

## **AGENDA**

Catawba County Board of Commissioners Meeting  
Tuesday, September 2, 2025, 7:00 p.m.  
Board of Commissioners Meeting Room 2<sup>nd</sup> 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 August 18<sup>th</sup>, 2025.](#)
5. Recognition of Special Guests.
6. Public Comments.
7. Consent Agenda.
  - a. [Countywide Copier Lease Renewal-GASB 87 Recognition.](#)
  - b. [Rescue Squads Special Revenue Fund Closeout.](#)
  - c. [Lake Norman Woods Wastewater Package Plant Replacement.](#)
  - d. [Parks Ordinance Revisions.](#)
  - e. [Construction Bid Rejection: Blackburn Resource Recovery Landfill Waste Processing Facility Relocation.](#)
  - f. [Declare Badge and Weapon as Surplus for Retiring Deputy Scott Gay.](#)
8. Other Items of Business.
9. Manager's Report.  
Budget Transfer.
10. Attorney's Report.  
[Lake Norman Marine Commission Ordinance Revisions.](#)
11. 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, September 15, 2025, at 7:00 p.m., in the Board of Commissioners Meeting Room of the Catawba County Justice Center.

## MEMORANDUM

**To:** Catawba County Board of Commissioners  
**From:** Finance and Personnel Subcommittee  
**Date:** September 2, 2025  
**Subject:** Countywide Copier Lease Renewal-GASB 87 Recognition

### **Request**

The Finance and Personnel Subcommittee requests the Board of Commissioners approve appropriations in the amount of \$846,860 to recognize the county-wide copier lease as a long-term debt obligation to comply with GASB 87 requirements.

### **Background**

In January 2025, the County's five-year copier lease expired and was replaced with a month-to-month arrangement with existing pricing until a new contract could be negotiated. Staff worked with vendors to procure a comprehensive lease agreement inclusive of all county departments. Historically, Social Services negotiated its lease agreement apart from the county-wide agreement. With the expiration of both agreements occurring in fiscal year 2025, staff seized the opportunity to consolidate the agreements for efficiency and cost savings. The 59-month lease agreement was recently finalized with a total value of \$846,860 for the full term. The copier lease must be recognized as a long-term debt obligation under GASB 87. Lease payments to service the debt are budgeted through each department's annual operating budget. The recognition of the debt and right-to-use assets needs to be appropriated.

### **Recommendation**

The Finance and Personnel Subcommittee recommends the Board of Commissioners approve appropriations in the amount of \$846,860 to recognize the countywide copier lease as a long-term debt obligation to comply with GASB 87 requirements.

### **Supplemental Appropriation**

110-190050-690415	Lease Liabilities Issued	\$846,860
110-190050-980100	Capital Outlay-Lease	\$846,860

## MEMORANDUM

**To:** Catawba County Board of Commissioners  
**From:** Finance and Personnel Subcommittee  
**Date:** September 2, 2025  
**Subject:** Closeout of Rescue Squads Special Revenue Fund

### **Request**

The Finance and Personnel Subcommittee requests the Board of Commissioners approve a fund transfer of the remaining fund balance of \$46,804.71 in the rescue squads special revenue fund to the capital projects fund and appropriate the funds to the existing Future Public Safety capital project.

### **Background**

With adoption of the FY25 budget, County management made the decision to simplify the budgeting and accounting associated with rescue squad operations. The estimated available fund balance from the rescue squad special revenue fund was intended to be transferred in part to the general fund to fund FY25 rescue squads operating and capital needs and in part to the general capital projects fund for future public safety projects. The intent was to close the rescue squads special revenue fund and recognize revenues and expenditures in the general fund, while allocating a portion of the balance for future public safety needs.

The amount adopted through the FY25 budget was not adequate to exhaust the rescue squads fund and, as a result, there is a remaining fund balance of \$46,804.71. To accomplish the simplified accounting structure as intended, staff requests the remaining fund balance of \$46,804.71 be transferred to the general capital projects fund and be appropriated to the existing Future Public Safety capital project.

### **Recommendation**

The Finance and Personnel Subcommittee recommend the Board of Commissioners approve a fund transfer of the remaining fund balance of \$46,804.71 in the rescue squads special fund to the capital projects fund and appropriate the funds to the existing Future Public Safety capital project.

### **Transfer Appropriation**

#### *Revenue*

240-260250-690100	Fund Balance Appropriated	\$46,804.71
410-460100-695240	Transfer from Rescue Squad Fund	\$46,804.71

#### *Expense*

240-260250-995410	Transfer to General Capital Project	\$46,804.71
410-460100-866999-12029	Future Public Safety Projects	\$46,804.71

## MEMORANDUM

TO: Catawba County Board of Commissioners  
FROM: Pete Shonka, P.E., Utilities and Engineering Director  
DATE: September 2, 2025  
IN RE: Lake Norman Woods Wastewater Package Plant Replacement.

### REQUEST:

The Finance and Personnel Subcommittee requests the Board of Commissioners:

1. Accept \$1,000,000 in legislatively directed grant funds for replacement of the Lake Norman Woods wastewater treatment infrastructure and establish a capital project for grant expenditure;
2. Authorize the County Manager to execute the required grant agreement with NC Office of State Management and Budget; and
3. Authorize the County Manager or her designee to execute an Engineering Services Agreement with WithersRavenel for project design services in the amount of \$456,100.00.

