

Minutes
 Catawba County Board of Commissioners
 Regular Session, Monday, July 12, 2004, 7:00 p.m.

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The Catawba County Board of Commissioners met in regular session on Monday, July 12, 2004, 7:00 p.m., at the 1924 Courthouse, Robert E. Hibbitts Meeting Room, 30 North College Avenue, Newton, North Carolina.

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

Absent: N/A

A quorum was present.

Also present were County Manager/Deputy Clerk J. Thomas Lundy, Assistant County Manager Mick W. Berry, Assistant County Manager Joellen J. Daley, County Attorney Robert Oren Eades, Staff Attorney Debra Bechtel, and County Clerk Thelda B. Rhoney.

1. Chair Barnes called the meeting to order at 7:00 p.m.
2. Commissioner Barger led in the Pledge of Allegiance to the Flag.
3. Invocation offered by Commissioner Lail.
4. Commissioner Hunsucker made a motion to approve the minutes from the regular session of Monday, June 21, 2004. The motion carried unanimously.
5. Recognition of Special Guests.

Chair Barnes recognized Candidates for County Commissioner Barbara Beatty and Dan Hunsucker. She also recognized Incumbent Steve Sapp.

6. Public Comment for items not on the agenda. None.
7. Public hearings:
 - a. Rezoning request from Aspen Properties to rezone three contiguous parcels totaling approximately 32.2-acres from E-2 Intensive Manufacturing District to G-2 Commercial District. The properties are located in the Sherrills Ford Small Area Planning district at the intersection of Island Point Road and Norfolk Southern Railroad in the Mountain Creek Township.

Planning Director Jacky Eubanks said the properties are located in the Sherrills Ford Small Area Planning District at the intersection of Island Point Road and Norfolk Southern Railroad, approximately 800-feet from Sherrills Ford Road, in the Mountain Creek Township. The parcels are further identified as parcel ID numbers 4618-01-06-6339 (12.3-acres), 4618-01-06-9387 (11.4-acres) and 4618-01-16-3483 (8.5-acres). He reviewed Sec. 44-82 of the zoning ordinance. The site has access to Sherrills Ford Road, a minor collector road, 800-feet to the west across the railroad tracks, by way of a continuous C-3 Commercial District. The C-2 Commercial District provides uses that could be utilized by the traveling public as well as the immediate residents. The G2 District does allow for outside storage of products but requires screening when adjacent to residential property. If the rezoning were approved, the developer would comply with all applicable zoning and building codes at the time of construction. Commercial driveway connection permits would be reviewed by NCDOT.

Subject parcels are currently being developed.

-South – The adjacent parcels to the south, parcel Nos. 11 and 12, are vacant and zoned E-2 Intensive Manufacturing District. 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. Surrounding property to the south extending down to Hwy. 150 contains Duke Power's Marshall Steam Plant and is also zoned E-2 Intensive Manufacturing District. Parcel No. 21, one-half mile to the south at the intersection of Sherrills Ford Road and Beatty Road contains a small market store and is zoned G1 Commercial. The C-1 commercial district is intended to provide land for the sale of convenience goods and limited personal services to residents of the immediate neighborhood.

-West – The adjacent parcels to the west, parcel Nos. 13 - 17, are separated by the railroad and contain subdivided lots with housing, zoned R-2 Residential. The R-2 Residential District allows

singlewide manufactured homes, doublewide manufactured homes, modular homes, single-family stick built homes and two-family dwellings as a permitted use. Other property to the west, parcel No. 19, has an auto parts store near the intersection of Sherrills Ford Road and Island Point Road, zoned C-3 Commercial District. This district was created to recognize non-conforming commercial uses but does not allow for expansion or creation of new C-3 districts. The surrounding parcel to the west, parcel No. 22, contains the Sherrills Ford Elementary School. Other surrounding property to the west contains some housing consisting of both subdivided and un-subdivided tracts and zoned R-2 Residential.

