

Regular Session, June 16, 2025, 7:00 p.m.
Catawba County Board of Commissioners

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Economic Development Corporation Board – Robin Nicholson		
Economic Development Corporation Board – Dan Timmerman		
Juvenile Crime Prevention Council – Tammy Hayman		
Subdivision Review Board – Guy Cline		
WPCOG Aging Advisory Committee-Lynn Sampson		
WPCOG Aging Advisory Committee – Allen Bandy		
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Litigation		
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Upset Bid Resolution: Sale of Surplus Property at 246 7 th Street SE, Hickory, NC	430	06/16/25
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Rezoning Request: R-20 to HC – 9.35 Acres at 8134, 8162 and 8176 E NC 16/Hwy 150	418	06/16/25
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The Catawba County Board of Commissioners met in Regular Session on Monday, June 16, 2025, at 7:00 p.m., in the Board of Commissioners Meeting Room, 2nd Floor, Catawba County Justice Center, 100 Government Drive, Newton, North Carolina.

Present were Chair Randy Isenhower, Vice-Chair Austin Allran, and Commissioners Robert C. Abernethy, Jr., Barbara G. Beatty, and Cole Setzer.

Also present were County Manager Mary S. Furtado, Assistant County Manager Paul Murray, Assistant County Manager Justin Merritt, County Attorney Jodi Stewart, Assistant County Attorney Josh Teague, and County Clerk Dale Stiles.

1. Chair Randy Isenhower called the meeting to order at 7:00 p.m., noting a quorum was present.
2. Commissioner Barbara G. Beatty led the Pledge of Allegiance.
3. Commissioner Robert C. Abernethy Jr. offered the invocation.
4. Commissioner Beatty made a motion to approve the Minutes from the Board's Regular Meeting of June 2, 2025. The motion carried unanimously.
5. Recognition of Special Guests:
Chair Isenhower welcomed everyone present.
6. Public Comments.
Greg Cranford came forward and spoke about possible school merger and nonpartisan school board election. James Michael McRee came forward and spoke about the monument on the 1924 Courthouse grounds and Juneteenth. Steve Morgan came forward and spoke about the LGBTQ community. Sherrill Watkins came forward and spoke about school merger and Juneteenth.
7. Appointments.
Upon a recommendation by Chair Isenhower that came in the form of a motion which unanimously carried, the Board appointed Commissioner Allran as the voting delegate for the 2025 NACo Annual Conference on July 14, 2025.

Upon a recommendation by Chair Isenhower that came in the form of a motion which unanimously carried, the Board appointed the following to the Economic Development Corporation Board: Robin Nicholson reappointed for a fifth term, with a term expiration of June 30, 2028; and Dan Timmerman appointed for a first term beginning July 1, 2025, with a term expiration of June 30, 2028.

Upon a recommendation by Commissioner Abernethy Jr. that came in the form of a motion which unanimously carried, the Board appointed Tammy Hayman as the Newton Conover City School representative to the Juvenile Crime Prevention Council for a first term beginning July 1, 2025, with a term expiration of June 30, 2027.

Upon a recommendation by Commissioner Abernethy Jr. that came in the form of a motion which unanimously carried, the Board reappointed Guy Cline to the Subdivision Review Board for a fourth term, with a term expiration of May 17, 2027.

Upon a recommendation of Commissioner Beatty that came in the form of a motion which unanimously carried, the Board appointed Lynn Sampson and Allen Bandy to the WPCOG Aging Advisory Committee, each to a first term beginning July 1, 2025, with a term expiration of June 30, 2027.

8. Presentations.

a. Chair Isenhower presented a Proclamation Observing June 19th as "Juneteenth" to Jerry McCombs with Catawba County NAACP.

b. Republic Services General Manager Jenni Holdt presented to the Board the Republic Services Quarterly Update.

9. Public Hearings.

Planner Madison Whisnant requested the Board of Commissioners hold a public hearing to consider an application to rezone 3 parcels totaling 9.35 acres owned by Linda Jo Godbout and Melda Campbell with Betty Brown LFI from R-20 Residential to Highway Commercial (HC), on behalf of RCM Development, LLC.

The current 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. Predominant uses in this district include single-family homes and agriculture. The Highway Commercial district requires a minimum lot size of 40,000 square feet (just under one acre). It is a "general use commercial" district providing areas for regional highway-oriented business, office, service and civic uses. The parcels are also within the Mixed-Use Corridor Overlay (MUC-O) and the Watershed Protection Overlay (WP-O). With a rezoning to a general district, any use allowed in the Highway Commercial district and the MUC-O could be permitted on these parcels.