### BACKGROUND:

On May 14, 2025, the North Carolina General Assembly ratified House Bill 74, which was codified as Session Law 2025-4. This Session Law included a \$1,000,000 appropriation to Catawba County to support replacement of a failing private wastewater package treatment plant owned by and serving the Lake Norman Woods Subdivision.

After the bill passed, County staff met with representatives of the Lake Norman Woods Homeowners Association (HOA) to discuss the appropriation's statutory monitoring and expenditure requirements. Given the complexities of meeting the statutory procurement requirements, the HOA representatives requested the County's assistance, which the County has agreed to provide.

The County has selected WithersRavenel as design engineer for this project, through an existing Master Services Agreements for On-Call Water and Sewer Engineering/Planning Services. These Master Services Agreements were procured in 2023, through Statements of Qualifications, in compliance with NCGS. WithersRavenel was chosen based on the depth of their experience in working with private package plants, which can be complex.

Several site visits and meetings were held with the HOA and WithersRavenel to establish a project scope for design services. The proposed agreement includes professional engineering services for development of design documents, permitting, development of bidding documents, conducting a formal competitive bidding process, and construction observation and administration services.

### RECOMMENDATION:

The Finance and Personnel Subcommittee recommends the Board of Commissioners:

1. Accept \$1,000,000 in legislatively directed grant funds for replacement of the Lake Norman Woods wastewater treatment infrastructure and establish a capital project for grant expenditure;
2. Authorize the County Manager to execute the required grant agreement with NC Office of State Management and Budget; and
3. Authorize the County Manager or her designee to execute an Engineering Services Agreement with WithersRavenel for project design services in the amount of \$456,100.00.

### APPROPRIATION

#### Revenue

286-190050-630568	OSBM Grant-Lake Norman Woods	\$1,000,000
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#### Expense

286-190050-868279	OSBM Grant-Lake Norman Woods	\$1,000,000
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## MEMORANDUM

**TO:** Catawba County Board of Commissioners  
**FROM:** Policy and Public Works Subcommittee  
**DATE:** September 2, 2025  
**SUBJECT:** Parks Ordinance Revisions

### **REQUEST**

The Policy and Public Works Subcommittee requests the Board of Commissioners approve the proposed revisions to Catawba County Code of Ordinances Chapter 20: *Use of County Parks and Recreational Areas* (currently Article IV, proposed to be recodified).

### **BACKGROUND**

Most of Chapter 20 Article IV, the section of Catawba County's Code of Ordinances related to the parks system, has not been updated since 1995. In 2024, through its strategic planning process examining the Nature and Culture focus area, the Board of Commissioners provided critical policy direction regarding the overall positioning of Catawba County's park system – the focus of County-owned recreational offerings will continue to be passive, and the near-term objective will be to maximize existing parks and nature-based assets versus acquiring and developing additional assets.

In advance of the Parks Master Plan update, to clarify the scope of the Board's policy guidance, several ordinance revisions are recommended. Most of the recommended changes are grammatical / clarifying, but more substantive changes are described below.

- Eliminates the use of "and recreational areas" throughout the article. This is recommended to clarify that the parks system is passive and does not include active recreation elements such as ball fields.
- Removes reference to private land that may be managed by the County and used for recreation by the public. This is not currently an arrangement present in the parks system, nor is it anticipated to be present in the future.
- Adds reference to recent technologies (drones and e-bikes) in appropriate sections.
- Eliminates reference to equestrian activities being allowed on designated park trails. The parks system currently does not allow horses on any trails and does not anticipate allowing in the future.
- Specifies that camping is not an allowable activity.

### **RECOMMENDATION**

The Policy and Public Works Subcommittee recommends the Board of Commissioners approve the proposed revisions to Catawba County Code of Ordinances Chapter 20: *Use of County Parks and Recreational Areas* (currently Article IV, proposed to be recodified).

**ARTICLE IV. USE OF COUNTY PARK AREAS<sup>1</sup>**

**Sec. 20-96. Intent and purpose.**

The availability of recreational opportunities for citizens of all ages is a subject of general interest and concern. The Board of Commissioners therefore declares that the public good and general welfare of the citizens of this County require adequate and safe parks and recreational areas. This article shall apply to parks and recreational areas owned or leased by the County.

(Code 1995, § 310.01)

**Sec. 20-97. Definitions.**

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

*Drone* is any uncrewed aerial vehicle, device, aircraft or ship, that is guided remotely or by onboard computers.

*E-Bikes* are class 1 electric bicycles that provide assistance to the rider through an electric motor when the rider is pedaling and cease to provide assistance when the bicycle reaches 20 m.p.h.

*Owner* means any person owning, leasing, operating or having the exclusive use of a vehicle, animal or any other property under a lease or otherwise.

*Parks* includes all aspects of the recreational area system owned or leased by the County.

*Parks Regulation* means any regulation adopted by the Board of Commissioners and posted as a county regulation.

*Vehicle* means any conveyance, except baby carriers or wagons, including motor vehicles, trailers of all types, campers, sleds, sleighs, pushcarts, or vehicles propelled by muscular power.

