as defined in chapter 36 pertaining to subdivisions.

Nonresidential means commercial, industrial, institutional, or agricultural land use.

Petitioner means the person applying for a water and/or waste water line extension or well and/or septic tank permit.

Potable Well means groundwater which does not contain foreign materials exceeding the groundwater quality standards specified in the state administrative code.

Private Well Water Supply means any water supply furnishing potable water to no more than two residences or one in-home business. For immediate family members, three connections may be permitted as a private well water supply.

Public Well System means a system for the provision to the public of piped water for human consumption if the system serves 15 or more service connections or regularly serves 25 or more individuals. The term includes the following:

- (1) Any collection, treatment, storage, and distribution facility under control of the operator of such system and used primarily in connection with such system; and
- (2) Any collection or pretreatment storage facility not under the control of the operator of the system which is used primarily in connection with such system.

Revenue Sharing Line means a water line or a waste water line owned and constructed by the county in agreement with a municipality as specified in Article IV.

Revolving Loan Line means a water line or waste water line outside constructed through the county program, offering low interest loans to fund extensions of utility services within the county as specified in Article IV.

Semipublic Well System means a water supply that provides water for the purpose of human consumption for three to 14 service connections and less than 25 people that does not meet the definition for a public water system.

Sewer means waste water.

User Fee means a municipal fee for water consumption that incorporates infrastructure maintenance and the cost to produce potable water.

Volume Charge means a municipal fee based on water consumption.

Waste Water means sewer.

Waste Water Improvement means any improvement made to existing waste water infrastructure.

Waste Water Infrastructure means any plant, storage facility, pump station, line, meter or related materials and equipment for the collection and treatment of waste water.

Waste Water Line means a pipe, which transmits waste water from consumers to waste water treatment facilities.

Waste Water Main means any waste water line serving an area, sized and located so that additional service connections, beyond the limits of any associated development, can be made without lowering the level of service.

Waste Water Tap Fee means a municipal fee for connecting waste water service to a waste water main or waste water line.

Water Improvement means any improvement made to existing water infrastructure.

Water Infrastructure means any plant, storage facility, line, meter or related materials and equipment for the delivery of safe drinking water to consumers.

Water Line means a pipe which transmits water to users and connects to individual water meters.

Water Main means any water line serving an area, sized and located so that additional service connections, beyond the limits of any associated development, can be made without lowering the level of service.

Water Tap Fee means a municipal fee for connecting water service to a water main or water line.

(Code 1995, § 504.03)

Cross references: Definitions generally, § 1-2.

(Code 1995, § 504.07)

Secs. 42-3--42-30. Reserved.

ARTICLE II. EXTENSION OF WATER AND SEWER SERVICE

DIVISION 1. GENERALLY

Sec. 42-31. Legislative Authority.

This division is enacted pursuant to G.S. 153A-121--124 and 153A-284.

(Code 1995, § 504.01)

Secs. 42-32--42-56. Reserved.

DIVISION 2. WATER EXTENSIONS

Sec. 42-57. Purpose and Applicability.

The objective of this division is to set regulations for the extension of water service in unincorporated areas of the county and applies to all county-owned revenue sharing and revolving loan program lines located outside municipal limits. The county will extend water infrastructure according to the terms and conditions in this division.

(Code 1995, § 504.02)

Sec. 42-58. Reserved.

Sec. 42-59. Procedures and Standards.

(a) *Requirements for water connection.* Requirements for water connection shall be as follows:

(1) Any existing property owner with a residential dwelling and any existing nonresidential property owner with a business establishment will not be required to connect to water infrastructures, provided: (i) he is connected to a properly functioning public or semipublic potable well infrastructure; (ii) he is connected to a private well water supply; or (iii) he qualifies for a permit from the county environmental health department to construct an approved replacement well. Those not meeting these conditions will be

required to connect to water infrastructure, where available, within 30 days after notice from the county environmental health department. Availability will be determined based on table 1 for residential or table 2 for nonresidential.

(2) Where a residential or nonresidential structure is being replaced or renovated and an existing well is located on the property, the replacement or renovated structure shall be allowed to connect to the existing well provided the well is approved for use by the Catawba County Environmental Health Department.

(3) ~~(2)~~ All new residential development, including major and minor subdivisions, will connect to water infrastructure where available. All major and minor subdivisions will connect prior to final plat approval; however, pursuant to and as provided by chapter 36 pertaining to subdivisions, a performance guarantee may be posted in lieu of completion of all or part of required improvements prior to final plat approval. Where no such performance bond is posted, all connections must be made before a permit will be issued. All connections will be made at no expense to the county. Availability will be determined based on table 1 as follows.