The parcels are located at 8134, 8162, and 8176 E. NC Highway 150 in the Mountain Creek Township, further identified by Parcel Identification Numbers 4617-10-46-0391, 4617-10-46-2450 and 4617-10-36-6145 within the Sherrills Ford Small Area. These parcels are within the Mixed-Use Corridor-Overlay (MUC-O) and the Watershed Protection-Overlay (WP-O).

The properties, depicted as Parcels 1A, 1B and 1C on the attached map, are zoned R-20 Residential. Parcel 1A currently contains an accessory building, where Parcels 1B and 1C both contain single-family dwellings, as well as accessory buildings. All three parcels are impacted by a 506-foot Duke Energy Power Easement. The easement is shown on the enclosed maps and bisects Parcel 1A. The applicant does not have firm development proposal as Highway Commercial; the rezoning request is speculative. The surrounding parcels contain the zoning districts and land uses described below.

- *North* – Parcel 10 is zoned Residential R-20 and contains a kennel. A Special Use Permit (SU-148) was approved in 1992 for a kennel business with a 100 x 40 building. Parcel 9 to the northwest is also zoned R-20 and is currently vacant.
- *South* – Parcel 3 is zoned Planned Development – Conditional District (PD-CD) and is dedicated open space for the Norman Ridge subdivision (formerly Lawson's Landing). Parcel 5 is zoned R-20 and is

developed with a single-family dwelling, while Parcels 4, 6 and 7 are also zoned R-20 but are undeveloped.

- *East* – Parcel 2 is zoned R-20 and is developed with a single-family dwelling.
- *West* – Parcel 8 is zoned R-20 and contains an abandoned dwelling.

There is no pertinent zoning history for these parcels.

The acreage of the parcels meet the minimum requirements for Highway Commercial (HC) property (40,000 square feet). Uses allowed in the Highway Commercial district include restaurants, office/retail, mini-storage, carwashes, and motor vehicle repair and sales. The properties are also located within the Mixed-Use Corridor-Overlay (MUC-O) and the Watershed Protection-Overlay (WP-O). MUC-O regulations prohibit some uses typically allowed in the HC district, such as campgrounds and heavy equipment rental. The MUC-O district also establishes additional development criteria for certain uses. For example, motor vehicle repair and sales are allowed but limit inventory being displayed with the use of fencing and landscape screening. Carwashes and mini-warehouses (self-storage facilities) are also permitted in the MUC-O with additional regulations.

The site falls within the WS-IV Critical Area of the watershed overlay, which limits the amount of impervious surface down to 24% or 36% built-upon area, depending on use of curb and gutter. Additionally, the 506-foot Duke Energy Power Easement prevalent on the parcels would be subject to the Duke Energy Guidelines for Encroachments Involving Transmission Easements. If rezoned, non-residential projects would be subject to development standards (building appearance, landscaping, parking, setbacks, etc.), watershed protection regulations (built-upon area limitations), and low-impact development standards of the Unified Development Ordinance.

Public water and sewer are located along NC 150 Highway. Access to sewer will depend on system capacity at the time of utility plan approval.

NC 150 Highway is designated as a major thoroughfare in the Greater Hickory Metropolitan Transportation Plan. Traffic counts taken in 2023 near the site measured 17,000 average trips per day. The 2024-2033 State Transportation Improvement Program (STIP) allocates funding for right-of-way acquisition in 2027 and construction in 2030 for the widening of NC 150 in Catawba County. However, the 2026-2035 Draft STIP decommits funding, except for preliminary engineering, for the Catawba County portion of the NC 150 widening for the next 10 years. The STIP is revised every two years as transportation projects move through the funding process.

The Catawba County Comprehensive Plan was adopted in April 2024. The Future Land Use recommendation for these parcels is Mixed Use/Commercial/Multi-Family uses.

The Planning Board held a public hearing on Tuesday, May 27, 2025. The board asked if a developer would be required to connect to water and sewer, if setbacks took into account the future widening of NC 150, and what could be built in the Duke Energy transmission line easement. Connecting to utilities will depend on system capacity at the time of utility plan approval for a proposed development. A site plan, which would identify setbacks, is not being proposed at this time. In the future, when a development is considered, the developer would be made aware of NC 150 widening plans. Statute does not allow NCDOT or local governments to require developers to reserve right-of-way or preserve area for future widening.

