

CALDWELL COUNTY
Lenoir, North Carolina

BOARD OF COMMISSIONERS
August 27, 2007
6:00 PM

Present: Faye R. Higgins, Chairman
Ron Beane, Vice Chairman
Don Barrier
Herbert H. Greene
Dr. John W. Thuss

Absent: None

Staff Present: Jack Horton, County Manager
Kathy Myers, Clerk to the Board

Chairman Higgins called the August 27th Board of Commissioners' meeting to order. Chairman Higgins asked for any announcements. Commissioner Greene announced the County was one step closer to having an Engineering Center for this area so we can join the 21st Century.

With no further announcements, Chairman Higgins asked everyone to pause for a moment to honor the men and women serving in the armed forces and those that have lost loved ones. Chairman Higgins then led everyone in the Lord's Prayer and Commissioner Greene led everyone in the Pledge of Allegiance.

Chairman Higgins asked for agenda amendments. Chairman Higgins asked to add on the agenda a request for a School Resource Officer under Items for Decision (#4). Manager Bob Frye of Sawmills asked for his presentation to be moved to the first of the agenda as he had another scheduled engagement.

Commissioner Beane made a motion to approve the agenda as amended and Commissioner Greene seconded. The motion carried unanimously.

NCDOT Transportation Priorities

Mr. Frye thanked the Commissioners for their consideration and presented two (2) items regarding NCDOT Transportation Priorities: 1) the Division 11 Priority List that needs approval action by the Board of Commissioners and 2) a letter following action on the Priority List requesting the feasibility study(s) on Poovey's Grove Church Road and Southwest Boulevard ("Loop").

Commissioner Beane made a motion to approve the outline presented by Mr. Frye and Commissioner Greene seconded. The motion carried unanimously. Commissioner Beane also moved to request the NC Department of Transportation to do a feasibility study with Poovey's Church Road first and Southwest Loop second. Commissioner Greene seconded. The motion carried unanimously.

Public Hearing—Closeout Year 4 of Harpertown CDBG Project

Lisa Helton, with Western Piedmont Council of Governments reported on the close out public hearing for year 4 of the Harpertown Community Development Block Grant Program. She noted this was year 4 of 5 and all of the money had been spent on time. Ms. Helton explained the work had been completed during year 4 at a cost of \$1,700,000.

Commissioner Greene moved to open the public hearing, Commissioner Thus seconded, and it carried unanimously. No one signed up to speak; therefore, Commissioner Thus moved to close the public hearing. Commissioner Beane seconded the motion and it carried unanimously.

Chairman Higgins commended Lisa on the handling of the project and noted all of the good comments she had received about Lisa.

Commissioner Greene moved to approve the closeout of year 4 of the Harpertown CDBG Project, Commissioner Barrier seconded, and the vote was unanimous.

Request from Lutz Family for PUD Permit

Randy Feierabend, Planning Director gave an overview of the proposed development at Wilson Creek. The request to rezone was actually submitted by The Archer Group for the property owned by the Lutz Family Partnership. The property totals approximately 650 acres and is surrounded by Pisgah National Forest. The rezoning request was made to accommodate a development proposal of 250 units to sell with 446 acres of the total acreage to remain open space. The plan is to build Zero lot line cottages – 1200 to 3000 square feet which would give private ownership of cottage and land underneath only and greater control of landscaping and surroundings.

However, since the time when an agreement was made between the Lutz Family and the Archer Group and subsequent reviews by county staff and the Planning Board, Mr. Feierabend informed Commissioners that Mr. Lutz contacted him to advise that the agreement was terminated and that he was withdrawing his application to request the rezoning.

Mr. Herbert Lutz gave background on the Wilson Creek property and indicated that the Lutz family had withdrawn the application requesting the rezoning to PUD. He said the request was withdrawn because he wanted the current renters on the property as well as the public to be able to enjoy the property. Also, he felt it would bring revenue into the County and do a lot of good.

Chairman Higgins called on the following citizens to speak in the order they signed up.

- Senator Jim Jacumin thanked Mr. Lutz for the withdrawal of his application and indicated how much he had enjoyed the Wilson Creek area in his lifetime. He encouraged everyone to “get their heads together” and save the land for future generations.
- Keith Pritchard thanked Senator Jacumin for his comments. Keith indicated Wilson Creek was a precious water source. He didn’t believe this resource could be put at risk at this time. He feels water will be more precious in the future than perhaps fuel.