TABLE 1

TABLE INSET:

Number of Proposed Dwelling Units	Distance from Nearest Property Line as Determined by the County Engineer
1	<u>Abutting the property and/or right-of-way and provided the structure being served is not more than 250 feet from the water line. However, Structures more than 250 feet from the water line may connect.</u>
2--9	250 ft.
10--25	1,000 ft.
26--50	2,000 ft.
51--75	3,000 ft.
76--100	4,000 ft.
101--200	5,280 ft. (1 mile)
201-300	15,840 ft. (3 miles)
301+	Must extend water infrastructure

(4) ~~(3)~~ The owner of any property that has a water source that is, or becomes, contaminated and is served by a water line must connect to the public water line. Contamination is defined in accordance with the North Carolina Department of Environment and Natural Resources laws and regulations and is intended to cover only those contaminants that present a health issue for the human population. Water sources include, but are not limited to, potable well, private well water supply, public well system and semi-public well system. "Served by a water line," means the water line is adjacent to the property and no municipal/county waterline extensions are required to get to the property. Owners who connect to the public water line within 30 days of the identification of the contamination will receive a 50 percent discount on the regular connection fees.

(5) ~~(4)~~ All new nonresidential development, including major and minor subdivisions, will connect to water infrastructure where available. Availability will be determined based on table 2. Daily flow for nonresidential development will be determined based on NCDENR, Laws and Rules for Sewage Treatment, and Disposal Systems, section 15A NCAC 18A.1900. (The requirements of the NCDENR Laws and Rules for Sewage Treatment, and Disposal Systems may be obtained from the county environmental health department). Daily flow for establishments not identified will be determined using available flow data, water-using

fixtures, occupancy or operation patterns, and other measured data. All connections will be made at no expense to the county.

TABLE 2

TABLE INSET:

Average Water Consumption Based on NCDENR Administrative Code Section 15A NCAC 18A.1900 (gallons per day)	Distance from Nearest Property Line as Determined by the County Engineer
130--259	200 ft.
260--1,299	500 ft.
1,300--3,379	2,000 ft.
3,380--6,629	3,000 ft.
6,630--9,999	4,000 ft.
10,000+	Must extend water infrastructure

(6) ~~(5)~~ Where feasible or required by applicable municipality, one meter will be required per each customer or water user.

(Code 1995, § 504.04; Ord. No. 2003-12, 6-16-2003)

Secs. 42-60--42-84. Reserved.

DIVISION 3. FIRE HYDRANT INSTALLATION*

*Cross references: Fire prevention and protection, ch. 18.

Sec. 42-85. Guidelines.

The following guidelines shall apply to the installations of all new fire hydrants required by the fire official and replacement of existing hydrants that are already in service:

(1) a. Hydrants installed shall be of the dry-barrel type. They shall be listed and approved by a certified testing laboratory and of one of the following brands:

1. American-Darling Mark 73;
2. Kennedy K-81; or
3. Mueller Centurion.

b. The hydrant shall include two two-inch discharge outlets and one 4 1/2-inch discharge outlet. All threads of the outlets shall be NST (National Standard Thread). The hydrant shall have a uniform-sized pentagonal operating nut measuring 1.5 inches from point to flat at the base with a 1 7/16 inches at the top.

(2) Hydrants shall be installed at a readily accessible location. Hydrants shall be installed so that the 4 1/2-inch discharge is at least 18 inches above the finished grade. This clearance is necessary to facilitate a hydrant assist-valve when connecting to the hydrant.

(3) Upon completion of the installation, each hydrant shall be flushed of all sediment or debris that may hinder its operation. The fire department will then be notified of the completion of the installation and that the hydrant is in service and ready for an inspection by the fire official.

(4) All completed hydrant installations shall be inspected by the fire official in order to be sure that the hydrant is in compliance with this section.

(5) All new installations shall be warranted by the installer for a period of one year for material or installation defects.

(6) Hydrants shall be located as close as possible to street intersections or areas of direct vehicular access. Recommended hydrant spacing for developed areas will be 750 feet. At no time will hydrant spacing exceed 750 feet, except in rural undeveloped areas where there is limited development, in which case utility and fire officials will determine appropriate placement. Larger industrial commercial or multifamily developments may require additional hydrants to compensate for long hose lays and/or greater water demand.

(7) Hydrants should be located close to street access to facilitate easy hookup.

(8) Hydrants located in areas designated for parking shall be afforded some type of protection from collision of vehicular traffic.

(9) Hydrants shall be located at least four feet from any solid object, such as a power pole, tree, building, dumpster, and the like, that may hinder access and use of the hydrant.

(Code 1995, § 503.01)

E. ARTICLE III. EXTENSION OF SEWER SERVICE

DIVISION 1. GENERALLY

Sec. 42-86. Legislative Authority.

This division is enacted pursuant to G.S. 153A-121--124 and 153A-284.

Sec. 42-87 – 42-107. Reserved.

DIVISION 2. Sewer Extension

Sec. 42-108. Purpose and Applicability.

