

## AGENDA

Catawba County Board of Commissioners Meeting  
Monday, June 20, 2016, 7:00 p.m.  
Robert E. Hibbitts Meeting Room, 1924 Courthouse  
30 North College Avenue, Newton, NC

## NOTICE

**Prior to this meeting, at 5:30 p.m., the Board of Commissioners will be touring the Justice Center Expansion site located at 100 Southwest Blvd, Newton.**

1. Call to Order.
2. Pledge of Allegiance to the Flag.
3. Invocation.
4. [Approval of the Minutes from the Board's Regular Meeting of June 6, 2016.](#)
5. Recognition of Special Guests.
6. Public Comments.
7. Presentations:
  - a. [Resolution in Honor of Captain Bradley Long.](#)
  - b. Update from Catawba County Partnership for Children. *Presented by John Watts, Chair, Catawba County Partnership for Children Board of Directors.*
8. Public Hearing:  
[Rezoning Request – 3189 East NC 10 Highway, Owned by Gary M. Huffman. Presented by Senior Planner Chris Timberlake.](#)
9. [Appointments.](#)
10. Consent Agenda:
  - a. [Edward Byrne Memorial Justice Assistance Grant \(JAG\).](#)
  - b. [Medical Examiner and Autopsy Fees.](#)
  - c. [Transfer for Healthcare Claims.](#)
11. Departmental Reports.
  - A. Finance.  
[Financing for Catawba Valley Community College \(CVCC\) and the Three School Districts. Presented by Chief Financial Officer Bob Miracle.](#)
  - B. Utilities and Engineering.  
[Jail Expansion Architect Selection. Presented by Purchasing Manager Debbie Anderson.](#)
12. Other Items of Business.
13. Attorneys' Report.
14. Manager's Report.

## 15. Adjournment.

**PERSONS WITH DISABILITIES:** Individuals needing assistance should contact the County Clerk at 828-465-8990 within a reasonable time prior to the meeting. Access to the 1924 Courthouse for individuals with disabilities is at the south side ("A" Street). The elevator is located at the north end of the building. Participation in public meetings is without regard to race, creed, religion, national origin, sex, age, color, or disability.

**INFOTALK/INTERNET:** The Catawba County Telephone Information System will allow you to use your touch tone telephone to obtain current information on Catawba County 24 hours a day. Information is updated on a regular basis. Dial 465-8468 and INFOTALK will direct your questions with easy to understand instructions. Reach Catawba County on the Internet at <http://www.catawbacountync.gov>.

**CALENDAR:** There is only one Board of Commissioners in July. This meeting will take place on Monday, July 18, 2016, at 7:00 p.m. in the 1924 Courthouse in Newton.

# Resolution

**Catawba County, North Carolina**

## **HONORING CAPTAIN BRADLEY LONG**

**WHEREAS**, Bradley Long served the citizens of Catawba County with honor and dignity in his roles as Captain of Sherrills Ford-Terrell Fire and Rescue and as a Fire Captain with the Newton Fire Department; and

**WHEREAS**, Captain Long gave his life in the line of duty while conducting a search for a missing person in Lake Norman; and

**WHEREAS**, Captain Long was highly trained and dedicated to the profession he loved and had been named 2016 Fireman of the Year by the Newton Elks Lodge; and

**WHEREAS**, Captain Long was committed to his community and performed the ultimate public service of placing others above self.

**NOW, THEREFORE BE IT RESOLVED THAT THE CATAWBA COUNTY BOARD OF COMMISSIONERS** does hereby express its heartfelt sympathy to Captain Bradley Long's family, friends, and fellow firefighters for their loss of this outstanding young man and urges Catawba County citizens to keep the Long family in their prayers as well as all the men and women in Catawba County who dedicate their lives to public safety.

This the 20th day of June, 2016.

Randy Isenower, Chair  
Catawba County Board of Commissioners

## MEMORANDUM

TO: Catawba County Board of Commissioners

FROM: Chris Timberlake, Senior Planner

DATE: June 20, 2016

IN RE: Rezoning Request – 3189 East NC 10 Highway, Owned by Gary M. Huffman

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### REQUEST

Consider an application to rezone approximately 1.87 acres from Rural Commercial (RC) to Highway Commercial (HC) District.

#### Purpose of Zoning District

The current Rural Commercial district requires a minimum lot size of 20,000 square feet (1/2 acre) and provides small areas for offices, services, and retail uses designed in scale with surrounding residential uses. The Highway Commercial district requires a minimum lot size of 40,000 square feet (1 acre) and provides areas for highway-oriented business, office, service, and civic uses.

### REVIEW/BACKGROUND

#### Location/Zoning

The property for which the rezoning request is being considered is located at 3189 East NC 10 Highway in the Balls Creek Small Area Planning District, Catawba Township, and further identified by Parcel Identification Number 3760-09-16-9901.

The property depicted as Parcel 1, on the attached map, is zoned Rural Commercial (RC) and is occupied by an automotive repair business. The surrounding parcels contain the zoning districts and uses described below.

- *North* – Parcel 2 is zoned Highway Commercial (HC) and contains a vacant building. Parcel 3 is zoned R-20 Residential (1/2 acre minimum) and contains a single-family home.
- *South* – Parcels 8 and 9 are zoned R-20 Residential (1/2 acre minimum) and contain single-family stick-built homes.
- *East* – Parcels 5, 6, and 7 are zoned R-20 Residential and are occupied with a single-family manufactured homes.

- West – Parcel 10 is zoned Rural Commercial (RC) and is occupied with a convenience store and restaurant business.

### Zoning History

March 18, 1985 – Rezoned from Residential-Agricultural (R-A) to Highway-Business (H-B). The property was zoned C-1 Commercial (light commercial use) in 1990 and then Rural Commercial (RC) in 2007 through amendments to the Zoning Ordinance, Unified Development Ordinance, and Zoning Atlas.

### Land Use

The subject property is within the WS-IV Watershed Protected Area overlay district. Non-impervious development may not exceed 36% of the property without further Board of Commissioner approval. Non-residential development standards (i.e. parking, landscaping, setbacks, buffering, etc.) within the Unified Development Ordinance will regulate any further development of the property if it is rezoned to Highway Commercial.

### Utilities

Public water exists along East NC 10 Highway. Public sewer is not available in the area.