- Kathryn Parfael said she lived on the Creek and no one knew what the river meant to her. She thanked the Lutz family and their children for thinking of others and not themselves.
- Harvard Ayers thanked everyone for hearing from someone from Catawba County. He said he was an archeology educator and had spent many nights at the Creek with his students. He gave a report on the history of the Creek and asked that the Historical Society work on preserving historical finds. Mr. Ayers offered his services pro bono to help with that work.
- Bill Puett urged the Commissioners to continue the moratorium and use the time over the next 9 or 10 months to do a group of things. He urged everyone involved to come up with a plan for the land that will work for everyone. He also indicated the planning process needed to be more apparent, noting that many of the citizens didn't know beforehand about the development proposed for the Lutz property. He also felt the project should be able to stand on its own and not have the Planning Director present it. He felt the benefits and costs should be looked at closely for fire protection, etc. And, Mr. Puett said there was nothing in the report indicating how the outstanding water quality could be sustained if septic tanks were placed in (the development).
- Jane Carswell Roberts spoke on behalf of 20 people that had signed a letter. She and the others that had signed the letter urged the importance of protecting Wilson Creek. The group indicated the need to keep Wilson Creek in as natural a state as possible. They suggested appointing a grassroots study group consisting of Sandra Coffey, Marjorie Strawn, Bill Puett, Liza Plaster, Ann Bernhardt, Alex Bernhardt, Wanda Prince, Shirley Story and Ms. Roberts to gather information. Also, she said other organizations already established could be used for resource information.
- Kay Crouch thanked the Commissioners for allowing the time for everyone to speak. She spoke in favor of saving Wilson Creek. She encouraged the Commissioners to take their time on the moratorium and decide whether Wilson Creek needed to be developed at all.
- Jeff Yockel, owner of property at 7420 Hwy 90 in Collettsville, said he bought property on Staircase Mountain where he spends weekends away from his primary residence in Charlotte. He said he has a son and daughter and both have become fishermen and hikers. Mr. Yockel said his daughter drives in every weekend from Chapel Hill to enjoy the mountains.
- David Lenat said he was a stream biologist and has worked in water quality with the State of North Carolina. Mr. Lenat said he virtually examined all of the streams in the State and indicated that Wilson Creek was unique. He said it was a treasure chest of other species that are unique and found no where else in the State. Mr. Lenat said he also hoped to find several new species in the Creek in the future.
- Ken Roberts thanked the Commissioners for their efforts regarding Wilson Creek's designation of Wild and Scenic River. Mr. Roberts said he is a member of the Friends of Wilson Creek which is a non-profit organization that supports the decision for the current one-year moratorium. He said, one point to keep in mind, was the roads could not support traffic from a development. He told Commissioners he enjoyed seeing the area

and what is left from the flood in Mortimer; and said a development, even with screening, would compromise the beauty of the area.

- Dana Hershey thanked the Commissioners for the time to speak. Mr. Hershey, a physician from Mecklenburg County, said he was a fly fisher and his wife was a painter. They both love Wilson Creek and he urged Commissioners to continue the moratorium and use that time to develop a plan to preserve Wilson Creek.
- Jay Lutz (no relation to the Herbert Lutz family) from Avery County addressed the Commissioners about Avery County's attempt to develop their way to prosperity. He said Caldwell County would end up "chasing its tail". He cautioned Commissioners to be careful with developments that sound like revenue (generators). Mr. Lutz talked about his work with the General Assembly trying to help counties that have moratoriums as well. He thanked the Lutz family for their decision and said he felt they had opened the door to a whole new opportunity.
- Monica Olinger withdrew her request to speak.
- Carol Clise did not respond when her name was called.
- Brenda Huggins did not respond when her name was called.
- Lawrence Huggins did not respond when his name was called.
- Lonnie Shull, Jr. said the issues he was prepared to talk about had already been addressed by other speakers and he had nothing else to add.
- Mary Ann Shull expressed thanks to Mr. Lutz and his family on their recent decision to leave the property as it is currently. Ms. Shull said she was an amateur archaeologist and offered to volunteer her services if needed.
- Liza Plaster talked about how much she treasured Wilson Creek and the area. She said it was a crown jewel for the County to be proud of and thanked the Lutz family for their decision.
- Ron W. McDaniel informed Commissioners that he didn't usually get involved in these type issues but since he had been interviewed about 15 times at his store about the proposal, he wanted to express his concern about the trash, crime, etc. going on in the Brown Mountain Beach area. Mr. McDaniel said he had been asked by people if they could use his place because they are afraid to go into the gorge. He urged Commissioners to take their families to Wilson Creek over the upcoming Labor Day weekend but cautioned them to lock their vehicles and leave their mothers-in-law in the vehicles to protect them from being broken into or stolen. He said there was much pollution in the gorge and applauded efforts by the people to preserve the Wilson Creek area.
- Nick Curtis withdrew his request to speak.
- Bob Brown, a fisheries biologist with the NC Wildlife Commission, expressed concern about the preservation of fisheries resources. He said their value could not be measured

