

CALDWELL COUNTY
Lenoir, North Carolina

BOARD OF COMMISSIONERS
December 3, 2007
10:00 a.m.

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

Absent: None

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

Chairman Higgins called the meeting to order and welcomed everyone. Mr. Horton provided the invocation and the Pledge of Allegiance was led by Kathy Myers.

Chairman Higgins asked for any additions or amendments to the December 3, 2007 agenda. Commissioner Barrier asked that an item be added to discuss the Economic Development Commission and Commissioner Greene asked to remove item #14 (Resolution—NC Community College Directive Concerning Admission of Illegal Immigrants). Commissioner Greene moved to approve the agenda as presented and amended. Commissioner Barrier seconded the motion and the vote was unanimous.

Election of Officers

Chairman Higgins relinquished the floor to the County Manager to conduct the election of officers.

Mr. Horton requested nominations for chairman. Commissioner Higgins nominated Herb Greene for chairman. Commissioner Barrier moved to close the floor for nominations and to elect Mr. Greene by acclamation. Commissioner Higgins seconded the motion and the vote was unanimous.

Mr. Horton requested nominations for vice chairman. Commissioner Thuss nominated Ron Beane for vice chairman. Commissioner Barrier moved to close the floor for nominations and to elect Mr. Beane by acclamation. Commissioner Thuss seconded the motion and the vote was unanimous.

Mr. Horton relinquished the floor to Chairman Greene to preside over the remainder of the meeting.

Recognition of Retirees

The Board of Commissioners along with Sheriff Alan Jones and staff formally recognized Randy Church and Mike Powell who each retired November 30, 2007. Commissioners presented each a retirement plaque and Sheriff Jones presented each their service weapons.

Recognition of County Manager

The Board of Commissioners officially recognized Mr. Jack Horton for his service to Caldwell County. Commissioners presented him a certification of appreciation and wished him well as he leaves Caldwell County to become County Manager for Macon County.

Mr. Horton extended appreciation to Commissioners for their support and expressed pleasure in working with them over the past couple years.

Public Hearing— Installment Financing for FY2007-08 Capital Outlay

Sam Yearick, Finance Director informed the Board of Commissioners that requests for proposals were mailed to several banks asking for quotes to finance the County's FY2007-08 capital outlay purchases. He reported the following quotes received during the bid opening on Friday, November 30th.

<u>Bank</u>	<u>Rate</u>	<u>Comments</u>	<u>Total Cost of Loan</u>
Wachovia	3.91%	No prepayment penalties or bank fees	\$551,428.47
RBC Centura	3.37%	Prepayment penalty; \$100 bank fee	\$544,263.43
RBC Centura	3.74%	No prepayment penalties; \$100 bank fee	\$549,112.18
First Citizens	3.63%	No prepayment penalty; \$500 bank closing fee	\$548,143.75
SunTrust	3.49%	Prepayment penalty	\$544,288.54
SunTrust	3.59%	No prepayment penalty	\$545,559.38
Parkway	4.27%	No prepayment penalty	\$666,666.66
BB&T	3.67%	Prepayment penalty	\$545,875.01
BB&T	3.81%	No prepayment penalty	\$547,625.01

Mr. Yearick recommended the award to RBC Centura, the lowest bidder, at 3.37% because even though there was a prepayment penalty, the County most likely would not be paying the loan off earlier than the maturity date.

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

Commissioner Beane moved to award the 59-month installment financing contract to RBC Centura at a rate of 3.37% and to approve the following budget amendment associated with the overall borrowing. Commissioner Thuss seconded the motion and the vote was unanimous.