### Transportation

NC Highway 10 is designated as a major thoroughfare in the 2035 Greater Hickory Urban Area Long Range Transportation Plan. Traffic counts taken in 2013 east and west of the site measured 5,100 and 5,200 average trips per day, respectively. NC Highway 10 is designed to accommodate approximately 13,300 vehicles per day. Development of the property will not overburden the existing roadway. There are no recommendations for road improvements for this section of NC Highway 10.

### Land Use Plan

The Balls Creek Small Area Plan, accepted on June 16, 2003, serves as the current land use plan for this area. Map 5, titled "Future Land Use Recommendations," depicts the property as being located in an area recommended for neighborhood commercial development. The Highway Commercial district is equivalent to the neighborhood commercial area designated in the plan.

### Staff Recommendation

Staff recommends the 1.87 acres owned by Gary Huffman be rezoned from Rural Commercial to Highway Commercial District based upon:

- 1) The property's proximity to other Highway Commercial property located on the opposite side of NC Highway 10; and
- 2) The request being consistent with the accepted Balls Creek Small Area Plan, future land use recommendations.

Planning Board Hearing Discussion

The Planning Board held a public hearing on April 25, 2016 to consider the request. No one spoke in favor or in opposition to the request. The board asked if additional screening or buffering would be required of the applicant. Staff indicated it could be required depending on size of additions to the existing building or if additional structures were built.

**PLANNING BOARD RECOMMENDATION**

The Planning Board voted 8-0 to recommend to the Catawba County Board of Commissioners, that the 1.87 acres owned by Gary Huffman be rezoned from Rural Commercial to Highway Commercial District based upon:

- 1) The property's proximity to other Highway Commercial property located on the opposite side of NC Highway 10; and
- 2) The request being consistent with the accepted Balls Creek Small Area Plan, future land use recommendations.

***Applicant***

Gary M. Huffman

***Request***

Rezone 1.87 acres from Rural Commercial (RC) (1/2 minimum) to Highway Commercial (HC) (1 acre minimum)

***Location***

3189 East NC 10 Highway

***Date***

June 20, 2016

# REZONING REQUEST MAP

Applicant: Gary M. Huffman  
 PIN - 3760-09-16-9901  
 RC Rural Commercial to  
 HC Highway Commercial

-  Water Lines
-  Subject Parcel
-  Structures
- County Zoning**
-  HC
-  R-20
-  RC

Subject Parcels fall within the following Overlays:  
 WP-O

1 Through 10 - See Adjacent Property Owner List



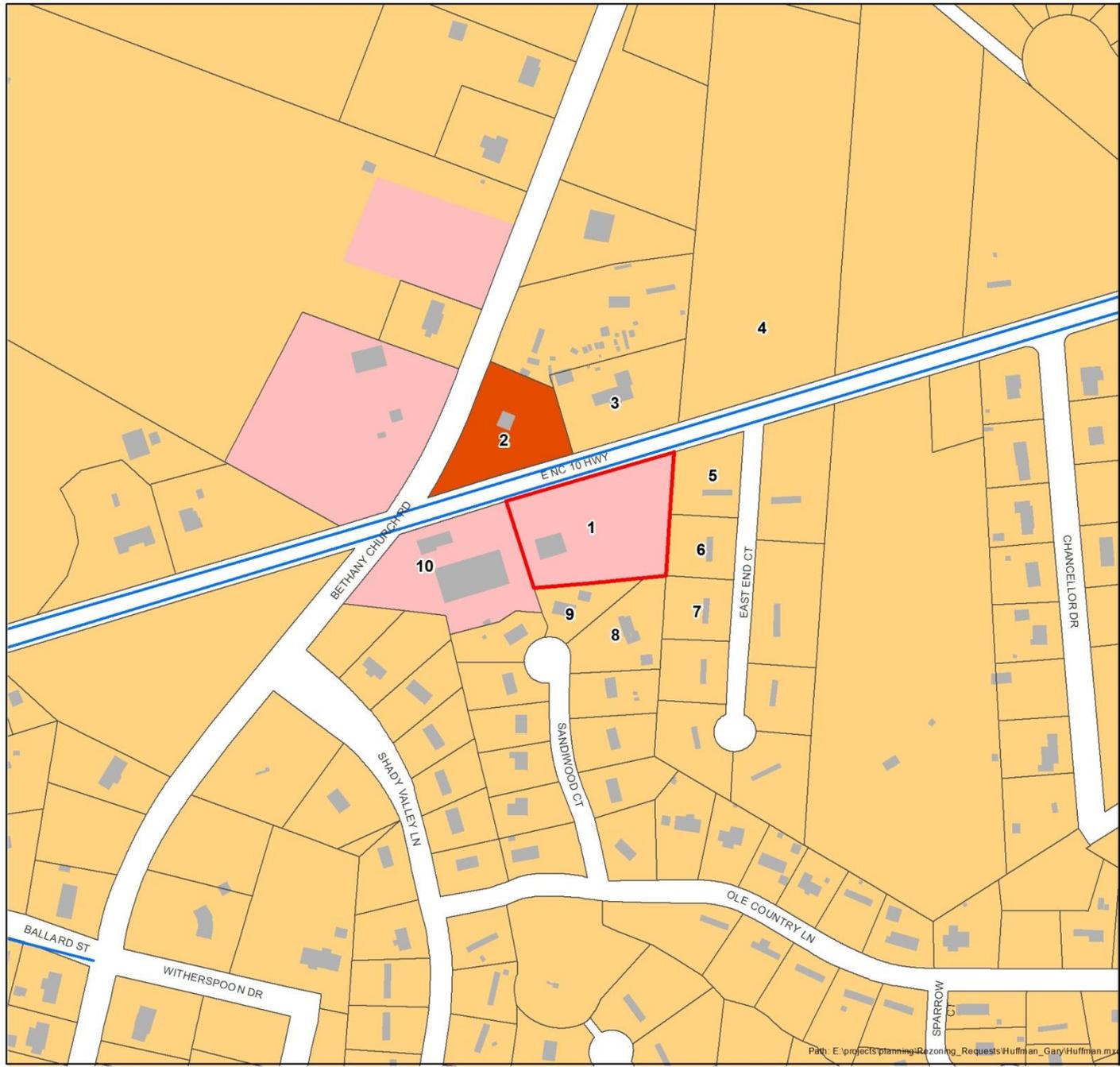
1 inch = 300 feet

This map product was prepared from the Catawba County, NC, Geographic Information System. Catawba County has made substantial efforts to ensure the accuracy of location and labeling information contained on this map. Catawba County promotes and recommends the independent verification of any data contained on this map product by the user. The County of Catawba, its employees and agents disclaim, and shall not be held liable for any and all damages, loss or liability, whether direct, indirect or consequential which arises or may arise from this map product or the use thereof by any person or entity.