-North – Adjacent parcel Nos. 5 - 9 contain homes and are zoned R-2 Residential. Other properties to the north are mainly vacant un-subdivided larger tracts zoned R-2 Residential. Parcel No. 20, one-half mile to the north, has a small commercial use and is zoned E-1 Light Manufacturing District. This district is intended to provide for the development of areas devoted to light manufacturing, processing and assembly uses, warehousing, distribution and servicing enterprises and limited office activities.

-East – The adjacent parcel to the east, parcel No. 10, has a home and is zoned R-2 Residential. Island Point Road remains mostly vacant un-subdivided R-2 Residential property until approximately one mile east of the subject properties at which time there are approximately 500 subdivided R-2 Residential lots. These lots are approximately 50% developed with housing. There is much vacant residential land still available for housing development off of Island Point Road.

There is a public waterline available fronting the parcel along Island Point Road. Public sewer is not available. Island Point Road is not classified on the Catawba County Thoroughfare Plan and therefore is considered a secondary road. The pavement width of 22-feet is similar to a road designed to handle 12,000 – 14,000 Average Daily Trips (ADT). Traffic counts are 750 ADT along Island Point Road near the Sherrills Ford Road intersection. Having a commercial district at this location could lessen vehicle trips on Hwy. 150, which are normally traveling to Mooresville for commercial needs. Raccoon Track Road links Island Point to Molly's Backbone Road to the north, which is an alternative access route to the neighborhoods along the lake.

The Board of Commissioners adopted the Sherrills Ford Small Area Plan on February 17, 2003, which serves as the current land use plan for this area. The Plan shows this area as residential but recognizes the current E-2 Intensive Manufacturing District. The small area plan did not recommend an expansion of the current manufacturing district nor did it discuss the possibility of down-zoning from a higher intensity zoning to lower intensity zoning (i.e., manufacturing to commercial). The Sherrills Ford Small Area Plan committee was polled about this rezoning request. They unanimously agreed that the down-zoning of these properties from the E-2 Intensive Manufacturing District to a commercial district would be suitable for the area. They believed that the area would benefit more from commercial uses rather than intensive industrial uses under the current E-2 district. The current E-2 Intensive Manufacturing District has limited commercial/retail sales options but is geared to allow uses such as manufacturing plants and uses that could be more disruptive to residential neighborhoods than a C-2 Commercial District. The Small Area Plan recommends the majority of the area for low density residential (one lot per two-acres), but does recognize development along the lake for higher density, one lot per 15,000 square feet. Commercial uses in this area could support the needs of future residents along Island Point Road.

The Planning Board and staff recommended the rezoning of this property from the E-2 Intensive Manufacturing District to the C-2 Commercial District based upon:

- The Sherrills Ford Small Area Plan Committee supporting the request to convert the industrial district to a commercial district.
- The statement of intent of the C-2 Commercial Zoning District.
- Access to public water.
- Provide commercial uses in close proximity to residential neighborhoods, which can reduce traffic impacts on Hwy. 150.

The Planning Board conducted a public hearing on June 28, 2004. The developer spoke in support of this request. Several residents addressed the Board and had some general questions and comments regarding access to the site and the potential for increased traffic and the affects on Sherrills Ford Elementary School. No one from the public opposed the request. They liked the idea of down-zoning to a commercial district. They were concerned that Island Point Road would be stripped with commercial activity.

In response to the public, access to the site would be reviewed at the site plan submission. NCDOT controls access by way of required driveway connection permits. Planning staff can also aid in the review with the developer. It was discussed that it was unlikely that Island Point Road would be considered for more commercial strip development. The nature of the road, (a dead-end road), allows a better use for a commercial node and is not conducive to a commercial corridor.

The Planning Board asked staff about the Small Area Plan not originally noting this area as a commercial node. In response, staff told the Board that at the time of the Small Area Plan process, there was not a discussion to convert current industrial zoned properties to other districts. This is a unique request and in response to this rezoning request, the Sherrills Ford Small Area Plan committee members were polled and unanimously agreed that the area would be better served by a commercial node as opposed to the current industrial district.

