AGENDA
Catawba County Board of Commissioners Meeting
Monday, July 18, 2022, 7:00 p.m.
Board of Commissioners Meeting Room
2nd Floor, Catawba County Justice Center
100 Government Drive, Newton, NC

1. Call to Order.

2. Pledge of Allegiance to the Flag.

3. Invocation.

4. Approval of the Minutes from the Board’s Regular Meeting and Closed Session of June 20, 2022.

5. Recognition of Special Guests.

6. Public Comments.

7. Appointments.

8. Presentations.
   a. Proclamation Declaring 2022 as the 50th Anniversary of The Chamber of Catawba County. Presented to Lindsay Keisler, President/CEO and Kim Dahlsten, Vice President of Operations.

   a. Villas at Terrell Town Center (Prestige Acquisitions, LLC) Public Hearing. Presented by Planning and Zoning Director Chris Timberlake.
   d. Hickory/Newton Annexation Agreement Public Hearing. Presented by County Manager Mary Furtado.

10. Departmental Reports.
    a. Tax.
       i. 2021 Tax Settlement Report.
       ii. 2022 Order of Collections/Charge.

11. Consent Agenda.
    b. State Criminal Alien Assistance Program Grant.
    c. NC Sheriff’s Association Internet Crimes Against Children Grant.
    d. Project Bid Award for 2007 Jail Roof.
    e. Adoption of American Rescue Plan Act (ARPA) Policies.
    f. June Tax Refunds, Releases and Adjustments.

12. Other Items of Business.

    a. Budget Transfer.
   b. Excise Tax Refund Request.
   c. SECC Business Park Combination Deed.

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. Participation in public meetings is without regard to race, ethnicity, religion, sex, age, or disability.

CALENDAR: The next Board of Commissioners Meeting will take place on Monday, August 1, 2022, at 7:00 p.m., in the Board of Commissioners Meeting Room of the Catawba County Justice Center.
APPOINTMENTS

RANDY (DUE) Voting Delegate and Alternate for NCACC Annual Conference
Chair Isenhower recommends the designation of Vice Chair Beatty as voting delegate and Commissioner Butler as alternate, to the NACo Annual Conference scheduled August 11-13, 2022.

Kitty (DUE) Hickory Regional Planning Board
07/01/22 Steve Mull Eligible for a 1st Term
3-year term
Commissioner Barnes recommends the appointment of Steve Mull, for a first term to the Hickory Regional Planning Board, with a term expiration of June 30, 2025.

AUSTIN (Due) Public Health Board
07/01/22 Chief Vidal Sipe Eligible for a 1st Term
07/01/24 Vacant (Dr. Gail Hamilton-Brandon) Fill unexpired Term
07/01/22 Dr. Joshua Millsaps Eligible for 1st full Term
07/01/22 Shad Walters Eligible for a 1st Term
3-year terms
Commissioner Allran recommends the appointments of Chief Vidal Sipe, of Newton PD, to a first term to the Public Health Board, filling the vacant spot of Gloria Costin, and Shad Walters, Professional Engineer, to a first term to the Public Health Board, filling the vacant spot of Brian Potaki, each with a term expiration of June 30, 2025.

SHERRY (Due) K-64 Education Board
05/14/22 Michael Ellwanger Not Eligible
05/14/22 Kimberly George Not Eligible
05/14/22 Amanda Hetzel Eligible for 1st Term
05/14/22 Stephen Shuford Not Eligible
Commissioner Butler recommends the appointment of Amanda Hetzel, to a first term to the K-64 Education Board, with a term expiration of May 14, 2024.

SHERRY (Due) WPCOG Aging Advisory Board
06/30/22 AJ Kerley Eligible for 3rd Term
06/30/22 Debbie Rights Eligible for 3rd Term
2-year terms
Commissioner Butler recommends the reappointment of AJ Kerley, to a third term to the WOCOG Aging Advisory Board, with a term expiration of June 29, 2024.

MARY (Due) Tax Collector
07/01/22 Lori Mathes (Tax Collector) Eligible for a 5th Term
2-year terms
County Manager Mary Furtado recommends the reappointment of Lori Mathes as the Tax Collector for a fifth term, with a term expiration of June 30, 2024.
Government of Catawba County, North Carolina

PROCLAMATION

2022 as the Chamber of Catawba County’s 50th Anniversary

WHEREAS, the Catawba County Chamber of Commerce was organized in 1972, following a merger vote of the members of the Eastern Catawba County and the Greater Hickory Chambers of Commerce in 1971. The Greater Hickory Chamber was established in 1908 and the Eastern Catawba County Chamber was initiated in 1945; and

WHEREAS, the first attempt of merger was made in 1960 and a second attempt was made in 1968, however, disagreements over the location of the offices and fears of losing identity were cited as the reasons negotiations failed. In 1971 a third attempt was made in which the business leaders of both Boards of Directors met regularly to discuss ways in which the two Chambers could accomplish more together to benefit the county; and

WHEREAS, advantages of the consolidation were listed included unifying the efforts of businessmen for various services needed in the county, elimination of sectionalism, countywide programming, more influence in solving countywide problems and added leaders from all areas of the county; and

WHEREAS, after unanimous approval by both boards and a vote of the membership with less than 1% dissent, the merger became official on January 1, 1972; and

WHEREAS, notable accomplishments and activities of the Catawba County Chamber of Commerce over the decades include: being instrumental in the formation of the Industrial Development Commission, now the Catawba County Economic Development Corporation; organized the Catawba County Manufacturing Executives Association; initiated the original feasibility study for construction of a convention center and the formation of the convention and visitor’s bureau; led efforts to secure toll-free telephone service between Claremont & Hickory.; served as the driving force over the years to get Interstate 40 completed through Catawba County; started Leadership Catawba, the county’s first leadership program aimed at informing and engaging new leaders for the future, which is now in its 48th year; formed Champions of Education, which was a partnership between Business, Government, and Education working together to increase the value of education and educational attainment in Catawba County, created the Land Use Development Board, a partnership with the Realtors Association and the Homebuilders Association to examine and advocate for pro-business land use policies; founded the Hickory Young Professionals in 2008 and the Top 10 Under 40 recognition; served as the driving force over the years to get Interstate 40 completed through Catawba County; started Leadership Catawba, the county’s first leadership program aimed at informing and engaging new leaders for the future, which is now in its 48th year; formed Champions of Education, which was a partnership between Business, Government, and Education working together to increase the value of education and educational attainment in Catawba County, created the Land Use Development Board, a partnership with the Realtors Association and the Homebuilders Association to examine and advocate for pro-business land use policies; founded the Hickory Young Professionals in 2008 and the Top 10 Under 40 recognition; served as the driving force over the years to get Interstate 40 completed through Catawba County; started Leadership Catawba, the county’s first leadership program aimed at informing and engaging new leaders for the future, which is now in its 48th year; 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NOW, THEREFORE, THE CATAWBA COUNTY BOARD OF COMMISSIONERS does hereby proclaim 2022 the 50th anniversary of the merger of the Greater Hickory Chamber of Commerce and the Eastern Catawba County Chamber of Commerce to form one unified voice for the business community, the Catawba County Chamber of Commerce, now known to you as The Chamber of Catawba County.

This the 18th day of July, 2022.

Randy Isenhower, Chair
Catawba County Board of Commissioners
MEMORANDUM

TO: Catawba County Board of Commissioners
FROM: Chris Timberlake, Planning and Parks Director
DATE: July 18, 2022
IN RE: Rezoning Request – Approximately 28.3-Acres, Portion of Terrell Town Center

REQUEST
The Board of Commissioners conduct a public hearing to consider a request to amend approximately 24 acres of Terrell Town Center, an existing mixed-use development currently zoned as Planned Development-Conditional District (PD-CD) (RZ2022-02), by rezoning and adding four acres (28.3 total) to allow 19 additional single-family homes for a total of 78 single-family homes.

REVIEW/BACKGROUND

Land Use and Zoning of the Subject Properties
The proposed development area (Parcels 1A and 1B) is comprised of 61 parcels. Parcel 1A was zoned PD-CD (RZ2020-01) on June 15, 2020. Parcel 1B is zoned R-20 Residential (minimum 20,000 square feet) and appears to have a small accessory structure built on it.

- The PD-CD district provides for master planning of larger development projects based on firm development proposal. It allows for specific development conditions not necessarily identified in the existing Unified Development Ordinance.

The subject parcels (Parcels 1A and 1B on the attached maps), identified by Parcel Identification Numbers 461709263370 and 461709168528, are recognized within the Sherrill's Ford Small Area Plan, NC 150 Corridor Plan Area, and Mountain Creek Township.

Adjacent Properties
- **North** – Parcels 2 - 10 on the attached maps are zoned R-20 Residential (minimum lot size of 20,000 square feet) and are undeveloped.

- **South** – Parcels 12 and 13 were rezoned to PD-CD as part of the Terrell Town Center rezoning request (RZ2020-01). Parcel 12 is undeveloped. Parcel 13 contains a single-family home.

- **East** – Parcel 11 is zoned R-20 Residential and is undeveloped.

- **West** – Parcel 14 is zoned Planned Development and is the location of the Sherrill's Ford Library. Parcels 15 – 21 are zoned R-20 Residential. Most of the parcels contain single-family homes. Two appear to be undeveloped.

Rezoning and Planning History of Subject Parcels and Surrounding Area
- Parcel 14 was rezoned to Planned Development (library) in 2012.
• Parcels 12 and 13 were rezoned to PD-CD in June 2020 (Area 1 Terrell Town Center) and comprised part of the area for the multi-family residential and commercial area.

Zoning Standards and Project Description
The property is located within the Watershed Protection-Overlay (WP-O) WS-IV Critical Area. Watershed overlays restrict built-upon area allowances. More specifically, the WS-IV Critical Area Watershed limits imperviousness to 24% without the Board of Commissioners authorizing use of the high-density option, which provides for up to 50% imperviousness (built-upon area) by use of engineered stormwater controls. Stormwater controls collect and treat on-site stormwater as required by the State.

The approximate 24 acres (area 1A) is currently approved for 59 single family homes (2.45 dwellings per acre). The applicant is requesting to amend the development and zoning by adding 4.1 acres to the 24-acre project and increasing the housing total to 78 single-family homes (2.75 dwellings per acre).

Terrell Town Center Development Conditions (Remain unchanged from initial rezoning)
In addition to the regulations within the Unified Development Ordinance, the applicant proposes the Terrell Town Center development be subject to the development standards identified in conceptual site plan sheets along with a plan and image packet. Some of the development conditions are listed below:

Architectural guidelines applicable to the existing Area 1A from the 2020 zoning would remain in place and are proposed for the additional Area 1B. They are as follows:

1. Building height:
   a. Area 1 – Building height shall not exceed 45’ for residential.

2. Accessory structures shall be consistent with the principal building in material, texture, and color.

3. All roof-mounted mechanical equipment on the buildings to be constructed on the site shall be screened from view from adjoining public rights-of-way and abutting properties as viewed from the nearest street grade.

4. HVAC condensers shall be screened from view from adjoining public rights-of-way and abutting properties.

5. Architectural Character
The architectural character associated with the building(s) to be located on the site as generally depicted within the plan in connection with the permitted uses of the site shall be equal to or better than materials depicted and are included to reflect the architectural style and quality of the building(s) that will be constructed, it being understood that the actual building(s) so constructed and the nature/location of the building elements may vary from these illustrations as long as (i) the general
architectural concept and intent shown is maintained and (ii) heights of any buildings above heights specified in the Development Data Section 5 portion are not increased. The use of vinyl siding is prohibited. The use of vinyl may be utilized as an exterior building material on windows, casings, doors, garage doors, soffits, horizontal eave vents, trim and/or railing systems is acceptable.

Utilities
Public water and sewer exist along Sherrills Ford Road and East NC 150 Highway. The development group is responsible for engineering, permitting, extending if needed and installing the sewer and water lines within the development to all development areas. The utilities will be designed according to the City of Hickory and state specifications. Once installed and approved, the utilities will become part of the County’s system, maintained by the City of Hickory. Perimeter and internal site lighting is proposed to incorporate full-cut off lighting fixtures.

Transportation
East NC 150 Highway is identified as a boulevard in the 2045 Metropolitan Transportation Plan. Most recent reported traffic counts from 2020 east and west of the site measured 13,000 and 16,000 Annual Average Daily Traffic (AADT), respectively.

East NC 150 Highway had previously been scheduled for widening to a 4-lane road with a divided median. NCDOT funding shortfalls have resulted in an uncertain timeline related to these improvements, for which no firm schedule exists at this time.

Sherrills Ford Road is a state maintained minor collector road. Most recent traffic counts from 2020 near the site measured 4,400 AADT. The adopted plan recommends minor lane widening of Sherrills Ford Road.

As part of the Planned Development-Conditional Zoning District development request, the developer has submitted a Traffic Impact Analysis (TIA), produced by a traffic engineering firm, for review by NCDOT. The TIA identifies any loss of service at off-site intersections, proposes traffic improvements off-site, and determines site ingress / egress locations. The traffic improvements recommended in the TIA and required by NCDOT must be constructed by the developer to mitigate adverse impacts created by the proposed development. NCDOT has indicated the 19 additional lots would not cause any changes to the recommended off-site traffic improvements.

Land Use Plan
Map 5, ‘Future Land Use Recommendations’, found within the Sherrills Ford Small Area Plan adopted February 17, 2003, depicts the properties within a recommended village-mixed use area that includes a mixture of commercial, office, and mixed-residential uses. The Highway 150 Corridor Plan, which was adopted on September 8, 2014, also provides land use recommendations. Map 6, titled “Future Land Use & Economic Opportunity” recommends mixed use, commercial and multi-family uses. The request is consistent with the adopted land use plan’s recommendation for mixed-residential uses and is reasonable for consideration.
*Planning Board Public Hearing*

The Planning Board held a public hearing on June 27, 2022. Robert Davis spoke on behalf of the applicant. One board member wondered about available capacity at Sherrills Ford Elementary School and several expressed concern about the uncertain timeframe for NC 150 widening. No one from the public commented on the request.

**STAFF AND PLANNING BOARD RECOMMENDATION**

Staff recommended and the Planning Board voted 6-3 to submit a favorable recommendation to the Board of Commissioners to approve the proposed amendment to the approximate 24 acres (Parcel 1A) of the existing mixed-use development known as Terrell Town Center to Planned Development-Conditional Zoning District (RZ2022-08) and the rezoning of parcel 1B (4.1 acres) to allow the additional 19 single-family residential units based upon:

1. All development conditions and designs identified on conceptual site plan sheets prepared by Prestige Corporate Development;
2. The developer extending public water and sewer within and throughout the proposed development;
3. The developer preparing a Traffic Impact Analysis and making off-site transportation improvements;
4. The proposed development meeting high-quality development standards including open space; and
5. The proposed request being consistent with adopted land use plans.
**Applicant**
Prestige Acquisitions, LLC

**Request**
Amend 24-acres of Terrell Town Center (RZ2022-02) by rezoning and adding four acres (28.3 total) to allow 19 additional single-family homes for a total of 78 single-family homes.

**Location**
Portion of PIN 461709168528 and 461709263370 (9118 Sherrills Ford Road)

**Date**
July 18, 2022
Applicant: Prestige Acquisitions LLC
PIN: 461709263370 and portion of 461709168528
Current Zoning: R-20 & PD-CD
Proposed Zoning: PD-CD
Overlays: WP-O
Applicant: Prestige Acquisitions LLC
PIN: 461709263370 and portion of 461709168528
Current Zoning: R-20 & PD-CD
Proposed Zoning: PD-CD
Overlays: WP-O

Subject Area, County Zoning:
- Structures
- GI
- Contour Lines
- HC
- Sewer Lines
- PD
- Water Lines
- PD-CD
- Parcels
- R-20
- CTT Corridor

1 inch equals 350 feet

Site Map
Adjacent Properties
Review – Purpose of Zoning District

• The R-20 Residential district requires a minimum lot size of 20,000 square feet (approx. 1/2 acre), and is considered a high-density “general use” residential district. Predominate uses in this district include single-family homes and agriculture.

• The Planned Development – Conditional District provides for master planned, large-scale, multiple or mixed-use development projects where enhanced standards and/or negotiated amenities are considered based on a site specific plan.
Utilities

- Public water and sewer exist along Sherrills Ford Road and East NC 150 Highway.
- The developer is responsible for engineering, permitting, extending if needed and installing the sewer and water lines within the development to all development areas.
- The utilities will be designed according to the City of Hickory and state specifications.
- Once installed and approved, the utilities will become part of the County’s system, maintained by the City of Hickory.
- Perimeter and internal site lighting is proposed to incorporate full-cut off lighting fixtures.
Transportation

• East NC 150 Highway is identified as a boulevard in the 2045 Metropolitan Transportation Plan.
• Most recent reported traffic counts from 2020 east and west of the site measured 13,000 and 16,000 Annual Average Daily Traffic (AADT), respectively.
• East NC 150 Highway had previously been scheduled for widening to a 4-lane road with a divided median.
• NCDOT funding shortfalls have resulted in an uncertain timeline related to these improvements, for which no firm schedule exists at this time.
• Sherrills Ford Road is a state maintained minor collector road. Most recent traffic counts from 2020 near the site measured 4,400 AADT.
• The adopted plan recommends minor lane widening of Sherrills Ford Road.
Transportation

- As part of the Planned Development-Conditional Zoning District development request, the developer has submitted a Traffic Impact Analysis (TIA), produced by a traffic engineering firm, for review by NCDOT.
- The TIA identified any loss of service at off-site intersections and propose traffic improvements off-site and determine site ingress / egress locations.
- The traffic improvements recommended in the TIA and required by NCDOT must be constructed by the developer to mitigate adverse impacts created by the proposed development.
- NCDOT has indicated the 19 additional lots would not cause any changes to the recommended off-site traffic improvements.
Land Use Plan

- Map 5, ‘Future Land Use Recommendations’, found within the Sherrills Ford Small Area Plan, adopted February 17, 2003 depicts the properties within a recommended village-mixed use area that includes a mixture of commercial, office, and mixed-residential uses.