### FOCUS AREA



CATAWBA COUNTY, NC



# REZONING REQUEST MAP

Applicant: Gary M. Huffman  
 PIN - 3760-09-16-9901  
 RC Rural Commercial to  
 HC Highway Commercial

-  Subject Parcel
-  Water Lines
-  Creeks
-  Parcels

Subject Parcels fall within the following Overlays:  
 WP-O

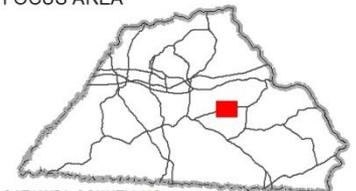
1 Through 10 - See Adjacent Property Owner List



1 inch = 300 feet

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## FOCUS AREA



CATAWBA COUNTY, NC



# Subject Property



# Adjacent Properties



North



North



East



West

# Subject & Adjacent Properties – South View



## Purpose - Review

- The Rural Commercial district requires a minimum lot size of ½ acre and provides small areas for offices, services, and retail uses designed in scale with surrounding residential uses.
- The Highway Commercial district requires a minimum lot size of 1 acre and provides areas for highway-oriented business, office, service, and civic uses.

# Utilities

- Public water exists along East NC 10 Highway.
- Public sewer is not available in the area.

# Transportation

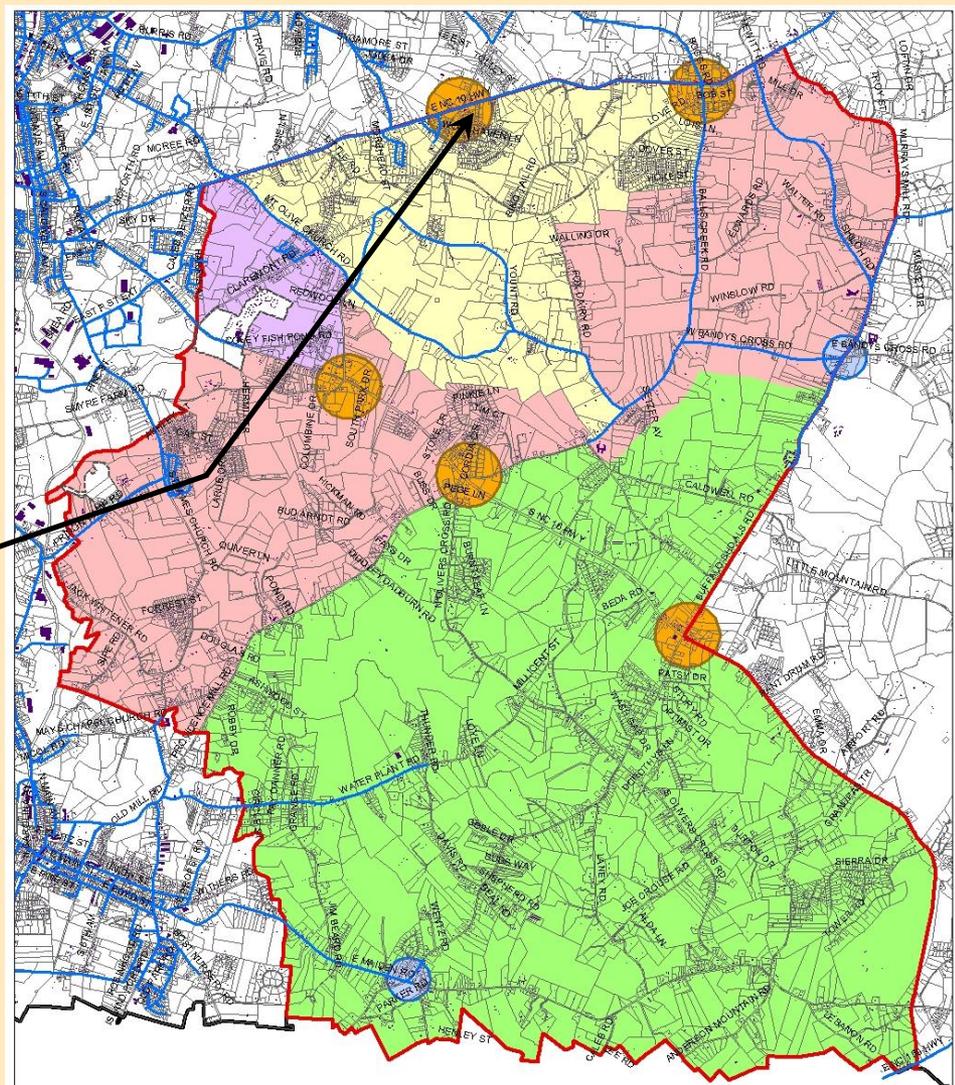
- East NC 10 Highway is designated as a major thoroughfare in the 2035 Greater Hickory Urban Area Long Range Transportation Plan.
- Traffic counts taken in 2013, east and west of the site, measured 5,100 and 5,200 average trips per day, respectively.
- This section of NC 10 Highway is designed to accommodate approximately 13,300 vehicles per day.
- Changes in use or further development of property will not overburden the existing roadway.
- There are no recommended road improvements for this section of NC 10 Highway.

# Land Use Plan

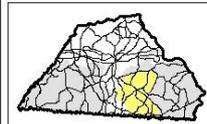
- Property is within the Balls Creek Small Area Plan accepted in June 16, 2003.
- Map 5, titled "Future Land Use Recommendations," depicts the property as being located in an area recommended for neighborhood commercial development.
- The Highway Commercial district is equivalent to the describe Neighborhood Commercial district within the plan.
- The request is consistent with the land use recommendations of the plan.