Generally, structures and a number of improvements are not permitted within transmission easements. Duke Energy's use guidelines involving transmission easements are included within the packet. There were no comments from the public or the applicant.

Staff recommended and the Planning Board voted 7-0 to submit a favorable recommendation the Board of Commissioners to rezone three parcels totaling 9.35 acres, located at 8134, 8162, and 8176 E. NC Highway 150, from R-20 Residential (R-20) to Highway Commercial (HC) district based upon:

1. The properties being located on E NC Highway 150 and near existing nonresidential zoning districts and uses;
2. The Catawba County Comprehensive Plan Future Land Use Map's recommendation for Mixed Use/Commercial/Multifamily uses on these parcels;
3. The Watershed Protection-Overlay limiting the amount of Built Upon Area for development of these parcels; and
4. The properties being subject to the Duke Energy Use Guidelines for Encroachments Involving Transmission Easements.

After Ms. Whisnant's presentation, there were no questions. Commissioner Beatty confirmed there is an existing pump station near the property. Chair Isenhower opened the public hearing. Eric Dunn came forward and spoke about site plans and traffic impact. Cheryl Crawford came forward on behalf of the applicant, noting the development will likely be a welcome recreational amenity in the area. With no one further coming forward the Chair closed the public hearing. Commissioner Robert C. Abernethy made a motion to find the rezoning request reasonable based upon the Proposed Plan Consistency and Reasonableness Statement set forth below and approve rezoning 3 parcels totaling 9.35 acres owned by Linda Jo Godbout and Melda Campbell with Betty Brown LFI from R-20 Residential to Highway Commercial (HC), on behalf of RCM Development, LLC. The motion carried unanimously.

The following Consistency and Reasonableness Statement applies:

CATAWBA COUNTY BOARD OF COMMISSIONERS
PROPOSED PLAN CONSISTENCY AND REASONABLENESS STATEMENT

Zoning Amendment Request: To rezone 3 parcels totaling 9.35 acres located at 8134, 8162 and 8176 E. NC 150 Hwy, also identified by Parcel Identification Numbers 4617-10-46-0391, 4617-10-46-2450 and 4617-10-36-6145, from R-20 Residential within the Mixed Use Corridor-Overlay (MUC-O) and Watershed Protection Overlay (WP-O) to Highway Commercial within the MUC-O and WP-O.

The Catawba County Board of Commissioners finds the request consistent with the Catawba County Comprehensive Future Land Use Map recommendation of Mixed Use/Commercial/Multifamily use on these parcels.

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

1. The properties being located on E NC Highway 150 and near existing nonresidential zoning districts and uses;
2. The Catawba County Comprehensive Plan Future Land Use Map's recommendation for Mixed Use/Commercial/Multifamily uses on these parcels;
3. The Watershed Protection-Overlay limiting the amount of Built Upon Area for development of these parcels; and
4. The properties being subject to the Duke Energy Use Guidelines for Encroachments Involving Transmission Easements.

By a vote of 5-0 the Catawba County Board of Commissioners approves the rezoning request.

This the 16th day of June 2025.

The following ordinance applies:

Ordinance No. 2025-03
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 to Highway Commercial (HC):

Three parcels totaling 9.35 acres identified by Parcel Identification Numbers 4617-10-46-0391, 4617-10-46-2450 and 4617-10-36-6145, and located at 8134, 8162 and 8176 E. NC 150 Highway in the Sherrills Ford Small Area of the Catawba County Comprehensive Plan.

This, the 16th day of June 2025.

10. Consent Agenda.

County Manager Mary Furtado presented the following five items under the consent agenda. Chair Isenhower asked if any commissioner wished for an item to be broken out of the consent agenda for individual consideration. None was requested.

a. The Finance and Personnel Subcommittee recommended the Board of Commissioners approve the Annual Jail Medical Plan.

Pursuant to Chapter 14J of the NC Administrative Code, the Board of Commissioners in each county must adopt the written medical plan of the Detention Facility for jail health services annually, after review. This plan is developed in consultation with the local health director and other appropriate officials, and it includes details about health services, mental health care, chronic and communicable disease management, medication administration, and emergency care.

Both the Sheriff and the local Public Health Director are also required to review and approve the plan annually, ensuring it remains up to date. The jail medical plan before the Board of Commissioners for consideration has been approved by both Sheriff Brown and Public Health Director Jennifer McCracken.