and the resources in the gorge area were important and needed to be protected. He encouraged Commissioners to maintain the current moratorium.

- Rachel Plaster voiced her concern about any development in the Wilson Creek area and urged Commissioners to preserve it as well as other natural, scenic, and historical places.
- Betty Peterson, representing the John Hall family, said they had owned property on Wilson Creek for over 100 years. Ms Peterson said she echoed other speakers' passion about protecting the beauty of the land. She said the Hall family did not live there but they visit very often. Ms. Peterson said that when an accident occurred on the Creek, the roads are blocked by emergency vehicles responding to the scene. She said there was need to address issues for medical, fire and other types of disasters and rescue situations. Ms. Peterson also expressed concern about frequent large rains resulting in the roads being blocked.
- Chip Poe withdrew his request to speak.
- John Moore did not respond when his name was called to speak.
- Carolyn Martin, a co-keeper with the Catawba Riverkeepers, said she was concerned about the quality of water in Lake Hickory. Ms. Martin also stated perhaps Google chose Caldwell County and not Catawba County was due to the beauty of the area.
- John Martin addressed the Commissioners. He said it was heart warming as a past teacher to see many of his students in the audience and on the Commission and as Commission Chairman. Mr. Martin said he was a proud citizen of Caldwell County and commended each Commissioner for what they have already done for the area.

• Commissioner Beane indicated that work on the designation of Wilson Creek as a Wild and Scenic River began in January 1999 with a public meeting at Collettsville School. He said to get a river designated within a 20-month period was unheard of, noting that the process wasn't easy but it happened quickly because the people wanted Wilson Creek designated.

After a short break, Chairman Higgins called the meeting back to order. She thanked everyone again for coming, especially the Lutz family and extended appreciation to them for the consideration they gave the County.

Public Hearing—Rezoning Request from The Log Yard, Inc. for a Conditional Use Request

Mr. Feierabend, Planning Director, informed Commissioners that all three requests for rezoning at the end of Abington Road and Hwy 90 were supported by Planning Board.

He said the first request is for property owned by a company (Log Yard) which included a conditional use permit request to allow structures that exceed the 2500 square feet limit under the Neighborhood Business conditions. Mr. Feierabend said there would be no outdoor storage allowed and the structures would be run like a neighborhood business. He said the developer, Sohl Developers, agreed to use low profile lightning. He said they wish to buy and have a real estate building on their property; and Mr. James Puett would like to put in a garden center on his location.

Commissioner Thuss asked how much filling would be indicated and Mr. Feierabend referred the question to Marion Rothrock who explained that filling would be similar to what would have been done if the fire department had been put in there.

Commissioner Beane moved to open the public hearing, Commissioner Greene seconded, and the motion carried unanimously. There was no public participation. Commissioner Greene moved to close the public hearing, Commissioner Barrier seconded, and the motion carried unanimously.

Commissioner Thuss moved to approve the rezoning from RA20 to Neighborhood Business with a conditional use permit as requested and Commissioner Beane seconded the motion. Following discussion about the amount of acreage and questions about the sizes of the structures to be built, Commissioners Thuss and Beane withdrew the motion due to a lack of information.

Request from Sohl Developers to Rezone Property from RA-20 to NB;

Mr. Feierabend presented the request from Sohl Developers to rezone 2.74 acres (NC PIN 2810137053) from RA-20 to Neighborhood Business in order to remodel an existing house to be used as a real estate office.