# Future Land Use Recommendations

Subject Parcel

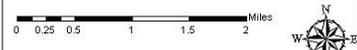


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-  Structures
-  Balls Creek SAP Boundary
-  Municipal Boundary
-  Waterlines
-  Residential Density: 75 Acre Lots
-  Residential Density: 1 Acre Lots
-  Residential Density: 2 Acre Lots
-  Village/Multi-Family/Office-Institutional
-  Rural Commercial
-  Neighborhood Commercial

**MAP NO. 5A  
BALLS CREEK SMALL AREA PLAN  
FUTURE LAND USE  
AND  
RESIDENTIAL DENSITY  
RECOMMENDATIONS**



# Public Hearing Discussion

- The Planning Board held a public hearing on April 25, 2016 to consider the request.
- No one spoke in favor or in opposition to the request.
- The board asked if additional screening or buffering would be required of the applicant.
- Staff indicated it could be required depending on size of additions to the existing building or if additional structures were built.

# Planning Board Recommendation

The Planning Board voted 8-0 to recommend to the Catawba County Board of Commissioners, that the 1.87 acres owned by Gary Huffman be rezoned from Rural Commercial to Highway Commercial District based upon:

- 1) The property's proximity to other Highway Commercial property located on the opposite side of NC Highway 10; and
- 2) The request being consistent with the accepted Balls Creek Small Area Plan, future land use recommendations.

**Mike Huffman Enterprise**

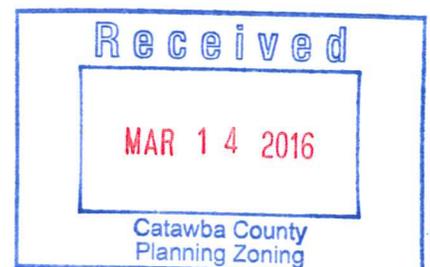
**3189 East NC 10 Highway Claremont NC 28610**

**(828) 994-4550**

To Whom it may Concern,

I am requesting rezoning to use our parcel as a used car lot requiring per the County a Highway commercial zoning. Current the parcel is zoned Rural commercial. We have spoke with Chris Timberlake about his proposal. He explained that the future planning shows the area is best suited for Highway Commercial zoning. Future plans are to expand the facility.

Thank you,



RZ 03-2016-23383

RZ 2016-01

Catawba County Rezoning/Ordinance Text Amendment Application

Applicant Gary M. Huffman Phone # 828-994-4550
Applicant's Fax 828-994-4551 Applicant's Email
Applicant's Mailing Address 4972 Elmora Dr. City, State, Zip Catawba N.C. 28609
Property Owner Gary M. Huffman Phone # 828-217-0907
Property Owner's Mailing Address 4972 Elmora Dr. City, State, Zip Catawba N.C. 28609
Parcel 911 Address 3189 E NC 10 HWY Claremont PIN # 376009169901
Subdivision Name and Lot #
Current Zoning District Rural Commercial Proposed Zoning District Highway Commercial

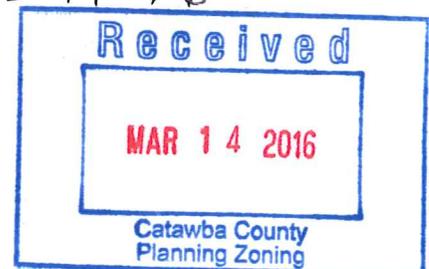
Type of Rezoning Application:

- General Rezoning
Planned Development Rezoning
Special District Rezoning
Conditional District Rezoning
Manufactured Home Park Rezoning
Ordinance Text Amendment

General Information to be attached:

- If a portion of an existing parcel is requested to be rezoned, a survey of the portion of the parcel(s) covered by the proposed amendment at a scale no smaller than 1 inch equals 200 feet, on a 18 x 24 inch map and one 8 x 11 inch map (30 copies).
Submittal of 30 copies of each map including digital copies in .pdf or .jpg format.
If applicable, a legal description of such land
If applicable, a detailed statement of any alleged error in the Unified Development Ordinance which would be corrected by the proposed amendment, and a detailed explanation of the manner the proposed amendment will correct the alleged error.
A detailed statement of all other circumstances, factors, and reasons, which applicant offers in support of the proposed zoning map or text amendment.
Filing Fee: Per Catawba County Fee Schedule

Applicant's Signature Gary M Huffman Date 3-14-16
Property Owner's Signature Gary M Huffman Date 3-14-16



**Subject and Adjacent Property Owners List**

| <u>PIN</u>   | <u>Acres</u> | <u>owner</u>                | <u>owner2</u>     | <u>address</u>         | <u>city</u>    | <u>state</u> | <u>zip</u> |
|--------------|--------------|-----------------------------|-------------------|------------------------|----------------|--------------|------------|
| 376009169901 | 1.87         | GARY MICHAEL HUFFMAN        |                   | 4972 ELMORE DR         | CATAWBA        | NC           | 28609-8128 |
| 376009166801 | 1.75         | BUMGARNER OIL CO INC        |                   | PO BOX 126             | HICKORY        | NC           | 28603-0126 |
| 376009169647 | 0.74         | ANDREW J HEILI              | CYNTHIA A HEILI   | PO BOX 296             | CLAREMONT      | NC           | 28610-0296 |
| 376009168733 | 0.42         | ELIZABETH KAY MOORE         |                   | 1394 SANDIWOOD CT      | CLAREMONT      | NC           | 28610-9559 |
| 376009271032 | 0.59         | JAMES STEVEN TURNER         |                   | 447 FRANK EDWARDS RD   | WEST JEFFERSON | NC           | 28694-9170 |
| 376009261827 | 0.49         | JAMES STEVEN TURNER         |                   | 447 FRANK EDWARDS RD   | WEST JEFFERSON | NC           | 28694-9170 |
| 376009261713 | 0.49         | JAMES STEVEN TURNER         |                   | 447 FRANK EDWARDS RD   | WEST JEFFERSON | NC           | 28694-9170 |
| 376009177114 | 1.16         | PEGGY BANDY WITHERSPOON     |                   | 3200 E NC 10 HWY       | CLAREMONT      | NC           | 28610-9545 |
| 376009179272 | 1.17         | PEGGY BANDY WITHERSPOON     |                   | 3200 E NC 10 HWY       | CLAREMONT      | NC           | 28610-9545 |
| 376005273607 | 6.82         | GREGORY CHARLES WITHERSPOON | KAREN WITHERSPOON | 3288 BETHANY CHURCH RD | CLAREMONT      | NC           | 28610-9556 |



Planning and Parks Department  
PO Box 389  
100 A Southwest Boulevard  
Newton, NC 28658  
828-465-8380  
Fax: 828-465-8484  
[www.catawbacountync.gov/](http://www.catawbacountync.gov/)

## ZONING MAP AMENDMENT CONSISTENCY STATEMENT

On June 20, 2016 the Catawba County Board of Commissioners conducted a public hearing for the purpose of recommending a zoning map amendment to PIN 3760-09-16-9901 (Case #RZ2016-01). The applicant/owner is Gary Huffman.