The objective of this division is to set regulations for the extension of sewer service in unincorporated areas of the county and applies to all county-owned revenue sharing and revolving loan program lines located outside municipal limits. The county will extend sewer infrastructure according to the terms and conditions in this division.

Sec. 42-109. Reserved.

Sec. 42-110. Procedures and Standards.

(a) Requirements for sewer connection. Requirements for sewer connection shall be as follows:

(1) Any existing property owner with a residential dwelling and any existing nonresidential property owner with a business establishment will not be required to connect to sewer infrastructures, provided: (i) he is connected to a properly functioning on-site septic system; or (ii) he is connected to a functioning, permitted private sewer treatment facility. Those not meeting these conditions will be required to connect to sewer infrastructure, where available, within 30 days after notice from the county environmental health department. Availability will be determined based on table 1 for residential uses or table 2 for nonresidential uses.

(2) Where a residential or nonresidential structure is being replaced or renovated and an existing septic system is located on the property, the replacement or renovated structure shall be allowed to

connect to the existing septic system provided the septic system is approved for use by the Catawba County Environmental Health Department.

(3) All new residential development, including major and minor subdivisions, will connect to sewer infrastructure where available. All major and minor subdivisions will connect prior to final plat approval; however, pursuant to and as provided by chapter 36 pertaining to subdivisions, a performance guarantee may be posted in lieu of completion of all or part of required improvements prior to final plat approval. Where no such performance bond is posted, all connections must be made before a permit will be issued. All connections will be made at no expense to the county. Availability will be determined based on table 1 as follows.

TABLE 1

TABLE INSET:

<u>Number of Proposed Dwelling Units</u>	<u>Distance from Nearest Property Line as Determined by the County Engineer</u>
<u>1</u>	<u>Abutting the property and/or right-of-way</u>
<u>2--9</u>	<u>250 ft.</u>
<u>10--25</u>	<u>1,000 ft.</u>
<u>26--50</u>	<u>2,000 ft.</u>
<u>51--75</u>	<u>3,000 ft.</u>
<u>76--100</u>	<u>4,000 ft.</u>
<u>101--200</u>	<u>5,280 ft. (1 mile)</u>
<u>201-300</u>	<u>15,840 ft. (3 miles)</u>
<u>301+</u>	<u>Must extend sewer infrastructure</u>

(4) All new nonresidential development, including major and minor subdivisions, will connect to sewer infrastructure where available. Availability will be determined based on table 2. Daily flow for nonresidential development will be determined based on NCDENR, Laws and Rules for Sewage Treatment, and Disposal Systems, section 15A NCAC 18A.1900. (The requirements of the NCDENR Laws and Rules for Sewage Treatment, and Disposal Systems may be obtained from the county environmental health department). Daily flow for establishments not identified will be determined using available flow data, water-using fixtures, occupancy or operation patterns, and other measured data. All connections will be made at no expense to the county.

TABLE 2

TABLE INSET:

<u>Average Water Consumption Based on NCDENR Administrative Code Section 15A NCAC 18A.1900 (gallons per day)</u>	<u>Distance from Nearest Property Line as Determined by the County Engineer</u>
<u>130--259</u>	<u>200 ft.</u>
<u>260--1,299</u>	<u>500 ft.</u>

<u>1,300--3,379</u>	<u>2,000 ft.</u>
<u>3,380--6,629</u>	<u>3,000 ft.</u>
<u>6,630--9,999</u>	<u>4,000 ft.</u>
<u>10,000+</u>	<u>Must extend sewer infrastructure</u> -

Secs. 42-111--42-135. Reserved.

F. ARTICLE IV. WATER AND SEWER EXTENSION FUNDING

DIVISION 1. GENERALLY

Sec. 42-136 Purpose and Applicability

The objective of this article is to set regulations for County funding of water and sewer utility service extensions within the corporate boundaries of the county and applies to all county-owned revenue sharing and revolving loan program lines. The county may fund the extension of water and sewer infrastructure according to the terms and conditions in this article. This article will not apply to County owned water and waste water utility systems.

Secs. 42-137 – 42-150. Reserved.

DIVISION 2. REVENUE SHARING PROGRAM

Sec. 42-151. Purpose.

The revenue sharing program is a program to assist local municipalities in extending water and sewer service outside of any incorporated region within the corporate boundaries of the County. The program establishes a partnership between the municipalities and the county, allowing them to offer affordable service to citizens in need.

(Code 1995, § 504.10)

Sec. 42-152. Eligibility requirements.

(a) *Eligible projects.* Projects eligible for the revenue sharing program are limited to the following:

(1) Projects submitted through a governmental entity.

(2) Projects within the county.

~~(3) Projects outside of an incorporated area.~~

(4) Projects associated with water and sewer line extensions for the purpose of offering utility service which could include but not be limited to storage or treatment facilities, but only if such storage or treatment facilities are identified as necessary to accommodate water and/or sewer needed in the county.