The Planning Board unanimously recommended down-zoning the property from the E-2 Intensive Manufacturing District to the C-2 Commercial District with a subsequent request to the Board of Commissioners for approval.

Chair Barnes opened the public hearing by saying this was the time and place as advertised for the public hearing and asked if anyone wished to speak either for or against.

Mr. Bill Graves said he and his brother own Aspen Properties and that they were building the mini storages. Neighbors were asking them to build more, smaller businesses. He said heavy industrial could currently go on the property instead of retail. He said four homeowner associations were in favor of the rezoning. The road in front of their property has already been widened to accommodate new business.

Fred Schooley said he lives in the Lake Point North Subdivision and was president of Lake Point North Homeowner Association and they are in favor of the rezoning. They would hate to see a trucking terminal and a lot of commercial development on the south side of Island Point Road.

Jeff Moss said he didn't live in the area of the rezoning but his family had a small farm in Sherrills Ford at the end of Long Island Road. You don't want to happen in Catawba County what has happened in Mecklenburg and Iredell Counties with urban sprawl. He said there is an opportunity to have something great along the lake area.

There being no one else wishing to speak, Chair Barnes closed the public hearing.

Ordinance No. 2004-13
Amendment to Catawba County Official Zoning Atlas

BE IT ORDAINED by the Catawba County Board of Commissioners that, the Official Zoning Atlas is hereby amended by rezoning the following described tract as requested from Aspen Properties:

Rezone three contiguous parcels totaling approximately 32.2-acres from E-2 Intensive Manufacturing District to C-2 Commercial District. The properties are located in the Sherrills Ford Small Area Planning district at the intersection of Island Point Road and Norfolk Southern Railroad, approximately 800 feet from Sherrills Ford Road, in the Mountain Creek Township. The parcels are further identified as parcel ID numbers 4618-01-06-6339 (12.3-acres), 4618-01-06-9387 (11.4-acres) and 4618-01-16-3483 (8.5-acres).

This the 12th day of July, 2004.

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

After a lengthy discussion, Commissioner Beatty said Mr. Graves lives in the area proposed to be rezoned and his neighbors were in the audience to support him. She made a motion to approve the rezoning request from Aspen Properties to rezone three contiguous parcels totaling approximately 32.2-acres from E-2 Intensive Manufacturing District to C-2 Commercial District. The motion carried unanimously.

- b. Rezoning request from Newport Properties to rezone a 5.2-acre tract from R-2 Residential District to C-1 Commercial District. The property is located in the Sherrills Ford Small Area Planning district at the intersection of Long Island Road and Kale Road in the Catawba Township.

Chair Barnes said the applicant/owner of the Newport Properties withdrew the rezoning request prior to the Board meeting; therefore, no action was taken.

8. Appointments:

- a. Designation of Voting Delegate for August 2004 NCACC Annual Conference.

Chair Barnes said she was willing to serve as Voting Delegate for the August 2004 NC Association of County Commissioners Annual Conference.

- b. Other appointments:

Community Service Block Grant Advisory Board (CSBG)

Commissioner Barger nominated Social Services Board member Kimberly Boyd, PO Box 943, Conover, to replace Allen Mitchell. The term expires June 30, 2007.

Subdivision Review Board

Commissioner Barger nominated himself to be reappointed for a third term, which expires June 30, 2006.

Catawba County Housing Foundation

Commissioner Barger nominated Bobby Boyd for reappointment to a seventh term beginning January 1, 2005, and ending December 30, 2006.

Public Health Board

Commissioner Lail nominated Dr. Tye Ardrey (to replace Dr. Boston who was not eligible for reappointment), Veterinarian, 4700 Maiden Highway, Maiden. Term expires June 30, 2007.

Catawba County Economic Development Corporation

Chair Barnes nominated Anne Davis, Joe David Teague, and Charles Dixon for reappointment to second terms. The terms expire June 30, 2007.