Upon considering the matter, the Catawba County Board of Commissioners finds the request to be consistent with Map 5 titled "Future Land Use Recommendations" of the Balls Creek Small Area Plan. The board therefore finds the request reasonable for rezoning based upon:

- 1) The property's proximity to other Highway Commercial property located on the opposite side of NC Highway 10; and
- 2) The request being consistent with the accepted Balls Creek Small Area Plan, future land use recommendations.

This recommendation was affirmed by a vote of \_\_\_\_ - \_\_\_\_ of the Catawba County Board of Commissioners.

\_\_\_\_\_  
Presiding Officer

\_\_\_\_\_  
Date



Ordinance No. 2016-\_\_\_\_\_

**AMENDMENT TO THE CATAWBA COUNTY ZONING MAP**

**BE IT ORDAINED BY THE BOARD OF COMMISSIONERS**, that the Catawba County Official Zoning Atlas is hereby amended by rezoning the following described property from Rural Commercial (RC) to Highway Commercial district (RZ2016-01).

One parcel totaling approximately 1.87 acres located 3189 East NC 10 Highway in the Balls Creek Small Area Planning District, Catawba Township, and further identified by Parcel Identification Number 3760-09-16-9901.

**PLAN CONSISTENCY STATEMENT:**

Pursuant to NCGS 153A-341, the Catawba County Board of Commissioners finds the request to be consistent with Map 5 titled "Future Land Use Recommendations" of the Balls Creek Small Area Plan. The board therefore finds the request reasonable for rezoning based upon:

- 1) The property's proximity to other Highway Commercial property located on the opposite side of NC Highway 10; and
- 2) The request being consistent with the accepted Balls Creek Small Area Plan, future land use recommendations.

This, the 20th day of June 2016.

\_\_\_\_\_  
C. Randall Isenhower, Chair

## APPOINTMENTS

**KITTY BARNES (Upcoming) SALT Block Foundation**

**06/30/16**

**Susan King**

**Eligible for a 2<sup>nd</sup> term**

**2-year term**

**Commissioner Barnes recommends the reappointment of Susan King for a second term on the SALT Block Foundation Board. This term will expire June 30, 2018.**

**DAN HUNSUCKER (Upcoming) Newton-Conover Auditorium Authority Board of Directors**

**06/30/16**

**Jerome Bolick**

**Not Eligible for Reappt**

**3-year terms**

**Commissioner Hunsucker recommends the appointment of Ingrid Keller for a first term on the Newton-Conover Auditorium Authority Board of Directors. This term will expire June 30, 2019.**

## MEMORANDUM

**TO:** Catawba County Board of Commissioners

**FROM:** Finance and Personnel Subcommittee

**DATE:** June 20, 2016

**SUBJECT:** Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program Grant Allocation

### REQUEST:

The Finance and Personnel Subcommittee recommends the Board of Commissioners approve a grant application for the 2016 JAG Grant.

**BACKGROUND:** JAG funding allocation is based on population and violent crime statistics. The 2016 Justice Assistance Grant (JAG) has been announced and the County's **eligible award is \$12,113, and no local match is required.** It is requested these funds be used to purchase the following equipment to improve law enforcement:

JAG funding will be used to purchase Automated External Defibrillators (AEDs) to be used by Road Patrol to improve the effectiveness and readiness of officers to save lives. The County's service areas are divided into 4 zones, and presently have 4 AEDs assigned to Road Patrol. However, with 4 shifts to handle 24/7 coverage, these AEDs are handed off between each shift. The goal is to have 4 AEDs on each shift, which would be 12 more units. This grant will provide 8 AEDs.

By having 4 AEDs per shift, the wear and tear of transporting the existing units is reduced. It will also ensure there is an AED unit in each zone of the County, as sometimes the shift coming on duty may have a call before they arrive at the Sheriff's Office to pick up one of the 4 existing AEDs. With proactive patrol, off-duty assignments, and as 1st responder, the Deputy may be on scene before EMS. With just minutes to save a life, an AED available in each zone can have significant impact.

Sudden cardiac arrest is different from a heart attack, usually caused by blocked arteries. In cardiac arrest, the heart stops when the electrical pulses that tell it to beat misfire. Only the "reset" from an electrical shock gives it a chance to resume beating. If an AED delivers a shock within the first three to five minutes after a person's heart stops, studies show, the odds of survival are 60 percent to 70 percent. Shock within 1 minute raises survival rate to 90 percent.

### RECOMMENDATION:

The Finance and Personnel Subcommittee recommends the Board of Commissioners approve this request to submit the 2016 JAG Grant application. The Sheriff's Office is applying with City of Hickory as the award was disparate to us this year (HPD \$18,907).

**SUPPLEMENTAL APPROPRIATION UPON AWARD**

Revenue

110-210050-620320

\$12,113

Justice Assistance Grant

Appropriation:

110-210050-870100

\$12,113

Admin Small Tools

**MEMORANDUM**

**TO:** Catawba County Board of Commissioners  
**FROM:** Finance and Personnel Subcommittee  
**DATE:** June 20, 2016  
**SUBJECT:** Medical Examiner and Autopsy Fees

**Requested:**

The Finance and Personnel Subcommittee requests the Board of Commissioners approve the appropriation of an additional \$60,000 to cover autopsy and medical examiner fees for the remainder of Fiscal Year 2015/16.

**Background:**

As noted in the Fiscal Year 2016/17 budget, counties are required by statute to pay \$200 for the Medical Examiner and \$1,750 (of a total \$2,800 fee shared with the State – or 62.5 percent) per autopsy report for County residents who die inside the County *“if, in the opinion of the medical examiner investigating the case or of the Chief Medical Examiner, it is advisable and in the public interest that an autopsy or other study be made; or, if an autopsy or other study is requested by the district attorney of the county or by any superior court judge.”* Deaths requiring an autopsy that occur outside a person’s county of residence are entirely the funding responsibility of the State.