(5) Projects constructed to stimulate economic development.

(6) Projects which address environmental needs such as the health and safety of the general public.

(7) Projects constructed to accommodate industrial or commercial growth.

(8) Projects within municipal jurisdictions that provide benefit to County citizens outside the incorporated areas.

Projects submitted must be supported by information sufficient to allow for adequate evaluation of the project.

(b) *Ineligible projects.* Projects outside of the County are ineligible for the revenue sharing program. ~~Include but are not limited to the following:~~

~~(1) Projects outside of the county.~~

~~(2) Projects within an incorporated area.~~

~~(3) Projects to be annexed into an incorporated area within two years.~~

(c) *Eligible project cost.* Project cost eligible for the revenue sharing program are limited to the following:

(1) The actual cost of the work described in the project application.

(2) Contingency costs, not to exceed ten percent of the eligible construction estimate; however, upon acceptance of bid, the allowed contingency cost will may be reduced to five percent. If the municipality determines upsizing of a line is necessary to accommodate future growth, the cost figures submitted must represent the larger line size.

(d) *Ineligible project cost.* Ineligible project cost for the revenue sharing program includes but is not limited to the following:

(1) Administrative cost.

(2) Recurring expenditures associated with operations and maintenance.

(3) Portions funded through federal, state, and local grants. Such funds will be directly deducted from the project cost.

(4) In-kind services rendered by either party.

(e) *Limitation of project amounts.* No maximum will be established for the revenue sharing project amounts. Projects will be evaluated and funded according to information supplied and available funds.

(Code 1995, § 504.11)

Sec. 42-153. Application deadlines.

December 1 is the application deadline for projects to be funded by the revenue sharing program during the next fiscal year. Emergency projects or projects involving economic development will be considered outside of the deadline period.

(Code 1995, § 504.12)

Sec. 42-154. General responsibilities of county.

Under this division the county shall:

(1) Review projects and respond in a timely manner to accommodate the municipalities' budget schedules.

(2) Fund fully eligible construction costs of the project to include any or all of the following costs:

a. Design;

b. Legal;

c. Permitting; and

d. Line placement.

(3) Retain ownership of the lines until such time as the municipality annexes the lines or users of the line.

- a. For a voluntary annexation that annexes the line or a user of the line, the county reserves the right to continue the revenue sharing contract, or the county may, at its sole option, require the municipality to reimburse the county for the entire line extending from the municipal boundary existing prior to the voluntary annexation to the outer boundary of the newly annexed area, in accordance with the terms of the specific contract.
 - b. For an involuntary annexation, in which all of the line and its customers are annexed, the municipality shall reimburse the county for the entire line extending from the municipal boundary prior to the involuntary annexation to the outer boundary of the newly annexed area, in accordance with the terms of the specific contract.
 - c. If a user is involuntarily annexed, but the line is not, the county reserves the right to continue the revenue sharing contract or the county may, at its sole option, require the municipality to reimburse the county for the entire line extending from the municipal boundary existing prior to the involuntary annexation to the outer boundary of the newly annexed area, in accordance with the terms of the specific contract.
- (4) Keep municipalities informed of any actions or plan of action which could affect the municipalities' ability to manufacture or distribute water or to transport ~~and~~ or treat wastewater.

(Code 1995, § 504.13)

Sec. 42-155. General responsibilities of municipality.

Under this division the municipality shall:

- (1) Furnish potable water to customers.
- (2) Perform all operation and maintenance items associated with water and/or sewer lines.
- (3) Perform all testing and reporting mandated by federal, state, and local regulations.
- (4) Service the customers through responding to complaints, reading of meters, and billing of services.
- (5) Receive and process all new requests for water and/or sewer service.
- (6) Generate a quarterly report of sales activity along partnership lines to include the number of connections and the amount of usage for those connections.
- (7) Equally divide all revenues, except tap fees, received by each project on a quarterly basis. All revenues to be divided equally include usage charges, customer charges, availability charges, or other similar charges that are included in the customers' monthly billing.
- (8) Pay to the county its share of the revenues received.
- (9) Develop a rate structure consistent for inside/outside customers.
- (10) Implement a percentage rate increase for outside customers equal to rate increases for inside customers.
- (11) Be responsible for applying for federal and state grants, if available.
- (12) Assist the county in a growth plan which mandates controlled and planned growth for the utility system.
- (13) Agree not to charge fees associated with the construction of the line or service connections, provided all costs associated with such activities are borne by the county. Capacity fees or other fees associated with projects must be indicated in the project submittal packet. Such fees could affect the project's ability to be competitive with comparable projects with lesser connection fees.
- (14) Develop construction specifications compatible with other municipalities to avoid incapability of firefighting equipment during mutual aid situations.
- (15) Assist the county in its effort to expand utility service to areas in need, provided it proves feasible.
- (16) If annexation occurs, perform its obligations as provided in section 42-154(3), regarding voluntary and involuntary annexation.

