

CALDWELL COUNTY
Lenoir, North Carolina

BOARD OF COMMISSIONERS
July 23, 2007
6:00 p.m.

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 T. Myers, Clerk to the Board

Chairman Higgins called the meeting to order and welcomed everyone. Commissioner Greene provided the invocation and Major George Shade led the Pledge of Allegiance. Following, Major Shade spoke briefly about his upbringing, his military service, and his recent visit to Washington, D.C. where he was awarded the Medal of Honor. On behalf of the Board of Commissioners, Commissioner Thuss presented Major Shade a Caldwell County lapel pin and the audience gave Major Shade a standing ovation.

Chairman Higgins asked if there were any additions/amendments to the July 23, 2007 agenda. Commissioner Thuss requested Item #I2a (Budget Amendment—Google Monies) be removed from the Consent Agenda and added to Items for Decision as #H7. Commissioner Greene moved to adopt the agenda as presented and amended, Commissioner Barrier seconded, and the motion carried unanimously.

Public Hearing—CCATS’ Application for Rural Operating Assistance Program Funds

Mike Bradshaw, CCATS’ Executive Director, appeared before Commissioners to present the annual NC Department of Transportation 2008 Rural Operating Assistance Program grant application for funding CCATS’ programs.

Mr. Bradshaw said the application consisted of two separate requests: 1) the standard funding and 2) the supplemental funding from existing programs to provide new or expanded services. The application for funds is requested for the following three categories and Mr. Bradshaw provided details about each.

<u>Program</u>	<u>Standard</u>	<u>Supplemental</u>	<u>Total</u>
• Elderly and Disabled (EDTAP)	\$61,376	\$36,624	\$98,000

(This program is exclusively for elderly and disabled individuals primarily for medical purposes but will be expanded to provide trips for shopping, etc.)

• Employment Transportation (EMP)	\$ 7,748	\$ 7,748	\$15,496
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(This program is for individuals transitioning off public assistance programs who have

transportation needs to secure and sustain employment. The supplemental funding will enable more people to access these services.)

- Rural General Public (RGP) \$53,960 \$35,664 **\$89,624.00**

(This program has a high level of demand and, currently, is limited for services only on Mondays and Fridays. The supplemental grant will allow at least another day, expanding services to Mondays, Wednesdays, and Fridays.)

Mr. Bradshaw said the total amount of funding requested in the grant application was \$203,120.00 with a 10% local match of \$20,312.00 which CCATS would provide without seeking County funds. Therefore, no local funds were associated with the grant. He said all fares, interest, and other revenues must be used to buy transportation services.

Following Mr. Bradshaw’s presentation, Commissioner Beane moved to open the public hearing. Commissioner Greene seconded the motion and it carried unanimously. There was no public participation. Commissioner Greene moved to close the public hearing, Commissioner Beane seconded, and the motion carried unanimously.

Commissioner Beane moved to authorize CCATS to submit an application seeking Rural Operating Assistance Program grant funds totaling \$203,120.00 for the three programs presented by Mr. Bradshaw. Commissioner Greene seconded the motion. Following discussion about transportation services for clients within the three programs and the destinations by rural general public users, the motion carried unanimously.

Mr. Horton updated the Board of Commissioners on the current status of the proposed regional transit system for the Unifour.

Public Hearing—Proposed Amendments to the Zoning and Subdivision Ordinances and Proposed Manufactured Home-Vacated/Dilapidated Structure Ordinance

Eric Woolridge, Caldwell County Senior Planner, provided a lengthy presentation about work that had been done in developing a comprehensive land use plan for the County. He said staff had been in the planning process for the past five to six years with work on the comprehensive plan for about one and a half years. He provided a timeline of the entire planning process which included a period for public inspection and input as well as a “road show” to educate various organizations, agencies, developers, associations, etc.

Mr. Woolridge highlighted the following elements considered in developing the plan and talked about the work involved in each of the elements.

- Land Design
 - Preserve Community Character and Environment
 - PUD Concepts
 - Density Averaging
 - Open Space
- Planning Districts
 - Yadkin Valley
 - Collettsville
- Diverse Economic Development Approach

- Strategic Transportation Corridors
- Stormwater/Environmental Management
- Passive Recreation

Randy Feierabend, Planning Director, talked about the comprehensive land use plan and briefed Commissioners on the working groups established to assist in implementation of the plan. The two groups: Steep Slope/Ridgeline Task Force and the Mountain Road Standards Advisory Committee worked with the County's planning staff and played a key role in developing standards and regulations.

Mr. Feierabend informed the Board of Commissioners that the proposed changes to the County's zoning and subdivision ordinances were reviewed by the Planning Board during a public meeting in June; however, action on the proposals was tabled until their meeting in July. A subcommittee was created after the Planning Board members had a chance to thoroughly review the proposals. The Planning Board and the subcommittee actually met weekly for 4 weeks to work on the proposals. Following the meetings, they prepared a recommended final draft for actual changes to the zoning and subdivision ordinances as well as a new Manufactured Home—Vacated/Dilapidated Structure ordinance.