In Fiscal Year 2015/16, the General Assembly doubled the medical examiner fee from \$100 to \$200 and increased the County’s portion of the autopsy fee by \$500, from \$1,250 to \$1,750. Through April bills, 10 more autopsies had been conducted this year compared to all of last year (for a year-to-date total of 81, compared to last year’s total of 71), and 14 more compared to two years ago.

To ensure enough funds are budgeted to cover outstanding expenses through the end of the Fiscal Year, it is requested that an additional \$60,000 be added to the budget. Any funds not spent will fall to fund balance.

**Recommendation:**

The Finance and Personnel Subcommittee recommends the Board of Commissioners appropriate an additional \$60,000 for autopsy and medical examiner fees.

Supplemental Appropriation:

|                   |                             |          |
|-------------------|-----------------------------|----------|
| 110-190050-690100 | Fund Balance Appropriated   | \$60,000 |
| 110-510050-856300 | Medical Services            | \$ 6,500 |
| 110-510050-856900 | Other Professional Services | \$53,500 |

**MEMORANDUM**

**TO:** Catawba County Board of Commissioners  
**FROM:** Finance and Personnel Subcommittee  
**DATE:** June 20, 2016  
**SUBJECT:** Transfer for Healthcare Claims

**Requested:**

The Finance and Personnel Subcommittee requests the Board of Commissioners approve the appropriation of an additional \$400,000 to cover healthcare costs for the remainder of Fiscal Year 2015/16.

**Background:**

Catawba County is self-insured for health care coverage, meaning it pays for all employees' health insurance claims. In the current fiscal year, the County has incurred higher claims than in previous years. In the category of high cost claims (claims greater than \$50,000), the County had 13 claims in both fiscal years 2013/14 and 2014/15. In the current fiscal year, we have 19 and could add several more before the end of the fiscal year. The County does have a stop loss amount of \$125,000 per employee and will be reimbursed for any claims that exceed that amount.

To ensure enough funds are budgeted to cover outstanding expenses through the end of the Fiscal Year, it is requested that an additional \$400,000 be added to the budget. Any funds not spent will fall to self-insurance fund balance.

**Recommendation:**

The Finance and Personnel Subcommittee recommends the Board of Commissioners appropriate an additional \$400,000 for healthcare costs.

Supplemental Appropriation:

|                   |   |           |
|-------------------|---|-----------|
| 115-150110-690100 | Self- Insurance Fund Balance Appropriated | \$400,000 |
| 115-150110-823430 | Medical Services                          | \$400,000 |

## MEMORANDUM

**TO:** Catawba County Board of Commissioners

**FROM:** Finance and Personnel Subcommittee

**DATE:** June 20, 2016

**SUBJECT:** Financing for Catawba Valley Community College (CVCC) and the three school districts

**Requested:**

The Finance and Personnel Subcommittee requests the Board of Commissioners approve the negotiation of an installment financing contract of up to \$55,000,000 and related documents for various constructions projects at CVCC, school districts and the possibility of refunding debt.

**Background:**

CVCC and the three school districts have various capital needs that require financing. Those projects include: (i) constructing, equipping and furnishing a workforce solutions complex at Catawba Valley Community College (the "*Workforce Solutions Complex*") and renovating certain facilities and acquiring and installing equipment at Catawba Valley Community College, (ii) constructing a fieldhouse at Fred T. Foard High School, (iii) acquiring and installing technology improvements for the Hickory City School System and (iv) constructing bleachers at Newton-Conover High School replacing the roof at North Newton Elementary School and renovating Conover School. The total amount of these projects are \$38,000,000. The County may also have the opportunity to refinance prior installment financing obligations up to \$17,000,000 that would result in debt service savings.

All local governments in North Carolina that borrow funds greater than \$500,000 or longer than five years to maturity must receive approval by the Local Government Commission (LGC), a division of the NC Department of State Treasurer. At the Board of Commissioners meeting on July 18<sup>th</sup>, a public hearing for comment on this installment financing contract and related documents will be held. The notice for public hearing will be advertised at least ten days in advance of that meeting, per state law. If approved by the Board of Commissioners, the LGC will consider this financing at their August 2<sup>nd</sup> meeting in Raleigh.

**Recommendation:**

The Finance and Personnel Subcommittee recommends the Board of Commissioners adopts the resolution to approve the negotiation of an installment financing agreement and related documents in connection with the construction projects for CVCC and the three school districts. The public hearing will be held on July 18<sup>th</sup> and the final documents will be provided at that meeting for approval.

**EXTRACTS FROM MINUTES OF THE BOARD OF COMMISSIONERS**

The Board of Commissioners for the County of Catawba, North Carolina, met in a regular meeting in the Robert E. Hibbitts Meeting Room at the 1924 Courthouse located at 30 North College Avenue in Newton, North Carolina at 7:00 p.m. on June 20, 2016.

Present:

Absent:

Also present:

\* \* \* \* \*

Commissioner \_\_\_\_\_ moved that the following resolution, copies of which having been made available to the Board of Commissioners, be adopted:

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF CATAWBA, NORTH CAROLINA, AUTHORIZING THE NEGOTIATION OF AN INSTALLMENT FINANCING CONTRACT AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS THERETO**

*WHEREAS*, the County of Catawba, North Carolina (the “*County*”) is a political subdivision validly existing under the Constitution, statutes and laws of the State (the “*State*”);

*WHEREAS*, the County has the power, pursuant to the General Statutes of North Carolina, to (1) purchase real and personal property, (2) enter into installment purchase contracts to finance and refinance the purchase or improvement of real and personal property used, or to be used, for public purposes, and (3) grant a security interest in some or all of the property purchased or improved to secure repayment of the purchase price;