(Code 1995, § 504.14)

Sec. 42-156. Contract terms.

All contracts made under this division will be in full force during the agreed term and will remain in full force during any litigation dispute concerning the contract until such time both parties or a court of law decides to the contrary.

(Code 1995, § 504.15)

Secs. 42-157--42-185. Reserved.

DIVISION 3. REVOLVING LOAN PROGRAM

Sec. 42-186. Purpose.

The revolving loan is a program to assist local municipalities in extending water and sewer service ~~outside of any incorporated area~~ within the corporate boundaries of the County. The program offers low interest loans to fund extensions of utility services within the county. The rates and terms will be established annually. Copies of rates and terms are available at the office of the county manager.

(Code 1995, § 504.25)

Sec. 42-187. Eligibility requirements.

(a) *Eligible projects.* Projects eligible for a loan utilizing the revolving loan program are limited to the following:

- (1) Projects submitted through a governmental entity.
- (2) Projects within the county.

~~(3) Projects outside an incorporated area.~~

(4) Projects associated with water and sewer line extensions for the purpose of offering utility service, which could include but not be limited to storage or treatment facilities, but only if such storage or treatment facilities are identified as necessary to accommodate water and/or sewer needed in the county.

(5) Projects constructed to stimulate economic development.

(6) Projects which address environmental needs such as the health and safety of the general public.

(7) Projects constructed to accommodate industrial or commercial growth. Projects submitted must be supported by information sufficient to allow for adequate evaluation of the project.

~~(8) Projects within municipal jurisdictions that provide benefit to County citizens outside the incorporated areas~~

(b) *Ineligible projects.* Projects ineligible for a loan utilizing this program include but are not limited to the following:

1) Projects outside the county.

~~2) Projects within an incorporated area.~~

~~3) Projects to be annexed into an incorporated area within two years.~~

~~4) Projects eligible for alternative funding, such as but not limited to state and federal assistance grants.~~

(c) *Eligible project cost.* Project cost eligible for a loan utilizing this program are limited to the following:

- (1) The actual cost of the work described in the project application; and
 - (2) Contingency costs, not to exceed ten percent of the eligible construction estimate; however, upon acceptance of a bid, the allowed contingency cost ~~will~~ **may** be reduced to five percent. If the municipality determines upsizing of a line is necessary to accommodate future growth, the cost figures submitted must represent the larger line size.
- (d) *Ineligible project cost.* Ineligible project costs for a loan utilizing this program include but are not limited to the following:
- (1) Administrative cost.
 - (2) Recurring expenditures associated with operations and maintenance.
 - (3) Portions funded through federal, state, and local grants.
 - (4) In-kind services rendered by the loan recipient.

(Code 1995, § 504.26)

Sec. 42-188. Limitation of loan amounts.

No maximum will be established for revolving loan amounts under this division. Projects will be evaluated and funded according to information supplied and available funds.

(Code 1995, § 504.27)

Sec. 42-189. Application deadlines.

~~January-December~~ 1 is the application deadline for projects to be funded under this division during the next fiscal year. Emergency projects or projects involving economic development will be considered outside the deadline period.

(Code 1995, § 504.28)

Sec. 42-190. General responsibilities of county.

Under this division the county shall:

- (1) Review projects and respond in a timely manner to accommodate the municipalities' budget schedules.
- (2) Fund ~~full~~-eligible construction costs of the project to include any or all of the following costs:
 - a. Design;
 - b. Legal;
 - c. Permitting; and
 - d. Line placement.
- (3) Invoice annually the amount due according to the executed contract.
- (4) Retain ownership of the lines until such time as the municipality annexes the lines or users of the line.
 - a. For a voluntary annexation that annexes the line or a user of the line, the county reserves the right to demand full payment of the loan balance due on the entire line extending from the municipal boundary existing prior to the voluntary annexation to the outer boundary of the newly annexed area.
 - b. For an involuntary annexation, in which all of the line and its customers are annexed, the municipality shall reimburse the county for the entire line extending from the municipal boundary existing prior to the involuntary annexation to the outer boundary of the newly annexed area.

c. If a user is involuntarily annexed, but the line is not, the county reserves the right to demand full payment of the loan balance due on the line extending from the municipal boundary existing prior to the involuntary annexation to the outer boundary of the newly annexed area.

(5) Keep the municipality informed of any actions or plan of action which could affect the municipalities' ability to manufacture or distribute water or transport ~~and~~ or treat wastewater.

(Code 1995, § 504.29)

Sec. 42-191. General responsibilities of municipality.