The Board of Commissioners may recommend edits or revisions to the plan, prior to adoption, which would then trigger revisions to the plan. Ultimately Board adoption is a statutory requirement; no true alternatives exist.

b. The Policy and Public Works Subcommittee recommended the Board of Commissioners adopt a resolution establishing project total cost, setting the Preliminary Assessment Roll, and scheduling a Public Hearing on the Preliminary Assessment Roll for Bay Pointe Subdivision Road Improvement Project; and authorize the Chair to petition the North Carolina Department of Transportation (NCDOT) to accept the following roads into NCDOT's Secondary Road Maintenance Program: Bay Pointe Drive, Golden Bay Court and West Bay Drive in Bay Pointe subdivision.

In 2020, the Board established a petition-driven program to facilitate acceptance of private roads into NCDOT's Secondary Road Maintenance Program, which is consistent with NCGS §153A-185 *Authority to Make Special Assessments*. Through this program, the County provides up-front financing to improve private roads to NCDOT standards, so NCDOT can assume maintenance responsibility. The cost of improvements is 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. The Board of Commissioners must then authorize the project prior to any construction efforts. In 2022, the Board established the \$2.5 Million Subdivision Road Improvement Fund and authorized the dedication of special

assessment repayment revenue to the Fund, thereby establishing a clear funding mechanism for subdivision road improvement projects.

Property owners of Bay Pointe subdivision followed the above process to petition the County to finance repairs to their subdivision roads for the purpose of bringing the roads up to NCDOT standards for acceptance into NCDOT's secondary road maintenance program. The construction is now complete, and NCDOT Division staff are satisfied that the roads now meet NCDOT standards and can be accepted into the secondary road maintenance program.

In order to complete the special assessment after a project is complete, the Board must make a final determination of cost, prepare and publish a Preliminary Assessment Roll, conduct a public hearing, and consider adopting what – if approved – will then become the Final Assessment Roll, and charge the Tax Administrator with the collection of the assessments. Property owners will then be notified of the assessment and payment options. This action implements the special assessment. The last required action is submission of a petition to the NCDOT Board for acceptance of the roads into the State's program for maintenance.

The table below summarizes the statutory process for establishing private road assessments and, for the items that have already been completed, provides the dates on which the Board of Commissioners took each the required action. The table also outlines the remaining steps the Board will still need to take in order to implement the assessment (*noted in italics, with planned dates*).

NCGS §	Date	Action Items
153A-205	8/2/2024	Citizens petition BOC with >75% of property owners & >75% of road frontage.
153A-190 & 153A-191	10/21/2024	BOC accepts Citizen Petition, makes funding decision and adopts Preliminary Resolution describing the Project, financing and setting time for Public Hearing.
153A-192	11/4/2024	BOC holds Public Hearing on Preliminary Assessment Resolution.
153A-192	11/4/2024	BOC adopts Final Resolution approving Project, setting financing terms.
143-131	11/26/2024	Project is bid in accordance with NC Procurement Procedures.
143-131	3/3/2025	Bid awarded.
153A-193 & 194	6/16/2025	BOC determines Project Total Cost, sets date and time for Public Hearing on the Preliminary Assessment Rolls.
153A-195	<i>TBD – proposed date 7/21/2025</i>	<i>BOC holds Public Hearing on the Preliminary Assessment Rolls annuals, confirms Preliminary Assessment Rolls. If confirmed, Tax Administrator is authorized to collect assessment fees in same manner as property taxes.</i>

Below is a summary of the actions the Board is being requested to take today.

1). Determination of Cost

In determining the total cost, the Board may include construction costs and the cost of publishing and mailing notices. For Bay Pointe, the costs associated with the project are:

Determination of Cost – Bay Pointe

Construction	\$245,517.55
Advertisement of Preliminary Assessment (prior to construction)	\$ 156.08
Advertisement and notice of Preliminary	\$ 150.00

Roll (current BOC item)	
Tax Roll Advertisement	\$ 200.00
Total Cost – Bay Pointe	\$246,023.63

The basis for assessment is by lot in accordance with the number of subdivision lots at the time the petition was made, which is 50.

The individual assessment for each of the 50 lots is \$4,920.47. This amount can be paid as a lump sum before the first assessment bill comes due or in 10 annual payments with 1.5% annual interest. The annual payment with interest is \$533.55.

2.) Preliminary Assessment Roll Prepared and Published

Now that construction is complete, County staff have developed a preliminary assessment roll for Bay Pointe subdivision, in accordance with the provisions of NCGS 153A-194. If the Board adopts the resolution presented, the preliminary assessment roll will be filed in the Clerk's office where it will be available for inspection, and the required public hearing will be scheduled for the Board meeting on July 21, 2025. Additionally, a notice of the preliminary assessment roll and public hearing time will be mailed by first-class mail to each property owner to be assessed.