- The Highway 150 Corridor Plan, which was adopted on September 8, 2014, also provides land use recommendations. Map 6, titled “Future Land Use & Economic Opportunity” recommends mixed-use, commercial and multi-family uses.

- The request is consistent with the adopted land use plans recommendation for mixed-residential uses and reasonable for consideration.
Future Land Use Recommendations

Subject Parcels
Future Land Use Recommendations

Map 6: Hwy 150 Corridor Study
Future Land Use & Economic Opportunity

Subject Parcels
Planning Board Public Hearing

- The Planning Board held a public hearing on June 27, 2022.
- Robert Davis spoke on behalf of the applicant.
- One board member wondered about available capacity at Sherrills Ford Elementary School.
- Several expressed concern about the uncertain timeframe for NC 150 widening.
- One commented that development had brought additional traffic facilities that had offered options to traffic patterns.
- No one from the public commented on the request.
Staff and Planning Board Recommendation

Staff recommended and the Planning Board voted 6 – 3 to submit a favorable recommendation to the Board of Commissioners to approve the proposed amendment to the approximate 24 acres (Parcel 1A) of the existing mixed-use development known as Terrell Town Center to Planned Development-Conditional Zoning District (RZ2022-08) and the rezoning of parcel 1B (4.1 acres) to allow the additional 19 single-family residential units based upon:

1. All development conditions and designs identified on conceptual site plan sheets prepared by Prestige Corporate Development;

2. The developer extending public water and sewer within and throughout the proposed development;
Staff and Planning Board Recommendation

Continued:

3. The developer preparing a Traffic Impact Analysis and making off-site transportation improvements;

4. The proposed development meeting high-quality development standards including open space; and

5. The proposed request being consistent with adopted land use plans.
Catawba County Rezoning/Ordinance Text Amendment Application

Applicant Prestige Acquisitions, LLC (Alex Bonda) Phone # 803-979-7172
Applicant’s Fax ___________________________ Applicant’s Email alex.bonda@pcdllc.net
Applicant’s Mailing Address 21000 Torrence Chapel Road, Suite 100 City, State, Zip Cornelius, NC 28031
Property Owner BBC Villas, LLC Phone #
Property Owner’s Mailing Address 21000 Torrence Chapel Road, Suite City, State, Zip Mooresville, NC 28117
Parcel 911 Address 9118 Sherrills Ford Road, Terrell, NC 28662 PIN # Portion of 461709168528, to be subdivided & 461709263370
Subdivision Name and Lot # Connor (10 Lots) Proposed Zoning District PD-CD 19 Lots
Current Zoning District R-20 & PD-CD Proposed Zoning District PD-CD

Type of Rezoning Application:

☐ General Rezoning
  • The general information listed below shall be submitted with the rezoning application.

☐ Planned Development Rezoning
  • All information contained in the Planned Development Chart of the Procedures Manual is to be shown on a plan submitted with the application and the general information below.

☐ Special District Rezoning
  • All information contained in the Special District Development Chart of the Procedures Manual is to be shown on a plan submitted with the application and the general information below.

☐ Conditional District Rezoning
  • All information contained in the Conditional District Development Chart of the Procedures Manual is to be shown on a plan submitted with the application. The complete application includes the general information below and specific development conditions substantially agreed to by the staff and applicant as well as a development agreement if applicable.

☐ Manufactured Home Park Rezoning
  • All information contained in the Manufactured Home Park Development Chart of the Procedures Manual is to be shown on a plan submitted with the application and the general information below.
  • Proposed Park Name

☐ Ordinance Text Amendment
  • Submit general information listed below.

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 Name (Printed) Prestige Acquisitions, LLC (Alex Bonda)
Applicant’s Signature ___________________________ Date 5/13/2022
Property Owners Name (Printed) BBC Villas, LLC Steve Bailey
Property Owner’s Signature ___________________________ Date 5/13/2022
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Property Owner: BBC Villas LLC
Developer: Prestige Corporate Development
Applicant: Prestige Acquisitions LLC

Property(ies): Terrell Town Center – Rezoning request RZ2022-08 to supersede RZ2020-01 related to Area 1, single-family development (hereinafter “Properties”)

We, the above referenced Property Owner, Developer and Applicant submitted to the Catawba County Planning Department an application dated 5/13/2022 to rezone the Properties and agree to the following zoning conditions in support of the rezoning:

a. The firm conceptual development plan (Sheets 1 of 2 and Sheets 2 of 2) dated 5-13-2022 prepared by Prestige Corporate Development identifying 19 additional lots, landscape buffers and stormwater control locations;

b. The use of brick and/or stone veneer, fiber cement, architectural shingles and/or standing seam metal roof accents as exterior building materials;

c. Prohibit use of vinyl siding; however, vinyl is an allowed material for windows, casings, doors, garage doors, soffits, horizontal eave vents, trim and/or railings;

d. Providing off-site traffic improvements required by NCDOT; and

e. Designing, installing, and connecting water and sewer infrastructure per City of Hickory and State standards.

In addition to the zoning conditions listed above, I may offer or consent to at any hearing before the Catawba County Planning Board or Board of Commissioners certain additional conditions of approval, which additional conditions of approval, along with the zoning conditions or provisions listed above, are collectively referred to hereinafter as the “Conditions of Approval”. All Conditions of Approval offered in connection with the rezoning are offered to address the conformance of the development and use of the site to Catawba County ordinances and officially adopted comprehensive plans or other plans and to address the impacts reasonably expected to be generated by the development or use of the site.

I agree to the Conditions of Approval in support of the requested rezoning and acknowledge that I am not relying upon any statement by County staff or any member of the Planning Board or Board of Commissioners in connection with the decision to offer any zoning conditions.

This the 11 day of July, 2022.
Additional or Amended Conditions of Approval consented to during Board of Commissioners meeting:

a.
b.
c.

I agree to the Conditions of Approval and any Additional or Amended Conditions of Approval in support of the requested rezoning.

This the ___ day of ______________, 20__.

____________________________________
BBC Villas LLC (Property Owner)

____________________________________
BBC Villas LLC (Applicant)

____________________________________
Prestige Corporate Development (Developer)
CATAWBA COUNTY PLANNING BOARD

PLAN CONSISTENCY STATEMENT

Zoning Amendment Request: One parcel totaling 35.29 acres from R-40 Residential to Planned Development-Conditional District (PD-CD) to allow a 78 single-family lot development. The property is identified by Parcel Identification Number 461903115546 recognized in the Sherrills Ford Small Area Plan, Mountain Creek Township and located at 8115 Raccoon Tract Drive.

Pursuant to NCGS 160D-604(d), the Catawba County Planning Board finds the request to be inconsistent with Map 5, ‘Future Land Use Recommendations’, found within the Sherrills Ford Small Area Plan, adopted February 17, 2003 depicting the property within an area recommended for low-density residential and not at a location where water and sewer are readily available to the site, but rather, the developer must extend to the existing utilities. Therefore, by a vote of 6-3, the board finds the request not in the public's interest based upon:

1. The proposed density is inconsistent with the Sherrills Ford Small Area Plan which recommends one dwelling unit per two acres; and

2. Other matters deemed appropriate by the Planning Board:
   a. 
   b. 
   c. 

This the 27th day of June 2022.

Al King, Chair
Ordinance No. 2022-______________

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 properties from R-20 Residential and Planned Development-Conditional District (PD-CD) to Planned Development-Conditional District (PD-CD RZ2022-08):

Two parcels totaling 28.3 acres identified by Parcel Identification Numbers 461709168528 and 461709263370 recognized in the 150 Corridor Plan, Mountain Creek Township.

This, the 18th day of July 2022.

_______________________
C. Randall Isenhower, Chair
Zoning Amendment Request: Two parcels totaling 28.3 acres from R-20 Residential and Planned Development-Conditional District to Planned Development-Conditional District (PD-CD) (RZ2022-08) to allow for an additional 19 single-family lots (total 78) within the approved development. The properties are identified by Parcel Identification Numbers 461709168528 and 461709263370 recognized in the 150 Corridor Plan, Mountain Creek Township.

The Catawba County Planning Board finds the request to be consistent with Map 5, ‘Future Land Use Recommendations’, found within the Sherrills Ford Small Area Plan, adopted February 17, 2003 depicting the properties within a recommended village-mixed use area that includes a mixture of commercial, office, and mixed-residential uses as well as the Highway 150 Corridor Plan, which was adopted on September 8, 2014, also providing land use recommendations. Map 6, titled “Future Land Use & Economic Opportunity” recommends mixed use, commercial and multi-family uses.

Pursuant to NCGS 160D-605, the Board of Commissioners finds the rezoning request reasonable based upon:

1. The size and nature of the property allows for a small additional phase consistent with the existing planned single-family development for Parcel 1A;

2. The proposed development conditions and designs identified on the conceptual site plan maintain those of the existing Terrell Town Center single-family area;

3. The proposed development is not detrimental to adjacent properties as both are single-family residential in nature;

4. The development that is proposed is consistent with the adjacent single-family Terrell Town Center development, but would not be permissible without the rezoning;

5. The proposed request being consistent with adopted land use plans; and

6. Other matters deemed appropriate by the Board of Commissioners:
   a. ______________________________________________________
   b. ______________________________________________________
   c. ______________________________________________________
By a vote of ________, the board approves the rezoning request.

This the 18th day of July 2022.

_______________________
C. Randall Isenhower, Chair
MEMORANDUM

TO: Catawba County Board of Commissioners
FROM: Chris Timberlake, Planning and Parks Director
DATE: July 18, 2022
IN RE: Rezoning Request – 5.36 Acres, Sherrills Ford Self Storage LLC

REQUEST
Board of Commissioners to hold a public hearing to consider an application to rezone 5.36 acres owned by Sherrills Ford Self Storage LLC from Highway Commercial (HC) to Planned Development (PD).

REVIEW/BACKGROUND
The current Highway Commercial (HC) district requires a minimum lot size of 40,000 square feet (approx. 1 acre), and is considered a “general use” district providing for regional highway-oriented business, office, service and civic uses. The Highway Commercial district allows for a maximum of 50,000 square feet of floor area. Planned Development district is established to encourage master planning of larger scale, multiple, and/or mixed-use developments. The district offers more flexibility in lot size requirements and creativity in design and does not use a specific maximum floor area, but instead allows a floor area ratio of 1:2, meaning one-half of the site size is the maximum floor area.

Location/Zoning
The property for which the rezoning request is being considered (Parcel 1 on the attached maps) is identified by Parcel Identification Number 4618-01-16-3483 in the Sherrills Ford Small Area Plan, Mountain Creek Township. The parcel is currently zoned Highway Commercial and developed with nine self-storage units and an office. Total square footage of existing buildings is 43,037.

The surrounding parcels contain the zoning districts and uses described below.

- **North** – Parcels 2, 3, and 4 are zoned R-20 Residential and are developed with single-family homes.

- **South** – Parcel 6 is zoned General Industrial and is the location of Marshall Steam station.

- **West** – Parcels 7 and 8 are zoned Planned Development and were approved with a site plan providing for a convenience store/gas and four office/retail buildings.

- **East** – Parcel 5 is split-zoned R-20 Residential and General Industrial, with the residential governing the property due to the frontage of the property being in the...
residential district. There is an industrial use (recycling, hauling) that occurs on the rear portion of the property.

**Zoning History**
Parcel 1 – Rezoned from E-2 (industrial) to C-2 (commercial) on July 12, 2004. The C-2 nomenclature was revised to HC with adoption of the Unified Development Ordinance.

**Land Use**
The property is within Watershed Protection-Overlay (WS-IV Protected Area). The WS-IV Protected Area limits imperviousness when land disturbance is greater than one acre or when a master plan identifies overall development of more than one acre. Canvass Capital would like to provide more additional self-storage space than the Highway Commercial district allows by constructing additional storage facilities over the existing impervious area. The cumulative building square footage of existing buildings is 43,037. The PD district would allow a maximum of 116,819 square feet. The applicant is proposing a total of 111,937 square feet, which is a 68,900 square foot expansion.

Building facades in the PD district must contain setback relief (offsets) and a variety of roof component shapes. Exterior materials will not be visible from any public streets. Structures will have to meet 35-foot setbacks from adjacent property lines, greater than the existing HC district requirements.

Because of the topography of the site, the applicant has indicated a multi-level structure could be built and the rooftop would likely be no higher than existing buildings that are closer to the front of the property. Instead of the 15-feet maximum height, the applicant has stated a request for a maximum height of 30-feet, which is below the maximum residential allowance of 45-feet. Building heights must be determined through the PD rezoning process.

**Utilities**
The site is currently served by City of Hickory public water and a private septic system.

**Transportation**
Island Point Road is recognized by North Carolina Department of Transportation as a local road. Most recent reported traffic counts from 2019 east and west of the site measured 2,400 Annual Average Daily Traffic (AADT). There are no recommended improvements for Island Point Road in the 2045 Metropolitan Transportation Plan.

**Land Use Plan**
The Sherrills Ford Small Area Plan, which was adopted on February 17, 2003, provides land use recommendations for the subject property. Map 5, titled “Future Land Use Recommendations,” calls for a residential use and density of two (2) dwellings per acre. However, general statute requires any zoning approval inconsistent with the land use plan to update the plan. So, according to general statutes, the rezoning of the property in 2004 effectively modified the Sherrills Ford Small Area Plan, recommending the subject property
be Highway Commercial. Because the nature of the Planned Development provides for Highway Commercial uses, the request is consistent with the plan.

**Planning Board Public Hearing**
The Planning Board held a public hearing on June 27, 2022. Daniel Renckens, applicant, spoke about the request. An adjacent property owner submitted a letter wondering about water runoff. The board reviewed the topography map and noted that water runoff did not impact the adjacent property owner. The board asked if outdoor parking would increase, and the applicant indicated it would not. There were no other citizen comments.

**STAFF AND PLANNING BOARD RECOMMENDATION**
Staff recommended and the Planning Board voted 9 – 0 to favorably recommend the Board of Commissioners rezone the 5.36 acres owned by Sherrills Ford Self Storage LLC from Highway Commercial (HC) to Planned Development (PD) District based upon:

1) The property’s proximity to other commercial properties located to the west;
2) The property being adjacent to other non-residential (industrial) properties to the south and east;
3) The property’s existing non-residential use (self-storage);
4) Self-storage being an allowed use in both Highway Commercial and Planned Development zoning districts; and
5) The request being consistent with the adopted Sherrills Ford Small Area Plan, Map 5, “Future Land Use Recommendations” for a commercial use.
**Applicant**
Canvass Capital, LLC

**Request**
Conduct a public hearing to consider an application to rezone 5.36 acres, owned by Sherrills Ford Self Storage LLC from Highway Commercial (HC) to Planned Development (PD).

**Location**
PIN 461801163483
(8125 Island Point Road)

**Date**
July 18, 2022
Applicant: Convass Capital, LLC
PIN: 4618-01-16-3483
Current Zoning: Hwy Comm (HC)
Proposed Zoning: Planned Dlvl (PD)
Overlays: WP-O
Subject Property
Adjacent Properties
• The current Highway Commercial (HC) district requires a minimum lot size of 40,000 square feet (approx. 1 acre), and is considered a “general use” district providing for regional highway-oriented business, office, service and civic uses. The Highway Commercial district allows for a maximum of 50,000 square feet of floor area.

• Planned Development district is established to encourage master planning of larger scale, multiple, and/or mixed-use developments. The district offers more flexibility in lot size requirements and creativity in design and does not use a specific maximum floor area, but instead allows a floor area ratio of 1:2 meaning one-half of the site size is the maximum floor area.
Utilities

- The site is currently served by City of Hickory public water and a private septic system.
Transportation

- Island Point Road is recognized by North Carolina Department of Transportation as a local road.

- Most recent reported traffic counts from 2019 east and west of the site measured 2,400 Annual Average Daily Traffic (AADT).

- There are no recommended improvements for Island Point Road in the 2045 Metropolitan Transportation Plan.
Land Use Plan

• The Sherrills Ford Small Area Plan, which was adopted on February 17, 2003 provides land use recommendations for the subject property. Map 5, titled “Future Land Use Recommendations,” calls for a residential use and density of two (2) dwellings per acre.

• However, general statute requires any zoning approval inconsistent with the land use plan to update the plan.

• According to general statutes, the rezoning of the property in 2004 effectively modified the Sherrills Ford Small Area Plan, recommending the subject property be Highway Commercial.

• Because the nature of the Planned Development provides for Highway Commercial uses, the request is consistent with the plan.
Future Land Use Recommendations

MAP NO. 5
SHERRILLS FORD SMALL AREA PLAN
FUTURE LAND USE RECOMMENDATIONS

- Sherills Ford Small Area Boundary
- Lake
- H.W. 150 Corridor-Office Institutional/Mixed Residential
- Regional Commercial/Mixed Use
- Neighborhood Commercial
- Rural Commercial
- Village-Mixed Use
- Density: 2 Dwelling Units per Acre
- Density: 1.5 Dwelling Units per Acre
- Density: 1 Dwelling Unit per 2 Acres

Waterlines:
- Existing
- Proposed

Subject Parcel
The Planning Board held a public hearing on June 27, 2022.

Daniel Renckens, applicant, spoke about the request.

An adjacent property owner submitted a letter wondering about water runoff.

The board reviewed the topography map and noted that water runoff did not impact the adjacent property owner.

The board asked if outdoor parking would increase and the applicant indicated it would not.