Under this division the municipality shall:

- (1) Furnish potable water to customers.
- (2) Perform all operation and maintenance items associated with water and/or sewer lines.
- (3) Perform all testing and reporting mandated by federal, state, and local regulations.
- (4) Service the customers through responding to complaints, reading of meters, and billing of services.
- (5) Receive and process all new requests for water and/or sewer service.
- (6) Develop a consistent rate structure for inside/outside customers.
- (7) Implement percentage rate increases for outside customers equal to rate increases for inside customers.
- (8) Be responsible for applying for federal and state grants, if available.
- (9) Assist the county in the growth plan which mandates controlled and planned growth for the utility system.
- (10) Develop construction specifications compatible with other municipalities to avoid incapability of firefighting equipment during mutual aid situations.
- (11) Repay the loan according to the executed contract specific to the project.
- (12) Assist the county in its effort to expand utility service to areas in need, provided it proves feasible.
- (13) For annexation, perform its obligations as provided in section 42-~~190~~(4), regarding voluntary and involuntary annexation.

(Code 1995, § 504.30)

Sec. 42-192. Contract terms.

All contracts made under this division will be in full force during the agreed term and will remain in full force during any litigation dispute concerning the contract until such time both parties or a court of law decides contrary.

(Code 1995, § 504.31)

Secs. 42-193--42-219. Reserved.

G. ARTICLE V. County Owned Water and Waste Water Utilities

DIVISION 1. GENERALLY

Sec. 42-220. Purpose

The objective of this article is to set regulations for County owned water and sewer utility systems.

Secs. 42-221—42-235. Reserved

DIVISION 2. Procedures and Standards

Sec. 42-236. Metering

a. Residential Metering: Where feasible, all residential units connecting to a County owned utility will be individually metered.

b. Non-Residential Metering: All non-residential uses connecting to a County owned utility will be individually metered.

Sec. 42-237. Required Connections

a. Where feasible, residential connections to County owned sewer utilities will be required to connect to municipal water infrastructure except as set out in Section 42-59 of this Chapter. Residential connections to County owned sewer utilities that are not connected to a municipal water system will be billed for sewer services at a rate of 6,000 gallons per month.

b. All non-residential connections to County owned sewer utilities will be required to connect to municipal water infrastructure except as set out in Section 42-59 of this Chapter.

Commissioner Beatty clarified that if someone had a well they could still use as long as it is examined and approved by Environmental Health. If someone was building the exact same house back on the exact same footprint, then there would probably be no problem with using the well as long as there was no contamination. If they wanted to move the footprint, then Environmental Health would want to make sure the distance between the house and the well met current standards. Commissioner Barger asked if the required distance from a residence was 25 feet and this was confirmed.

Commissioner Lail asked a question under procedures and standards – metering – on page 46 of the proposed changes – it said residential metering – “where feasible all residential units connecting to a County-owned utility will be individually metered” – Commissioner Lail asked what would be the exception to this – how would you not be metered? – and questioned whether the words “where feasible” should be included. It was agreed that this wording would be removed.

County Manager Lundy clarified, at Vice-Chair Hunsucker’s request, that since this was an ordinance and all five members were not present, the Board could approve the amendment at this meeting but it could not be adopted and could be adopted at the next regularly scheduled meeting, whether all five commissioners were present or not. He recommended the Board vote on the amendment as if it were a first reading and the second reading would occur on June 15th.

Commissioner Lail made a motion to approve the amendment with the revision requested by Commissioner Lail and the motion carried unanimously. The second reading and adoption of the revised amendment will occur on June 15th. The complete revised amendment to Chapter 42, Water and Sewer will be part of the June 15th minutes.

2. Barry Edwards, Utilities and Engineering Director, presented a proposed for a Balls Creek Elementary Sewer Project Budget Revision and requested the following five items be approved by the Board:

1. Approve the Budget Revision in the amount of \$484,524; and
 2. Approve the Amendment to the Capital Project Ordinance No. 2002-08 in the amount of \$484,524;
- and

3. Accept by resolution the NC State Bond Grant for Wastewater Projects in the amount of \$3 million for the construction of the Balls Creek Elementary and Bunker Hill High Schools Sewer projects; and
4. Award by resolution the bid to construct Balls Creek Elementary School Sewer Project, to Ronny Turner Construction Co., Inc., Hickory, NC in the amount of \$1,081,385; and
5. Approve W.K. Dickson Engineering to perform construction administration and observation in the amount of \$159,420.

In July of 2001, Catawba County was awarded a State Clean Water Grant. The primary focus in applying for the grant was to serve Balls Creek Elementary School with municipal sewer service. In order to be eligible for the grant the County had to include a residential component and show that residences with failed or failing septic systems were going to be served. The area being served is located a few miles southeast of Newton off Highway 16, and Mt. Olive Church Road. Balls Creek Elementary had a septic system repair in early 1998 to replace part of the original system. The original system was designed for 650 students. Currently there are over 800 students. The repair has not worked well because the original septic tank is too small resulting in insufficient storage space to allow for adequate rest for the new bed. Poor soil structure, that is not conducive to good water drainage, often results in effluent on top of ground.