(Code 1995, § 310.02)

Cross reference(s)—Definitions generally, § 1-2.

**Sec. 20-98. Interpretation.**

In the interpretation of County Parks Regulations, provisions shall be constructed as follows:

- (1) Any requirement or prohibition of any act shall, respectively, extend to and include the causing or procuring, directly or indirectly, of such act.
- (2) No provision shall make unlawful any act necessarily performed by any officer or employee of the County in the line of duty or work as such or by any person, his agent or employees, in proper and necessary execution of the terms of any agreement with the County.

(Code 1995, § 310.03)

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<sup>1</sup>State law reference(s)—County authority to establish parks, G.S. 153A-444.

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**Sec. 20-99. Park preservation and prohibited activities.**

- (a) *Buildings and other property.* It shall be unlawful for any person to:
- (1) Mark, deface, disfigure, injure, tamper with or displace or remove any buildings; bridges; tables; benches; fireplaces; railings; paving materials; water lines or other public utilities or parts or appurtenances thereof; signs, notices or placards, temporary or permanent; monuments; stakes; posts; boundary markers; structures; equipment; facilities; or other Park property, either real or personal.
  - (2) Fail to cooperate in maintaining restrooms and washrooms in a neat and sanitary condition.
- (b) *Trees, shrubbery, lawns, wildlife habitat, etc.* It shall be unlawful for any person to:
- (1) Dig or remove any soil, rock, sand, stones, artifact, tree, shrub, plants or other wood or material or make any excavation by tool, equipment, blasting or other means or agency. Metal detecting and related excavations are prohibited within the Parks unless expressly authorized by the Park's Director.
  - (2) Damage, cut, carve, mark, transplant or remove any plant; injure the bark, pick flowers, or take seeds of any tree or plant; dig in or otherwise disturb grass areas; or in any other way injure the natural beauty or usefulness of any area.
  - (3) Damage or alter any wildlife habitat or area within the Park except as undertaken by authorized Park personnel or their agent as a bona fide wildlife management practice.
- (c) *Construction of buildings and use of public utilities.* It shall be unlawful for any person to construct or erect any building or structure of whatever kind, whether permanent or temporary, or run or string any public service or utility across such lands, except as authorized by a special written permit issued by the County.
- (d) *Pollution of waters or wetlands.* It shall be unlawful for any person to throw, discharge, or otherwise place or cause to be placed in the waters of the river or any other body of water any substance, liquid or solid, which will or may result in the pollution of those waters.
- (e) *Garbage and littering.* It shall be unlawful for any person to:
- (1) Take into, carry through, or put into the Park any rubbish, refuse, garbage or other waste material. Any refuse, rubbish, garbage or other waste material brought to or created while using the Park shall be deposited in receptacles provided around the Park. Where receptacles are not available, all such rubbish or waste shall be carried away from the Park by the person responsible for its presence and disposed of properly elsewhere.
  - (2) No person shall knowingly or intentionally break any glass bottle in the Park.
- (f) *Signs, banners, etc.* It shall be unlawful for any person to attach or place any sign, banner, wire, rope or cable, or any other contrivance to any building, sign, tree or other Park property except as allowed by permit.
- (g) *Pets.* It shall be unlawful for any person to cause or permit any animal, under a person's custody or control, to enter a County park, except as follows:
- (1) The animal is providing bona fide assistance for a person with a disability or is otherwise part of a Park program.
  - (2) Dogs/ Cats are permitted provided the following conditions are met:
    - a. They are kept on a leash, no longer than ten (10) feet, at all times and are under the constant control of the handler;

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- b. They have all required vaccines (rabies, parvo, distemper, etc.), and must display a current rabies tag at all times; and
    - c. They shall not enter the Park waters.
  - (3) Any violation of the rules of this subsection will result in the revocation of the privilege of bringing animals to the Park.
  - (h) *Aviation*. It shall be unlawful for any person to take off, land, cause to descend or take off any drone, airplane, flying machine, balloon, parachute, or other apparatus of aviation, including rockets and radio- or battery-controlled mechanisms.
  - (i) *Weapons, explosives, etc.* It shall be unlawful for any person to openly carry a handgun or possess on or about his person any deadly weapon, gun, other than a permitted concealed handgun, or any such instrument capable of causing serious bodily injury designed for use as a weapon including but not limited to any knife, switchblade, blackjack, dirk, dagger, sling-shot, loaded cane, metal knuckles, razor, stun gun, or nightstick.
  - (j) *Alcoholic beverages, drugs, fireworks, etc.* It shall be unlawful for any person to bring into or have in his possession:
    - (1) Any alcoholic beverage or narcotic drug, hallucinogen, or any other controlled substance without a valid physician's prescription; or
    - (2) Any fireworks, unless specially permitted by the County.
  - (k) *Unacceptable behavior*. It shall be unlawful for any person to:
    - (1) Engage in the following:
      - a. Sexual activity;
      - b. Sleep or protractedly lounge on seats, benches, floors or other areas;
      - c. Loud, boisterous, threatening, or abusive language;
      - d. Any disorderly conduct or behavior tending to a breach of the public peace; or
      - e. Play or emit loud music.