There were no other citizen comments.
Staff and Planning Board Recommendation

Staff recommended and the Planning Board voted 9 – 0 to favorably recommend the Board of Commissioners rezone the 5.36 acres owned by Sherrills Ford Self Storage LLC from Highway Commercial (HC) to Planned Development (PD) District based upon:

1) The property’s proximity to other commercial properties located to the west;

2) The property being adjacent to other non-residential (industrial) properties to the south and east;

3) The property’s existing non-residential use (self-storage);

4) Self-storage being an allowed use in both Highway Commercial and Planned Development zoning districts; and

5) The request being consistent with the adopted Sherrills Ford Small Area Plan, Map 5, “Future Land Use Recommendations” for a commercial use.
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EXAMPLE BUILDING MATERIALS
EXISTING SIGN

PROPOSED CONCEPTUAL MODIFICATION TO EXISTING SIGN
Catawba County Rezoning/Ordinance Text Amendment Application

Applicant: Canvass Capital, LLC  Phone #: 704-654-7538
Applicant’s Fax N/A  Applicant’s Email: drenckens@canvasscap.com
Applicant’s Mailing Address: 2303 W. Morehead St., Ste. 200  City, State, Zip: Charlotte, NC 28208
Property Owner: SHERRILLS FORD SELF STORAGE LLC  Phone #: (828) 478-9450
Property Owner’s Mailing Address: 216 SOUTHERN WOODS DR  City, State, Zip: CHARLESTON, WV 25309-8691
Parcel 911 Address: 8125 Island Point Rd, Sherrills Ford, NC 28673  PIN #: 461801163483
Subdivision Name and Lot #: N/A  Proposed Zoning District: PD

Current Zoning District: HC

Type of Rezoning Application:

□ General Rezoning  
   • The general information listed below shall be submitted with the rezoning application.

X Planned Development Rezoning  
   • All information contained in the Planned Development Chart of the Procedures Manual is to be shown on a plan submitted with the application and the general information below.

□ Special District Rezoning  
   • All information contained in the Special District Development Chart of the Procedures Manual is to be shown on a plan submitted with the application and the general information below.

□ Conditional District Rezoning  
   • All information contained in the Conditional District Development Chart of the Procedures Manual is to be shown on a plan submitted with the application. The complete application includes the general information below and specific development conditions substantially agreed to by the staff and applicant as well as a development agreement if applicable.

□ Manufactured Home Park Rezoning  
   • All information contained in the Manufactured Home Park Development Chart of the Procedures Manual is to be shown on a plan submitted with the application and the general information below.
   • Proposed Park Name:

□ Ordinance Text Amendment  
   • Submit general information listed below.

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).
X Submittal of 30 copies of each map including digital copies in .pdf or .jpg format.
□ If applicable, a legal description of such land
X 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.
X A detailed statement of all other circumstances, factors, and reasons, which applicant offers in support of the proposed zoning map or text amendment.
X Filing Fee: Per Catawba County Fee Schedule

Applicant’s Name (Printed): Daniel Renckens on behalf of Canvass Capital, LLC
Applicant’s Signature: [Signature]  Date: 05/11/2022

Property Owners Name (Printed): Lyn Wilcher
Property Owner’s Signature: [Signature]  Date: 5/11/2022
Rezoning Memorandum
Sherrills Ford Self Storage
8125 Island Point Rd
Sherrills Ford, NC 28673
May 13th, 2022

To Whom it May Concern,

The purpose of the proposed rezoning of the subject property (PIN#461801163483) from Highway Commercial (HC) to Planned Development (PD) is to expand the facility. With the large number of residents moving to Sherrills Ford, the need for self-storage is increasing, as evidenced by the 90% physical occupancy at the subject facility. Due to the maximum rentable square footage allowed under the current zoning, new buildings cannot be constructed to fulfill this need, without first rezoning to PD.

As this narrative will highlight, the proposed rezoning is consistent with the adopted land use plan and is appropriate provided the surrounding land uses.

Figure #1: Current Zoning Map
- The properties to the west are zoned PD.
- The property to the south is the Marshall Steam Station, zoned General Industrial (GI).
- The property to the east is split zoned Residential (R-20) and GI. Although there is a private residence on this property, the western portion abutting the subject site actively operates non-residential uses. In addition, the subject property is over 10’ lower in elevation than the residential zoned property, as illustrated by the photograph below.

*Figure #2: Photo taken from the self-storage facility looking east towards the R-20/GI zoned property*

*Figure #3: Sherrills Ford Small Area Plan (adopted 2003), Current Zoning Map (Map No. 4)*
INDUSTRIAL

1. Industrial uses should be limited to those areas currently zoned for light and heavy industry (E-1 and E-2).

Figure #4: Sherrills Ford Small Area Plan (adopted 2003), Plan Recommendations (Page 22)

As depicted above, the adopted land use plan contemplated the subject site as an Industrial Use, based on the E2 zoning at that time.

In conclusion, the proposed rezoning will serve a community need and is consistent with surrounding land uses and the adopted small area plan.

Sincerely,

Daniel Renckens
Canvass Capital, Applicant
CATAWBA COUNTY PLANNING BOARD

PLAN CONSISTENCY STATEMENT

Zoning Amendment Request: One parcel totaling 5.36 acres from Highway Commercial to Planned Development (PD) to allow for an additional self-storage space. The property is identified by Parcel Identification Number 4618011634839 recognized in the Sherrills Ford Small Area Plan, Mountain Creek Township and located at 8125 Island Point Road.

Pursuant to NCGS 160D-604(d), the Catawba County Planning Board finds the above-described request to be consistent with the Sherrills Ford Small Area Plan, Map 5, Future Land Use Recommendations which was amended in 2004, by rezoning, to recommend the property be for commercial use. By a vote of ___ , the Board finds the request reasonable and in the public’s interest based upon:

1) The property’s proximity to other commercial properties located to the west;
2) The property being adjacent to other non-residential (industrial) properties to the south and east;
3) The property’s existing non-residential use (self-storage);
4) Self-storage being an allowed use in both Highway Commercial and Planned Development zoning districts;
5) The request being consistent with the adopted Sherrills Ford Small Area Plan, Map 5, “Future Land Use Recommendations” for a commercial use; and
6) Other matters deemed appropriate by the Planning Board:
   a. 
   b. 
   c. 

This the 27th day of June 2022.

Al King, Chair

catawbacountync.gov
Catawba County Government Center
25 Government Drive | Newton NC 28658 | 828.465.8380

MAKING. LIVING. BETTER.
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 Highway Commercial to Planned Development (PD):

One 5.36-acre identified by Parcel Identification Number 4618-01-16-3483 and located at 8125 Island Point Road in the Sherrills Ford Small Area Plan, Mountain Creek Township.

This, the 18th day of July 2022.

_______________________
C. Randall Isenhower, Chair
CATAWBA COUNTY BOARD OF COMMISSIONERS

PROPOSED PLAN CONSISTENCY STATEMENT

Zoning Amendment Request: One 5.36-acre parcel located at 8125 Island Point Rd. from Highway Commercial to Planned Development (PD) to allow for expansion of an existing self-storage space. The property is identified by Parcel Identification Number 4618-01-16-3483 in the Sherrills Ford Small Area Plan, Mountain Creek Township.

The Catawba County Board of Commissioners finds the request to be consistent with Map 5, ‘Future Land Use Recommendations’, found within the Sherrills Ford Small Area Plan. The rezoning of the property in 2004 effectively modified the Sherrills Ford Small Area Plan, recommending the subject property be Highway Commercial. Because the nature of the Planned Development provides for Highway Commercial uses the request is consistent with the plan.

Pursuant to NCGS 160D-605, the Board of Commissioners finds the rezoning request reasonable based upon:

1. The size and nature of the property is appropriate for Planned Development district zoning;
2. Rezoning and further development of the property will not be detrimental to surrounding commercial or industrial properties;
3. The existing self-storage facility is an allowed use in both the Highway Commercial district and the proposed Planned Development district;
4. The proposed request being consistent with adopted land use plan; and
5. Other matters deemed appropriate by the Board of Commissioners:
   a. ________________________________
   b. ________________________________
   c. ________________________________

By a vote of __________, the board approves the rezoning request.

This the 18th day of July 2022.

C. Randall Isenhower, Chair
MEMORANDUM

TO:       Catawba County Board of Commissioners
FROM:     Peter Shonka, P.E., Director of Utilities and Engineering
DATE:     July 18, 2022
IN RE:    Special Assessment and Public Hearing for Norman Plantation Subdivision Road Improvements

REQUEST:
Staff requests the Board of Commissioners:

1. Conduct a public hearing to consider the Norman Plantation Subdivision Road Improvement Project, and
2. Adopt the Final Assessment Resolution for the Project.

BACKGROUND:
In 2020, in support of the Board of Commissioners’ Strategic Plan, the Board of Commissioners adopted Resolution 2020-17, creating a petition-driven program to facilitate acceptance of private roads in the North Carolina Department of Transportation’s (NCDOT) Secondary Road Maintenance Program by providing up-front funding to improve the roads to NCDOT Standards. As statutorily permitted, the cost of improvements may be assessed against the property owners and recouped over a 10-year period, through the special assessment process. To participate in the program, at least 75 percent of the homeowners to be assessed must voluntarily sign a petition supporting the project, and the owners who sign the petition must account for at least 75 percent of the road frontage to be improved through the assessment.

ANALYSIS:
Norman Plantation Subdivision is located off Greenwood Road in the unincorporated part of Catawba County. The subdivision has two internal streets: Live Oaks Avenue and Hearthstone Court. The original subdivision plats were recorded in 1999, creating 14 lots. Property owners of 11 of the 14 lots signed the petition, which accounted for approximately 1,635.05 lineal feet of the 1,931.77 lineal feet of total frontage (Measurements were taken from plats).

The streets are approximately 12 years old and are generally in good condition for pavement of this age, but some cracking is present. Trees have been planted and masonry structures have been constructed in the right-of-way and will have to be removed. Pine trees have also grown up in the ditch line along the western side of the Live Oaks Avenue. The trees will have to be removed and the ditch regraded to provide proper drainage. Ponding of water occurs in some areas on the pavement. To eliminate the ponding and seal the cracks a one-inch overlay of asphalt pavement will be installed on Live Oaks Avenue and Hearthstone Court. The cost of this work is estimated to be between $40,000 and $50,000 or about $2,900 to 3,600 per lot.
The process for special assessments requires that a Preliminary Assessment Resolution be passed by the BOC, followed by a public meeting. In the Public meeting the BOC may choose to pass the Final Assessment Resolution, which allows the project to be bid and constructed. After the project has been completed the BOC will make a final determination of cost and a Preliminary Assessment Roll will be published followed by a public hearing. Following the public hearing the Final Assessment roll will be adopted, which will implement the special assessment.

The statutory process for special assessments requires the following steps take place prior to project commencement:

1) A Preliminary Assessment Resolution to be adopted by the Board of Commissioners, followed by a public hearing at a separate meeting. The Preliminary Assessment Resolution was adopted at the June 6, 2022 regular meeting.
2) Conduct a public hearing, noticed for July 18, 2022.
3) At the public hearing the Board may choose to pass the Final Assessment Resolution, which will allow the project to be bid and constructed.

After the project is complete:

4) The Board will make a determination of cost and order a Preliminary Assessment Roll be published.
5) Notice and conduct another public hearing.
6) At the end of this future public hearing, the Final Assessment Roll can be adopted, which will implement the special assessment.

ALTERNATIVES:
The alternative to adopting the Final Assessment Resolution is to take no action, and the roads will remain in their current maintenance responsibility status.

RECOMMENDATION:
Staff recommends the Board of Commissioners:

1. Conduct a public hearing to consider the Norman Plantation Subdivision Road Improvement Project, and
2. Adopt the Final Assessment Resolution for the Project.

Attachments:
Map of Norman Plantation
Final Assessment Resolution for Road Improvement Project for Norman Plantation
WHEREAS, on the 14th day of February, 2022, the property owners of Norman Plantation subdivision filed with the Catawba County Utilities and Engineering Department a petition for improving said streets in the following manner:

Paved portions of the rights-of-way of Live Oaks Avenue and Heathstone Court will be overlaid with 1 inch of asphalt pavement. Trees and masonry structures within the rights-of-way will be removed and the ditch on the west side of Live Oaks Avenue will be cleared of vegetation regraded and grassed; and

WHEREAS, the Director of Utilities and Engineering for Catawba County has certified to the Catawba County Board of Commissioners that said petition is sufficient in all respects, the same having been duly signed by more than seventy-five percent (75%) of the owners, whose property represents more than seventy-five percent (75%) of all the lineal feet of frontage of the lands abutting upon the streets or portion of streets hereinabove described; and

WHEREAS, a preliminary assessment resolution has been adopted by this the Catawba County Board of Commissioners and a public hearing thereon duly held;

NOW, THEREFORE, BE IT RESOLVED by the Catawba County Board of Commissioners that:

1. That Norman Plantation subdivision be improved in the following manner:

Paved portions of the rights-of-way of Live Oaks Avenue and Hearthstone Court will be overlaid with 1 inch of asphalt pavement. Trees and masonry structures within the rights-of-way will be removed and the ditch on the west side of Live Oaks Avenue will be cleared of vegetation regraded and grassed; under and by virtue of Chapter 153A Article 9 of the General Statutes of North Carolina and the procedure therein established for acceptance into the NCDOT State system for highway maintenance, and that said project is hereby directed to be undertaken.

2. That one hundred percent (100%) of the total cost of said improvement be hereafter assessed upon the property receiving the improvements, according
to the assessment basis set out in the petition as approved by the Catawba County Board of Commissioners,

The property owners of that portion of Norman Plantation subdivision fronting on Live Oaks Avenue and Hearthstone Court;

3. That the assessment herein provided for shall be payable in cash or if any property owner shall so elect, such owner shall have the option of paying the assessment in ten (10) equal annual installments, said installments to bear interest at the rate of 1.5% percent per annum.

The County, and its officers, agents and attorneys are hereby directed to take any further actions as may be required by the laws of the State of North Carolina to perform the matters and things directed by this Resolution.

Adopted the 18 day of July, 2022.

[Seal]

_________________________________________
C. Randall Isenhower, Chairman
Catawba County Board of Commissioners

Attest:

_________________________________________
Dale Stiles, Clerk
Catawba County Board of Commissioners
Annexation Agreement

This annexation agreement (hereinafter “Agreement”) is made and entered into this ____ day of July, 2022, by and between the city of Newton, a North Carolina Municipal Corporation, having a mailing address of P.O. Box 550, Newton, North Carolina 28658, hereinafter referred to as “Newton” and the City of Hickory, a North Carolina Municipal Corporation, having a mailing address of P.O. Box 398, Hickory, North Carolina 28603, hereinafter referred to as "Hickory".

Witnesseth

Whereas, Hickory and Newton (collectively “Parties” or “Participating Government Units”), duly incorporated municipalities under the laws of the State of North Carolina, each desires to enhance the orderly planning of their cities, to eliminate uncertainty among residents and property owners in unincorporated areas adjacent to them, and improve planning by public and private interests in such areas; and

Whereas, Chapter 160A of the North Carolina General Statutes (“Act”) authorizes municipalities to enter into binding agreements concerning future annexation in order to enhance orderly planning by such municipalities as well as residents and property owners in areas adjacent thereto; and

Whereas, this Agreement has been approved after public hearings held by the governing councils of the Participating Government Units and passage of an ordinance approving the Agreement by each of the Participating Government Units; and

Whereas, the Catawba County Board of Commissioners also held a public hearing and adopted a resolution approving the Agreement pursuant to NCGS 160A-58.24(e).

Now, Therefore, in consideration of the mutual covenants, conditions and terms contained herein, and further in accordance with the authority granted to each of the parties under Chapter 160A of the North Carolina General Statutes, the parties hereto, intending to be legally bound hereby, agree as follows:

1. The effective date of this Agreement is the date upon which the Participating Government Units and County have all formally approved this Agreement.

   a. If no Economic Development Agreement for the Economic Development project entitled “Project Star” is approved and executed by July 1, 2024, this Agreement will automatically terminate.

   b. Further, if an Economic Development Agreement is approved and executed for Project Star, but Project Star breaches the Economic Development Agreement, this Agreement will automatically terminate.
2. This Agreement shall terminate twenty (20) years after its effective date unless terminated earlier pursuant to the provisions of this Agreement.

3. The annexation boundary for each city is as follows:
   a. Hickory: Hickory shall not annex the area lying and being East of the bold, red line labeled “Boundary” on Exhibit “A” attached hereto and incorporated herein by reference. Hickory will not annex East of 321 South of Rocky Ford Road without Newton’s approval.
   b. Newton: Newton shall not annex the area lying and being West of the bold, red line labeled “Boundary” on Exhibit “A” attached hereto and incorporated herein by reference.

4. In addition to the boundaries agreed upon above, the Participating Government Units agree to the following additional terms:
   a. Hickory agrees to:
      i. Pay Newton annually, during the term of this Agreement, 50% of net property tax proceeds levied on Project Star, until such payments total $15 million paid to Newton, and
      ii. Grant Newton mutually agreed upon sewer capacity at the Henry Fork Treatment Plant at a 25% discount of the total cost to replace treatment capacity purchased with a 2 million gallons per day (MGD) maximum.
   b. Newton agrees to provide adequate water and sewer, including the cost of all infrastructure, to the area in its annexation boundary described in Paragraph 3 of this Agreement.

5. This Agreement may be modified, terminated, or renewed by subsequent written agreement(s) entered into by the Participating Government Units; however, any subsequent agreement shall be approved by Ordinance only after public hearings as provided in NCGS 160A-31.

6. If either Participating Government Unit proposes any annexation of areas subject to this Agreement, then in such event, said Participating Government Unit shall give written notice to the other Participating Government Unit at least sixty (60) days prior to the adoption of the annexation ordinance. This time period may be waived by the notified Participating Government Unit in writing. Areas subject to this Agreement include only those areas within a one (1) mile radius of the boundary shown on Exhibit A.

7. From and after the Effective Date of this Agreement, neither Participating Government Unit shall adopt an annexation ordinance as to all or any portion of an area in violation of the Act or this Agreement.
8. Nothing in the Act nor this Agreement shall be construed to authorize the annexation of any area which is not otherwise subject to annexation under applicable law by either of the Participating Government Units.

9. Nothing in the Act or this Agreement shall be construed to prevent the annexation of any area which is not subject to this Agreement by either of the Participating Government Units.

10. Either Participating Government Unit which shall believe that a violation of the Act or this Agreement has occurred, shall have available to it all remedies and relief authorized by the Act in addition to such remedies or relief as are authorized by other applicable law.

11. All notices given pursuant to the terms of this Agreement shall be in writing and delivered in person or transmitted by certified mail, return receipt requested, postage prepaid, to the following entities:

   Hickory: Hickory City Manager  
P.O. Box 398  
Hickory, North Carolina 28603

   Newton: Newton City Manager  
P.O. Box 550  
Newton, NC 28658

12. This Agreement, and any exhibit attached hereto, embodies the entire Agreement between the parties in connection with this transaction.