In July of 2002, the County entered into a Revolving Loan Agreement with the City of Newton for the construction, operation, and maintenance of the sewer line serving Balls Creek Elementary School. Under the contract, the City agreed to reimburse the County for 75% of any project cost not covered by grant funds. The cost of the project is now \$1,684,524 and \$1,400,000 in grant money is being applied to the project leaving a difference of \$284,524. Based on the provisions of the Revolving Loan Agreement, the County will grant 25% (\$71,131) of the amount not covered by the grant funds and the City of Newton will pay back 75% (\$213,393) in ten equal payments of \$21,339.30. Also, under the provisions of the contract the County agreed to include a mandatory alternate bid for Flyght Pumps requiring the bidder to use only Flyght brand pumps.

On August 19, 2002, the Board of Commissioners approved the Capital Project Budget Ordinance (No. 2002-08) in the amount \$1,200,000 for the Balls Creek Elementary School Sewer Project. Since that time, the project cost has increased to \$1,684,524 as outlined in the attached Capital Project Ordinance and Budget Revision.

On October 17, 2005, the Board of Commissioners adopted a resolution for the mandatory alternate bid for the preferred Flyght brand pumps. A mandatory alternate bid to furnish and install Flyght brand pumps and pump controls is included in the total bid.

On April 12, 2006, the County received approval from Governor Mike Easley for grant assistance in the amount of \$3 million to provide funding for the Balls Creek Elementary School and the Oxford Elementary/Bunker Hill High School sewer projects. On April 17, 2006, the County received the Offer and Acceptance documentation from the State, which requires the Board of Commissioners to accept the grant offer by resolution (attached).

The County and the project engineer, W.K. Dickson Engineering, held a pre-bid conference on May 4, 2006 to answer questions regarding the scope of the project and to discuss the bidder qualification requirements. All contractors were required to submit several additional items with their bids, therein providing evidence of their capability to perform the work within the specified contract time.

On May 18, 2006, the County received bids for the installation of approximately 15,728 linear feet of gravity sewer lines, a wastewater pump station, approximately 7,646 linear feet of force main sewer, and all related appurtenances. A total of five bids were received ranging from \$1,632,282 to \$1,081,385. Ronny Turner Construction Co., Inc., Hickory, NC, is the lowest responsive bidder with a total bid amount of \$1,081,385. Bids are awarded subject to approval of the North Carolina Department of Environment and Natural Resources, Division of Water Quality. The other bidders are detailed in the attached Bid Tabulation.

A recommendation was made by the project engineering firm, W.K. Dickson Engineering to award the bid for the Balls Creek Elementary Sewer Project to Ronny Turner Construction Co., Inc. in the amount of \$1,081,385.

W.K. Dickson Engineering will perform construction administration and construction observation on the project as described in the attached contract amendment in the amount of \$159,420.

Grant funding for this project required minority outreach by the contractor. Ronny Turner Construction did not meet our 5% outreach goal, but staff is satisfied with their outreach efforts. Ronny Turner Construction will be performing most of the work with their own forces and will use a woman-owned fence contractor on this project.

Supplemental Appropriations are as follows:

Expenditures:

230-170020-995415	\$484,524
To Water & Sewer Construction	
415-431100-849114-22010	\$158,900
Engineering	
415-431100-849117-22010	\$ 10,000
Administration	
415-431100-856900-22010	\$ 47,185
Other Professional Services	
415-431100-861500-22010	\$286,533
Construction	
415-431100-987000-22010	(\$18,094)
Purchase of Land	

Revenues:

230-170020-690100	\$484,524
Fund Balance Applied	
415-430050-695230	\$284,524
From Water & Sewer Reserves	
415-430050-630950	\$200,000
Clean Water Bond Funds	

The ordinance read as follows:

**ORDINANCE NO. 2006-
 BALLS CREEK ELEMENTARY SCHOOL
 NC CLEAN WATER BOND GRANT
 WASTE WATER PROJECT
 CAPITAL PROJECT ORDINANCE
 AMENDMENT to CAPITAL PROJECT ORDINANCE NO. 2002-08**

Be it ordained by the Catawba County Board of Commissioners that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following project ordinance is hereby adopted.

Section 1. The project authorized is the Balls Creek Elementary School Area NC Clean Water Bond project to be financed by 1998 NC Clean Water Bond Funds.

Section 2. The officers of this unit are hereby directed to proceed with the capital project within the terms of the grant documents and the budget amendment contained herein.

Section 3. The following revenues are anticipated to be available to contribute to this project:

NC Clean Water Bond	\$ 1,400,000
Water & Sewer Reserve Fund	\$ 284,524

Section 4. The following amounts are appropriated for the project:

Construction	\$	1,189,524
Engineering		310,000
Administration		30,000
Land Acquisition		27,789
Other Professional Services- Easements		<u>127,211</u>
	\$	1,684,524

Section 5. The finance officer is hereby directed to maintain within the Project Fund sufficient specific detailed accounting records to satisfy the requirements of the grantor agency, the grant agreements, and federal and state regulations.