3.) Petition to NCDOT

To initiate the process with NCDOT regarding maintenance responsibility, the Board must authorize submitting a petition to NCDOT to accept the following roads: Bay Pointe Drive, Golden Bay Court and West Bay Drive in Bay Pointe subdivision. A copy of the NCDOT petition form for the subdivision is attached.

If the Board of Commissioners should choose not to adopt the Final Assessment Rolls, the County would be unable to recover the project funds spent repairing the roads and would have established a precedent of dedicating public funding to private road repair projects.

The following resolution applies:

RESOLUTION No. 2025-22

RESOLUTION DECLARING COST, ORDERING PREPARATION OF PRELIMINARY ASSESSMENT ROLL AND SETTING TIME AND PLACE FOR PUBLIC HEARING ON THE PRELIMINARY ASSESSMENT ROLL FOR THE STREET IMPROVEMENT PROJECT FOR BAY POINT SUBDIVISION

WHEREAS, the improvement of a portion of Bay Pointe subdivision fronting on Bay Pointe Drive, Golden Bay Drive and West Bay Drive was requested by petition of Property Owners filed on August 2, 2024, duly certified, to the Board of Commissioners, and determined to be sufficient in all respects by the Director of Utilities and Engineering; and

WHEREAS, the Board authorized the project by a Resolution adopted by the Board on November 4, 2024, and the project has been completed; and

WHEREAS, the cost of the project, has been determined.

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

1. The cost of the above-described improvement, has been computed and determined and is hereby declared to be \$ 246,023.63.
2. The Catawba County Tax Administrator is hereby directed to prepare a preliminary assessment roll, in accordance with N.C.G.S. §153A-194, showing the individual assessments upon properties benefited by the improvement.

3. The Catawba County Clerk is hereby directed to make available during regular office hours, in the Clerk's office, the preliminary assessment roll for inspection by the public from this day through July 21, 2025.
4. The Catawba County Board of Commissioners will hold a public hearing in accordance with N.C.G.S. §153A-195 at 7:00 p.m. on July 21, 2025 at the Catawba County Board of Commissioners Board Room, located in the Justice Center in Newton, North Carolina.
5. The Clerk is hereby directed to issue notice of the above-described public hearing.
6. The Clerk is further directed, no later than 10 days before the public hearing, to mail by first class mail copies of the notice of hearing to the property owners listed on the preliminary assessment roll.

Adopted the 16th day of June, 2025.

A copy of Bay Pointe Subdivision map is hereto attached:



Wellington subdivision is located off Rocky Ford Road in unincorporated Catawba County. The property owners of the portion of Wellington subdivision fronting Wellington Avenue, Dublin Lane and Devonshire Road filed a petition for improving the streets with Utilities and Engineering. The portion of Wellington subdivision included in the petition consists of twenty-eight lots. Property owners of 23 of the 28 lots, representing 82.1% of the affected owners, signed the petition. These property owners represent approximately 8,031.10 lineal feet of the 9,696.69 lineal feet (82.8%) of total frontage.

NCDOT staff prepared the scope of work and County staff prepared the cost estimate to bring the roads up to NCDOT standards. A letter from NCDOT stating the roads will be recommended for acceptance into the Secondary Road Maintenance Program once improved is attached.

The streets are approximately 38 years old and are in poor condition for pavement of this age. To bring the roads up to North Carolina Department of Transportation standards, trees and brush within the right-of-way will be removed; most sections of pavement will be milled 1.5 inches and overlaid with 1.5 inches of asphalt. Certain sections of pavement will be milled 2.0 inches; the gravel base will be reconditioned and after passing a proof roll test, will be overlaid with 1.5 inches of asphalt. To allow for proper road drainage, road shoulders will be graded, some culverts will be cleaned, and certain cross drains will be cleaned and/or repaired. The cost of this work is estimated to be \$338,015.65, or about \$12,071.99 per lot. The final cost and per lot assessment remains unknown until the project is bid and constructed.

The table below summarizes the statutory process for establishing private road assessments and, for the items that have already been completed, provides the dates on which the Board of Commissioners took each required action. The table also outlines the remaining steps the Board will still need to take to implement the assessment (*noted in italics*).