Increase	10.3000.390000	Lease Purchase	\$500,000.00
Increase	10.3000.397000	Fund Balance Approp.	\$ 6,957.00
Increase	10.4130.451000	Equipment	\$ 6,600.00

Increase	10.4141.452000	Non Capital	\$ 4,000.00
Increase	10.4210.451000	Equipment	\$ 46,000.00
Increase	10.4310.451001	Vehicle	\$ 88,000.00
Increase	10.4310.452000	Equipment	\$ 6,000.00
Increase	10.4320.451001	Vehicle	\$ 19,050.00
Increase	10.4330.451001	Vehicle	\$250,000.00
Increase	10.4330.451000	Equipment	\$ 25,000.00
Increase	10.4350.451001	Vehicle	\$ 18,000.00
Increase	10.4380.451001	Vehicle	\$ 20,350.00
Increase	10.5310.451001	Vehicle	\$ 17,000.00
Increase	10.4310.451001	Taxes/Tag	\$ 2,670.00
Increase	10.4320.451001	Taxes/Tag	\$ 580.00
Increase	10.4330.451001	Taxes/Tag	\$ 2,020.00
Increase	10.4350.451001	Taxes/Tag	\$ 550.00
Increase	10.4380.451001	Taxes/Tag	\$ 617.00
Increase	10.5310.451001	Taxes/Tag	\$ 520.00

Caldwell County FY2006-07 Audit

Bryan Starnes with Martin, Starnes and Associates presented the formal audit report to the Board of Commissioners and said Caldwell County received an unqualified opinion from the audit firm with no findings. He noted that Caldwell County's annual CAFR was submitted to the State Treasurer's Office by the October 31st deadline. Mr. Starnes reported that the fund balance at the end of FY2006-07 (as of 7/1/07) was \$6,836,040 which reflected 10.71% of the County's budget.

Railroad Construction Update

Bill Stone reported Phase I of the construction had been completed and there was \$41,933.00 remaining from the \$200,000.00 ARC (Appalachian Regional Commission) grant due to low bids for that phase. Mr. Stone said Phase II of the construction had begun and the remaining money would be utilized in that phase. The bidding process for Phase II began November 23rd; a pre-bid meeting regarding the construction project would be 9 a.m. on December 10th; and the final bid opening would be December 21st at the EDC office.

Organizational Meeting/Approval of 2008 Meeting Schedule

Mr. Horton said, in accordance with general statutes, Commissioners must establish a meeting schedule for calendar year 2008. He highlighted the draft schedule developed by the Clerk for the Board's consideration. Commissioner Barrier moved to adopt the following schedule, Commissioner Thuss seconded, and the vote was unanimous.

**Calendar Year 2008
Caldwell County Commissioner Meeting Schedule
City-County Chambers
905 West Avenue NW
Lenoir, North Carolina**

<u>Date</u>	<u>Day</u>	<u>Time</u>	<u>Meeting</u>	<u>Remarks</u>
January 7, 2008	Monday	10:00 a.m.	Regular and Work Session	Yadkin Valley Water Reservoir Project
January 17, 2008	Thursday	9:00 a.m.	Work Session	Midyear budget review
January 28, 2008	Monday	6:00 p.m.	Regular	3 rd Mon is Martin Luther King Day
February 4, 2008	Monday	10:00 a.m.	Regular	
February 18, 2008	Monday	6:00 p.m.	Regular	
March 17, 2008	Monday	6:00 p.m.	Regular	NACo Legislative Goals meeting - 1 st week in March (1-5)
April 7, 2008	Monday	10:00 a.m.	Regular	
April 21, 2008	Monday	6:00 p.m.	Regular	
May 5, 2008	Monday	10:00 a.m.	Regular	
May 19, 2008	Monday	6:00 p.m.	Regular	Budget Message
June 2, 2008	Monday	10:00 a.m.	Regular	
June 16, 2008	Monday	6:00 p.m.	Regular	FY08-09 Budget Public Hearing
June 30, 2008	Monday	10:00 a.m.	Work Session	FY07-08 Yearend Wrap-up
July 7, 2008	Monday	10:00 a.m.	Regular	
July 21, 2008	Monday	6:00 p.m.	Regular	
August 4, 2008	Monday	10:00 a.m.	Regular	
August 18, 2008	Monday	6:00 p.m.	Regular	
September 2, 2008	Tuesday	10:00 a.m.	Regular	1 st Monday is Labor Day Holiday
September 15, 2008	Monday	6:00 p.m.	Regular	
September 22, 2008	Monday	10:00 a.m.	Work Session	
October 6, 2008	Monday	10:00 a.m.	Regular	
October 20, 2008	Monday	6:00 p.m.	Regular	
November 3, 2008	Monday	10:00 a.m.	Regular	
November 17, 2008	Monday	6:00 p.m.	Regular	Audit Report
December 1, 2008	Monday	6:00 p.m.	Regular	Oath of Office for Commissioners
December 15, 2008	Monday	6:00 p.m.	Regular	