Section 6. Funds may be advanced from the Water and Sewer Reserve Fund for the purpose of making payments as due. Reimbursement request should be made to the grantor agency in an orderly and timely manner.

Section 7. The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on this grant project in each budget submission bade to this Board.

Section 8. Copies of this grant project ordinance shall be furnished to the Clerk to the Board of County Commissioners, and to the Budget Officer and the Finance Director for direction in carrying out this project.

Adopted this 5th day of June 2006 upon motion of Commissioner _____, and affirmative vote of the Catawba County Commissioners.

The resolutions read as follows:

**CATAWBA COUNTY
RESOLUTION OF AWARD
FOR
BALLS CREEK ELEMENTARY SCHOOL AREA
WASTE WATER PROJECT
STATE BOND GRANT**

RESOLUTON NO. 2006-

WHEREAS, Catawba County publicly advertised for bids to be received for the Balls Creek Elementary School Area Waste Water Project on May 18, 2006; and,

WHEREAS, the Bids were publicly opened on the stated date; and

WHEREAS, the County has accepted a grant offer from the State of North Carolina 1998 Clean Water Bond Fund for the majority of the funding for this project.

NOW; THEREFORE BE IT RESOLVED BY THE CATAWBA COUNTY BOARD OF COMMISSIONERS that the bid be awarded in accordance with the Engineer's recommendation to Ronny Turner Construction Co., Inc. in the amount of \$1,081,385.20.

Bids are awarded subject to approval of the North Carolina Department of Environment and Natural Resources, Division of Water Quality.

Adopted this the 5th day of June 2006 at Catawba County, North Carolina.

**CATAWBA COUNTY
RESOLUTION OF NC STATE BOND GRANT
ACCEPTANCE
FOR
WASTEWATER PROJECTS**

RESOLUTION NO. _____

WHEREAS, the North Carolina Clean Water Revolving Loan and Grant Act of 1987 has authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of wastewater treatment works, wastewater collection systems, and water supply systems, water conservation projects, and

WHEREAS, the North Carolina Environmental Management Commission has offered a State Grant in the amount of \$ 3 million for the construction of the Balls Creek Elementary School Area and the Bunker Hill High School Area Sewer projects, and

WHEREAS, Catawba County intends to construct said projects in accordance with the approved plans and specifications,

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

That Catawba County does hereby accept the State Bond Grant offer of \$3,000,000.

That Catawba County does hereby give assurance to the North Carolina Environmental Management Commission that all items specified in the grant offer. Section II - Assurances will be adhered to.

That Barry B. Edwards, PE, Director of Utilities & Engineering, and successors so titled is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

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

Adopted this the 5th day of June 2006 at Catawba County, North Carolina.

Commissioner Barger asked when the sewer would be connected to Balls Creek and the response was January 2007. Commissioner Barger said this had been being planned since at least 1998 and he would like to see it become a reality. Commissioner Beatty agreed and asked what would be done with the existing system and what process needed to be completed to close it down. Mr. Edwards said they were going to include the removal of the old system at Bunker Hill HS in the bid but the bids already went out and he said he would have Ronny Turner price the cost and give this information to the Board. Vice-Chair Hunsucker asked that the contract include the phrase "not to exceed" on the pricing of the project with W. D. Dickson.

Commissioner Barbara Beatty made a motion to approve the budget revision, approve the Ordinance amendment, accept by resolution the NC State Bond Grant, award by resolution the bid for construction to Ronny Turner Construction Company and approve W.D. Dickson Engineering to perform construction administration and observation.

- 11. Other Items of Business:
Section II F of the 2005-2006 Budget Ordinance states: "Reinventing Departments may create or abolish positions which impact the outcomes approved by the Board of Commissioners and within available

revenues upon summary approval of the Board of Commissioners. Approval will come at the next regularly scheduled Board of Commissioners' meeting and will be attached and approved as part of the minutes."

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

Social Worker II (2)

The positions will provide Intensive In-home case management services to families and children in order to maintain the family together rather than having the children removed from the home when neglect, abuse, delinquency, or other risks have caused or may cause trauma and/or family disruption. The program will generate revenue to offset the cost.

Outpatient Therapist (1)

This position will service as Team Leader of the Intensive In-home Services Program coordinating the efforts of social workers and behavioral specialists to improve the family's functioning in order for the children to remain in the home. Additional responsibilities include coordinating the initial assessment and developing the youth's Person Centered Plan. Revenue will offset cost.

12. Attorneys' Report. None.
13. Manager's Report. None.
14. Adjournment. Commissioner Barger made a motion to adjourn at 10:17 a.m.

Dan A. Hunsucker, Vice-Chair
Catawba County Board of Commissioners

Barbara E. Morris, County Clerk