Commissioner Beane moved to open the public hearing, Commissioner Barrier seconded the motion, and it carried unanimously. There was no public participation. Commissioner Greene moved to close the public hearing, Commissioner Barrier seconded the motion, and it carried unanimously.

Commissioner Thuss moved to approve the rezoning of property, NCPIN 2810137053, from RA-20 to Neighborhood as requested. Commissioner Barrier seconded the motion and it carried unanimously.

Request from James Puett to Rezone Property from RA-20 to NB

Mr. Feierabend said the final rezoning request in that area was submitted by James Puett to operate a garden center to compliment his nursery. He said the property, NCPIN 2810045051, was in the 100-year floodplain and Mr. Puett requested the rezoning to Neighborhood Business. It was noted that Mr. Puett's request was a special use so general provisions could be placed on the approval. Mr. Feierabend said there are codes that must be followed and requirements met which all had agreed to do. He said Mr. Puett agreed that any large or unsightly items would be placed in the back or rear of the structure with plants and flowers placed out front. It was also noted that the neighborhood business was in compliance and the Planning Board supported the rezoning request.

Commissioner Greene moved to open the public hearing, Commissioner Beane seconded, and the motion carried unanimously. There was no public participation. Commissioner Beane moved to close the public hearing, Commissioner Greene seconded, and the motion carried unanimously. Commissioner Beane moved to approve the rezoning of NCPIN 2810045051 to Neighborhood Business with the condition that any hazardous or potentially hazardous materials or products be stored in a place above the 100-year floodplain. Commissioner Barrier seconded the motion and it carried unanimously.

Public Hearing— Request from James & Teresa Smith for Special Use

The Planning Director presented the request from James and Teresa Smith for a Special Use Permit in order to reconnect power to an existing non-conforming apartment. The property consisting of .56 acres and recorded as NCPIN 2799439965 is located on Taylorsville Road near its intersection with Morris Creek Road and is currently zoned Neighborhood Business. Mr. Feierabend said the power to the apartment was disconnected approximately 10 months ago and, subsequently, lost its grandfathered status. He noted the apartment was located above the store on the property and the structure would be inspected as part of the process to reconnect power. Mr. Feierabend said the Planning Board voted unanimously to recommend approval of the special use permit as requested by James and Teresa Smith.

Commissioner Greene moved to open the public hearing, Commissioner Barrier seconded, and the motion carried unanimously. There was no public participation. Commissioner Greene moved to close the public hearing, Commissioner Barrier seconded, and the motion carried unanimously. Commissioner Thuss moved to approve the special use permit for the property, NCPIN 2799439965, as requested. Commissioner Beane seconded the motion and it carried unanimously.

Public Hearing— Request from Warren Tilley for Amendment to Special Use Permit

Mr. Feierabend informed Commissioners of the request from Warren Tilley for an amendment to his special use permit. He said there would be no changes in the external appearance of the building. The amendment was requested on Mr. Tilley's special use permit for property, NCPIN 2746279330, consisting of 1.75 acres in order to increase the hours of operation for an indoor auction service. The existing special use stipulates that the auction could only be operated no later than 10 p.m. on Saturdays and Mr. Feierabend informed the Board that Mr. Tilley wanted to operate during the following hours. It was noted there would be no additional signage placed on the property and that the Planning Board voted unanimously to recommend approval of the amendment.

- Monday – Thursday, 9am -8pm
- Friday – Saturday, 9am – 10pm

Commissioner Greene moved to open the public hearing, Commissioner Beane seconded, and the motion carried unanimously.

Mr. Tilley appeared before Commissioners and said he intended to sell “good ole” American antiques and that there would be no additional lightning. He noted that the auctions drew people not only from Caldwell County but others as well.

Betty Barnett did not respond when her name was called to speak.

Graham Wilson did not respond when his name was called to speak.

There being no further public comment, Commissioner Beane moved to close the public hearing. Commissioner Greene seconded the motion and it carried unanimously.

Commissioner Beane moved to approve the amendment to Mr. Tilley's special use permit for property, NCPIN 2746279330, as requested. Commissioner Greene seconded the motion and it carried unanimously.