SALT Block Advisory Board

Chair Barnes recommended the nomination of Helen Sides for reappointment to a first term. The term expires June 30, 2006.

Air Quality Oversight Committee

Chair Barnes recommended that she be nominated to represent Catawba County.

There being no further nominations, Commissioner Barger made a motion to approve the aforementioned appointments. The motion carried unanimously.

9. Consent agenda:

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

- a. State Criminal Alien Assistance Program.

The State Criminal Alien Assistance Program (SCAAP) is a formula based grant program that provides agencies with reimbursement for some of the costs associated with housing potential undocumented criminal aliens in local jail facilities. These grant funds are based on individuals held in the Newton Detention Center and those held for Catawba County at the Burke Catawba District Confinement Facility during fiscal year 2002/2003. Funds under this program can be used for virtually any purpose to help support local jail facilities. Last fiscal year the Sheriff's Office received \$5,315 in SCAAP funds, which were used to provide clerical assistance to the medical program at the Newton Detention Center.

With the increase in inmates housed at the Newton Detention Center over the past several years, greater demand has been placed on the nurse and doctor for medical treatment at the facility. Another problem is the growing amount of paperwork that is generated with each inmate visit to the doctor or nurse, decreasing the amount of time available for medical care. Having a contract for medical services in the facility is extremely helpful in decreasing the costs associated with removing inmates from the facility for medical care unnecessarily such as transportation, officer time, emergency room costs, etc. Dr. Piland, the contracted physician, requested an increase in the number of contracted hours to the facility when the contract was renewed last July based on the increased inmate population and the time demands placed on the medical staff. Since this request occurred after the budget was complete staff was unable to honor his request at that time but felt strongly that additional hours were needed in the jail for medical care. Using the SCAAP funds, the Sheriff's Office was able to increase funding to the medical program enabling Dr. Piland to pay an individual to assist with medical paperwork in the jail. This person performs duties that the nurse and doctor would otherwise have to provide in their limited time in the facility and has freed the medical staff to spend more time on patient care.

The Finance and Personnel Subcommittee recommended that the Board of Commissioners accept US Department of Justice, 2004 SCAAP grant funds in the amount of \$5,966, along with its required certifications and assurances, to continue supplementing the medical program to allow Dr. Piland to obtain clerical assistance. Staff's intent is to continue working closely with the medical staff to see how beneficial these additional hours are to the medical program and to determine what, if any, increases may be needed in medical staff.

Supplemental Appropriation:

Revenue:

110-220050-620385	\$5,966
State Criminal Alien Assistance Program (SCAAP)	

Appropriation:

110-220050-856300	\$5,966
Medical Services	

- b. Resolution for third year request for the 321 Connection Traffic Safety Team funded through the NC Governor's Highway Safety Program.

In November 2002 the Catawba County Sheriff's Office along with the Caldwell, Gaston, Watauga, and Lincoln County Sheriffs' Offices and the Gaston Police Department received a grant from the Governor's Highway Safety Program to fund equipment and personnel for a six-agency traffic interdiction unit to conduct targeted traffic enforcement along the 321 corridor. Traffic has drastically increased along the 321 Corridor and throughout the connected counties with the completion of the four lanes of 321 to Gaston County. There has been a corresponding increase in traffic accidents including fatalities brought on by poor driving behaviors such as speeding, driving under the influence and failure to wear seatbelts. Last year Catawba County experienced 113 crashes along its section of Highway 321 and a total of 14 fatalities related to vehicle accidents countywide. Staff anticipates that through aggressive traffic enforcement efforts in problem areas such as 321 and its rural connecting roads and with increased public education that the bad driving behaviors that lead to such crashes will be abated and that the number of crashes will thereby be decreased. During last calendar year the 321 Traffic Team conducted 36 checkpoints and the Catawba County traffic officer alone issued over 660 citations in addition to coordinating overall traffic enforcement activities for the traffic enforcement team. The officer also worked closely with El Pueblo to reach the large Hispanic community in Catawba County and has established a public forum through St. Stephens High School to better reach minority communities. During this third year of grant funding, the 321 Connection Traffic Safety Team intends to combine targeted, high visibility enforcement through joint traffic interdictions along with public education to improve driving behaviors and traffic safety throughout the participating counties. Long-term goals continue to be as detailed below:

1. Increase the level of traffic enforcement and visibility of law enforcement throughout the participating counties with particular emphasis on US Highway 321 and its feeder roads by maintaining mutual aid agreements between each of the participating counties. This will allow the officers assigned to the project, by the individual counties, to enforce traffic in all participating counties in effect multiplying the available manpower for traffic enforcement initiatives by at least five times.

2. Decrease the overall crash rate and severity of crashes in each of the participating counties with particular emphasis on US Highway 321 and its feeder roads by planning and conducting at least one group traffic interdiction in one of the participating counties each month targeted to the identified needs of that particular county as well as participating in GHSP statewide campaigns such as "Booze It and Lose It" and "Click It or Ticket." The team will use DMV statistics as well as work with local Highway Patrol and citizens to determine specific roads and areas of concern for speeding, reckless driving, and driving while under the influence offenses.
3. Improve the awareness of citizens of safe driving behaviors, use of seatbelts, use of child safety restraints, and traffic enforcement efforts by conducting traffic safety presentations for civic groups, public schools, etc. targeting presentations to encourage safe driving behaviors, discourage aggressive driving, and encourage the use of seat belts and child safety seats. Particular emphasis will be placed on outreach and education among the Hispanic and minority community.

This is a 3-year grant that must be renewed each year with the County supplying progressive amounts of match each year until the grant is picked up totally through local funding in the fourth year. In the first year of the grant, Catawba County Sheriff's Office received federal funding for one officer's salary and benefits at 100% and funding for equipment and training at 75%, followed by 75% funding for personnel and 50% funding for equipment/training in year two. Now finally in year three, which will begin in October, the Sheriff's Office will receive 50% funding for personnel up to a total federal investment of \$23,750 and 25% funding for equipment/training up to \$625 with a maximum local contribution of \$25,000. The necessary funds for the local fiscal year are in the budget. A resolution from the Board stating its commitment to project and supplying the necessary match for the requested federal funds is a requirement of the continuation request and is due with the final contract application on July 23, 2004. Staff recommended that the Board of Commissioners adopt a Resolution for 321 Connection Traffic Safety Team Continuation Funds.

Resolution 2004-19
North Carolina Governor's Highway Safety Program
Local Governmental Resolution
Form GHSP-02-A

WHEREAS, the Catawba County Sheriff's Office herein called the "Agency" has completed an application contract for traffic safety funding; and that the Catawba County Board of Commissioners (herein called the "Governing Body") has thoroughly considered the problem identified and has reviewed the project as described in the contract;

THEREFORE, NOW BE IT RESOLVED BY THE CATAWBA COUNTY BOARD OF COMMISSIONERS IN OPEN MEETING ASSEMBLED IN THE CITY OF NEWTON, NORTH CAROLINA,

THIS 12th DAY OF JULY, 2004, AS FOLLOWS:

1. That the project referenced above is in the best interest of the Governing Body and the general public; and
2. That L. David Huffman, Sheriff be authorized to file, on behalf of the Governing Body, an application contract in the form prescribed by the Governor's Highway Safety Program for federal funding in the amount of \$23,750 to be made to the Governing Body to assist in defraying the cost of the project described in the contract application; and
3. That the Governing Body has formally appropriated the cash contribution of \$25,000 as required by the project contract; and
4. That the Project Director designated in the application contract shall furnish or make arrangement for other appropriate persons to furnish such information, data, documents and reports as required by the contract, if approved, or as may be required by the Governor's Highway Safety Program; and

- 5. That certified copies of this resolution be included as part of the contract referenced above; and
- 6. That this resolution shall take effect immediately upon its adoption.