*WHEREAS*, the Board of Commissioners of the County (the “*Board*”), determines that it is in the best interest of the County to enter into (a) one or more installment financing contracts (the “*Contract*”) in order (1) to pay the capital costs of (i) constructing, equipping and furnishing a workforce solutions complex at Catawba Valley Community College (the “*Workforce Solutions Complex*”) and renovating certain facilities and acquiring and installing equipment at Catawba Valley Community College, (ii) constructing a fieldhouse at Fred T. Foard High School, (iii) acquiring and installing technology improvements for the Hickory City School System and (iv) constructing bleachers at Newton-Conover High School, replacing the roof at North Newton Elementary School and renovating Conover School ((i) through (iv) are collectively referring to as the “*2016 Projects*”), (2) to refinance prior installment financing obligations of the County, the proceeds of which financed capital projects of the County (the “*Prior Projects*” and collectively with the 2016 Projects, the “*Projects*”), that would result in debt service savings and (3) to pay the costs related to the execution and delivery of the Contract and (b) a deed of trust and security agreement (the “*Deed of Trust*”) related to all or a portion of the site on which the Workforce Solutions Complex will be located and the site on which Fred T. Foard High School is

located, together with all improvements thereon (the “*Mortgaged Property*”), to secure the County’s obligations under the Contract;

*WHEREAS*, the County hereby determines that the Projects are essential to the County’s proper, efficient and economic operation and to the general health and welfare of its citizens; that the financing and refinancing of the Projects will permit the County to carry out public functions that it is authorized by law to perform; and that entering into the Contract and the Deed of Trust are necessary and expedient for the County by virtue of the findings presented herein;

*WHEREAS*, the County hereby determines that the Contract allows the County to purchase the Projects and take title thereto at a favorable interest rate currently available in the financial marketplace and upon terms advantageous to the County;

*WHEREAS*, the County hereby determines that the estimated cost of the Projects is an amount not to exceed \$55,000,000 and that such cost of the Projects exceeds the amount that can be prudently raised from currently available appropriations, unappropriated fund balances and non-voted bonds that could be issued by the County in the current fiscal year pursuant to Article V, Section 4 of the Constitution of the State;

*WHEREAS*, although the cost of financing and refinancing the Projects pursuant to the Contract is expected to exceed the cost of financing and refinancing the Projects pursuant to a bond financing for the same undertaking, the County hereby determines that the cost of financing and refinancing the Projects pursuant to the Contract and the Deed of Trust and the obligations of the County thereunder are preferable to a general obligation bond financing or revenue bond financing for several reasons, including but not limited to the following: (1) the cost of a special election necessary to approve a general obligation bond financing, as required by the laws of the State, would result in the expenditure of significant funds; (2) the time required for a general obligation bond election would cause an unnecessary delay which would thereby decrease the financial benefits of the Projects; and (3) revenues produced by the Projects are insufficient to permit a revenue bond financing;

*WHEREAS*, the County has determined and hereby determines that the estimated cost of financing and refinancing the Projects pursuant to the Contract reasonably compares with an estimate of similar costs under a bond financing for the same undertaking as a result of the findings delineated in the above preambles;

*WHEREAS*, the increase in taxes, if any, necessary to meet the sums to fall due under the Contract will not be excessive;

*WHEREAS*, Parker Poe Adams & Bernstein LLP, as bond counsel, will render an opinion to the effect that entering into the Contract and the transactions contemplated thereby are authorized by law;

*WHEREAS*, no deficiency judgment may be rendered against the County in any action for its breach of the Contract, and the taxing power of the County is not and may not be pledged in any way directly or indirectly or contingently to secure any moneys due under the Contract;

*WHEREAS*, the County is not in default under any of its debt service obligations;

*WHEREAS*, the County’s budget process and Annual Budget Ordinance are in compliance with the Local Government Budget and Fiscal Control Act;

*WHEREAS*, past audit reports of the County indicate that its debt management and debt service payment policies have been carried out in strict compliance with the law, and the County has not been censured by the North Carolina Local Government Commission (the “LGC”), external auditors or any other regulatory agencies in connection with such debt management and contract obligation payment policies;

*WHEREAS*, a public hearing on the Contract after publication of a notice with respect to such public hearing must be held and approval of the LGC with respect to entering the Contract must be received; and

*WHEREAS*, the Board hereby determines that all findings, conclusions and determinations of the County in this Resolution are subject to modification or affirmation after all interested parties have been afforded the opportunity to present their comments at a public hearing regarding the execution and delivery of the Contract and the Deed of Trust and the financing and refinancing of the Projects;

*NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF CATAWBA, NORTH CAROLINA, AS FOLLOWS:*

Section 1. ***Authorization to Negotiate Contract.*** That the County Manager and the Chief Financial Officer, individually or collectively, with advice from the County Attorney and Bond Counsel, are hereby authorized and directed to proceed and negotiate on behalf of the County the Contract for a principal amount not to exceed \$55,000,000 for the financing and refinancing of the Projects to be entered into in accordance with the provisions of Section 160A-20 of the General Statutes of North Carolina and to provide in connection with the Contract, as security for the County’s obligations thereunder, the Deed of Trust conveying a lien and interest in such portion of the Mortgaged Property as may be required by the entity, or its assigns, providing funds to the County under the Contract.

Section 2. ***Application to LGC.*** That the Chief Financial Officer or his designee is hereby directed to file with the LGC an application for its approval of the Contract and all relevant transactions contemplated thereby on a form prescribed by the LGC and to state in such application such facts and to attach thereto such exhibits regarding the County and its financial condition as may be required by the LGC.

Section 3. ***Public Hearing.*** That a public hearing (the “*Public Hearing*”) shall be conducted by the Board on July 18, 2016 at or about 7:00 p.m. in the Robert E. Hibbitts Meeting Room at the 1924 Courthouse located at 30 North College Avenue in Newton, North Carolina, concerning the Contract, the Deed of Trust and the proposed Projects.

Section 4. ***Notice of Public Hearing.*** That the Clerk to the Board is hereby directed to cause a notice of the Public Hearing, in the form attached hereto as Exhibit A, to be published once in a qualified newspaper of general circulation within the County no fewer than 10 days prior to the Public Hearing.

Section 5. ***Repealer.*** That all motions, orders, resolutions and parts thereof in conflict herewith are hereby repealed.

Section 6. ***Effective Date.*** That this Resolution is effective on the date of its adoption.

STATE OF NORTH CAROLINA            )  
  )  
COUNTY OF CATAWBA                )            ss:

I, BARBARA E. MORRIS, Clerk to the Board of Commissioners of the County of Catawba, North Carolina, ***DO HEREBY CERTIFY*** that the foregoing is a true and exact copy of a resolution entitled **“RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF CATAWBA, NORTH CAROLINA, AUTHORIZING THE NEGOTIATION OF AN INSTALLMENT FINANCING CONTRACT AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS THERETO”** adopted by the Board of Commissioners of the County of Catawba, North Carolina at a meeting held on the 20th day of June, 2016.