Parks staff on duty are empowered to determine whether noise is excessive or unreasonably disturbing.
    - (2) Engage in any activity which could create a hazard to the safety of themselves or other persons. Examples of such activity include but are not limited to archery, hitting of golf balls, etc.
    - (3) Interfere with or in any manner hinder any Park employee from performing their duties.
    - (4) Impersonate any employee of the Park for any reason.
  - (l) *Merchandising, vending and solicitation*. It shall be unlawful for any person to:
    - (1) Offer for sale or give away any article or thing within Park limits without first securing a permit from Park staff. Any authorized permit must be in the possession of the vendor at all times while on the premises of the Park and must be produced upon demand of any person.
    - (2) No solicitation shall be permitted within the Park at any time.

(Code 1995, § 310.04; Ord. No. 2013-08, 6-17-2013)



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**Sec. 20-100. Activities.**

- (a) *Swimming and bathing.* No person shall enter the water from a Park for purposes of swimming, bathing, or wading.
- (b) *Boating.* No motorized boats may be launched from Parks unless specifically authorized. Canoeing, rafting, and kayaking will be permitted so long as such activity is in compliance with this article
- (c) *Bicycling.* Where bicycles are permitted, bicycling shall be allowed on designated trails within the Parks. Participants are subject to the rules and regulations set forth herein. It shall be unlawful for any person to:
  - (1) Leave a bicycle lying on the ground or trails or set against trees or in any place or position where other persons may trip over or otherwise be injured by it;
  - (2) Ride a bicycle without reasonable regard for the safety of pedestrians and others; or
  - (3) Operate a motorized trail bike or any other motorized vehicle designed primarily for off-road use within the confines of the Parks. Notwithstanding the foregoing, Class 1 E-Bikes may be operated anywhere bicycles are permitted.
- (d) *Picnicking.* Rules for picnicking are as follows:
  - (1) Picnicking shall be permitted in designated areas.
  - (2) No person shall leave a picnic area before all trash is placed in the receptacles provided. If no such trash receptacles are available or are full, the trash shall be carried away from the Park by the user to be properly disposed of elsewhere.
  - (3) Fire and grilling will be permitted in the Parks only in designated areas. Any fire for grilling purposes shall be continuously under the care and direction of a competent person more than 16 years of age from the time it is kindled until it is extinguished. The gathering or cutting of any material within the Parks to build a fire or for any other purpose is strictly prohibited.
- (e) *Fishing and hunting.* Rules for fishing and hunting are as follows:
  - (1) Fishing is permitted only in designated areas so long as each person fishing possesses any necessary license and meets all provisions, regulations, and rules of the North Carolina Wildlife Resources Commission and County restrictions.
  - (2) Hunting is prohibited. No person shall molest, harm, frighten, kill, trap, hunt, chase, capture, shoot, feed, or throw missiles at any mammal, bird, reptile, or amphibian. No person shall remove or have in his possession the eggs, nests, or young of any mammal, bird, reptile, or amphibian.
- (f) *Special programs.* From time to time the County will allow educational groups, school groups, etc., access to Parks for special programs. In such case users must make application to the Park staff and are restricted to designated areas. Park staff shall determine any special requirements or conditions and have complete authority to determine if any requirement or condition is not being met at any time and have the authority to stop the program and have the individuals leave the premises.
- (g) No person shall camp or park a vehicle overnight within any Park. Camping means using property for living accommodation purposes by the erection, use or occupation of any tent, hut, lean-to, shack or temporary shelter for sleeping purposes or the laying down of bedding, such as a mat, blanket, sleeping bag or similar material for the purpose of sleeping.

(Code 1995, § 310.05)

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**Sec. 20-101. Permits.**

A permit to do any act allowed under this article shall authorize the act only when it is performed in strict accordance with the terms and conditions of the permit. Any violation by its holder or his agents or employees of any terms or conditions of a given permit shall constitute grounds for its revocation by Park staff. If any permit is revoked, all moneys paid or on deposit shall be forfeited and retained, and the holder of such permit, together with the agents and employees who violated such terms and conditions, shall be jointly and severally liable to the County for any damages and loss suffered by it in excess of money so forfeited and retained. However, neither such forfeiture and retention by the County, of the whole or any part of such moneys, nor the recovery or the collection of such damages or both shall in any manner relieve such person from liability to punishment for any violation of any provision of any Park regulation. All fees related to the use of County Parks are set forth in the fee schedule as adopted by the Board of Commissioners.

(Code 1995, § 310.06)

**Sec. 20-102. Closing when necessary.**

Any section or part of the Parks may be declared closed to the public due to safety issues, maintenance work, or any other relevant concerns. Reopening of the closed areas will occur as soon as possible without endangerment to the public.

(Code 1995, § 310.07)

**Sec. 20-103. Parking.**

No owner or driver shall cause or permit a vehicle to stand anywhere in the Park outside the designated parking spaces, except in a drive to receive or discharge passengers where permitted.