This 12th day of July, 2004.

Done and Ordered in open meeting by Chair Barnes.

Attested by /s/ Thelda B. Rhoney, County Clerk

- c. Budget Ordinance - North Carolina Department of Transportation (NCDOT) Enhancement Project (No. E-4806) Grant for Bunker Hill Covered Bridge.

The Bunker Hill Covered Bridge Enhancement Project consists of enhancing the historic transportation facility by making the site pedestrian friendly and handicap accessible, improving the entrance, parking, walkway, fencing and signage for the structure located two miles east of Claremont on US Highway 70 in Catawba County. The project, and NCDOT's funding participation in the project, will be restricted to the following:

Survey/Design; Environmental Documentation/Right-of-way Certification; Truss Bridge Installation; Foot Bridge Improvements; Parking/Trail Improvements; Fencing Improvements; Off-site Directional Signage/On-site Signage; Site Erosion Control/Landscaping; Restroom Facility – Handicap Accessible; Picnic Area Enhancement; and Contingency (5%).

The Catawba County Historical Association will provide the local match. The County through the Planning, Development and Parks Department will administer the grant on behalf of the "Association." The Public Works Subcommittee recommended that the Board of Commissioners adopt the NCDOT Enhancement Project (No. E-4806) – Bunker Hill Covered Bridge Site Improvements Budget Ordinance in the amount of \$105,000.

Supplemental Appropriations

Increase:

Account No.	Amount	Account No.	Amount
280-420110-650225	\$ 25,000	280-420110-988000	\$ 89,000
Catawba Co. Historical Assoc.		Bldg Structures & Improvements	
280-420110-627150	\$ 80,000	280-420110-989000	\$ 16,000
NCDOT Enhancement Fund		Other Structures & Improvements	
Total Appropriation	\$105,000		\$105,000

Ordinance No. 2004 -12
Catawba County's Project Budget Ordinance
for the NCDOT Enhancement Project (No. E-806)
Bunker Hill Covered Bridge Site Improvements

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF CATAWBA COUNTY:

Section 1. The project authorized is the NCDOT Enhancement Project (No. E-4806) Bunker Hill Covered Bridge Site Improvements.

Section 2. The officers of this unit are hereby directed to proceed with the grant project within the terms of the grant document(s), the rules and regulations of the Department of Transportation and the budget contained herein.

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

Revenues	
Catawba County Historical Association	\$ 25,000
NCDOT Enhancement Fund (Federal & State)	<u>\$ 80,000</u>
Total:	\$105,000

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

Expenditures	
Physical Improvements	\$ 89,500
Professional Services	<u>\$ 16,000</u>
Total:	\$105,000

Section 5. The Finance Officer is hereby directed to maintain within the Grant Project Fund sufficient specific detailed accounting records to provide the accounting to the grantor agency required by the grant agreement(s) and federal and state regulations.

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

Section 7. The Finance Officer is directed to report quarterly on the financial status of each project element in Section 4 and on the total grant revenues received or claimed.

Section 8. The Budget Officer is directed to include a detailed analysis of pay and future costs and revenues on this grant project in every budget submission made to this Board.

Section 9. Copies of this grant ordinance shall be made available to the Budget Officer and the Finance Officer for direction in carrying out this project.

Passed and adopted by the Catawba County Board of Commissioners this 12th day of July, 2004.

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

Attest:
/s/ Thelda B. Rhoney
County Clerk

d. New Job Classes.

Due to mental health divestiture and the Mental Health Department transitioning to a local managing entity, staff reviewed several position changes. The new duties performed by some positions meet job class specifications in the State Personnel system that is not established by Catawba County. These will be new classes in the County's pay plan. The Business Manager IV position is in Social Services. With several State reporting and tracking changes, and the creation of Family Net, staff believes the Business Manager III position should be reclassified. The Finance and Personnel Subcommittee recommended that the Board of Commissioners approve the establishment of eight new job classes. The classes and the pay grades recommended are:

- Business Manager IV, grade 79
- Mental Health Program Administration I, grade 77
- Mental Health Program Administrator II, grade 78
- Community Mental Health Assistant, grade 60
- Computer Systems Administrator, grade 71
- Personnel/Quality Assurance Operations Manager, grade 75
- Quality Assurance Specialist, grade 70
- Staff Development Specialist, grade 72

e. Resolution to approve financing by Sherrills Ford-Terrell Fire/Rescue.