NCGS §	Date	Action Items
153A-205	5/16/2025	Citizens petition BOC with >75% of property owners & >75% of road frontage.
153A-190 & 153A-191	6/16/2025	BOC accepts Citizen Petition, makes funding decision and adopts Preliminary Resolution describing the Project, financing and setting time for Public Hearing.
153A-192	7/21/2025	<i>BOC holds Public Hearing on Preliminary Assessment Resolution.</i>
153A-192	7/21/2025	<i>BOC considers adopting Final Resolution approving Project, setting financing terms.</i>
143-131	<i>tbd</i>	<i>Project is bid in accordance with NC Procurement Procedures.</i>
143-131	<i>tbd</i>	<i>Bid awarded.</i>
153A-193 & 194	<i>tbd</i>	<i>BOC determines Project Total Cost, sets date and time for Public Hearing on the Preliminary Assessment Rolls.</i>
153A-195	<i>tbd</i>	<i>BOC holds Public Hearing on the Preliminary Assessment Rolls annuals, confirms Preliminary Assessment Rolls. If confirmed, Tax Administrator is authorized to collect assessment fees in same manner as property taxes.</i>

The alternative to adopting the Preliminary Assessment Resolution is to deny it and not offer public financing of private road improvements.

The following resolution applies:

RESOLUTION No. 2025-23
PRELIMINARY ASSESSMENT RESOLUTION
FOR STREET IMPROVEMENT PROJECT
FOR WELLINGTON SUBDIVISION

JUNE 16, 2025

WHEREAS, street maintenance and deterioration is a concern that affects residents of Catawba County neighborhoods and subdivisions; and

WHEREAS, at its meeting held on September 8, 2020, the Catawba County Board of Commissioners resolved (Resolution # 2020-17) to take an active role in efforts to make street repair assistance available to citizens when other alternatives are not feasible, in accordance with Chapter 153A Article 9 of the North Carolina General Statutes; and

WHEREAS, on the 16th day of May 2025, the property owners of Wellington subdivision fronting Wellington Avenue, Dublin Lane and Devonshire Road filed with the Catawba County Utilities and Engineering Department a petition for improving the streets in the following manner:

Trees and shrubs within the right-of-way will be removed; most sections of pavement will be milled 1.5 inches and overlaid with 1.5 inches of asphalt. Certain sections of pavement will be milled 2.0 inches; the gravel base reconditioned and after passing a proof roll test, will be overlaid with 1.5 inches of asphalt. To allow for proper road drainage, road shoulders will be graded, some culverts will be cleaned, and certain cross drains will be cleaned and/or repaired; 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 affected 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.

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

1. The above mentioned petition is found to be sufficient in all respects.
2. It is intended that Wellington subdivision be improved in the following manner:

Trees and shrubs within the right-of-way will be removed; most sections of pavement will be milled 1.5 inches and overlaid with 1.5 inches of asphalt. Certain sections of pavement will be milled 2.0 inches; the gravel base reconditioned and after passing a proof roll test, will be overlaid with 1.5 inches of asphalt. To allow for proper road drainage, road shoulders will be graded, some culverts will be cleaned, and certain cross drains will be cleaned and/or repaired;

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.

3. 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):

The property owners of Wellington subdivision fronting Wellington Avenue, Dublin Lane and Devonshire Road.

4. Within 30 days of publication of notice of confirmation of the final assessment role, the assessments shall be payable in full, 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 proposed rate of 1.5% percent per annum.

5. A public hearing on all matters covered by this resolution shall be held at 7:00 p.m. on the 21st day of July, 2025, in the Board of Commissioners Meeting Room, 2nd floor of the Catawba County Justice Center, 100 Government Dr. in Newton, North Carolina.

BE IT FURTHER RESOLVED that a copy of the Notice of Preliminary Assessment Resolution and Public Hearing provided for in NCGS § 153A-191 be published in the Hickory Daily Record as described in said subsection of said General Statutes.

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 16th day of June 2025.