(Code 1995, § 310.08)

**Sec. 20-104. Enforcement.**

- (a) Enforcement of this article shall be as provided in this section.
- (b) Duly sworn law enforcement officers with jurisdiction in the County and Park staff, as authorized by the Board of Commissioners, shall have the duty and responsibility to enforce this article and shall be empowered to issue citations when any section of this article has been violated.
- (c) Any violation of any part of this article shall be a misdemeanor offense and subject the violator to the penalties as set forth in section 1-14 of this Code.
- (d) *Violations by minors.* No parent, guardian or custodian of any minor shall permit or allow any minor to do any act prohibited by this article.
- (e) Violations of section 20-100(e)(1) and (2) are punishable by the appropriate penalties and/or laws governing inland waters as set forth by the North Carolina Wildlife Resources Commission.

(Code 1995, § 310.10; Ord. No. 2022-03, 2-7-2022)

**Sec. 20-105. Amendments.**

The rules and regulations in this article may be amended periodically to ensure that the public health and safety are maintained and to guarantee the continued enjoyment of County Parks and programs.

(Code 1995, § 310.11)

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**Sec. 20-106. Lost and found.**

The County shall assume no responsibility for any articles lost or stolen while within the confines of the Park. However, any articles turned into Park staff shall be kept in the Park office for no more than 30 days. Items not claimed after 30 days shall become the property of the County.

(Code 1995, § 310.12)

**Sec. 20-107. Liability and risk.**

The County assumes no liability for any individual using the Parks. All individuals participating in any activity while in a County Park do so at their own risk.

(Code 1995, § 310.13)

## **MEMORANDUM**

TO: Catawba County Board of Commissioners

FROM: Tina Wright, Purchasing Manager

DATE: September 2, 2025

IN RE: Blackburn Resource Recovery Landfill Waste Processing Facility Relocation Construction Bid Rejection

### **REQUEST**

Staff requests the Board of Commissioners reject the single bid received in response to the County's Bid Advertisement (issued June 2, 2025 and reissued July 25, 2025) for construction of the Blackburn Waste Processing Facility Relocation project.

### **BACKGROUND**

Catawba County issued a public advertisement for bids on June 2, 2025, seeking bid responses from licensed contractors for construction of the Blackburn Resource Recovery Landfill Waste Processing Facility Relocation project. Unfortunately, only one bid was received on July 8, 2025, resulting in the bid being returned to the contractor. The County re-advertised the project on July 25, 2025, as required by statute. Despite the extended time for soliciting bids, on August 19, 2025, again only one bid response was received. The bid received was submitted by Neill Grading and Construction Company, Inc., and it was publicly opened and read.

North Carolina law requires that a minimum of three competitive bids from qualified contractors be received for construction or repair contracts valued at or above the formal bidding threshold. If fewer than three bids are received after the initial advertisement, the contract must be re-advertised. If still fewer than three bids are received after a second advertisement, the contract may be awarded to the lowest responsible and responsive bidder.

After conducting a comprehensive review and evaluation of the bid presented by Neill Grading and Construction Company, Inc., it has been concluded that the most suitable course of action is to reject the bid. This determination is made due to the proposed amount (\$3,222,417.00) significantly exceeding the allocated budget (\$2,175,758.04) for the project.

Rejecting the bid at this stage is deemed to be in the best interest of the County. This allows staff to re-evaluate the approach, revise the project specifications, and potentially re-bid the project to attract proposals that align more closely with available budget and operational requirements.

### **RECOMMENDATION**

Staff recommends the Board of Commissioners reject the single bid received in response to the County's Bid Advertisement (issued June 2, 2025 and reissued July 25, 2025) for construction of the Blackburn Waste Processing Facility Relocation project.

**BID TABULATION, BID NO. 25-1020**  
**BLACKBURN RESOURCE RECOVERY WASTE PROCESSING FACILITY PROJECT**  
**August 19, 2025 AT 3:00 PM ET**

[illegible]

## MEMORANDUM

TO: Catawba County Board of Commissioners  
FROM: Dale Stiles, County Clerk  
DATE: September 2, 2025  
IN RE: Declaring Badge and Service Weapon Surplus for Retiring Sheriff Deputy Scott Gay.

### REQUEST

Sheriff Scott Gay is retiring effective October 1, 2025. He has requested his badge and service weapon. In lieu of receiving these items at a Board of Commissioners meeting, he has asked that the weapon and badge be presented at a later date.

Accordingly, staff requests the Board of Commissioners declare the badge and weapon surplus effective September 2, 2025 pursuant to North Carolina Statute 20-187.2(a).



## CATAWBA COUNTY SHERIFF'S OFFICE

SHERIFF DONALD G. BROWN II

100 GOVERNMENT DRIVE BUILDING E, PO Box 385

NEWTON, NC 28658

(828) 464-5241 Fax: (828) 465-8471

July 14, 2025

Chair C. Randall Isenhower  
Catawba County Board of Commissioners  
Catawba County Government Center  
Newton, NC 28658

Dear Chair Isenhower:

Upon my retirement effective October 1, 2025, I am requesting my service weapon and badge. This is pursuant to North Carolina Statute § 17F-20 of which a copy is enclosed.

I have been employed for 30 years with Catawba County Sheriff's Office as a Deputy Sheriff. I have enjoyed my tenure and have made many dear friends and acquaintances. I have enjoyed my years of service with the Sheriff's Office and would like to have these items to commemorate my service with the department.

I thank you for your consideration of my request.

Sincerely,

A handwritten signature in black ink that reads 'Scott Gay'.