13. Nothing contained herein shall be construed to place the parties in the relationship of partners or joint venturers, and neither party shall have the power to obligate or bind the other party in any manner whatsoever.

14. This Agreement shall be governed by and interpreted in accordance with the laws of the State of North Carolina. Venue for any adversarial proceeding shall be set in Catawba County.

15. Time shall be of the essence of this Agreement and each and every term and condition thereof.

   In Witness Whereof, the parties have executed this Agreement to become effective as provided in Paragraph 1 above.

   {Signatures on Following Pages}
This the ___ day of __________, 2022.

CITY OF HICKORY,
A North Carolina Municipal Corporation

By: ____________________________
   Hank Guess, Mayor

ATTEST: (SEAL)

______________________________
_______________, City Clerk

This document has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

______________________________
_______________, Finance Director
City of Hickory

Approved as to form on behalf of the City of Hickory this ____ day of ________, 2022.

______________________________
Arnita Dula, Attorney
This the ___ day of __________, 2022.

CITY OF NEWTON,
A North Carolina Municipal Corporation

By: ____________________________
   Eddie Haupt, Mayor

ATTEST: (SEAL)

______________________________
    , City Clerk

This document has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

______________________________
    , Finance Director
City of Newton

Approved as to form on behalf of the City of Newton this ____ day of ________, 2022.

______________________________
    John Cilley, City Attorney
Exhibit A

Annexation Agreement Boundary Map
RESOLUTION 2022-
APPROVING ANNEXATION AGREEMENT

WHEREAS, all of the prerequisites to adoption of this Resolution prescribed in NCGS Chapter 160A, Article 4A, Part 6 have been met; and

WHEREAS, the Catawba County Board of Commissioners has taken into consideration the statements presented at the public hearing held on July 18, 2022 on the proposed Annexation Agreement between the City of Hickory and the City of Newton; and

WHEREAS, the Board of Commissioners has concluded and hereby declares it is appropriate and desirable for the City of Hickory and City of Newton to enter into the Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Catawba County Board of Commissioners:

1. The proposed Annexation Agreement between the City of Hickory and the City of Newton is hereby approved.

2. The approved Agreement is attached to this Resolution and is incorporated herein, and this Resolution and the executed Agreement shall be recorded in the minutes of this meeting.

3. This approving Resolution is effective upon adoption.

ADOPTED, this the 18 day of July, 2022.

C. Randall Isenhower, Chairman
Catawba County Board of Commissioners

Attest:

______________________________
Dale Stiles, Clerk
Catawba County Board of Commissioners
MEMORANDUM

TO: Catawba County Board of Commissioners
FROM: Lori Mathes, Tax Collector
DATE: July 18, 2021
IN RE: REPORT AND SETTLEMENT OF 2021 TAX

Pursuant to the provisions of N.C.G.S 105-373, this memorandum is the Tax Collector’s report of settlement to the Catawba County Board of Commissioners for Fiscal Year 2022 (2021 tax year).

The total FY 2021 Real Estate, Personal Property, and Registered Motor Vehicles are as follows:

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<tr>
<th>REAL ESTATE / PERSONAL PROPERTY TAXES - CATAWBA COUNTY</th>
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<tr>
<td>LEVY AS OF 06/30/2022</td>
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<td>BALANCE OUTSTANDING AS OF 06/30/2022</td>
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<td>COLLECTED AMOUNT AS OF 06/30/2022</td>
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<td>COLLECTION RATE FOR CATAWBA COUNTY 2021</td>
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<th>MOTOR VEHICLE TAXES - CATAWBA COUNTY</th>
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<td>LEVY AS OF 06/30/2022</td>
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<td>BALANCE OUTSTANDING AS OF 06/30/2022</td>
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<tr>
<td>COLLECTION RATE FOR CATAWBA COUNTY 2021</td>
</tr>
</tbody>
</table>

Reports of persons owning property in Catawba County for the preceding fiscal year that remain unpaid are available for inspection and review upon request. The Tax Collector has made diligent efforts to collect the taxes due from the persons listed by utilizing the remedies available for collection.

Catawba County has 26 accounts barred by the U.S. Bankruptcy Court from collecting. These bills total $12,343.77.
COLLECTIONS FROM OTHER SOURCES

Real and Personal Property Taxes

Prior Years 2001-2020 Principal - County & Fire 1,498,081.35
Interest------2021 and Prior Years 586,793.67

Vehicle Tax

Prior Years  2001-2020 - County and Fire Districts 21,119.05
Interest on Vehicle Tax – 2021 and Prior Years 99,349.50

Prepaid Tax Distribution on 2022 County Tax (RE/PP) 96,656.88

NSF Check Charges 4,731.42
Garnishment & Attachment Fees 80,917.55

*Municipal Collection Charges for Motor Vehicles

Cities 176,208.00

*MUNICPAL COLLECTION CHARGES

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<th>Amount</th>
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<td>Catawba</td>
<td>694</td>
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<td>2,776.00</td>
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<td>Claremont</td>
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### 2021 COLLECTIONS INFORMATION BY CITY AND TOWN

**Real Estate and Personal Property**

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<tr>
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<td>5,912,639</td>
<td>5,840,357</td>
<td>72,282</td>
<td>98.78%</td>
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North Carolina General Statute 105-373(3) requires this settlement be submitted to the governing Board. The settlement shall be entered into the minutes of the governing body.

I, Lori Mathes, do hereby affirm this is a true and accurate report concerning the tax levy of Catawba County, North Carolina, for Fiscal Year 2021/2022, 2021 tax year.

This is the ______________ day of ______________ 20_____

______________________________
Lori Mathes
Tax Collector, Catawba County

NORTH CAROLINA, CATAWBA COUNTY

I, ________________, Notary Public, do hereby certify Lori Mathes personally appeared before me this day and acknowledge the due execution of the foregoing instrument.

Witness my hand and official seal, this the_______ day of ________________, ________

Notary Public:
Each year the County Tax Collector is required to make an annual settlement report to the Board of Commissioners

- N.C.G.S 105-373
YEAR END SUMMARY REAL ESTATE AND PERSONAL PROPERTY

- Property Tax Levy was $104,137,367
- Collection Rate of 98.95% for Real Estate and Personal Property
- Remaining Outstanding Levy $1,090,819
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</tr>
<tr>
<td>2014/15</td>
<td>97.83%</td>
</tr>
<tr>
<td>2015/16</td>
<td>98.01%</td>
</tr>
<tr>
<td>2016/17</td>
<td>98.19%</td>
</tr>
<tr>
<td>2017/18</td>
<td>98.20%</td>
</tr>
<tr>
<td>2018/19</td>
<td>98.50%</td>
</tr>
<tr>
<td>2019/20</td>
<td>98.38%</td>
</tr>
<tr>
<td>2020/21</td>
<td>98.85%</td>
</tr>
<tr>
<td>2021/22</td>
<td>98.95%</td>
</tr>
</tbody>
</table>
YEAR END SUMMARY MOTOR VEHICLES

- Property Tax Levy was $10,567,669.42
- Collection Rate of 99.71% for Registered Motor Vehicles
- Remaining Outstanding Levy $30,541.84
YEAR END FORECLOSURE SUMMARY

- 147 Pre-Tax foreclosure letters sent by our legal department
- As a result 233 accounts were paid in full
- A total of 353 parcels entered into a payment arrangement yielding $208,970.04 in payments
- Total of 36 cases sent to ZLS in fiscal year 2021
- Total program to date has produced $4,163,713 in revenue with $108,376 in out of pocket expenses producing a 3842% ROI for the program thus far.
CONCLUSION

- Collection rate continues to be on an upward trend from the preceding year.
- Staff’s committed focus on maximizing all delinquent collection tools continues to enhance the overall collection rate.
ORDER OF COLLECTION

NORTH CAROLINA, CATAWBA

TO THE TAX COLLECTOR OF CATAWBA COUNTY

GENERAL STATUTE 105-321(b)

You are hereby authorized, empowered, and commanded to collect the taxes set forth in the tax records, filed in the Office of the Catawba County Tax Assessor and the tax receipts herewith delivered to you, in the amounts and from the taxpayers likewise therein set forth. Such taxes are hereby declared to be first lien upon all real property of the respective taxpayers in Catawba County and this order shall be a full and sufficient authority to direct, require and enable you to levy on and sell any real and personal property of such taxpayers, for and on account thereof, in accordance with law.

Witness my hand official seal, this the 18 day of July, 2022.

(SEAL)

Chairman, Board of County Commissioners

Attest:

Dale R. Stiles, Clerk to the Board
MEMORANDUM

TO: Catawba County Board of Commissioners
FROM: Finance and Personnel Subcommittee
DATE: July 18, 2022
IN RE: Blackburn Resource Recovery Landfill Gas Collection System Expansion

REQUEST:
The Finance and Personnel Subcommittee requests the Board of Commissioners:
1. Award bid to Advance One Development, LLC in the amount of $270,500;
2. Authorize the Assistant County Manager to execute contract documents for the project; and
3. Appropriate $170,500 in project funding from the Solid Waste Enterprise Fund Balance.

BACKGROUND:
The Catawba County Blackburn Landfill is governed by a Title V Air Quality Permit. This Permit requires that the County have an active landfill gas collection and destruction system. As part of this system, there are multiple landfill gas collection wells drilled into the landfill for the purpose of collecting landfill gas. From time to time, as the landfill is expanded, the County is required to install additional landfill gas collection wells, thereby expanding the landfill gas collection system.

County staff issued a Request for Proposals (RFP) for the installation of landfill gas collection wells and collection pipe in Units 2 and 3 of the Landfill. On June 7, 2022 a total of four (4) bids were received by the County’s Purchasing Manager from the following:

<table>
<thead>
<tr>
<th>Company</th>
<th>Bid Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Advance One Development, LLC</td>
<td>$270,500</td>
</tr>
<tr>
<td>Blue Flame Crew, LLC</td>
<td>$296,314</td>
</tr>
<tr>
<td>SCS Field Services</td>
<td>$319,999</td>
</tr>
<tr>
<td>Carlson Environmental Consultants, PC</td>
<td>$325,346</td>
</tr>
</tbody>
</table>

The bids were evaluated by the County’s consulting engineering on the project, McGill Associates, PA of Asheville. On June 9, 2022, McGill Associates, PA provided the attached Recommendation of Award.

There is $100,000 in available project funding that was appropriated by the BOC in FY21. An additional appropriation of $170,500 is required to award the bid to the lowest responsive bidder as recommended by McGill Associates, PA.

RECOMMENDATION:
The Finance and Personnel Subcommittee recommends the Board of Commissioners
1. Award bid to Advance One Development, LLC in the amount of $270,500;
2. Authorize the Assistant County Manager to execute contract documents for the project; and
3. Appropriate $170,500 in project funding from the Solid Waste Enterprise Fund Balance.

Attachment: Recommendation of Award

Appropriations:
Revenue
485-351100-690100 $170,500

Expenditure
485-351100-985000-20117 $170,500
June 9, 2022

Mr. Rodney Hamby, Landfill Superintendent  
Catawba County  
4017 Rocky Ford Road  
Newton, North Carolina 28658

RE: Recommendation of Award  
Blackburn Resource Recovery Landfill Gas Collection System Expansion  
Catawba County, North Carolina

Dear Mr. Hamby:

Informal construction bids for the subject project were received by Catawba County on June 7, 2022 and privately opened. The construction project includes the installation of landfill gas collection wells and HDPE collection pipe to expand the existing system at Unit 2 and Unit 3 of the Blackburn Resource Recovery Facility. A total of four (4) bids were received, summarized as follows:

<table>
<thead>
<tr>
<th>Bidder</th>
<th>Total Unit Price Bid Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Advance One Development, LLC</td>
<td>$270,500.00</td>
</tr>
<tr>
<td>Blue Flame Crew, LLC</td>
<td>$296,314.00</td>
</tr>
<tr>
<td>SCS Field Services</td>
<td>$319,999.00</td>
</tr>
<tr>
<td>Carlson Environmental Consultants, PC</td>
<td>$325,346.00</td>
</tr>
</tbody>
</table>

Advance One Development, LLC is properly licensed and qualified to perform the work based on the numerous landfill gas collection projects they have previously completed. Accordingly, McGill Associates recommends award of the "Blackburn Resource Recovery Landfill Gas Collection System Expansion" construction contract to Advance One Development, LLC for the total bid amount of $270,500.00.

Sincerely,

SCOTT BURWELL, PE  
Senior Project Manager
MEMORANDUM

TO: Catawba County Board of Commissioners

FROM: Finance and Personnel Subcommittee

DATE: July 18, 2022

IN RE: State Criminal Alien Assistance Program Grant –FY2020

REQUEST
The Finance and Personnel Subcommittee requests acceptance and appropriation of a grant from the US Department of Justice, State Criminal Alien Assistance Program (SCAAP) in the amount of $21,729.00 along with its required certifications and assurances. There are no matching funds required for this award; it is 100% Federal funding.

BACKGROUND
SCAAP is a formula-based grant program that provides agencies with reimbursement for some of the costs associated with incarcerating undocumented, criminal aliens who have committed serious crimes in the U.S. The goal of this program is to enhance public safety in communities throughout the nation.

These grant funds are based on individuals held in the Newton Detention Center and those held for Catawba County at Burke Catawba District Confinement Facility during fiscal year 2018/2019. Funds under this program can be used for correctional purposes only. Staff recommends using $18,035 of the funding to purchase Motorola XPR 7550e radios that are specific to the Detention Facility/Court campus. These radios are used to communicate within the facility for inmate issues, movement, officer safety, and general operations. The radios will allow the Detention Center to move closer to its goal of equipping each officer with a radio. Individual equipment assignment has historically proven to reduce damage and increase the life span of the equipment.

As has been the practice since 2014, Justice Benefits (JBI) was contracted to compile the data required for submission of the formula based grant for a fee of 17% ($3,694) of the SCAAP funds received.

RECOMMENDATION
The Finance and Personnel Subcommittee recommends acceptance and appropriation of the grant from the US Department of Justice, State Criminal Alien Assistance Program (SCAAP) in the amount of $21,729.00 along with its required certifications and assurances.

SUPPLEMENTAL APPROPRIATION
Revenue
110-220050-620385 \hspace{2cm} $21,729
State Criminal Alien Assistance Program (SCAAP)

Appropriation:
110-220050-857900 \hspace{2cm} $3,694
Contractual Services

110-220050-870100 \hspace{2cm} $18,035
Small Tools & Minor Equipment
MEMORANDUM

TO: Catawba County Board of Commissioners
FROM: Finance and Personnel Subcommittee
DATE: July 18, 2022
IN RE: Internet Crimes Against Children (ICAC) Grant – NC Sheriff’s Association

REQUEST
The Finance and Personnel Subcommittee requests the Board of Commissioners appropriate a grant from the North Carolina Sheriff’s Association, Internet Crimes Against Children (ICAC) in the amount of $53,051. There are no matching funds required for this grant award.

BACKGROUND
North Carolina Sheriff’s Association was authorized pursuant to Session Law 2021-180 to administer grant funds appropriated for the purpose of assisting sheriff’s offices and local law enforcement agencies to investigate reports of internet crimes against children.

In April 2022 the Catawba County Sheriff’s Office applied for the grant to be used to purchase software, a portable forensic workstation, a fixed workstation tower, and a training package. These items will assist the Sheriff’s Office in investigating such crimes.

RECOMMENDATION
The Finance and Personnel Subcommittee recommend the Board of Commissioners appropriate a grant from the North Carolina Sheriff’s Association, Internet Crimes Against Children (ICAC) in the amount of $53,051. There are no matching funds required for this award.

SUPPLEMENTAL APPROPRIATION

Appropriation:
110-210350-870100 $47,257
Small Tools & Minor Equipment

110-210350-841020 $5,794
Training and Education
TO: Catawba County Board of Commissioners
FROM: Policy and Public Works Subcommittee
DATE: July 18, 2022
RE: Roof Replacement - 2007 Jail

REQUEST
The Policy and Public Works Subcommittee requests the Board of Commissioners accept the low bid of $656,368 and award a contract to Crossmark Roofing Solutions LLC from previously appropriated funds, to install a new roof on the portion of the Catawba County jail constructed/completed in 2007.

BACKGROUND
The anticipated lifespan of our roofs is a minimum of twenty years; however, over the past five years the maintenance team has seen a steady increase in the work orders for leaks on the roof of the 2007 jail, ultimately spending more time and money on this roof than any County building.

Recognizing the regular and ongoing replacement needs, the Board of Commissioners has appropriated funds in past budgets to a re-roofing project, which has a current balance of $981,536.

The existing roof system is comprised of a hollow core concrete deck with tapered polyiso insulation and gypsum board, all covered by a white PVC single ply membrane. The new roof will be a 50 mil tan PVC membrane mechanically fastened to the existing roof. All Sections of the new roof will include a 20-year NDL (no dollar limit) warranty from the manufacturer covering labor and materials.

Bids for this project were opened on June 14, 2022, with two received:

<table>
<thead>
<tr>
<th></th>
<th>Base bid</th>
<th>Alternate A</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crossmark Roofing</td>
<td>$656,368</td>
<td>$</td>
<td>$656,368</td>
</tr>
<tr>
<td>Davco Roofing</td>
<td>$679,669</td>
<td>$(22,000)</td>
<td>$657,669</td>
</tr>
</tbody>
</table>

RECOMMENDATION
The Policy and Public Works Subcommittee recommends the Board of Commissioners accept the low bid of $656,368 and award a contract to Crossmark Roofing Solutions LLC from previously appropriated funds, to install a new roof on the portion of the Catawba County jail constructed/completed in 2007.
MEMORANDUM

To: Catawba County Board of Commissioners
From: Policy and Public Works Subcommittee
Date: July 18, 2022
Subject: Approval of American Rescue Plan Act Policies

Request

The Policy and Public Works Subcommittee requests the Board of Commissioners adopt a resolution to enact policies required under the American Rescue Plan Act (ARPA).