Commissioner Thuss began lengthy discussion about the process Commissioners are going through regarding action/non action following the close of public hearings. He said no action would delay making any of these decisions until the Board's next meeting. He said it seemed that process opened a "Pandora's box" and left a lot of time for citizens to call Commissioners about their particular requests which would be outside of the public hearing process. Commissioner Thuss said the Board was getting away from the public process. Commissioner Barrier indicated his idea of whether or not to take action was whether or not something concerned a lot of property owners. If it did, then time should be made to consider a decision on the request; however, if there was not, the Board could choose to proceed with making a decision immediately after conducting the public hearing.

Bemis Corporate Office Expansion

Alan Wood, EDC Senior Marketing Director, addressed Commissioners about a potential \$2,000.00 contribution to Bemis Corporation. He stated there had been a recent discussion with Bemis officials about moving in the office across the street which they feel was an excellent encounter for them. The planned move will be October.

Commissioner Greene reminded Commissioners that Bemis had been extremely good neighbors and had been adding employees. Commissioner Greene moved to approve the \$2,000.00 contribution to Bemis Corporation and Commissioner Beane seconded the motion.

Commissioner Thuss questioned the potential incentive and its deviation from the existing policy. Mr. Wood explained the plan as an outshoot of expansion. Chairman Higgins asked if there would be any job creation and Commissioner Thuss indicated there would only be one (1) job created as a result of the expansion. Lengthy discussion followed about the particular incentive proposal for Bemis Corporation not fitting the definition of marketing and Commissioner Barrier noted that, if it was an incentive, it would require a public hearing. However, Commissioner Thuss indicated it was a grant and said he was not aware of the proposal until he received his agenda on Friday afternoon. Commissioner Barrier expressed concern that approving the proposal could set precedence and had nothing to do with the entity being discussed; it was the process. Commissioner Beane asked about bringing the issue back before the Board after its meeting the next day and Chairman Higgins said it would be fine.

Commissioner Greene moved to table the motion until the meeting on September 4, 2007. Commissioner Beane seconded and the motion carried unanimously.

Google Project Revenues

Bobby White appeared before the Board to provide an overview of the request to transfer Google money for soft costs. Mr. White noted that the Google projects involved payments to the County and City in the amount of \$1.5 million to each and were intended to cover any cost (both soft cost as well as anticipated rail cost) dealing with Google implementation and with the railroad. The \$1.5 million was deposited to the County in January, 2007 and, once received, the funds were designated or set aside so they could be identified and tracked. Since that time, certain soft costs have been spent for various types of expenditures. He said there were substantial costs dealing with the Google project on the state level as well as negotiating the agreements and engineering studies associated with Google's anticipated water usage. There were rail

consultants that dealt with the discontinuance of the rail and a wide array of various kinds of costs incurred.

In responding to the Google recruitment efforts early on by the City and the County, the leaders said they would jointly finance some of the related costs without knowing exactly every itemized amount. Mr. White noted that the offer by Google and acceptance by the City and County was intended to be and did serve as a onetime payment provided by Google to cover a wide array of costs. There were no “strings attached” or reporting requirements by Google for approval prior to any expenditures of the money by either the City or the County. The funds were to be used at the discretion of the local government to reimburse payment for costs, pay for any incurred soft cost, or use however the governing boards determined.

Mr. White reminded Commissioners of a recent \$350,000.00 budget amendment from the County to a special projects account with the EDC that has been the vehicle used heretofore in funding those commonly referred to costs, whether for the rail and others. The \$350,000.00 budget amendment came from the Google revenue that the County had on hand and still has on hand. The County will not know until the certified final audit for the year that ended June 30 exactly how that fund stood at fiscal yearend. Mr. White said he thought they could venture an educated estimate that it would be somewhere in the neighborhood of \$950,000.00 to \$1 million. He said the Google revenue that was earmarked and set aside has earned interest which could revert to that category for the pool of dollars associated with Google related soft costs. He said it was important to guard those funds because there were ongoing funds in future years dealing primarily with the rail which needed to be earmarked for those future costs.