Scott Gay  
Catawba County Sheriff's Office

cc: Don Brown, Sheriff  
Mary Furtado, County Manager

Enclosures: Concealed Handgun Permit  
General Statute § 17F-20

## **MEMORANDUM**

TO: Catawba County Board of Commissioners  
FROM: Jodi Stewart, County Attorney  
DATE: September 2, 2025  
RE: Code Revisions and Reorganization – Remove Articles II and III of Chapter 20 entitled Lake Norman Marine Commission

### **REQUEST**

Staff requests the Board of Commissioners remove Articles II and III Chapter 20 of the Catawba County Code of Ordinances in its entirety and make title Chapter 20 “Parks”.

### **BACKGROUND**

The Lake Norman Marine Commission (LNMC) was originally established in 1969 and operated continuously until May 5, 2025, when the Lincoln County Board of Commissioners adopted a resolution withdrawing from the LNMC, which resulted in the dissolution of the Commission on June 30, 2025.

On June 30, 2025, House Bill 23 was ratified, reconstituting the LNMC with a revised governance structure and powers and authorities

Articles II and III of Chapter 20 of the Catawba County Code of Ordinances were adopted in 1995 and have not been amended since that time. The language in the Articles tracked the language in the North Carolina General Statutes, particularly Chapter 77, Article 6B and Chapter 75A, Article 1. In order to prevent confusion, redundancy and potential errors, staff recommends these articles be removed in their entirety from the Code of Ordinances. Once these Articles are removed, the only Article left in Chapter 20 will be the section on parks. It is therefore recommended that the Chapter be renamed to just “Parks”.

### **RECOMMENDATION**

Staff requests the Board of Commissioners remove Articles II and III Chapter 20 of the Catawba County Code of Ordinances in its entirety and title Chapter 20 “Parks”.



## Chapter 20 PARKS<sup>1</sup>

### ***PARKS***

#### **SEE AMENDED PARKS ORDINANCE IN CONSENT AGENDA PACKET**

#### **Sec. 20-96. Intent and purpose.**

The availability of recreational opportunities for citizens of all ages is a subject of general interest and concern. The board of commissioners therefore declares that the public good and general welfare of the citizens of this county require adequate and safe parks and recreational areas. This article shall apply to parks and recreational areas owned or leased by the county or owned by other persons and available for use by the general public, if the private owners have requested and the board of commissioners has approved, by resolution, the applicability of this article.

(Code 1995, § 310.01)

#### **Sec. 20-97. Definitions.**

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

*Owner* means any person owning, leasing, operating or having the exclusive use of a vehicle, animal or any other property under a lease or otherwise.

*Park or recreational area* includes all aspects of the recreational area system owned or leased by the county or owned by other persons and available for use by the general public, if the private owners have requested and the board of commissioners has approved, by resolution, the applicability of this article.

*Park or recreational area regulation* means any regulation adopted by the board of commissioners and posted as a county regulation.

*Vehicle* means any conveyance, except baby carriers or wagons, including motor vehicles, trailers of all types, campers, sleds, sleighs, pushcarts, or vehicles propelled by muscular power.

(Code 1995, § 310.02)

Cross reference(s)—Definitions generally, § 1-2.

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<sup>1</sup>Cross reference(s)—Buildings and building regulations, ch. 8; environment, ch. 16; streets, sidewalks and other public places, ch. 34; Unified Development Ordinance, ch. 44.

State law reference(s)—Authority to establish parks and recreation systems, G.S. 160A-350—160A-356; boating and water safety, G.S. 75A-1 et seq.; local governments may regulate personal watercraft pursuant to state law, G.S. 75A-13.3(h).

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## **Sec. 20-98. Interpretation.**

In the interpretation of county park and recreational area regulations, provisions shall be constructed as follows:

- (1) Any requirement or prohibition of any act shall, respectively, extend to and include the causing or procuring, directly or indirectly, of such act.
- (2) No provision shall make unlawful any act necessarily performed by any officer or employee of the county in the line of duty or work as such or by any person, his agent or employees, in proper and necessary execution of the terms of any agreement with the park or recreational area and county.

(Code 1995, § 310.03)

## **Sec. 20-99. Park and recreational area preservation and prohibited activities.**

(a) *Buildings and other property.* It shall be unlawful for any person to:

- (1) Mark, deface, disfigure, injure, tamper with or displace or remove any buildings; bridges; tables; benches; fireplaces; railings; paving materials; water lines or other public utilities or parts or appurtenances thereof; signs, notices or placards, temporary or permanent; monuments; stakes; posts; boundary markers; structures; equipment; facilities; or other park or recreational area property, either real or personal.
- (2) Fail to cooperate in maintaining restrooms and washrooms in a neat and sanitary condition.

(b) *Trees, shrubbery, lawns, wildlife habitat, etc.* It shall be unlawful for any person to:

- (1) Dig or remove any soil, rock, sand, stones, trees, shrubs or plants or other wood or material or make any excavation by tool, equipment, blasting or other means or agency.
- (2) Damage, cut, carve, mark, transplant or remove any plant; injure the bark, pick flowers, or take seeds of any tree or plant; dig in or otherwise disturb grass areas; or in any other way injure the natural beauty or usefulness of any area.
- (3) Damage or alter any wildlife habitat or area within the park or recreational area except as undertaken by authorized park or recreational area personnel or their agent as a bona fide wildlife management practice.