Background

The Final Rule for the American Rescue Plan was issued by the US Treasury Department in January 2022, providing additional guidance regarding specific compliance requirements for the Federal award. Based on language within the Final Rule, Compliance Supplements from the Office of Budget and Management, provisions within Uniform Guidance (2CFR Part 200), as well as requirements outlined in the ARPA Federal Award Agreement, the County is required to have specific written policies related to all ARPA-funded projects. The following policies are required for all projects:

- Project Eligibility and Review Policy
- Allowable Costs and Cost Principles Policy
- Records Retention Policy
- Non-Discrimination Policy
- Conflict of Interest Policy

Additional policies are required for specific types of expenditures. Based on the current projects approved within the ARPA Grant Project Ordinance, the following additional policies are required:

- Subaward and Expenditure Monitoring Policy
- Property Management Policy
- Procurement Policy (existing policy meets current requirements)

Recommendation

The Policy and Public Works Subcommittee recommends the Board of Commissioners adopt a resolution to enact the outlined policies required under the American Rescue Plan Act (ARPA).
RESOLUTION No. 2022 - ___

Catawba County
American Rescue Plan Act of 2021 (ARPA) Policies
Date of Adoption: July 18, 2022

WHEREAS Catawba County (“County”) has received an allocation of funds from the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (ARPA/CSLFRF); and

WHEREAS pursuant to the Final Rule, Compliance Supplements from the Office of Budget and Management, provisions within Uniform Guidance (2CFR Part 200), as well as requirements outlined in the ARPA Federal Award Agreement, the County is required to adopt the following written policies related to all ARPA-funded projects:

• Project Eligibility and Review Policy
• Allowable Costs and Cost Principles Policy
• Records Retention Policy
• Non-Discrimination Policy
• Conflict of Interest Policy
• Sub-award and Expenditure Monitoring Policy
• Property Management Policy.

BE IT RESOLVED that the Catawba County Board of Commissioners hereby adopts and enacts the following ARPA Policies for the expenditure of ARPA/CSLFRF funds:

• Project Eligibility and Review Policy
• Allowable Costs and Cost Principles Policy
• Records Retention Policy
• Non-Discrimination Policy
• Conflict of Interest Policy
• Sub-award and Expenditure Monitoring Policy
• Property Management Policy.

ADOPTED, this the 18 day of July, 2022.

[Seal]
C. Randall Isenhower, Chairman
Catawba County Board of Commissioners

Attest:

________________________________________
Dale Stiles, Clerk
Catawba County Board of Commissioners
1. Project Eligibility and Review Requirements

The purpose of this Project Eligibility and Review Policy ("Policy") is to establish guidelines that meet or exceed the requirements for determining project eligibility and review and acceptance of projects funded with American Rescue Plan Act ("ARPA") funds. This Policy also applies to any subrecipient of the funds. All federally funded projects, loans, grants, and sub-grants, whether funded in part or wholly, are subject to the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for federal awards codified at 2 CFR Part 200 and the Final Rule at 31 CFR Part 35, unless otherwise directed in writing by the federal agency or state pass-through agency that awarded the funds. This Policy will be amended as needed to comply with modifications to ARPA compliance requirements.

2. General Project Eligibility and Review Procedures

ARPA funding supports the projects within these categories, to the extent authorized by state law:

1. Support public health expenditures, by funding COVID-19 mitigation efforts, medical expenses, behavioral healthcare, and certain public health and safety staff;
2. Address negative economic impacts caused by the public health emergency, including economic harms to workers, households, small businesses, impacted industries, and the public sector;
3. Replace lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic;
4. Provide premium pay for essential workers, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors; and
5. Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and storm water infrastructure, and to expand access to broadband internet.

ARPA funds are subject to the provisions of the federal Uniform Grant Guidance, 2 CFR Part 200 (UG), as provided in the Assistance Listing and US Treasury Compliance and Reporting Guidance.

3. Pre-approval Project Eligibility

1. County Management will submit potential ARPA projects to the county ARPA Team for review consistent with this Policy. The ARPA Team is comprised of staff from County Management, Legal, Budget, Finance, and Purchasing. The ARPA Team will review the project to determine ARPA funding eligibility and evaluate initial estimated costs.
2. Once the ARPA Team has deemed the project eligible for ARPA funding the Grants Manager will review the estimated costs to ensure compliance with cost allowability requirements. Further guidance regarding allowable costs can be found in the county Allowable Costs and Cost Principle Policy.
3. If costs are deemed allowable, the ARPA Team will recommend the project for ARPA funding. County Management will seek authorization through a Grant Project Ordinance to be approved by the Board of Commissioners.
4. If any portion of costs are not deemed allowable the Grants Manager will inform the ARPA Team. The team will reevaluate the project to determine if the unallowable costs could be covered by county funds or if the project will not be recommended for any portion of ARPA funding.
Catawba County
American Rescue Plan Act of 2021 (ARPA)
Allowable Costs and Cost Principles Policy
Effective Date: July 18, 2022
Supersedes: n/a Version: 1
Maintained by: Finance Department

1. **General**
   This policy establishes guidance on meeting or exceeding the applicable requirements for Federal and State awards, as to allowable costs. The County considers allowable costs to be costs that can be assigned to a grant according to the grant requirements and can vary based on the grant program objectives and granting agency.

2. **Federal Awards**
   A. Federal awards are subject to the requirements set forth in Uniform Guidance. The non-Federal entity is responsible for complying with all requirements of the Federal award.

   B. **Allowable Costs/Cost Principles.** As outlined in the Uniform Guidance at 2 CFR Part 200, Subpart E regarding Cost Principles, allowable costs are based on the premise that a recipient is responsible for effective administration of Federal awards, application of sound management practices, and administration of Federal funds in a manner consistent with program objectives and terms and conditions of the award. Recipients must implement robust internal controls and effective monitoring to ensure compliance with Cost Principles.

   2CFR Part 200, Subpart E, defines allowable costs. Except where otherwise authorized by statute, costs must meet the following general criteria in order to be allowable under Federal awards:

   1. Be necessary and reasonable for proper and efficient performance and administration of the grant program;
   2. Cost allocable as defined by § 200.405 to the particular Federal award;
   3. Be authorized and not prohibited under state or local laws or regulations;
   4. Conform to any limitations or exclusions set forth in the principles, federal laws, award terms, and other governing regulations as to types or amounts of cost items;
   5. Be consistent with policies, regulations, and procedures that apply uniformly to both the federal award and other activities;
   6. Consistent treatment as to applicability of cost. A cost must not be assigned to a federal award as a direct cost and also be charged to a federal award as an indirect cost. In addition, a cost must be treated consistently for both federal award and non-federal award expenditures;
   7. Consistent treatment through application of generally accepted accounting principles appropriate to the circumstances, unless provided otherwise in Uniform Guidance;
   8. Be net of all applicable credits; and
   9. Be adequately documented.

3. **American Rescue Plan Act Funds**
   In addition to the above-mentioned Cost Principles, Federal awards received under the American Rescue Plan Act (ARPA) must meet additional requirements. Allowable costs must be allocable to eligible projects defined in U.S. Treasury Final Rule at 31 CFR Part 35 and must conform to any and all limitations or exclusion set forth in the grant award as to types or amounts of cost items. This Policy will be amended as needed to comply with modifications to compliance requirements.
A. Eligible Projects
As a recipient of ARPA funds, the County has discretion to use the awarded funds as long as such usage of funds fall within the following categories, to the extent authorized by state law:

1. Support COVID-19 public health expenditures, by funding COVID-19 mitigation and prevention efforts, medical expenses, behavioral healthcare, preventing and responding to violence, and certain public health and safety staff;
2. Address negative economic impacts caused by the public health emergency, including economic harms to households, small businesses, non-profits, impacted industries, and the public sector;
3. Replace lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic or by adopting the Standard Allowance Method as outline in the Treasury Final Rule;
4. Provide premium pay for essential workers, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors; and,
5. Investment in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet.

B. Prohibited Use
The County or subrecipients may not use ARPA funds directly to service debt, satisfy a judgment or settlement, or contribute to a “rainy day” fund. Additional restrictive uses and project eligibility requirements for ARPA funding is referenced in the County’s Project Eligibility and Review Policy.

C. Selected Items of Cost
County staff overseeing Federal awards are responsible for determining cost allowability and must be familiar with federal cost requirements. Staff must follow applicable regulations when applying specific expenditures to Federal awards. The Grants Manager will check costs against applicable cost requirements to ensure the cost is allowable and all process and documentation requirements are followed. In addition, State law, County policy, and program-specific rules may deem a cost as unallowable, at which County staff must follow non-federal rules as well.

1. Direct and Indirect Costs
Allowable and allocable costs must be appropriately classified as direct or indirect charges. It is essential that each item of cost be treated consistently in like circumstances either as a direct or an indirect cost.

Direct costs are expenses that are specifically associated with a particular ARPA-eligible project and can be directly assigned to such activities relatively easily with a high degree of accuracy. If a cost benefits two or more projects or activities in proportions that can be determined without undue effort or cost, the cost must be allocated to the projects based on the proportional benefit. (§ 200.405.d.)

Indirect costs are (1) costs incurred for a common or joint purpose benefitting more than one ARPA-eligible project or federal award, and (2) not readily assignable to the project specifically benefited, without effort disproportionate to the results achieved. They are expenses that benefit more than one project or even more than one federal grant.

2. Special Provisions
There are some special provisions of the Uniform Guidance that apply only to states, local governments, and Indian Tribes.
a. **General Costs of Government**

General costs of government are unallowable (except as provided in § 200.475). Unallowable costs include:

1. Salaries and expenses of the chief executive of a local government;
2. Salaries and other expenses of the local governmental body, whether incurred for purposes of legislation or executive direction;
3. Costs of prosecutorial activities unless treated as a direct cost to a specific program if authorized by statute or regulation; and
4. Costs of other general types of government services normally provided to the general public, such as fire and police, unless provided for as a direct cost under a program statute or regulation; however, costs of general types of government services normally provided can be allowable if the County utilizes the ARPA Revenue Replacement Category, which is explicitly authorized in the Final Rule 31 CFR Part 35.

**D. Preapproval Cost Allowability Review**

Before an ARPA-funded project is authorized, the Grants Manager must review the proposed cost items to determine whether they are allowable and allocable and whether cost items will be charged as direct or indirect expenses. This review will occur concurrently with the project eligibility review; however, before seeking Board approval to obligate or expend ARPA funds. Further guidance regarding project eligibility can be found in the County’s *Project Eligibility and Review Policy*.

**E. Procurement**

The County will comply with all procurement requirements prior to obligating ARPA funds. Further guidance regarding procurement can be found in the County’s *Procurement Ordinance*.

**F. Post Expenditure Review**

Once an expenditure is incurred related to an eligible project, and an invoice or other demand for payment is submitted to grantee department, the project manager will complete the first review of the expenditure. The Grants Manager will perform a second review to ensure actual expenditures comprise allowable costs:

1. All invoices or other demands for payment must include a breakdown by cost item. The cost items should mirror those presented in the proposed budget for the project. If an invoice or other demand for payment does not include a breakdown by cost item, the Grants Manager will return the invoice to the project manager and/or vendor, contractor, or subrecipient for correction.
2. The Grants Manager will review the individual cost items listed on the invoice or other demand for payment to determine if the costs are deemed allowable under Uniform Guidance.
3. If all cost items are deemed allowable and properly allocable, the invoice will be processed using normal disbursement procedures.
4. If any cost item is deemed unallowable, the Grants Manager will notify the project manager and/or vendor, contractor, or subrecipient that a portion of the invoice or other demand for payment will not be paid with federal funds. A revised invoice may be submitted for payment with a revised cost allocation. If the County remains legally obligated by contract or otherwise to pay the disallowed cost item, it must identify other local government funds to cover the disbursement.
5. The Grants Manager and grantee department shall retain appropriate documentation of budgeted cost items per project and actual obligations and expenditures of cost items per project.
I. **Scope of Policy**

   a. **Purpose of Policy.** This Conflict of Interest Policy (“Policy”) establishes conflict of interest standards that (1) apply when Catawba County (“Unit”) enters into a Contract (as defined in Section II) or makes a Subaward (as defined in Section II), and (2) meet or exceed the requirements of North Carolina law and 2 C.F.R. § 200.318(c).

   b. **Application of Policy.** This Policy shall apply when the Unit (1) enters into a Contract to be funded, in part or in whole, by Federal Financial Assistance to which 2 C.F.R. § 200.318(c) applies, or (2) makes any Subaward to be funded by Federal Financial Assistance to which 2 C.F.R. § 200.318(c) applies. If a federal statute, regulation, or the terms of a financial assistance agreement applicable to a particular form of Federal Financial Assistance conflicts with any provision of this Policy, such federal statute, regulation, or terms of the financial assistance agreement shall govern.

II. **Definitions**

   Capitalized terms used in this Policy shall have the meanings ascribed to them in this Section II. Any capitalized term used in this Policy but not defined in this Section II shall have the meaning set forth in 2 C.F.R. § 200.1.

   a. “**COI Point of Contact**” (“**COI**”) means the individual identified in Section III(a) of this Policy.

   b. “**Covered Individual**” means a Public Officer, employee, or agent of the Unit.

   c. “**Covered Nonprofit Organization**” means a nonprofit corporation, organization, or association, incorporated or otherwise, that is organized or operating in the State of North Carolina primarily for religious, charitable, scientific, literary, public health and safety, or educational purposes, excluding any board, entity, or other organization created by the State of North Carolina or any political subdivision of the State (including the Unit).

   d. “**Direct Benefit**” means, with respect to a Public Officer or employee of the Unit, or the spouse of any such Public Officer or employee, (i) having a ten percent (10%) ownership interest or other interest in a Contract or Subaward; (ii) deriving any income or commission directly from a Contract or Subaward; or (iii) acquiring property under a Contract or Subaward.
e. “Disciplinary Action” means, for individuals, termination or suspension of employment with or without pay, the consideration or adoption of a resolution of censure of a Public Official by the Governing Board, or termination of an agent’s contract with the Unit; for contractors or subcontractors, termination of the contract with the Unit.

f. “Governing Board” means the Board of County Commissioners of the Unit.

g. “Immediate Family Member” means, with respect to any Covered Individual, (i) a spouse, and parents thereof, (ii) a child, and parent thereof, (iii) a parent, and spouse thereof, (iv) a sibling, and spouse thereof, (v) a grandparent and grandchild, and spouses thereof, (vi) domestic partners and parents thereof, including domestic partners of any individual in (ii) through (v) of this definition; and (vii) any individual related by blood or affinity whose close association with the Covered Individual is the equivalent of a family relationship.

h. “Involved in Making or Administering” means (i) with respect to a Public Official or employee, (a) overseeing the performance of a Contract or Subaward or having authority to make decisions regarding a Contract or Subaward or to interpret a Contract or Subaward, or (b) participating in the development of specifications or terms or in the preparation or award of a Contract or Subaward, (ii) only with respect to a Public Official, being a member of a board, commission, or other body of which the Public Official is a member, taking action on the Contract or Subaward, whether or not the Public Official actually participates in that action.

i. “Public Officer” means an individual who is elected or appointed to serve or represent the Unit (including, without limitation, any member of the Governing Board), other than an employee or independent contractor of the Unit.

j. “Related Party” means (i) an Immediate Family Member of a Covered Individual, (ii) a partner of a Covered Individual, or (iii) a current or potential employer (other than the Unit) of a Covered Individual, of a partner of a Covered Individual, or of an Immediate Family Member of a Covered Individual.

k. “Subcontract” means any agreement entered into by a Subcontractor to furnish supplies or services for the performance of a Contract or a Subcontract. It includes, but is not limited to, purchase orders, and changes and modifications to purchase orders.

l. “Subcontractor” means an entity that receives a Subcontract.

m. “Unit” has the meaning specified in Section I hereof.
III. **COI Point of Contact**

a. Appointment of COI Point of Contact. The Catawba County Grants Manager (“Grants Manager”) shall have primary responsibility for managing the disclosure and resolution of potential or actual conflicts of interest arising under this Policy. In the event that the Grants Manager is unable to serve in such capacity, the Finance Director shall assume responsibility for managing the disclosure and resolution of conflicts of interest arising under this Policy. The individual with responsibility for managing the disclosure and resolution of potential or actual conflicts of interest under this Section III(a) shall be known as the “COI Point of Contact”.

b. Distribution of Policy. The COI Point of Contact shall ensure that each Covered Individual receives a copy of this Policy.

IV. **Conflict of Interest Standards in Contracts and Subawards**

a. North Carolina Law. North Carolina law restricts the behavior of Public Officials and employees of the Unit involved in contracting on behalf of the Unit. The Unit shall conduct the selection, award, and administration of Contracts and Subawards in accordance with the prohibitions imposed by the North Carolina General Statutes § 14-234 et. seq.

b. Federal Standards.

i. Prohibited Conflicts of Interest in Contracting. Without limiting any specific prohibition set forth in Section IV(a), a Covered Individual may not participate in the selection, award, or administration of a Contract or Subaward if such Covered Individual has a real or apparent conflict of interest.

1. **Real Conflict of Interest.** A real conflict of interest shall exist when the Covered Individual or any Related Party has a financial or other interest in or a tangible personal benefit from a firm considered for a Contract or Subaward.

2. **Apparent Conflict of Interest.** An apparent conflict of interest shall exist where a real conflict of interest may not exist under Section IV(b)(i)(1), but where a reasonable person with knowledge of the relevant facts would find that an existing situation or relationship creates the appearance that a Covered Individual or any Related Party has a financial or other interest in or a tangible personal benefit from a firm considered for a Contract or Subaward.
ii. Identification and Management of Conflicts of Interest.

1. Duty to Disclose and Disclosure Forms

   a. Each Covered Individual expected to be or actually involved in the selection, award, or administration of a Contract or Subaward has an ongoing duty to disclose to the COI Point of Contact potential real or apparent conflicts of interest arising under this Policy.

   b. If the value of a proposed Contract or Subaward exceeds $[250,000], prior to award, the COI Point of Contact shall collect a Conflict of Interest Disclosure Form from each Covered Individual and file such Conflict of Interest Disclosure Form in records of the Unit.

   c. Prior to the Unit’s award of a Contract or Subaward, the COI Point of Contact shall complete the appropriate Compliance Checklist and file such Compliance Checklist in the records of the Unit.