Mr. White said staff had put together, as of May, a projected worse case of the possible financial obligations over the 10-year period. He said a quick review this date by staff estimated the Google revenue had earned about \$35,000.00. It was noted the interest revenue the designated Google fund earns will stay within that fund. Mr. White said, in the early on discussions with Google officials, they had expressed their hope that Caldwell County officials would be able to meet Google’s corporate leaders in Mountain View once all of the negotiations and agreements had been consummated and the project was underway. At the suggestion of some staff, Mr. White included, the Caldwell leadership recommended that as the Google visit transpired to also include some marketing visits with other kinds of firms on the West Coast. He said a team of Caldwell County officials and representatives visited Google’s leadership and met with Mr. Hoshel (third in line with Google), Barry Schmitt, and others.

Mr. White said there were many things that could be reported about the Google trip but he highlighted a couple that were beneficial. There was discussion about the possibility of elaborating on what they see as the long term goals of Caldwell County and Lenoir. The team explained that due to all the enormous amount of grading underway many folks were curious of what the future held. Google officials enlightened the team on some project and investment opportunities that they were going to provide possibly for the County’s school system (through email opportunities). They also talked about a special business seminar to help our small businesses take advantage of the Google success story and mentioned the possibility of working with some of the County’s non-profit organizations through Google’s outreach. Mr. White said he felt the Google trip was very beneficial in that contacts were made with some prospective companies for Caldwell County.

Regarding the actual cost of the trip to Google, Mr. White said staff estimated the following amounts totaling about \$7,300.00 which will be paid from the Google funding. He proposed a

budget amendment to transfer \$10,000.00 from the Google fund to pay for the trip cost with the remainder for use as other soft costs arise.

• Airfare for 7 individuals @\$397.30	\$2,781.10
• (2) vehicle rental for three days	\$ 876.75
• Six hotel rooms @179.95 + tax per night	\$3,596.34
• Meals for six individuals (Tuesday thru Friday)	\$ 383.00*
• Fuel for rental vehicles	\$ 50.00*
• Airport parking at Charlotte	<u>\$ 50.00*</u>
Sub Total	\$7,737.19
Less reimbursement from Duke Power for 1 airfare	- \$ 397.30
Estimated Total	<u>\$7,339.89</u>

Following Mr. White’s report, Commissioner Barrier, for the benefit of the public, questioned if his report was the official public report on the trip or whether there would be another one. Mr. White said his presentation was designed to be sort of an abbreviated combination of the two: the official report for the public and the budget amendment request to the Board. Commissioner Barrier suggested that the Board direct staff to prepare as detailed as possible a report (not jeopardizing confidentiality) for the public to understand and possibly air the presentation on the County’s TV channel.

Mr. White stressed the need to budget the Google money because there would be certain costs to pay in the future. It was noted there should be a process on determining how the Google money would be used. It was also noted that Google gave the contribution without any “strings attached” and Commissioners had been wise in setting aside those monies and only using what was needed.

Commissioner Barrier pointed out the funds were now Caldwell County money and not Google money. Commissioner Greene moved to approve the following budget amendment of \$10,000.00 and Commissioner Thus seconded the motion. With no further discussion, the motion carried unanimously.

Increase	10.3000.397000	Fund Balance Appropriated	\$10,000.00
Increase	10.617049.461960	Soft costs/RR Expense	\$10,000.00

School Resource Officer

Lt. Mike Long with the Caldwell County Sheriff Office appeared before the Board to request two new school resource officer positions for the remaining schools that didn’t have a full-time officer to patrol them. He said an agreement between the Sheriff Office and the Caldwell County School System was reached to add the two schools to the existing three already being served which would result in a full-time School Resource Officer to provide law enforcement services at Gamewell Middle, Hudson Middle, Gateway, South Caldwell High, and West Caldwell High Schools.

Lt. Long said the contract had already been signed by himself, Sheriff Alan Jones, Dr. Steve Stone, and Bob Query, Finance Director for the school system. The contract covers 100% of the cost for reimbursement to the County with the exception of two vehicles necessary for the officers. It was noted that two new vehicles had been put in service this date.

It was noted a correction in the amount of the funding for weapons was needed. Instead of \$1,500.00 as identified it should be \$3,000.00 for two weapons (\$1500.00 for a weapon for each officer). It was also noted that the money comes from the State.

Commissioner Barrier made a motion to approve the following budget amendment, Commissioner Greene seconded, and the motion carried unanimously.