***WITNESS*** my hand and the corporate seal of the County of Catawba, North Carolina, this the \_\_\_ day of June, 2016.

\_\_\_\_\_  
Barbara E. Morris  
Clerk to the Board of Commissioners  
County of Catawba, North Carolina

## EXHIBIT A

To be published once in The Observer-News-Enterprise on or before July 10, 2016.

### NOTICE OF PUBLIC HEARING

At its June 20, 2016 meeting, the Board of Commissioners (the “*Board*”) of the County of Catawba, North Carolina (the “*County*”) adopted a resolution which:

1. Authorized the County to proceed to (a) pay the costs of (i) constructing, equipping and furnishing a workforce solutions complex at Catawba Valley Community College (the “*Workforce Solutions Complex*”) and renovating certain facilities and acquiring and installing equipment at Catawba Valley Community College, (ii) constructing a fieldhouse at Fred T. Foard High School, (iii) acquiring and installing technology improvements for the Hickory City School System and (iv) constructing bleachers at Newton-Conover High School, replacing the roof at North Newton Elementary School and renovating Conover School ((i) through (iv) are collectively referring to as the “*Projects*”), (b) refinance prior installment financing obligations of the County, the proceeds of which financed capital projects of the County (the “*Prior Projects*” and collectively with the 2016 Projects, the “*Projects*”), that would result in debt service savings and (c) pay the costs related to the execution and delivery of the Contract, pursuant to one or more installment financing contracts (the “*Contract*”), in a principal amount not to exceed \$55,000,000, under which the County will make certain installment payments;

2. Authorized the County to provide, in connection with the Contract, as grantor, a deed of trust and security agreement (the “*Deed of Trust*”) under which all or a portion of the County’s interest in the real property on which the Workforce Solutions Complex will be located and Fred T. Foard High School is located, together with all improvements thereon (collectively, the “*Mortgaged Property*”), will be mortgaged by the County to create a lien thereon for the benefit of the entity, or its assigns, providing the funds to the County under the Contract. The Workforce Solutions Complex will be located on the campus of Catawba Valley Community College at 2550 US Highway 70 SE, Hickory, North Carolina. Fred T. Foard High School is located at 3407 Plateau Road, Newton, North Carolina.

On payment by the County of all installment payments due under the Contract, the Deed of Trust and any lien created thereunder will terminate and the County’s title to the Mortgaged Property will be unencumbered.

*NOTICE IS HEREBY GIVEN*, pursuant to Sections 160A-20 of the General Statutes of North Carolina, that on July 18, 2016 at or about 7:00 p.m. the County will conduct a public hearing in the Robert E. Hibbitts Meeting Room at the 1924 Courthouse located at 30 North College Avenue in Newton, North Carolina concerning the approval of the execution and delivery of the Contract and the Deed of Trust and the County’s financing of the Projects. All interested parties are invited to present comments at the public hearing regarding the execution and delivery of the Contract, the Deed of Trust and the Projects to be financed and refinanced thereby.

Barbara E. Morris  
Clerk to the Board of Commissioners  
County of Catawba, North Carolina

## MEMORANDUM

**TO:** Catawba County Board of Commissioners

**FROM:** Policy and Public Works Subcommittee

**DATE:** June 20, 2016

**IN RE:** Jail Expansion Architect Selection

### REQUEST

The Policy and Public Works Subcommittee requests the Board of Commissioners the award of architectural services contract for the Jail Expansion to O'Brien Atkins, Raleigh North Carolina.

### BACKGROUND

A jail expansion has been in the long term capital improvement plan for awhile. The property tax rate set by the Board of Commissioners a year ago plans for the expansion and operating costs. Catawba County currently houses 88 inmates at the BCDCF. Our average daily population for Fiscal Year 2014/2015 was 244 inmates; that puts us at 91% of our capacity. The current bed capacity in Newton is 268; 176 beds added in the 2007 jail expansion and 92 beds in the 1980 jail space.

Since fiscal year 2010/2011, we have increased from 223 average daily populations in Newton to 244 this last fiscal year. From January 1, 2016 to June 6, 2016, we are averaging 258 inmates per day in Newton (96% rated capacity). With the proposed closing of the BCDCF, we will add 88 inmates to our Newton facility.

Female overcrowding is an issue; we are bound by state regulations to keep females out of sight and sound of male inmates. Our current female section is rated for 32 inmates and has been over that amount every day since 2016.

Request for Qualifications were received for design services for a 256 bed jail expansion in December 2015. Qualifications were received from the following firms:

- ADA Architects, Charlotte/Ware Bonsall, Charlotte NC
- Clemmons, Rutherford & Associates, Florida/CBSA Architects, Hickory
- Cope Associates, Tennessee
- LaBella Associates, Charlotte
- Hemphill and Randell, Charlotte
- O'Brien Atkins, Raleigh/HOK, Washington DC
- Mosley Architects, Charlotte

Evaluation committee members included: County Manager Tom Lundy, Utilities & Engineering Director Barry Edwards, Captain Billy Boston, Construction Manager John Cameron, Purchasing Manager Debbie Anderson, and Project Administrator Tammy Austin. The committee selected four firms to interview: Clemmons, Rutherford & Associates/CBSA, O'Brien Atkins/HOK, Hemphill and Randell, and Moseley Architects. After the interviews, the committee selected two firms as the top two firms: O'Brien Atkins/HOK and Hemphill and Randell. Construction Manager John Cameron and Captain Billy Boston went on site visits to see detention facilities designed by both of these firms. The site visits were informative and resulted in the committee naming O'Brien Atkins/HOK as the top firm to negotiate with for the design of the jail expansion. HOK partnered with Little Associates for the 2007 Jail Expansion and the current Justice Center/Public Safety Expansion. O'Brien Atkins and HOK have worked together on numerous projects including detention facilities.

O'Brien/Atkins fee for the basic design of the 256 bed expansion is 7.6% based on a \$17,000,000 cost estimate. Services not included in base fee are signage, cost consulting, electronics, security and programming.

#### **RECOMMENDATION**

The Policy and Public Works Subcommittee recommends the Board of Commissioners award the architectural services contract to O'Brien Atkins for the design of the Jail Expansion Project.