This request is a part of Sherrills Ford-Terrell Fire/Rescue plan for replacement of equipment in order to maintain their ISO rating. This tanker will replace a 1980 outdated tanker that is no longer in

service. The cost of the tanker is \$209,000. Sherrills Ford- Terrell Fire/Rescue will pay \$119,000 and finance \$90,000. Sherrills Ford-Terrell Fire/Rescue held a public meeting on July 2, 2004, in accordance with the Internal Revenue Code. By adopting this resolution the finance rate the fire department will receive will be 2.6%. The interest rate prior to the adoption of the resolution was 5%. The Finance and Personnel Subcommittee recommended that the Board of Commissioners adopt a resolution approving the financing of an amount up to \$90,000 to the Sherrills Ford-Terrell Fire/Rescue for the purchase of a 2005 Pierce Tanker (1,800 gallon) as required by Internal Revenue Code, stating that it approves the Sherrills Ford-Terrell Fire/Rescue entering into the tax-exempt financing of up to \$90,000 for the purchase of the above tanker.

Resolution No. 2004-20
Resolution Approving the Financing by
Sherrills Ford-Terrell Fire/Rescue
of up to \$90,000 for an 1800 Gallon, 2005 Pierce Tanker

WHEREAS, Sherrills Ford-Terrell Fire/Rescue has determined to finance an amount of up to \$90,000 for the purchase of a tanker truck. The United States Internal Revenue Code requires that for such financing to be carried out on a tax-exempt basis, the Catawba County Board of Commissioners must first approve the financing. The Fire Department held a public meeting on July 2, 2004, after published notice in accordance with the Internal Revenue Code. Sherrills Ford-Terrell Fire/Rescue has reported the proceedings of such hearing to this Board.

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

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

This 12th day of July, 2004.

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

f. Requests for use of 1924 Courthouse Grounds by City of Newton Festival and Events Committee.

Staff recommended that the Board of Commissioners approve requests from the City of Newton Festival and Events Committee for use of the 1924 Courthouse Grounds for the following dates and events:

1. Sunday, August 8, 2004, 3:00 p.m. until 6:00 p.m. for an ice cream social.
2. Sunday, November 28, 2004, 5:00 p.m. until 9:00 p.m. for the Annual Christmas Tree Lighting.

g. Confirm voting delegates for the 2004 NACo Conference.

The NACo 2004 Credentials Voting Identification Form was received and the names of Catawba County's delegate and first alternate needed to be submitted prior to the July 12, 2004, Board of Commissioners' meeting. Staff contacted each Commissioner regarding voting delegates for NACo's 69th Annual Conference to be held July 16-20, 2004. Board members agreed that Chair Katherine Barnes be appointed as the designated delegate and Commissioner Glenn Barger be appointed as first alternate. The appointment of a designated delegate and first alternate ensures that Catawba County Commissioners can participate in the NACo's 69th Annual Conference's annual election of officers and policy adoption for this year's American County Platform. Staff recommended that the Board of Commissioners confirm voting delegates for the NACo's 69th Annual Conference, July 16-20, 2004, which were faxed on July 6, 2004. Board members agreed that Chair Katherine Barnes be appointed as the designated delegate and Commissioner Glenn Barger be appointed as first alternate.