Increase	10.4315.330001	School Resource Officer	\$87,708.00
Increase	10.4315.412100	Salaries	\$60,000.00
Increase	10.4315.412700	Longevity	\$ 1,000.00
Increase	10.4315.418100	FICA	\$ 4,666.00
Increase	10.4315.418200	Retirement	\$ 5,966.00
Increase	10.4315.418300	Hospitalization	\$11,136.00
Increase	10.4315.418400	Dental	\$ 396.00
Increase	10.4315.418700	Life	\$ 44.00
Increase	10.4315.421200	Uniforms	\$ 3,000.00
Increase	10.4315.451000	Equipment	\$ 1,500.00

Water Conservation Resolution

County Manager Jack Horton reported to the Board the current drought situation and expressed its severity. He said mandatory restrictions may need to be applied and noted that part of the County's agreement with its water suppliers was that Caldwell would cooperate with them on water restrictions if the need arises. Mr. Horton read the following resolution and, upon its reading, Commissioner Beane moved to adopt same. Commissioner Barrier seconded the motion and it carried unanimously. Commissioner Greene said he voted in favor of the motion but under protest. He said, "Why should we conserve water and Charlotte has a white water rafting park and another one being proposed?" He said he was not sure that Caldwell County should do anything until everyone below the County does it first. He said it didn't make sense that Caldwell County should conserve water so they (Charlotte) can sprinkle and have white water rafting. Commissioner Barrier added that Caldwell County had to do the right thing whether they did or not. Commissioner Thuss requested the Manager give a report as to how many water providers downstream from Caldwell County have taken action and did Caldwell communicate with any of those that have not to avoid a trickle down effect. Chairman Higgins indicated it did not hurt Caldwell County to be conservative.

CALDWELL COUNTY WATER CONSERVATION MEASURES

RESOLUTION

WHEREAS, the Spring and Summer of 2007 have resulted in designated drought conditions throughout much of North Carolina and,

WHEREAS, the Local Governments along the Catawba River and its chain of lakes are now evaluating certain water conservation efforts in order to minimize the impacts caused by the drought situation and,

WHEREAS, the Caldwell County Water System and its 8500 plus users purchase their water from the City of Lenoir, the Town of Granite Falls as well as a small amount from the City of Hickory and,

WHEREAS, our agreements with these municipalities dealing with the purchase of water require our support for conservation measures implemented by the Local Governments and,

WHEREAS, these conservation measures will require certain actions by the **Caldwell County Water System** in efforts to conserve water resources as part of a basin wide effort,

NOW, THEREFORE BE IT RESOLVED, this resolution supports efforts designed to conserve water resources and authorizes Caldwell County to develop and implement conservation measures as part of this basin wide effort,

FURTHER BE IT RESOLVED, the Commissioners authorize Jack Horton, Caldwell County Manager to coordinate and implement necessary local conservation measures related to the Caldwell County Water System. Such actions shall be reported to the County Commissioners at their next meeting. Such authority and actions shall remain in effect until either drought conditions improve or the County Board of Commissioners takes official action to remove these conservation measures.

Adopted this the 27th day of August, 2007 by the Caldwell County Board of Commissioners.

Kathy T. Myers, CMC
Clerk to the Board of Commissioners

Faye R. Higgins, Chairman
Board of Commissioners

Consent Agenda

1. Budget Amendments

The County Manager recommended the Board of Commissioners approve the following budget amendments and authorize staff to execute documents associated with the budget amendments.

a. Caldwell Soil & Water Conservation District (Grant Funds Rollover); \$45,000.00

The Soil & Water Conservation District received a grant from the State last and the Conservation District requested \$45,000.00 in grant funds to be disbursed for expenses associated with the grant project. The State recently sent Caldwell County the money requested and the following budget amendment is necessary to allow the Conservation District to disburse the funds:

Increase	10.4960.330000	Other Grants	\$45,000.00
Increase	10.4960.444100	Contractual	\$45,000.00

b. Tax Department (Service Contract with Tax Management Associates); \$50,000.00

The Tax Department currently has a service contract with Tax Management Associates to conduct audit and consulting services associated with business personal properties. Staff understands the contract would pay the firm only on taxes owed the County based on their audit and discoveries. The following budget amendment is necessary to set aside some funding for

services provided by Tax Management Associates. It was noted that the amount is an estimate, at this time, of what the County would have to expend:

Increase	10.3000.311106	2006 Property Tax	\$50,000.00
Increase	10.4140.444100	Tax-Contractual Expenses	\$50,000.00

c. Oak Hill Park (Capital Reserve Funds for Improvements); \$9,150.00

Some time ago, the County reserved funds for improvements and repairs to Oak Hill Park. These funds currently amount to approximately \$23,000.00 and Oak Hill Park representatives have requested \$9,150.00 from the reserve to pay for some paving done at the site of the park. Therefore, the following budget amendment is necessary allow payment for paving improvements:

Increase	10.3000.391001	Interfund Transfer-Capital Reserve	\$9,150.00
Increase	10.6130.444100	Contractual	\$9,150.00
Increase	21.3000.397000	Fund Balance Appropriated	\$9,150.00
Increase	21.9800.498000	Interfund Transfer	\$9,150.00

d. Sheriff Office (Court Awarded Evidence Funds); \$9,309.59

Last year, there were several instances where the court system turned over evidence monies to the Sheriff's Department to be used for investigative purposes. The funds were deposited on June 29, 2007 and reverted to fund balance at FY06-07 yearend. Therefore, the department has requested to use the funds and the following budget amendment is necessary to roll the funds into the current year budget for expenditure:

Increase	10.3000.397000	Fund Balance Appropriated	\$9,309.59
Increase	10.4317.456204	Court Awarded Evidence Exp.	\$9,309.59

2. Request to Schedule Public Hearing re EDG for Lowes/Hwy 321 Medical Project

Mr. Horton reported that, during the County Commissioner's meeting on Monday, August 6, 2007, the Board heard a presentation from Mr. Hunt Shuford concerning a proposed medical facility at a general location on the Lowes' Home Improvement out parcel site. During that meeting Mr. Shuford indicated the desire to request an EDG for the project based on certain anticipated site development costs.

He said the EDC had officially received an EDG request related to the project and, in following the protocol of the project review process, the information is being presented to the Board of Commissioners. Mr. Horton recommended the Board of Commissioners schedule a public hearing on the request for Monday, September 17, 2007, as part of the regular County Commissioners' meeting.

3. Surplus Library Books for Donation to Friends of the Library

Mr. Horton informed Commissioners that, periodically, the Library staff review their inventory to identify items that are no longer circulating, in poor condition, out of date, etc. for disposal. As a result of their most recent review of the library facilities, a total of 3,400 items have been identified for disposal.

He noted that these items in the past have been declared surplus and donated to the Friends of the Library, a non-profit group (501c3), that usually conduct sales for these and other donated items to raise funds for support of the library. The next sale is scheduled for September 7-8, 2007. Occasionally, they may donate a few of the items to community organizations that are serving a public purpose. Mr. Horton said Jim McKee, by memorandum, estimated the value of the books at approximately \$1700 (no more than 50 cents/book).

The County Manager recommended the Board of Commissioners declare the 3400 items identified by Library staff and formally approve the donation of the items to the Friends of the Library.

Commissioner Greene moved to approve the three (3) items on the consent agenda as presented and recommended by the County Manager. Commissioner Beane seconded the motion and it carried by majority vote. Commissioner Thuss voted against the motion.

Appointments

Chairman Higgins moved to appoint Charles Dickson to the Juvenile Crime Prevention Council and Commissioner Beane seconded the motion. The vote was unanimous.

Chairman Higgins moved to appoint Kay Roukema to fill an unexpired term (until December 31, 2008) on the Council for Women. Commissioner Greene seconded the motion and the vote was unanimous.

Commissioner Higgins moved to appoint Jack Horton to the Transportation Authority Board and Commissioner Greene seconded the motion. The vote was unanimous.

Closed Session

At 9:13 p.m., Commissioner Greene moved to go into closed session pursuant to NCGS 143-318.11(a)(6) to discuss a personnel matter. Commissioner Barrier seconded and the motion carried unanimously.

Commissioner Thuss moved to go out of closed session into regular session and Commissioner Barrier seconded. The vote was unanimous.

Home Health Position

Commissioner Thuss moved to authorize the County Manager to negotiate a salary for a Home Health nurse. Commissioner Greene seconded the motion and it carried unanimously.

With no further business to conduct, Commissioner Greene moved to adjourn and, by unanimous vote, Chairman Higgins declared the meeting adjourned at 10:00 p.m.