(c) *Construction of buildings and use of public utilities.* It shall be unlawful for any person to construct or erect any building or structure of whatever kind, whether permanent or temporary, or run or string any public service or utility across such lands, except as authorized by a special written permit issued by the county.

(d) *Pollution of waters or wetlands.* It shall be unlawful for any person to throw, discharge, or otherwise place or cause to be placed in the waters of the river or any other body of water any substance, liquid or solid, which will or may result in the pollution of those waters.

(e) *Garbage and littering.* It shall be unlawful for any person to:

- (1) Take into, carry through, or put into the park or recreational area any rubbish, refuse, garbage or other waste material. Any refuse, rubbish, garbage or other waste material brought to or created while using the park or recreational area shall be deposited in receptacles provided around the park or recreational area. Where receptacles are not available, all such rubbish or waste shall be carried away from the park or recreational area by the person responsible for its presence and disposed of properly elsewhere.

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- (2) No person shall knowingly or intentionally break any glass bottle in any portion or section of the park or recreational area.
- (f) *Signs, banners, etc.* It shall be unlawful for any person to attach or place any sign, banner, wire, rope or cable, or any other contrivance to any building, sign, tree or other park or recreational area property except as allowed by permit.
- (g) *Pets.* It shall be unlawful for any person to cause or permit any animal, under a person's custody or control, to enter a county park, except as follows:
- (1) The animal is providing bona fide assistance for the disabled or is otherwise part of a park program.
- (2) Where horses are permitted, horses shall be allowed on designated trails within the park or recreational area, provided the following conditions are met:
- a. Application for a permit must be made to park staff prior to a horse starting down a trail, and participants are subject to the rules and regulations set forth;
- b. The horse is under the control of the handler at all times or securely tethered to a hitching post provided at the park or recreational area; and
- c. Horses shall not swim or be bathed in park waters.
- (3) Dogs are permitted provided the following conditions are met:
- a. They are kept on a leash, no longer than ten feet, at all times and are under the constant control of the handler;
- b. They have all required vaccines (rabies, parvo, distemper, etc.), and the dog must display a current rabies tag at all times;
- c. They shall not enter the park waters; and
- d. A waiver of liability by the owner/handler shall be on file.
- (4) Any violation of the rules of this subsection will result in the revocation of the privilege of bringing animals to the park.
- (h) *Aviation.* It shall be unlawful for any person to take off, land, cause to descend or take off any airplane, flying machine, balloon, parachute, or other apparatus of aviation, including rockets and radio- or battery-controlled mechanisms.
- (i) *Weapons, explosives, etc.* It shall be unlawful for any person to openly carry a handgun or possess on or about his person any deadly weapon, gun, other than a permitted concealed handgun, or any such instrument capable of causing serious bodily injury designed for use as a weapon including but not limited to any knife, switchblade, blackjack, dirk, dagger, sling-shot, loaded cane, metal knuckles, razor, stun gun, or nightstick.
- (j) *Alcoholic beverages, drugs, fireworks, etc.* It shall be unlawful for any person to bring into or have in his possession:
- (1) Any alcoholic beverage or narcotic drug, hallucinogen, or any other controlled substance without a valid physician's prescription; or
- (2) Any fireworks, unless specially permitted by the county.
- (k) *Unacceptable behavior.* It shall be unlawful for any person to:
- (1) Engage in the following:
- a. Sexual activity;

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- b. Sleep or protractedly lounge on seats, benches, floors or other areas;
  - c. Loud, boisterous, threatening, or abusive language;
  - d. Any disorderly conduct or behavior tending to a breach of the public peace; or
  - e. Play or emit loud music.

Park or recreational area staff on duty are empowered to determine whether noise is excessive or unreasonably disturbing.

- (2) Engage in any activity which could create a hazard to the safety of themselves or other persons. Examples of such activity include but are not limited to archery, hitting of golf balls, etc.
- (3) Interfere with or in any manner hinder any park or recreational area employee from performing his duties.
- (4) Impersonate any employee of the park or recreational area for any reason.

(l) *Merchandising, vending and solicitation.* It shall be unlawful for any person to:

- (1) Offer for sale or give away any article or thing within park or recreational area limits without first securing a permit from park or recreational area staff. Any authorized permit must be in the possession of the vendor at all times while on the premises of the park or recreational area and must be produced upon demand of any person.
- (2) No solicitation shall be permitted within the park or recreational area at any time.