Adopted this the 3rd day of December, 2007.

ATTEST:

Kathy T. Myers, CMC
Clerk to the Board

Herbert H. Greene
Chairman

Proposed Rewrite of the Caldwell County Zoning Ordinance, Proposed Rewrite of the Caldwell County Subdivision Ordinance, and Proposal for Manufactured Home-Vacated/Dilapidated Structure Ordinance

Randy Feierabend, Planning Director, presented Commissioners the final draft proposals and he reported that the changes suggested during the Board's meeting on November 5th were incorporated in the language. Following lengthy discussion about the proposals, Commissioner Thuss moved to adopt the ordinance(s) as presented with removal of the Wilson Creek Overlay District and rewording of R-20 definition in Section 80A regarding minimum standards of homes. His motion failed for lack of a second.

Commissioner Barrier expressed concern about the number of changes made to the proposals since first presented and the date of the public hearing; therefore, he moved to direct staff to advertise the proposals on the County's website for sixty days in order to seek public comment prior to considering formal action during the Board's first meeting in February 2008. Commissioner Beane seconded the motion and it carried unanimously.

Resolution—Air Quality

Commissioner Thuss led discussion about a resolution dealing with air quality standards. Following brief discussion, he moved to adopt the following resolution. Commissioner Beane seconded the motion and the vote was unanimous.

RESOLUTION

WHEREAS, Caldwell County strongly supports clean-air standards at a level that ensures public health and improves quality of life for all our residents; and

WHEREAS, both state and local governments and private industry are making measurable progress in improving air quality, with the national average for ozone levels having decreased by 21 percent from 1980 to 2006; aggregate emissions of six principal pollutants down more than half since 1980 despite a 46 percent increase in population; and programs in place to cut power plant emissions by more than 40% from today's levels by 2010 in 30 eastern jurisdictions, reduce emissions vehicles by 77 to 95 percent from 2004 levels, dramatically reduce airborne levels of mercury and virtually eliminate diesel emissions; and

WHEREAS, state and local governments and business are working diligently to meet the Environmental Protection Agency's current National Ambient Air Quality Standard for ground level ozone by the 2020 deadline, investing approximately \$20 billion each year, according to EPA estimates; and

WHEREAS, the Environmental Protection Agency, in the course of its required review of NAAQS, is nevertheless considering a further tightening of the ozone standard from 0.08 parts per million; and

WHEREAS, further tightening the ozone standard, even before the current standard is met, could significantly expand the number of nonattainment areas and result in emissions controls in additional areas, thereby imposing significant administrative and regulatory burdens on more citizens, businesses and local governments; and

WHEREAS, the burdens associated with a tightened standard would include almost certain plant and business closures and loss of jobs, along with higher energy and other prices to consumers, with total additional costs estimated at \$10 billion to \$22 billion per year; and

WHEREAS, it is in fact likely that many local businesses in Caldwell County will have to close their doors if the lowest proposed standard is established; and

WHEREAS, significant questions have been raised regarding the science behind the EPA's proposal to tighten the ozone standard, and members of the Clean Air Scientific Advisory Committee (CASAC), the Agency's own scientific advisory board, have disputed its conclusions; and

WHEREAS, the Agency is proposing this action with virtually no evidence that the change in standards will result in significant health benefits and with no analysis of the enormous costs that will be charged to Caldwell County business and consumers and to those communities that must implement new complicated compliance programs.