2. Management Prior to Award of Contract or Subaward

   a. If, after completing the Compliance Checklist, the COI Point of Contact identifies a potential real or apparent conflict of interest relating to a proposed Contract or Subaward, the COI Point of Contact shall disclose such finding in writing to the County Manager and to each member of the Governing Board. If the Governing Board desires to enter into the proposed Contract or Subaward despite the identification by the COI Point of Contact of a potential real or apparent conflict of interest, it may either:

      i. accept the finding of the COI Point of Contact and direct the COI Point of Contact to obtain authorization to enter into the Contract or Subaward from the Federal awarding agency with appropriate mitigation measures, or from the Pass-Through Entity that provided a Subaward to Unit; or

      ii. reject the finding of the COI Point of Contact and enter into the Contract or Subaward. In rejecting any finding of the COI Point of Contact, the Governing Board shall in writing document a justification supporting such rejection.
b. If the COI Point of Contact does not identify a potential real or apparent conflict of interest relating to a proposed Contract or Subaward, the Unit may enter into the Contract or Subaward in accordance with the Unit’s purchasing or subaward policy.

3. **Identification After Award of Contract or Subaward.**

   If after the Unit has entered into a Contract or Subaward, the COI Point of Contact discovers that a real or apparent conflict of interest exists, the COI Point of Contact shall, as soon as possible, disclose such finding to the County Manager and to each member of the Governing Board. Upon discovery of such a real or apparent conflict of interest, the Unit shall cease all payments under the relevant Contract or Subaward until the conflict of interest has been resolved.

4. **Management After Award of Contract or Subaward.**

   Following the receipt of such disclosure of a potential real or apparent conflict of interest pursuant to Section IV(b)(ii)(3), the Governing Board may reject the finding of the COI Point of Contact by documenting in writing a justification supporting such rejection. If the Governing Board fails to reject the finding of the COI Point of Contact within 15 days of receipt, the COI Point of Contact shall disclose the conflict to the Federal awarding agency or Pass-Through Entity providing such Federal Financial Assistance or Subaward to the unit in accordance with 2 C.F.R. § 200.112 and/or applicable regulations of the agency/Pass Through Entity

V. **Oversight of Subrecipient’s Conflict of Interest Standards**

a. Subrecipients of Unit Must Adopt Conflict of Interest Policy. Prior to the Unit’s execution of any Subaward for which the Unit serves as a Pass-Through Entity, the COI Point of Contact shall ensure that each proposed Subrecipient of Federal Financial Assistance has adopted a conflict of interest policy that satisfies the requirements Section IV and all other applicable federal regulations.

b. Obligation to Disclose Subrecipient Conflicts of Interest. The COI Point of Contact shall ensure that the legal agreement under which the Unit makes a Subaward to a Subrecipient shall require such Subrecipient to disclose to the COI Point of Contact any potential real or apparent conflicts of interest that the Subrecipient identifies. Upon receipt of such disclosure, the COI Point of Contact shall disclose such information to the Federal awarding agency that funded the Subaward in accordance with that agency’s disclosure policy.
VI. Gift Standards

a. Federal Standard. Subject to the exceptions set forth in Section VI(b), a Covered Individual may not solicit or accept gratuities, favors, or anything of monetary value from a Contractor or a Subcontractor.

b. Exception. Notwithstanding Section VI(a), a Covered Individual may accept an unsolicited gift from a Contractor or Subcontractor of one or more types specified below if the gift has an aggregate market value of $20 or less per source per occasion, provided that the aggregate market value of all gifts received by the Covered Individual pursuant to this Section VI(b) does not exceed $50 in a calendar year:

   i. honorariums for participating in meetings;
   ii. advertising items or souvenirs of nominal value; or
   iii. meals furnished at banquets.

c. Internal Reporting. A Covered Individual shall report any gift accepted under Section VI(b) to the COI Point of Contact. If required by regulation of a Federal awarding agency, the COI Point of Contact shall report such gifts to the Federal awarding agency or a Pass-Through Entity for which the Unit is a Subrecipient.

VII. Violations of Policy

a. Disciplinary Actions. Any Covered Individual or Covered Nonprofit Organization that fails to disclose a real, apparent, or potential real or apparent conflict of interest arising with respect to the Covered Individual or Related Party may be subject to Disciplinary Action,

b. Protections for Whistleblowers. In accordance with 41 U.S.C. § 4712, the Unit shall not discharge, demote, or otherwise discriminate against an employee in reprisal for disclosing information that is evidence of gross mismanagement or waste of a federal contract, grant, federal funds, an abuse of authority relating to a federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal contract (including the competition for or negotiation of a contract) or grant.
Catawba County
American Rescue Plan Act of 2021 (ARPA)
Non-Discrimination Policy

Effective Date: July 18, 2022
Supersedes: n/a  Version: 1
Maintained by: Finance Department

Notice: In accordance with the requirements of The Fair Housing Act, The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101 et seq.), Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d et seq.), Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq.), and Title II of the Americans with Disabilities Act of 1990, as amended (42 U.S.C. §§ 12101 et seq.), Catawba County does not discriminate against individuals on the basis of race, color, religion, age, national origin, sex, familial status, or disability within its services, programs, or activities.

Nondiscrimination Policy Statement

It is the policy of Catawba County to ensure that no person shall, on the ground of race, color, national origin (including limited English Proficiency), familial status, sex, age, or disability, be excluded from participation in, be denied the benefits of, or be otherwise subject to discrimination under any program or activity administered by the County.

Discriminatory Practices Prohibited

The following practices in the administration of County services, programs, or activities are prohibited:

1. Denying to a person any service, financial aid, or other program benefit without good cause;
2. Providing to a person any service, financial aid, or another benefit which is different in quantity or quality, or is provided in a different manner, from that provided to others under the program;
3. Subjecting a person to segregation or separate treatment in any matter related to the receipt of any service, financial aid, or other benefit under the program;
4. Restricting a person in the enjoyment of any advantages, privileges, or other benefits enjoyed by others receiving any service, financial aid, or other benefit under the program;
5. Treating a person differently from others in determining whether that person satisfies any admission, enrollment, quota, eligibility, membership, or other requirement or condition which persons must meet to be provided any service, financial aid, or other benefit provided under the service, program, or activity;
6. Implementing different standards, criteria, or other requirements for admission, enrollment, or participation in planning, advisory, contractual, or other integral activities to the program or service;
7. Adopting methods of administration which, directly or through contractual relationships, would defeat or substantially impair the accomplishment of effective nondiscrimination;
8. Selecting a site or location of facilities with the purpose or effect of excluding persons from, denying them the benefits of, subjecting them to discrimination, or with the purpose
or effect of defeating or substantially impairing the accomplishment of the objectives of Title VI or related acts and regulations;

9. Discriminating against any person, either directly or through a contractual agreement, in any employment resulting from the program, a primary objective of which is to provide employment; and

10. Committing acts of intimidation or retaliation, including threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by any pertinent nondiscrimination law, or because an individual made a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing.

**Reporting & Enforcement**

1. The County shall cooperate in any enforcement or compliance review activities by any authority having jurisdiction over reported discrimination. Enforcement may include investigation, arbitration, mediation, litigation, and monitoring of any settlement agreements that may result from these actions. The County shall comply with information requests, on-site compliance reviews, and reporting requirements.

2. The County shall maintain a complaint log and inform the authority having jurisdiction of any complaints of discrimination on the grounds of race, color, or national origin (including limited English proficiency covered by Title VI of the Civil Rights Act of 1964 and implementing regulations and provide, upon request, a list of all such reviews or proceedings based on the complaint, whether pending or completed, including the outcome. The County shall inform the authority having jurisdiction if it has received no complaints under Title VI.

3. Any person who believes they have been aggrieved by a discriminatory practice under Title VI has a right to file a formal complaint with the authority having jurisdiction. Any such complaint must be in writing and filed with the authority having jurisdiction’s Title VI Coordinator within one hundred eighty (180) days following the date of the alleged discriminatory occurrence.

4. Any person who believes that because of that person’s race, color, national origin, limited English proficiency, familial status, sex, age, religion, or disability that he/she/they have been discriminated against or unfairly treated by the County in violation of this policy should contact the following office within 180 days from the date of the alleged discriminatory occurrence:

   **Catawba County Human Resources Director**
   
   (828) 465-8253
   
   P.O. Box 389
   
   25 Government Drive
   
   Newton, NC 28658
Property Management

In compliance with the Uniform Guidance set forth in 2 CFR 200, Subpart D, equipment and real property must be used for the originally authorized purpose. Consistent with 2 CFR 200.311 and 2 CFR 200.313, any equipment or real property acquired using federal financial assistance shall vest with the non-federal entity. Any acquisition and maintenance of equipment or real property must also be in compliance with relevant laws and regulations.

1. Property Standards for Real Property, Equipment, and Supplies. The following definitions from 2 CFR 200.1 will apply to this policy.

Definitions:

A. **Computing devices** are machines used to acquire, store, analyze, process, and publish data and other information electronically, including accessories (or “peripherals”) for printing, transmitting and receiving, or storing electronic information.

B. **Equipment** is tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost which equals or exceeds the lesser of the capitalization level established by the County for financial statement purposes, or $5,000.

C. **Information technology systems** are computing devices, ancillary equipment, software, firmware, and similar procedures, services (including support services), and related resources.

D. **Intangible property** is property having no physical existence, such as trademarks, copyrights, patents and patent applications and property, such as loans, notes and other debt instruments, lease agreements, stock, and other instruments of property ownership (whether the property is tangible or intangible).

E. **Personal property** is property other than real property that may be tangible, having physical existence, or intangible.

F. **Property** is real property or personal property.

G. **Real property** is land, including land improvement, structures, and appurtenances, thereto, but excludes moveable machinery and equipment.

H. **Supplies** are all tangible personal property other than those described in the definition of equipment in this section. A computing device is a supply if the acquisition cost is less than the lesser of the capitalization level established by the County for financial statement purposes or $5,000, regardless of the length of its useful life.

2. Real Property

A. **Title to Real Property** acquired or improved by the County with federal financial assistance vests with the County. 2 CFR 200.311 (a).
B. **Use of Real Property** that is acquired or improved by the County with federal financial assistance must be used for the originally authorized purpose as long as is needed for that purpose, during which time the County must not dispose of or encumber its title or other interests. 2 CFR 200.311(b).

C. **Insurance of Real Property** must be provided by the County for real property acquired or improved by the County with federal financial assistance at an equivalent level as provided to property otherwise owned by the County. 2 CFR 200.310.

D. **Disposition of Real Property** occurs when the County no longer needs the real property purchased with federal financial assistance for the intended purposes; therefore, the County must obtain disposition instructions from US Treasury. The instructions must provide for one of the following alternatives:

1. The County retains the title after compensating the US Treasury with the amount computed by applying the US Treasury’s percentage of participation in cost of the original purchase (and costs of improvements) to the fair market value of the property. In situations where the County is disposing of real property acquired or improved with federal financial assistance and requiring replacement real property with federal financial assistance, the net proceeds from the disposition may be used to offset the cost of the replacement property.

2. The County sells the property and compensates the US Treasury with the amount due computed by applying the US Treasury’s percentage of participation in the cost of the original purchase (and costs of improvements) to the proceeds of the sale after deduction of any actual and reasonable selling and improving expenses. If the federal financial assistance award has not been closed out, the net proceeds from the sale may be offset against the original cost of the property. When the County is directed to sell property, sale procedures must be followed that provide for competition to the extent practicable and result in the highest possible return.

3. The County transfers title to US Treasury or to a third party designated/approved by the US Treasury. The County is entitled to be paid an amount calculated by applying the County’s percentage of participation in the purchase of the real property (and cost of any improvements) to the current fair market value of the property. 2 CFR 200.311(c).

3. **Equipment**

A. **Title to Equipment** acquired or improved by the County with federal financial assistance funds vests with the County. 2 CFR 200.313(a).

B. **Use of Equipment** that is acquired with federal financial assistance must be for the project for which it was acquired as long as needed, whether or not the project continues to be supported by the federal financial assistance award, and the County must not encumber the property without prior approval of US Treasury. 2 CFR 200.313(a)(1)(2).

When no longer needed for the original project, the equipment may be used in other activities supported by a federal financial assistance award, in the following order of priority:
1. Activities under a federal award from the federal awarding agency which funded the original project, then;

2. Activities under federal awards from other federal awarding agencies. This includes consolidated equipment for information technology systems. 2 CFR 200.313(c)(1).

During the time that equipment is used on the project for which it was acquired, the County must also make equipment available for use on other projects or programs currently or previously supported by the federal government, provided that such use will not interfere with the work on the project for which it was originally acquired. First preference for other use must be given to other programs or projects supported by US Treasury, and second preference must be given to programs or projects under federal awards from other federal awarding agencies. Use for non-federally-funded programs or projects is also permissible. User fees should be considered if appropriate. 2 CFR 200.313(c)(2).

C. **Noncompetition** ensures that the County must not use equipment acquired with federal financial assistance to provide services for a fee that is less than private companies charge for equivalent services unless specifically authorized by federal statute for as long as the federal government retains an interest in the equipment. 2 CFR 200.313(c)(3).

D. **Replacement Equipment.** When acquiring replacement equipment, the County may use the equipment to be replaced as a trade-in or sell the property and use the proceeds to offset the cost of the replacement property. 2 CFR 200.313(c)(4).

E. **Management of Equipment.** The County will manage equipment (including replacement equipment) acquired in whole or in part with federal financial assistance according to the following requirements.

1. The County will maintain sufficient records that include:
   a. a description of the equipment,
   b. a serial number or other identification number,
   c. the source of funding for the equipment (including the Federal Award Identification Number (FAIN)),
   d. who holds title,
   e. the acquisition date,
   f. cost of the equipment,
   g. percentage of federal participation in the project costs for the federal award under which the equipment was acquired,
   h. the location, use and condition of the equipment, and
   i. any ultimate disposition data including the date of disposal and sale price of the equipment.

2. The County will conduct a physical inventory of the equipment and reconcile results with its property records at least once every two years.

3. The County will develop a control system to ensure adequate safeguards to prevent loss, damage, or theft of the equipment. Any loss, damage, or theft will be investigated by the County.
4. The County will develop and implement adequate maintenance procedures to keep the equipment in good condition.
5. If the County is authorized or required to sell the equipment, it will establish proper sales procedures to ensure the highest possible return, in accordance with state and federal law.

F. **Insurance of Equipment** must be provided by the County, the equivalent insurance coverage for equipment acquired or improved by the County with federal financial assistance as provided to property otherwise owned by the County. 2 CFR 200.310.

G. **Disposition of Equipment** occurs when the equipment is no longer needed for its original purpose, the County may either make the equipment available for use in other activities funded by a federal agency, with priority given to activities funded by US Treasury, dispose of the equipment according to instructions from US Treasury, or follow the procedures below. 2 CFR 200.313(e).

1. Equipment with a per-item fair market value of less than $5,000 may be retained, sold or transferred by the County, in accordance with state law, with no additional responsibility to US Treasury;
2. If no disposal instructions are received from the US Treasury, equipment with a per-item fair market value of greater than $5,000 may be retained or sold by the County. The County must establish proper sales procedures, in accordance with state law, to ensure the highest possible return. The County must reimburse the US Treasury for its federal share. Specifically, the US Treasury is entitled to an amount calculated by multiplying the current market value or proceeds from sale by the federal financial assistance award percentage of participation in the cost of the original purchase. If the equipment is sold, the US Treasury may permit the County to deduct and retain from the federal share $500 or ten percent of the proceeds, whichever is less, for its selling and handling expenses.
3. Equipment may be transferred to the US Treasury or to a third-party designated by the US Treasury in return for compensation to the County for its attributable compensation for its attributable percentage of the current fair market value of the property.

4. **Supplies**
   A. **Title to Supplies** acquired by the County with federal financial assistance vests with the County upon acquisition. 2 CFR 200.312 (A).
   
   B. **Use and Disposition of Supplies.** If there is a residual inventory of unused supplies exceeding $5,000 in total aggregate value upon termination or completion of the funded project and the supplies are not needed for any other federal award, the County must retain the supplies for use on other activities or sell them, but must, in either case, compensate the federal government for its share. The amount of compensation must be computed in the same manner as for equipment. 2 CFR 200.314(a).
C. **Noncompetition.** As long as the federal government retains an interest in the supplies, the County must not use supplies acquired through a federal financial assistance award to provide services to other organizations for a fee that is less than private companies charge for equivalent services, unless specifically authorized by federal statute. 2 CFR 200.314(b).

5. **Property Trust Relationship**

Real property, equipment, and intangible property acquired or improved by the County with federal financial assistance must be held in trust by the County as trustee for the beneficiaries of the project or program under which the property was acquired or improved. The US Treasury may require the County to record liens or other appropriate notices of record to indicate that personal or real property has been acquired or improved with a federal award and that use and disposition conditions apply to the property. 2 CFR 200.316.

6. **Implementation of Policy**

Catawba County shall adopt procedures to track all real property, equipment, and supplies (collectively, property) acquired or improved by the County in whole or in part with federal financial assistance. At a minimum, those procedures must address the following:

- Ensure proper insurance of property
- Document proper use of property
- A record to maintain required data records for equipment
- Conduct periodic inventories of equipment, at least every two years
- Create processes for replacement and disposition of property
- Establish other internal controls to safeguard and properly maintain property
1. **Records Retention**

In compliance with the Uniform Guidance standards set forth in 2 CFR 200 Subpart E, records associated with federal financial assistance awards that shall be retained pursuant to this Policy include, but are not limited to the following:

- Grant application, project narrative and description, and project budget
- Grant award notification
- Staff reports/Project Grant Ordinances and amendments approved by the Board of Commissioners
- Policies and procedures required by the grantee agency
- Subrecipient information, including any subawards or agreements, subrecipient invoices, payments, and any internal control questionnaires or assessments.
- Purchase orders and procurement documents
- Financial statements, accounting records, and documentation demonstrating grant expenditures for eligible projects, programs, or activities
- Documentation of administrative costs charged to a grant
- Personnel and payroll records, for all employees compensated with grant funds
- Progress reports submitted
- Final reports submitted
- Real property and equipment records

2. **Departmental Responsibilities.** County employees who are responsible for creating or maintaining the covered documents in this Policy shall comply with the terms of this Policy. Failure to do so may subject the County to civil and/or criminal liability. Any employee who fails to comply with this Records Retention Policy may be subject to disciplinary action.