(Code 1995, § 310.04; Ord. No. 2013-08, 6-17-2013)

## **Sec. 20-100. Activities.**

- (a) *Swimming and bathing.* No person shall enter the water from park or recreational areas for purposes of swimming, bathing, or wading.
- (b) *Boating.* No motorized boats may be launched from park or recreational areas unless specifically authorized. Canoeing, rafting, and kayaking will be permitted so long as such activity is in compliance with this article. A permit must be acquired in advance and be in possession of the applicant at all times. Permits may be obtained from park or recreational area staff and are subject to rules and regulations set forth.
- (c) *Bicycling.* Where bicycles are permitted, bicycling shall be allowed, by permit only, on designated trails within the park or recreational area. Application for a permit must be made to park staff prior to a bicycle starting down a trail, and participants are subject to the rules and regulations set forth. It shall be unlawful for any person to:
  - (1) Leave a bicycle lying on the ground or trails or set against trees or in any place or position where other persons may trip over or otherwise be injured by it;
  - (2) Ride a bicycle without reasonable regard for the safety of pedestrians and others; or
  - (3) Operate a motorized trail bike or any other motorized vehicle designed primarily for off-road use within the confines of the park or recreational area.
- (d) *Picnicking.* Rules for picnicking are as follows:
  - (1) Picnicking shall be permitted in designated areas.
  - (2) No person shall leave a picnic area before all trash is placed in the receptacles provided. If no such trash receptacles are available or are full, the trash shall be carried away from the park or recreational area by the user to be properly disposed of elsewhere.

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- (3) Fire and grilling will be permitted in the park or recreational areas only after a permit has been obtained and only in designated areas. Any fire for grilling purposes shall be continuously under the care and direction of a competent person more than 16 years of age from the time it is kindled until it is extinguished. The gathering or cutting of any material, within park or recreational areas, to build a fire or for any other purpose is strictly prohibited.
  - (e) *Fishing and hunting.* Rules for fishing and hunting are as follows:
    - (1) Fishing is permitted only in designated areas so long as each person fishing possesses any necessary license and meets all provisions, regulations, and rules of the fish and wildlife resources commission of the state department of natural resources and community development and county restrictions.
    - (2) Hunting is prohibited. No person shall molest, harm, frighten, kill, trap, hunt, chase, capture, shoot, feed, or throw missiles at any mammal, bird, reptile, or amphibian. No person shall remove or have in his possession the eggs, nests, or young of any mammal, bird, reptile, or amphibian.
  - (f) *Special programs.* From time to time the county will allow educational groups, school groups, etc., access to park or recreational areas for special programs. In such case users must make application to the park or recreational area staff and are restricted to designated areas. Park or recreational area staff shall determine any special requirements or conditions and have complete authority to determine if any requirement or condition is not being met at any time and have the authority to stop the program and have the individuals leave the premises.

(Code 1995, § 310.05)

## **Sec. 20-101. Permits.**

A permit to do any act allowed under this article shall authorize the act only when it is performed in strict accordance with the terms and conditions of the permit. Any violation by its holder or his agents or employees of any terms or conditions of a given permit shall constitute grounds for its revocation by the park or recreational area staff. If any permit is revoked, all moneys paid or on deposit shall be forfeited and retained, and the holder of such permit, together with the agents and employees who violated such terms and conditions, shall be jointly and severally liable to the county for any damages and loss suffered by it in excess of money so forfeited and retained. However, neither such forfeiture and retention by the county, of the whole or any part of such moneys, nor the recovery or the collection of such damages or both shall in any manner relieve such person from liability to punishment for any violation of any provision of any county park or recreational area regulation. All fees related to the use of county park or recreational areas are set forth in the fee schedule as adopted by the board of commissioners.

(Code 1995, § 310.06)

## **Sec. 20-102. Closing when necessary.**

Any section or part of the park or recreational area may be declared closed to the public due to safety issues, maintenance work, or any other relevant concerns. Reopening of the closed areas will occur as soon as possible without endangerment to the public.

(Code 1995, § 310.07)

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### **Sec. 20-103. Parking.**

No owner or driver shall cause or permit a vehicle to stand anywhere in the park or recreational area outside the designated parking spaces, except in a drive to receive or discharge passengers where permitted.

(Code 1995, § 310.08)

### **Sec. 20-104. Enforcement.**

- (a) Enforcement of this article shall be as provided in this section.
- (b) Duly sworn law enforcement officers with jurisdiction in the county and park or recreational area staff, as authorized by the board of commissioners, shall have the duty and responsibility to enforce this article and shall be empowered to issue citations when any section of this article has been violated.
- (c) Any violation of any part of this article shall be a misdemeanor offense and subject the violator to the penalties as set forth in section 1-14 of this Code.
- (d) Violations by minors. No parent, guardian or custodian of any minor shall permit or allow any minor to do any act prohibited by this article.
- (e) Violations of section 20-100(e)(1) and (2) are punishable by the appropriate penalties and/or laws governing inland waters as set forth by the state wildlife resources commission.

(Code 1995, § 310.10; Ord. No. 2022-03, 2-7-2022)

### **Sec. 20-105. Amendments.**

The rules and regulations in this article may be amended periodically to ensure that the public health and safety are maintained and to guarantee the continued enjoyment of county park or recreational areas and programs.

(Code 1995, § 310.11)

### **Sec. 20-106. Lost and found.**

The county shall assume no responsibility for any articles lost or stolen while within the confines of the park or recreational area. However, any articles turned in to park or recreational area staff shall be kept in the park or recreational area office for no more than 30 days. Items not claimed after 30 days shall become the property of the county.

(Code 1995, § 310.12)

### **Sec. 20-107. Liability and risk.**

The county assumes no liability for any individual using the park or recreational area. All individuals participating in any activity while in a county park or recreational area do so at their own risk.

(Code 1995, § 310.13)