NOW, THEREFORE, BE IT RESOLVED, that the Caldwell County Board of Commissioners advises and strongly urges EPA to retain the existing NAAQS for ozone.

BE IT FURTHER RESOLVED, that the EPA is urged to identify any unfunded mandates or other administrative and economic burdens for state or local governments or agencies that would derive from changes to the NAAQS for ozone; and

BE IT FURTHER RESOLVED that the Caldwell County Board of Commissioners prepares and transmits properly inscribed copies of this resolution to the President of the United States, the Administrator of the United State Environmental Protection Agency, the Governor of North Carolina, and the Administrator of the North Carolina Department of Environmental Quality.

Adopted this the 3rd day of December, 2007.

ATTEST:

Kathy T. Myers, CMC
Clerk to the Board

Herbert H. Greene
Chairman

Consent Agenda

1. Approval of Minutes

The County Manager recommended the Board of Commissioners approve the minutes of the following meetings as prepared and presented by the Clerk.

- October 1, 2007 Regular Meeting
- November 19, 2007 Regular Meeting

2. Budget Amendments

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

a. Fire Marshal Office (Smoke Detector grant) - \$649.66

The following budget amendment is necessary to budget smoke detector grants funds originally budgeted in FY2006-07 that were actually received in FY2007-08.

Increase	10.4390.330000.10133	Other Grants	\$649.66
Increase	10.4390.467100.10133	Grant Expenditures	\$649.66

b. 911 Funds (Ortho/aerial photography project) - \$151,600.00

The County is eligible to use 911 funds every four (4) years for aerial photography associated with 911 addressing purposes. The last photography project was conducted in 2004 and the next project is scheduled for January/February 2008. It is scheduled to be completed by fall 2008. The following budget amendment is needed to appropriate wireless funds to fund the project. It was noted the project is 100% eligible for wireless funds so no local tax dollars would be needed.

Increase	13.3000.397000	Wireless-Fund Balance Approp.	\$151,600.00
Increase	13.4309.444100	Wireless-Contractual Expense	\$151,600.00

c. Workers Compensation Insurance Reserve - \$45,922.00

As a result of the audit of workers compensation for FY2006-07, the County received a refund of \$45,922.00. The following budget is needed to place the funding in the County's workers compensation insurance reserve fund.

Increase	10.3000.310000	Misc. Revenue	\$45,922.00
Increase	10.6717041.469500	Insurance Reserve	\$45,922.00

3. Schedule Public Hearing re Request from McCreary Modern for ED Grant

The County Manager recommended the Board of Commissioners schedule a public hearing for 6:00 p.m. on Monday, December 17, 2007 in the City-County Chambers to formally consider the economic development incentive application submitted by McCreary Modern.

4. Request from Petitioners to Add Lilac Lane and Camellia Court to State Road Maintenance System

The County Manager reported a petition requesting the addition of Lilac Lane and Camellia Court to the State road system for maintenance was submitted for Commissioners' action. He recommended the Board of Commissioners adopt the resolution which is hereby incorporated by reference and made a part of these minutes (Exhibit A) for the formal submittal of the petition requesting Lilac Lane and Camellia Court be added to the State Road Maintenance System to the North Carolina Department of Transportation.

Commissioner Beane moved to approve the four (4) items on the consent agenda as presented and recommended by the County Manager. Commissioner Barrier seconded the motion and it carried unanimously.

Closed Session

At 11:11 a.m., Commissioner Higgins moved to go into closed session pursuant to NCGS 143-318.11(a)(4) and (6) to discuss economic development and personnel matters. Commissioner Barrier seconded and the motion carried unanimously.

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

With no further business to conduct, Commissioner Greene declared the meeting adjourned at 12:45 p.m.