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

End Consent Agenda

10. Departmental Reports

a. Utilities and Engineering Department:

1. Advent Crossroads CDBG Water Project.

Utilities and Engineering Public Services Administrator Jack I. Chandler said in June 17, 2004, the County received bids for the installation of approximately 18,800 linear feet of 8-inch and 12-inch waterlines with associated appurtenances, along Old Shelby Road, Henry River Road, George Hildebran Road, Advent Road and Bakers Mountain Rd. This project also includes the construction of a pump station along Mt. Grove Road and a 100,000-gallon ground mounted storage tank to be located on property owned by Catawba County on Bakers Mountain Road. A total of four bids were received ranging from \$981,295 to \$1,199,796. Ronny Turner Construction Co., Inc., Hickory, NC, was the lowest responsive bidder with a total bid amount of \$981,295. (Other bids: Hickory Construction Co., Inc. - \$1,093,661.90; Hickory Sand Co., Inc. - \$1,093,990; and Buckeye Construction Co., Inc. - \$1,199,796.) The County and McGill Associates held a pre-bid conference on June 3, 2004, to answer questions regarding the scope of the project and to discuss the bidder qualification requirements. All contractors were required to submit, along with their bids, several additional items therein providing evidence of their capability to perform the work within the specified contract time. McGill Associates, PA, project engineering firm, recommended awarding the bid for the Advent Crossroads Water Project to Ronny Turner Construction Co., Inc., in the amount of \$981,295. The Policy and Public Works Subcommittee recommended that the Board of Commissioners: 1) Award the Advents Crossroads CDBG Water Project, to Ronny Turner Construction Co., Inc., Hickory, NC, in the amount of \$981,295, and 2) approve the a budget revision in the amount of \$65,319 which includes costs associated with the property acquisition, soil/compaction testing and other related costs associated with the project.

Supplemental Appropriation - Increase

Appropriations		Revenues	
230-170020-995415	\$ 65,319	230-170020-690100	\$ 65,319
To Water & Sewer Construction		Fund Balance Applied	
415-431100-861500-21018	\$ 65,319	415-430050-695230	\$ 65,319
Advents Crossroads Waterline		From Water & Sewer Reserves	

County Attorney Robert Oren Eades said negotiations were complete and he was working with Ms. Seagle's attorney on documentation to exchange property for an easement. Ms. Seagle's property is landlocked and she has the ability to obtain an easement in other ways. She will leave a 50-foot buffer along the common edge of her property and the County park, which the County could not have gotten if Ms. Seagle obtained an easement from another source. Ms. Seagle was the only landowner that was willing to talk with county staff who owned sites where a pump station could be located. Other sites would have had to be condemned.

Commissioner Beatty made a motion to 1) Award the Advents Crossroads CDBG Water Project to Ronny Turner Construction Co., Inc., Hickory, NC, in the amount of \$981,295; 2) approve the aforementioned budget revision in the amount of \$65,319 which includes costs associated with the property acquisition, soil/compaction testing and other related costs associated with the project; and 3) authorize the Board Chair or County Manager to sign documents related to this project. The motion carried unanimously.

11. Attorneys' Report.

County Attorney Robert Oren Eades said the Trustees of the Catawba County Historical Association asked him to communicate to the Board of Commissioners how much the Trustees appreciated assistance from the Planning Department under Planning Director Jacky Eubank's leadership. Mr. Eades said Mr. Eubanks is a talented man and is committed to what he is doing.

12. Manager's Report.

County Manager J. Thomas Lundy said Assistant County Manager Mick Berry had accepted the position as Hickory's City Manager. Mr. Berry had served the County in Budget, Technology, Finance, and Assistant

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County Manager. Mr. Lundy said there would be a celebration of Mr. Berry's service to the County on Monday, July 26, 2004, at 3:30 p.m.

13. Other items of business. None.
14. Adjournment.

At 8:05 p.m., there being no further business to come before the Board, Commissioner Hunsucker made a motion to adjourn. The motion carried unanimously.

The next regularly scheduled meeting is August 2, 2004, 9:30 a.m., 1924 Courthouse, Newton, NC.

Katherine W. Barnes
Chair, Board of Commissioners

Thelda B. Rhoney
County Clerk