3. **Storage.** Records must be stored in a safe secure, and accessible manner. Wherever practicable, such records should be collected, transmitted, and stored in open and machine-readable formats.

4. **American Rescue Plan Act ("ARPA") Funds.** All financial and programmatic records related to the use and expenditure of ARPA funds must be maintained for a period of five (5) years after all ARPA funds have been expended or returned to U.S. Treasury, whichever is later. The County must retain records for real property and equipment acquired with ARPA funds for five (5) years after final disposition.

   The NC Department of Cultural Resources publishes its Records Retention and Disposition Schedules. Each department will maintain all records in compliance with this schedule as well as each grantor agency requirements. These may be maintained in either paper or electronic form but must be accessible when needed.

5. **Additional information may be found at:**

   [https://www.ncdcr.gov/resources/records-management](https://www.ncdcr.gov/resources/records-management)
I. POLICY OVERVIEW
Title 2 U.S. Code of Federal Regulations Part 200, (2 CFR 200) Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, commonly called Uniform Guidance (“UG”), specifically Subpart D, defines requirements of pass-through entities initiating subaward agreements with Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (“ARP/CSLFRF”). Catawba County (“County”) shall adhere to all applicable subaward and monitoring requirements governing the use of ARP/CSLFRF. This policy establishes procedures for classifying, making an award to, and monitoring a sub-recipient consistent with ARP/CSLFRF grant award terms and all applicable federal regulations in the UG.

Responsibility for following these guidelines lies with the County ARPA Team, which is comprised of staff from County Management, Legal, Budget, Finance, and Purchasing, who are charged with the administration and financial oversight of ARPA funds.

II. DEFINITIONS
Capitalized terms used in this Policy shall have the meaning set forth in 2 C.F.R. § 200.1.

III. SUBRECIPIENT CLASSIFICATION
The County must make a case-by-case determination whether an agreement with another government entity or private entity, that is not a beneficiary, casts the party receiving the funds in the role of a subrecipient or contractor (2 CFR 200.331).

A subaward is for the purpose of carrying out a portion of a Federal award and creates a Federal assistance relationship with the subrecipient. Characteristics which support the classification of the non-Federal entity as a subrecipient include when the non-Federal entity:

(1) Determines who is eligible to receive what Federal assistance;
(2) Has its performance measured in relation to whether objectives of a Federal program were met;
(3) Has responsibility for programmatic decision-making;
(4) Is responsible for adherence to applicable Federal program requirements specified in the Federal award; and
(5) In accordance with its agreement, uses the Federal funds to carry out a program for a public purpose specified in authorizing statute, as opposed to providing goods or services for the benefit of the pass-through entity.

A contract is for the purpose of obtaining goods and services for the non-Federal entity's own use and creates a procurement relationship with the contractor. Characteristics indicative of a procurement relationship between the non-Federal entity and a contractor are when the contractor:

(1) Provides the goods and services within normal business operations;
(2) Provides similar goods or services to many different purchasers;
(3) Normally operates in a competitive environment;
(4) Provides goods or services that are ancillary to the operation of the Federal program; and
(5) Is not subject to compliance requirements of the Federal program as a result of the agreement, though similar requirements may apply for other reasons.

In determining whether an agreement between a pass-through entity and another non-Federal entity casts the latter as a subrecipient or a contractor, the substance of the relationship is more important than the form of the agreement. All of the characteristics listed above may not be present in all cases, and the County must use judgment in classifying each agreement as a subaward or a procurement contract.

The County will use the above criteria to determine if an agreement involving the expenditure of ARP/CSLFRF is a contract or subaward. The Grants Manager will document the determination using Form 1: Subrecipient or Contractor Classification Checklist.

If the agreement involves a contractor relationship (including a contract for services), the County must follow its Purchasing Ordinance when entering into a contract.

If the agreement involves a subrecipient relationship, the County must proceed to Sections IV. through VII. below.

IV. ASSESSMENT OF RISK
Before engaging in a subaward, the County must evaluate a subrecipient's risk of noncompliance with Federal statutes, regulations, and the terms and conditions of the subaward to determine whether to award the subaward and the appropriate subrecipient monitoring.

County will conduct the risk assessment, which will include consideration of the following factors:

1. The subrecipient’s prior experience with the same or similar subawards;
2. The results of previous audits including whether or not the subrecipient receives a Single Audit in accordance with 2 CFR 200 Subpart F and the extent to which the same or similar subaward has been audited as a major program;
3. Whether the subrecipient has new personnel or new or substantially changed systems; and
4. The extent and results of Federal awarding agency monitoring (e.g., if the subrecipient also receives Federal awards directly from a Federal awarding agency). 2 CFR 200.332(b).

The results of the risk assessment must be documented using Form 2: Subrecipient Assessment of Risk, and will use the results to determine the types and degree of subrecipient monitoring. The County will assign an overall risk level to the subrecipient indicating the following:

<table>
<thead>
<tr>
<th>Low Risk</th>
<th>Moderate Risk</th>
<th>High Risk</th>
</tr>
</thead>
<tbody>
<tr>
<td>There is a low risk that the subrecipient will fail to meet project or programmatic objectives or incur significant deficiencies in financial, regulatory, reporting, or other compliance requirements.</td>
<td>There is moderate risk that the subrecipient will fail to meet project or programmatic objectives or incur significant deficiencies in financial, regulatory, reporting, or other compliance requirements.</td>
<td>There is high risk that the subrecipient will fail to meet project or programmatic objectives or incur significant deficiencies in financial, regulatory, reporting, or other compliance requirements.</td>
</tr>
</tbody>
</table>

If a proposed subrecipient is deemed high risk, the Grants Manager must provide written justification to the County Manager to proceed with the subaward.
V. SUBRECIPIENT MONITORING
The County will develop and implement a subrecipient monitoring plan for the particular subaward based on the findings of the Subrecipient Assessment of Risk. According to 2 CFR 200.332(d), the monitoring plan must involve:

1. Reviewing financial and performance reports required by the pass-through entity.
2. Following-up and ensuring that the subrecipient takes timely and appropriate action on all deficiencies pertaining to the Federal award provided to the subrecipient from the pass-through entity detected through audits, on-site reviews, and written confirmation from the subrecipient, highlighting the status of actions planned or taken to address Single Audit findings related to the particular subaward.
3. Issuing a management decision for applicable audit findings pertaining only to the Federal award provided to the subrecipient from the pass-through entity as required by 2 CFR 200.521.
4. The pass-through entity is responsible for resolving audit findings specifically related to the subaward and not responsible for resolving crosscutting findings. If a subrecipient has a current Single Audit report posted in the Federal Audit Clearinghouse and has not otherwise been excluded from receipt of Federal funding (e.g., has been debarred or suspended), the pass-through entity may rely on the subrecipient’s cognizant audit agency or cognizant oversight agency to perform audit follow-up and make management decisions related to cross-cutting findings in accordance with section 2 CFR 200.513(a)(3)(vii). Such reliance does not eliminate the responsibility of the pass-through entity to issue subawards that conform to agency and award-specific requirements, to manage risk through ongoing subaward monitoring, and to monitor the status of the findings that are specifically related to the subaward.

The County’s monitoring plan will vary based on the overall subrecipient risk assessment as low risk, medium risk, or high risk, detailed as follows:

<table>
<thead>
<tr>
<th>Subrecipient Deemed Low Risk</th>
<th>Subrecipient Deemed Medium Risk</th>
<th>Subrecipient Deemed High Risk</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Payment validations (monthly)</td>
<td>• More detailed financial reporting</td>
<td>• More detailed financial reporting</td>
</tr>
<tr>
<td>• Report reviews (quarterly)</td>
<td>• Payment validations (monthly)</td>
<td>• Compliance training (one-time)</td>
</tr>
<tr>
<td>• Desk reviews (at least once per year and more frequently if requested by County or subrecipient)</td>
<td>• Report reviews (bi-monthly)</td>
<td>• Prior approvals for certain expenditures</td>
</tr>
<tr>
<td>• Onsite reviews (upon request of County or subrecipient)</td>
<td>• Desk reviews (within 6 months of project start and every six months thereafter)</td>
<td>• Payment validations (monthly)</td>
</tr>
<tr>
<td>• Audit review (yearly)</td>
<td>• Onsite reviews (within 12 months of project start and annually thereafter, or more frequently as requested by [County/City/Town/Village] or subrecipient)</td>
<td>• Report reviews (monthly)</td>
</tr>
<tr>
<td></td>
<td>• Audit review (yearly)</td>
<td>• Desk reviews (within 3 months of project start and at least quarterly thereafter)</td>
</tr>
<tr>
<td></td>
<td>• Procedures engagement (if subrecipient not subject to Single Audit Act; yearly)</td>
<td>• Onsite reviews (within 6 months of project start and bi-annually thereafter, or more frequently as requested by County or subrecipient)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Audit review (yearly)</td>
</tr>
</tbody>
</table>
A. **Payment validation**: All subrecipient documentation for project expenditures must be reviewed by the County for compliance with subaward requirements. Any non-compliant expenditures will be denied and the subrecipient will be provided a reasonable description of the reason for denial and an opportunity to cure the deficiency. For a subrecipient on a reimbursement-based payment structure, the validation will occur before a reimbursement payment is approved. For a subrecipient that received an up-front payment, any funds found to have been expended in violation of the subaward requirements must be repaid to the County.

B. **Report review**: A subrecipient must submit quarterly financial and performance reports, based on the schedule set forth in the subaward. The nature and scope of the reports will depend on the project. The reports will be reviewed by the County Grants Manager. Any deficiencies or other performance concerns will be addressed with the subrecipient in a timely manner and could trigger additional monitoring requirements or other interventions, as specified in the subaward.

C. **Desk review**: The County will conduct a meeting to review the subrecipient’s award administration capacity and financial management. The meeting may be held virtually or in person. Topics covered will depend on project scope and subrecipient risk assessment and may include governance, budgeting, accounting, internal controls, conflict of interest, personnel, procurement, inventory, and record keeping. The County will produce a report which summarizes the results and any corrective actions if deemed necessary. The report will be shared in a timely manner with the subrecipient.

D. **Onsite review**: The County will conduct an on-site meeting at the subrecipient’s location to review the subrecipient’s project performance and compliance. Topics covered will depend on project scope and subrecipient risk assessment and may include project procurement, data systems, activity and performance tracking, project reporting, inventory, and software systems. The County will produce a report which summarizes the results and any corrective actions deemed necessary. The report will be shared in a timely manner with the subrecipient.

E. **Audit review**: The County must verify that every subrecipient is audited as required by 2 CFR 200 Subpart F (Single Audit) when it is expected that the subrecipient’s Federal awards expended during the respective fiscal year equaled or exceeded the threshold set forth in 2 CFR 200.501. The County must obtain a copy of the subrecipient’s Single Audit from the Federal Audit Clearinghouse (“FAC”). Within six (6) months of the acceptance of the audit report by the FAC, the County will issue a management decision for any audit findings related to the subaward. The decision will clearly state whether or not the audit finding is sustained, the reasons for the decision, and the expected auditee action to repay disallowed costs, make financial adjustments, or take other action. (The decision will include reference numbers the auditor assigned to each finding.) The decision will provide a timetable for responsive actions by the subrecipient. Prior to issuing the management decision, the County may request additional information or documentation from the auditee, including a request for auditor assurance related to the documentation, as a way of mitigating disallowed costs.

F. **Procedures engagement**: Applicable only to subrecipients who are not subject to the Single Audit Act. An auditor will perform specific procedures and report on findings. The scope must be limited to the following compliance requirements: activities allowed or unallowed; allowable costs/cost principles;
eligibility; and reporting. The review will be arranged and paid for by the County. The County will verify completion of the procedures engagement. Within six (6) months of the acceptance of the procedures engagement report, the County will issue a management decision for any findings related to the subaward. The decision will provide a timetable for responsive actions by the subrecipient. Prior to issuing the management decision, the County may request additional information or documentation from the subrecipient, including a request for auditor assurance related to the documentation, as a way of mitigating disallowed costs.

The specific monitoring plan for each subrecipient, including the type and frequency of reviews, will be detailed in the subaward agreement. For all requirements beyond those listed under the Low Risk category above, the County will notify the subrecipient of the following in the subaward:

1. The nature of the additional requirements;
2. The reason why the additional requirements are being imposed;
3. The nature of the action needed to remove the additional requirement, if applicable;
4. The time allowed for completing the actions if applicable; and
5. The method for requesting reconsideration of the additional requirements imposed.

To implement the monitoring plan, County must perform periodic reviews and document findings in Form 3: Subrecipient Monitoring Form.

VI. SUBRECIPIENT INTERVENTIONS

The County may adjust specific subaward conditions as needed, in accordance with 2 CFR 200.208 and 2 CFR 200.339. If the County determines that the subrecipient is not in compliance with the subaward, the County may institute an intervention. The degree of the subrecipient’s performance or compliance deficiency will determine the degree of intervention. All possible interventions must be indicated in the subaward agreement.

The County must provide written notice to the subrecipient of any intervention within thirty (30) days of the completion of a report review, desk review, onsite review, audit review, or procedures engagement review or as soon as possible after the County otherwise learns of a subaward compliance or performance deficiency.

Pursuant to 2 CFR 200.208, the written notice must notify the subrecipient of the following related to the intervention:

1. The nature of the additional requirements;
2. The reason why the additional requirements are being imposed;
3. The nature of the action needed to remove the additional requirement, if applicable;
4. The time allowed for completing the actions if applicable; and
5. The method for requesting reconsideration of the additional requirements imposed.

The following interventions may be imposed on a subrecipient, based on the level of the compliance or performance deficiency:

**Level 1 Interventions.** These interventions may be required for minor compliance or performance issues.

1. Subrecipient addresses specific internal control, documentation, financial management, compliance, or performance issues within a specified time period
2. More frequent or more thorough reporting by the subrecipient
3. More frequent monitoring by the County
(4) Required subrecipient technical assistance or training

**Level 2 Interventions.** These interventions may be required, in addition to Level 1 interventions, for more serious compliance or performance issues.

1. Restrictions on funding payment requests by subrecipient
2. Disallowing payments to subrecipient
3. Requiring repayment for disallowed cost items
4. Imposing probationary status on subrecipient

**Level 3 Interventions.** These interventions may be required, in addition to Level 1 and 2 interventions, for significant and/or persistent compliance or performance issues.

1. Temporary or indefinite funding suspension to subrecipient
2. Nonrenewal of funding to subrecipient in subsequent year
3. Terminate funding to subrecipient in the current year
4. Initiate legal action against subrecipient

VII. **SUBAWARD AGREEMENT & EXECUTION**
The subaward agreement will be drafted by the County Attorney. Contract terms and conditions may vary based on several factors, including subrecipient risk assessment findings, as documented in the Subrecipient Assessment of Risk. The County Manager may fully execute subaward agreements, subject to any required budget amendments by the Board of Commissioners, preaudit requirements, and any other contract execution prerequisites set by the County.

VIII. **RELATED FORMS**
Form 1: *Subrecipient or Contractor Classification Checklist*
Form 2: *Subrecipient Assessment of Risk*
Form 3: *Subrecipient Monitoring Form*
MEMORANDUM

TO: Catawba County Board of Commissioners

FROM: Tax Administrator

DATE: July 18, 2022

IN RE: Tax Release / Refund Request

REQUEST
The Tax Administrator requests the Board of Commissioners approve ten (10) releases totaling $2,773.07, one (1) refund totaling $54.09, and sixty-six (66) Motor Vehicles Bill adjustments / refunds totaling $7,678.92, requested during the month of June.

BACKGROUND
North Carolina General Statute 105-381(b) states upon receipt of a taxpayer's written request for release or refund, the taxing unit's governing body has 90 days to determine whether the taxpayer’s request is valid and to either approve the release or refund of the incorrect portion or to notify the taxpayer in writing that no release or refund will be made.

During the month of June, Tax Office staff has checked records and verified the legitimacy of ten (10) release requests totaling $2,773.07, one (1) refund totaling $54.09 and sixty-six (66) Motor Vehicle Bill adjustments / refunds totaling $7,678.92.

Common reasons for release of tax bill amounts include change in values and months, change in situs, businesses closing / being sold, clerical errors, listing errors, material changes in property structures and change in ownership. The refund request is due to a situs error. The motor vehicle bill adjustments are largely due to pro-ratin of tax bill amounts to account for mid-year transfers of ownership, change in values and change in situs. (A detailed transaction summary of individual transactions is attached.)

Consistent with current practice, the Tax Collector will continue to present any material refunds or releases of significant dollar amounts individually, rather than bundled together with other minor transactions on consent agenda.