A map of Wellington Subdivision is hereto attached:

A copy of Certificate as to Sufficiency of Petition for Improvement is hereto attached:

CERTIFICATE AS TO SUFFICIENCY
OF PETITION FOR IMPROVEMENT

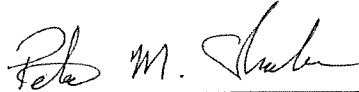
TO: THE CATAWBA COUNTY BOARD OF COMMISSIONERS

I, Peter Shonka, Director of Utilities and Engineering for Catawba County, North Carolina, do hereby certify that the attached petition of property owners for the improvement Wellington Subdivision was lodged with me on the 16th day of May, 2025; that I have investigated the sufficiency of the said petition; and that the result of my investigation is as follows:

1. The total number of owners of the lands abutting upon the street or streets or part of street or streets proposed by the said petition to be improved is 28. The number of said owners who signed the petition is 23, a number equal to greater than 75 percent.
2. The total number of lineal feet of frontage of said lands upon the street or streets or part of street or streets proposed by the said petition to be improved is 9696.69 feet. The number of the said lineal feet of frontage represented by the property of the said owners who signed the petition is 8031.1 feet, a distance equal to greater than 75 percent or the frontage of the lands abutting the area to be improved.
3. I find that the said petition is in all respects sufficient and in conformity with all the requirements of Chapter 153A-205 of the General Statutes of North Carolina. I find also that the street (or streets) (or part of a street or streets) proposed by the said petition to be improved is (or are) or has been (or have been) definitely laid out, and that the boundaries of the same have been definitely fixed.

IN WITNESS THEREOF, I affix my hand and seal.

This the 30th day of May, 2025.



Peter M. Shonka, Director Utilities and Engineering

A copy of the NCDOT Acceptance Letter is hereto attached:

June 16, 2025, MB#57



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

JOSH STEIN
GOVERNOR

J.R. "JOEY" HOPKINS
SECRETARY

May 30, 2025

Mr. Pete Shonka, P.E.
Utilities & Engineering Director
25 Government Drive
Newton, NC 28658

Dear Mr. Shonka,

This letter is in response to your inquiry about the acceptance of Wellington Subdivision in Catawba County. Once all items on the scope of work have been corrected and the District Office has confirmed that the repairs meet NCDOT's Minimum Standards for Addition. The District Office will move forward with the addition paperwork for the streets within Wellington Subdivision that meet those minimum standards and then submit and recommend the streets for addition to NCDOT's Secondary Road Maintenance System. If you have any further question please let us know.

Sincerely,

Travis R Jordan, P.E.
District Engineer
Division 12, District 3

TRJ:jl
Cc: file

Mailing Address:
NC DEPARTMENT OF TRANSPORTATION
DISTRICT 3 OFFICE
1031 EAST GASTON STREET
LINCOLNTON, NC 28092

Telephone: 704-748-2400
Fax: 704-748-2403
Customer Service: 1-877-368-4968

Website: ncdot.gov

d. The Policy and Public Works Subcommittee recommended the Board of Commissioners approve a resolution to accept the offer of Legacy Home Builders, LLC, in the amount of \$15,000, to purchase County owned property located at 246 7th Street SE in Hickory, subject to the upset bid process, and appropriate the sale proceeds to the existing General Renovations capital project.

Legacy Home Builders, LLC, hopes to acquire the County-owned parcel (Parcel ID: 370208973801) and has submitted to the County an offer to purchase for \$15,000. In addition, Legacy Home Builders, LLC, has submitted a bid deposit of \$750, as required by County policy and State law.

The County acquired the parcel in 1999 from an execution sale conducted by Sheriff Huffman. The County has no use for this vacant 0.24-acre parcel at the present time or in the foreseeable future.

If authorized by the Board, notice of the bid will be advertised in the Hickory Daily Record and on the County's website, and upset bids may be made to the County within ten (10) days of publication. If an upset bid is received, that bid will be re-advertised until there are no further upset bids. The Board will then either accept or reject the offer. If the offer is accepted, the property will be sold to the highest bidder. The successful bidder must present cash or a certified check for the entire balance due at the time of closing.

The following resolution applies:

RESOLUTION 2025-24
RESOLUTION AUTHORIZING SALE AND UPSET BID PROCESS
Parcel ID: 370208973801

WHEREAS, Catawba County owns certain property located at 246 7th Street SE, Hickory, North Carolina, as shown in Deed Book 2160 at Page 1764 in the office of the Register of Deeds for Catawba County, to which Deed reference is hereby made for more complete description; and

WHEREAS, North Carolina General Statute 160A-269 permits the County to sell property by upset bid, after declaring the property surplus and receiving an offer to purchase the property; and

WHEREAS, the County has received an offer to purchase the property described above, in the amount of \$15,000, submitted by Legacy Home Builders, LLC; and

WHEREAS, Legacy Home Builders, LLC, has paid the required five percent (5%) deposit on the offer; and
WHEREAS, the Catawba County Board of Commissioners acknowledges the offer of \$15,000, subject to the upset bid procedure, for the property located at 246 7th Street SE, Hickory, North Carolina.

THEREFORE, the Catawba County Board of Commissioners resolves that:

1. The Catawba County Board of Commissioners declares the property located at 246 7th Street SE, Hickory, North Carolina, surplus and authorizes the sale of the property described above through the upset bid procedure of North Carolina General Statute 160A-269.
2. The County Clerk shall cause a notice of the proposed sale to be published. The notice shall describe the property and the amount of the offer and shall state the terms under which the offer may be upset.
3. Persons wishing to upset the most recent offer received shall submit a sealed bid with their offer to the office of the County Clerk within ten (10) days after the notice of sale is published. At the conclusion of the 10-day period, the Purchasing Manager shall open the bids, if any, and the highest such bid will become the new offer. If there is more than one bid in the highest amount, the first such bid received will become the new offer.

4. If a qualifying bid is received, the County Clerk shall cause a new notice of upset bid to be published and shall continue to do so until a 10-day period has passed without any qualifying upset bid having been received.
5. A qualifying higher bid is one that raises the existing offer by not less than ten percent (10%) of the first \$1,000 of that offer and five percent (5%) of the remainder of that offer.
6. A qualifying higher bid must also be accompanied by a deposit equal to five percent (5%) of the bid; the deposit may be made in cash, cashier's check, or certified check. The County will return the deposit on any bid not accepted and will return the deposit on an offer subject to upset if a qualifying higher bid is received. The County will return the deposit of the final high bidder at closing.
7. The terms of the final sale are that the property is sold "as is" and the buyer must pay with cash, cashier's check or certified check at the time of closing.
8. The County reserves the right to withdraw the property from sale at any time before the final high bid is accepted and the right to reject all bids at any time.
9. If no qualifying bid is received after the initial public notice, the offer set forth above by Legacy Home Builders, LLC is hereby accepted. The appropriate County officials are authorized to execute the instruments necessary to convey the property. All other bids must be accepted by the Board of Commissioners.

This the 16th of June, 2025.

e. Staff recommended the Board of Commissioners approve three releases totaling \$2,241.07 and 57 Motor Vehicles Bill adjustments / refunds totaling \$2,954.19 requested during the month of May.

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 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 May Tax Office staff have checked records and verified the legitimacy of three release requests totaling \$2,241.07 and 57 Motor Vehicle Bill adjustments / refunds totaling \$2,954.19.

Common reasons for the release of tax bill amounts include change in values and months, change in situs, businesses closing / being sold, clerical errors and removal of rollout bill due to application being provided. The motor vehicle bill adjustments are largely due to pro-ration of tax bill amounts to account for mid-year transfers of ownership, change in values and change in situs.

The consent agenda items came in the form of a motion by Chair Isenhower, which carried unanimously.

11. Other Items of Business. None.

12. Manager's Report.

County Manager Mary Furtado reported the following budget transfer to the Board:

Budget Transfers: Pursuant to Board authority granted to the County Manager, the following budget transfer has been completed:

Contingency Transfer:

Other side



Elections

Transfer

From:

110-190100-994000	Contingency	\$15,000
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To:

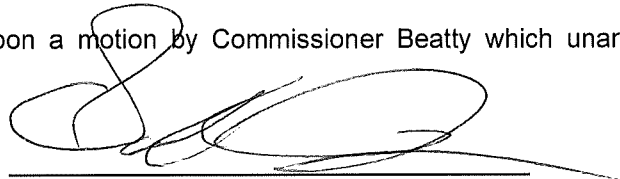
110-140050-812200	Overtime	\$8,100
110-140050-812600	Temporary Wages	\$5,400
110-140050-821100	FICA	\$750
110-140050-822100	Local Government Retirement	\$750

Transfer addressing staffing overages driven by 2024 election activities, including election recounts and operational changes due to state law.

12. Attorney's Report.

County Attorney Jodi Stewart requested the Board consider moving into Closed Session pursuant to North Carolina General Statutes 143-318.11(a) (3) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged; (4) to discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations; and. Attorney Stewart did not anticipate any action upon return to open session. Vice-Chair Austin Allran made a motion to enter closed session for that purpose. The motion carried unanimously.

13. Adjournment. No further action was taken. Upon a motion by Commissioner Beatty which unanimously carried, the meeting was adjourned at 9:07 p.m.



Randy Isenhower, Chair
Catawba County Board of Commissioners



Dale R. Stiles
County Clerk