RECOMMENDATION
Staff recommends the Board of Commissioners approve ten (10) releases totaling $2,773.07, one (1) refund totaling $54.09, and sixty-six (66) Motor Vehicle Bill adjustments / refunds totaling $7,678.92 requested during the month of June.
COMMISSIONER APPROVAL OF RELEASES & REFUNDS

TIME PERIOD: June 1, 2022 Thru June 30, 2022

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<td>COUNTY GRAND TOTAL</td>
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NEW MOTOR VEHICLE SYSTEM REFUNDS (VTS)

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<tr>
<th></th>
<th>MOTOR VEHICLE NCVTS</th>
<th>TOTALS</th>
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<tbody>
<tr>
<td></td>
<td>$7,678.92</td>
<td></td>
</tr>
</tbody>
</table>

RANDY ISENHOWER
CHAIRMAN OF THE BOARD
CATAWBA COUNTY BOARD OF COMMISSIONERS
| Abstract Number (Please include leading zeros) | Year For which release/refund requested | Owner Name as Billed (Last, First, Middle) | Release / Refund? | Original Value | Corrected Value | RELEASE / REFUND AMOUNT | Reason (Please do not use all CAPS. Use correct capitalization) |
|-----------------------------------------------|----------------------------------------|--------------------------------------------|------------------|----------------|-------------------|---------------------------------|
| 3062429                                       | 2021                                   | Fredell, Sandy Martin                       | Release          | 16,820         | 0                 | $392.14                        | Taxpayer showed proof they were in FL during the Gap bill period. |
| 3062111                                       | 2021                                   | Little, Patrick Aaron                       | Release          | 26,380         | 0                 | $290.78                        | Taxpayer showed proof that he was in TX during Gap period          |
| 2289406                                       | 2010                                   | Mason, Roberta                              | Release          | 15,299         | 0                 | $205.02                        | Taxes on the boat had been paid for in South Carolina.             |
| 2289406                                       | 2011                                   | Mason, Roberta                              | Release          | 14,228         | 0                 | $180.76                        | Taxes on the boat had been paid for in South Carolina.             |
| 2289406                                       | 2012                                   | Mason, Roberta                              | Release          | 13,232         | 0                 | $160.37                        | Taxes on the boat had been paid for in South Carolina.             |
| 2289406                                       | 2013                                   | Mason, Roberta                              | Release          | 12,306         | 0                 | $141.97                        | Taxes on the boat had been paid for in South Carolina.             |
| 2289406                                       | 2014                                   | Mason, Roberta                              | Release          | 11,445         | 0                 | $125.35                        | Taxes on the boat had been paid for in South Carolina.             |
| 1996031                                       | 2021                                   | Pogue, Mark D                               | Release          | 3,671          | 243               | $27.51                         | The 2006 Bayliner 175BR and 2006 Kara Trailer was marked off of the 2019 Bill but put back on for 2020 in error. Releasing 2021 Bill. |
| 3067359                                       | 2021                                   | S & V Transportation LLC                    | Release          | 31,500         | 0                 | $440.63                        | IRP tagged truck and trailer not located in North Carolina.       |

<p>| Abstract Number (Please include leading zeros) | Year For which release/refund requested | Owner Name as Billed (Last, First, Middle) | Release / Refund? | Original Value | Corrected Value | RELEASE / REFUND AMOUNT | Reason (Please do not use all CAPS. Use correct capitalization) |
|-----------------------------------------------|----------------------------------------|--------------------------------------------|------------------|----------------|-------------------|---------------------------------|
| 3062073                                       | 2021                                   | Little, Patrick Aaron                       | Refund           | 4,640           | 0                 | $54.09                         | Taxpayer showed proof that he was in TX during Gap period.          |</p>
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<th>Payee Name</th>
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<th>Address 2</th>
<th>Address 3</th>
<th>Plate Number</th>
<th>Refund Description</th>
<th>Reason</th>
<th>Refund Jurisdiction</th>
<th>Levy Type</th>
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<th>Total Change</th>
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Report Date 7/1/2022 3:55:53 PM
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<th>Name</th>
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<th>Refund/Adjustment Details</th>
<th>Exempt Property Details</th>
<th>Vehicle Sale Details</th>
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</table>

Note: The table contains information about pending refund reports for various individuals and addresses, including details about adjustments, prorations, and vehicle sales.
### North Carolina Vehicle Tax System

**NCVTS Pending Refund report**

Report Date 7/1/2022 3:55:53 PM

<table>
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<tr>
<th>Name</th>
<th>Address</th>
<th>Tag Number</th>
<th>Refund Generated due to proration on Bill</th>
<th>County</th>
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Budget Transfers: Pursuant to Board authority granted to the County Manager, the following budget transfer has been completed:

**Special Contingency Transfers:**

*Register of Deeds Preservation Grant*

**Transfer**

*From:*

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*To:*

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The Register of Deeds Office was awarded a grant from the North Carolina Office of State Budget and Management in the amount of $2,000.00.
CATAWBA COUNTY BOARD OF COMMISSIONERS

PROPOSED PLAN CONSISTENCY AND REASONABLENESS STATEMENT

Zoning Amendment Request: Four parcels totaling 635 acres from R-40 Residential to R-80-Conditional District (R-80-CD) (RZ2022-04) to allow for a utility-scale solar facility. The properties are identified by Parcel Identification Numbers 3617-04-73-9646, 3617-04-61-5203, 3616-01-49-9954, and 3616-02-78-2925 recognized in the 321 Eco-Tech Development Plan and Startown Small Area Plan.

The Catawba County Board of Commissioners finds the request inconsistent with the 321 Eco-Tech Development Plan, adopted July 2011, Map 6, Future Land Use Recommendations, recommending low-density residential use for the properties identified in the request. Additionally, the request is inconsistent with the Startown Small Area Plan, adopted October 2005, which also recommended the properties for low-density (1 dwelling per 2 acres) residential use. The request is consistent with the Startown Small Area Plan’s recommendation for conservation of land along the South Fork River and the 321 Eco-Tech Development Plan’s recommendation for providing opportunity for Carolina Thread Trail location, but remains inconsistent with the overall land use recommendations for low-density residential.

Pursuant to NCGS 160D-605, the Catawba County Board of Commissioners finds the use of a utility-scale solar facility at this location to be an unreasonable request due to:

1) The concern for future water quality of adjacent properties and the South Fork River;
2) The concern over noise from inverters necessary for power conversion and their proximity to adjacent properties;
3) Concern for health issues;
4) Finding the request inconsistent with residential use and development pattern recommendations; and
5) Its not being in the public’s interest.

This the 18th day of July 2022.

__________________________
C. Randall Isenhower, Chair
REQUEST
An excise tax refund request in the amount of $381.00 was submitted to the Register of Deeds and the Board of Commissioners. The Register of Deeds verified the refund and recommends approval of the refund request.

BACKGROUND
The Law Offices of Amos & Kapral requested a refund of excise taxes paid to the Register of Deeds Office on April 5, 2022, in the amount of $381.00. The Law Office electronically recorded a deed and paid the correct excise tax. They subsequently recorded a correction deed and were charged the excise tax again.

Pursuant to NCGS 105-228.37, a taxpayer who has overpaid an excise tax may request, in writing, a refund for the amount that was paid in error, and the Board must conduct a hearing on the request within ninety (90) days after the request was filed. The request is attached.

RECOMMENDATION
It is recommended that the Board of Commissioners approve a refund to Amos & Kapral for the overpayment of the excise tax paid to the Register of Deeds in the amount of $381.00.
MEMORANDUM

TO: Catawba County Board of Commissioners
FROM: Jodi Stewart, County Attorney
DATE: July 18, 2022
SUBJECT: SECC Business Park Combination Deed

REQUEST

Staff requests the Board of Commissioners approve a deed combining five parcels of land located on East Maiden Road and owned by Catawba County.

BACKGROUND

The County owns five contiguous tracts of land on East Maiden Road as shown on the attached map. For development and zoning purposes, the parcels need to be combined by recording the attached combination deed.

RECOMMENDATION

Staff recommends the Board of Commissioners approve the attached deed combining five parcels on East Maiden Road.
This map/report product was prepared from the Catawba County, NC Geospatial Information Services. Catawba County has made substantial efforts to ensure the accuracy of location and labeling information contained on this map or data on this report. Catawba County promotes and recommends the independent verification of any data contained on this map/report product by the user. The County of Catawba, its employees, agents, and personnel, 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/report product or the use thereof by any person or entity.
NORTH CAROLINA GENERAL WARRANTY DEED
DEED OF RECOMBINATION

Excise Tax: Zero Dollars

Parcel Identifier No. 368601358496; LRK/REID 16000
Parcel Identifier No. 368601453319; LRK/REID 16001
Parcel Identifier No. 368601457470; LRK/REID 16002
Parcel Identifier No. 368614346846; LRK/REID 16003
Parcel Identifier No. 368601363069; LRK/REID 16013

Mail/Box to: Jodi Stewart, Post Office Box 389, Newton, NC 28658

This instrument was prepared by: Jodi Stewart, Post Office Box 389, Newton, NC 28658

Brief description for the Index: Various Parcels, Maiden NC

THIS DEED made this ________ day of July, 2022, by and between

GRANTOR | GRANTEE
---|---
Catawba County | Catawba County
A North Carolina Body Politic | A North Carolina Body Politic
Post Office Box 389 | Post Office Box 389
Newton, North Carolina 28658 | Newton, North Carolina 28658

Enter in appropriate block for each Grantor and Grantee: name, mailing address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration of the sum of ($0.00) DOLLARS indicating NO REVENUE RECEIVED, and no other good and valuable considerations in hand paid by Grantee has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all those certain lots or parcels of land situated in Newton Township, Catawba County, North Carolina and more particularly described as follows:

This deed is made for the purpose of combining five (5) tracts of property into a single parcel with one parcel identification number for ad valorem tax and tax mapping purposes.

PARCEL I: Tax Parcel Identification Number: 368601358496 (REID/LRK 16000)

BEGINNING at a common corner, now or formerly of Lottie G. Gilleland and a corner of the lands described in deed recorded in Book 283 at Page 591 and Book 272 at Page 279, Catawba County Registry, and runs thence along the line, now or
formerly, of Lottie G. Gilleland, South 36-30 West 413.5 feet to a corner in the center of the public road leading from Highway 150 to Maiden, corner now or formerly of Robert Spivey, Lottie G. Gilleland and Mary Setzer; thence with the center of said public road, South 80-01-East 516 feet to a nail in the center of said road, a new corner in the Fred Morrison line, now or formerly; thence a new line, North 13-19 East 1547.3 feet to an iron pin, a new corner in the line, now or formerly of Elbert P. Hicks; thence with Hicks, North 88-36 West 600 feet to an old iron, corner of Elbert Hicks and Doyle Gilleland; thence with Gilleland, South 0-14 West 1102 feet to the point of BEGINNING, and being Tract No. 1 containing 16.1 acres, more or less.

Being the Third Tract conveyed in Deed recorded in Book 1707, Page 728, Catawba County Public Registry.

BARRING AND EXCEPTING from the above described property that certain 1.39 acres +/- and .85 acres +/- conveyed to Ronald O. Gilleland and wife, Jill Turbyfill Gilleland by Deeds recorded in Book 988, Page 375 and Book 2447, Page 1633, Catawba County Public Registry

For reference to chain of title, see Deed Book 2962 at Page 426, Catawba County Registry.

The property hereinabove described was acquired by Grantor by North Carolina General Warranty Deed recorded in Book 3737, Page 1372, Catawba County Register of Deeds and by North Carolina Non-Warranty Deed recorded in Book 3737, Page 1381, Catawba County Register of Deeds.

PARCEL II: Tax Parcel Identification Number: 368601453319 (REID/LRK 16001)

BEGINNING at a nail in the center of the Public Road leading from Highway No. 150 to Maiden, said point being located South 80° 01' East 516 feet from the old iron corner of Lottie G. Gilleland, Robert Spivey and Mary Setzer in the center of said road and runs thence a new line North 13° 19' East 1547.5 feet to an iron pin, a new corner in the Elbert P. Hicks’ line; thence with Hicks South 88° 36' East 486.2 feet to an iron pin, a new corner in said Hicks’ line; thence another new line South 15° 14' West 1627.5 feet to a nail in the center of said Public Road in and in the line of William G. Gilleland estate; thence with the center of said road North 80° 01' West 400 feet to the point of BEGINNING, and being tract No. 2 containing 16.15 acres, more or less, according to a Plat and Survey made by Joe F. Robinson, Surveyor, dated July 1, 1970, entitled “M. O. Gilleland Estate”. See Deeds recorded in Book 272, Page 279 and Book 283, Page 591 and Book 960 at Page 588, Catawba County Registry.

The property hereinabove described was acquired by Grantor by North Carolina General Warranty Deed recorded in Book 3737, Page 1372, Catawba County Register of Deeds and by North Carolina Non-Warranty Deed recorded in Book 3737, Page 1381, Catawba County Register of Deeds.

PARCEL III: Tax Parcel Identification Number: 368601457470 (REID/LRK 16002)

BEGINNING at a nail in the center of the Public Road leading from Highway No. 150 to Maiden, said point being located South 80 deg. 01 min. East 916 feet from the common corner of Lattie G. Gilleland, Robert Spivey and Mary Setzer in the center of said road and runs thence along the center of said road South 80 deg. 01 min. East 400 feet to a nail in the center of said road, corner of Fred Drum; thence with Drum, and others, North 17 deg. 09 min. 09 min. East 1705.95 feet to an iron pin on the South side of the branch, corner of J. A. Gilleland and Elbert P. Hicks; thence with Hicks North 88 deg. 36 min. West along the branch 464.2 feet to an iron pin in the Hicks’ line; thence a new line South 15 deg. 14 min. West 1627.5 feet to the point of the BEGINNING, and being Tract No. 3 containing 16.15 acres, more or less, according to a Plat and Survey made by Joe F. Robinson, Surveyor, dated July 1, 1970, entitled “M. O. Gilleland Estate”. See Deeds recorded in Book 272, Page 279 and Book 283, Page 591, Catawba County Registry.

DEED REFERENCE: Book 960, Page 586, Catawba County Public Registry.

For further reference to chain of title, see Deed Book 1773 at Page 854, Catawba County Registry.

The property hereinabove described was acquired by Grantor by North Carolina General Warranty Deed recorded in Book 3737, Page 1372, Catawba County Register of Deeds and by North Carolina Non-Warranty Deed recorded in Book 3737, Page 1381, Catawba County Register of Deeds.

PARCEL IV: Tax Parcel Identification Number: 368614346846 (REID/LRK 16003)

Tract 1
BEGINNING at a corner in the center of SR 1855, the common corner of Lattie G. Gilleland Estate, Robert Spivey and Mary Setzer, and running thence along the line of Lattie G. Gilleland Estate, North 36° 30' East 413.15 feet to an iron, an old corner of the Estate of Lattie G. Gilleland; thence a new line, South 80° East 71.45 feet to an iron, a new corner; thence another new line, South 9° 57' West 370 feet to a corner in the center of the public road, a new corner, after passing an iron 30 feet back; thence with the center of the road and in the line of Robert L. Parlier and then the line of Mary Setzer, North 80° 01' West 256.23 feet to the point of BEGINNING, containing 1.39 acres, more or less, as shown on a survey and plat made by Joe F. Robinson, Surveyor, dated July 1, 1970, entitled “M.O. Gilleland Estate,” said lot being surveyed in December, 1971.

For reference to chain of title see Deed Book 960, Page 587.

Tract 2

BEGINNING an existing iron pipe, 1 1/2” solid, a common corner of Fred Long Drum and Ronald Oscar Gilleland, from a corner of Gilleland in the center of State Road 1855; thence with the line of Fred Long Drum North 00°42’37” West 308.91 feet to a ½” rebar set at a corner of the Gillelands; thence a new line South 85°58’52” East 137.61 feet to a ½” rebar set; thence a new line South 06°07’58” West 316.67 feet to a ½” rebar, set in a new corner; thence a new line North 80°50’29” West 29.45 feet to an iron marker, a corner of Ronald Oscar Gilleland; thence North 81°71’43” West 71.37 feet to the point of BEGINNING. Being more or less 0.85 acre and constituting an addition and recombination to the land of Ronald Oscar Gilleland and wife, Jill T. Gilleland recorded in Deed Book 988 at Page 375 at the Catawba County Registry.

For reference to chain of title, see Deed Book 1707 at Page 728 at the Catawba County Registry.

A map showing the Property is recorded in Plat Book 56 at Page 142, Catawba County Registry.

The property hereinabove described was acquired by Grantor by North Carolina General Warranty Deed recorded in Book 3711, Page 0088, Catawba County Register of Deeds and by North Carolina Non-Warranty Deed recorded in Book 3711, Page 0091, Catawba County Registry.

PARCEL V: Tax Parcel Identification Number: 368601363069 (REID/LRK 16013)

BEGINNING at a corner in the center of State Road No. 1888 in the line of Elbert Hicks property and running thence with the center of State Road No. 1888 South 41°15’ West 300 feet to a corner in the center of said highway; thence continuing with the approximate center of said highway South 37’00’ West 420 feet to a corner at the West edge of said road at culvert; thence leaving the road and running South 67°40’ East 743 feet with the line of Mrs. L.G. Gilleland to an iron pin, Mrs. L.G. Gilleland’s corner in the line of Mrs. M.O. Gilleland; thence running with the line of Mrs. M.O. Gilleland North 4°00’ East 496.5 feet to an old pin, common corner of Mrs. M.O. Gilleland and Elbert Hicks property; thence running with the Elbert Hicks property line North 28°00’ West 411.8 feet to an iron pin, corner of Elbert Hicks; thence running with another of the Elbert Hicks property lines North 83°15’ West 88 feet to the point of BEGINNING, containing 7.80 acres, more or less, according to a survey and plat thereof made by Joe F. Robinson, Registered Surveyor, on the 28th day of January, 1970.

For reference to chain of title, see Deed Book 148 at page 473; and Deed Book 339 at page 181, Catawba County Registry.

For further reference to chain of title see Deed Book 3485, Page 1819, Catawba County Registry.

The property hereinabove described was acquired by Grantor by North Carolina General Warranty Deed recorded in Book 3737, Page 1372, Catawba County Register of Deeds and by North Carolina Non-Warranty Deed recorded in Book 3737, Page 1381, Catawba County Register of Deeds.

Preparer of this deed has not performed a title search or title exam with respect to this property.

All or a portion of the property herein conveyed ___ includes or ___ does not include the primary residence of a Grantor.

A map showing the above described property is recorded in Plat Book ________ page ________.
TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

{Seal}

C. Randall Isenhower, Chairman, Catawba County Board of Commissioners

ATTESTED BY:

Dale R. Stiles, Clerk

STATE OF NORTH CAROLINA
COUNTY OF CATAWBA

I, ____________________________, a Notary Public, do hereby certify that Dale R. Stiles personally appeared before me this day and acknowledged that she is County Clerk and that, by authority duly given and as the act of the Catawba County Board of Commissioners, the foregoing instrument was signed in its name by its Chair, sealed with its corporate seal, and attested by herself as its Clerk.

Witness my hand and official seal, this the _____ day of _______________________________, 2022.

{Seal}

Notary Public
Printed Name: ____________________________
My Commission Expires: ____________________________