He reported the following highlights of the proposals:

Major subdivision ordinance changes

- Reorganization of preliminary and final plat requirements
- Family subdivision must provide proof of lots going to family members.
- Full bonding process
- Clear cut and right-of-way clearing limits
 - NC Forest Services—replant or wait 7 years
 - ROW clearing limited to 10 ft. beyond cut and fill
- Mountain road standards
 - 30% and 30%
 - 7 deviations from State Road standards
- Graduated entrance requirements for developments based on design

Major zoning ordinance changes

- Lot size related to availability of water and sewer, environmental impact, and maintaining community character
- Collettsville and Yadkin Valley Planning Districts
- Wilson Creek
- Strategic Corridors
- Tree Preservation

He provided statistics about subdivisions of less than 1-acre lot size that were approved within the last 7 years in Caldwell County, noting that these subdivisions averaged .68-acre lots. Regarding subdivisions of 1+ acres approved within the last 3 years in Caldwell County, Mr. Feierabend said the total lots developed was 3,083 with an average lot size of 2 acres.

He provided the following density and open space requirement proposals:

	<u>Minor Subdivisions 1 to 5 lots</u>	<u>Major Subdivisions 6 to 24 lots</u>	<u>Major Subdivisions over 25 lots (15% open space Requirement)</u>
<i>Without water & sewer</i>	<i>1 acre minimum lot size</i>	<i>1 acre density average (min. lot size of 35,000 sq. ft.</i>	<i>1 acre density average (min. lot size of 35,000 sq. ft.</i>
<i>With public water only</i>	<i>.5 acre density average</i>	<i>¾ acre density average (min. lot size of 30,000 sq. ft.</i>	<i>1 acre density average (min. lot size of 30,000 sq. ft.</i>
<i>With public water & public sewer</i>	<i>15,000 sq. ft. Min. lot size</i>	<i>17,000 sq. ft. density average</i>	<i>20,000 sq. ft. density average</i>

Mr. Feierabend reported the following criteria for the Collettsville and Yadkin Valley Planning Districts:

- Major subdivisions shall have density average of no more than one (1) dwelling per 2-acre average.
- Minor subdivisions shall not be less than 1.5 acres.
- All major subdivisions that establish more than 15 lots or a new road must provide a minimum of 25% open space to be held by a homeowners association, land trust, public agency, or nonprofit entity; or be approved for a Planned Unit Development (PUD) with 35% minimum open space.

For Wilson Creek, Mr. Feierabend reported the following criteria:

- Within 1,200 feet of Wilson Creek, 1 dwelling per 4 acres (minimum lot size of 35,000 sq. ft.) would be allowed
- No dwelling unit is allowed within the 100-year floodplain
- No dwelling unit is allowed within 100 feet of Wilson Creek
- 1 public parking access from public (state maintained) road (6 cars minimum) for each mile of creek frontage
- Planned Unit Development approvals require 35% minimum open space

He also reported that driveways must have 300 feet of separation and residential setbacks must be 50 feet from the right-of-way of the following strategic corridors:

- Hwy 321 north of Lenoir
- Hwy 268
- Hwy 18
- Hwy 64
- Dudley Shoals Road
- Grace Chapel Road
- Connelly Springs Road
- Abington Road

- Hwy 90/Collettsville Road
- Brown Mountain Beach Road
- Adako Road
- Mulberry Creek Road

Mr. Feierabend reported the following requirements for major subdivisions with 6 or more lots, or a new road for tree preservation as well as requirements related to timbering and right-of-way clearing; and mountain road standards:

- Only 30 feet beyond the building envelope may be cleared. The building envelope includes the dwelling, driveway, septic system, and drain field.
- Beyond the 30-foot radius of the building envelope, no trees may be cut that are 10-inch in diameter or greater at 4 feet in height (provisions for diseased or unsafe trees).
- A developer may petition the Planning Board and Board of Commissioners for an exemption from the Tree Preservation Requirement.
- Trees unlawfully removed must be replaced inch for inch (in diameter) by trees of a similar species that are a minimum of 2” in diameter at 4 feet in height.

Timbering and R-O-W Clearing

(In accordance with NC State law, timbering is not affected by this proposal unless it is done in conjunction or just prior to a development proposal.)

- Excessive Timbering
 - If property is clear cut, no major subdivisions shall be allowed for seven years.
 - Planning staff will work with officials from the U.S. Forest Service and/or the NC Forest Service to determine whether property has been clear cut.
 - A landowner may present to the Board of Adjustment a planning/landscape plan before the end of the seven year period.
- Right-of-way Clearing
 - No clearing more than 10 feet beyond the cut/fill slope or beyond the right-of-way if there is no cut/fill.
 - The right-of-way shall not exceed 50 feet unless approved by the Subdivision Review Board.
 - When excessive cuts occur, a restoration plan must be submitted and approved by the Board of Adjustment.
 - Final plat approval is held until plan is implemented.

Mountain Road Standards

- May be utilized if 30% of the development has a 30% or greater average cross slope.
- Seven deviations from NCDOT Road Standards (primarily width of shoulders and radius of curves)
- Less environmental impact

Mr. Feierabend briefed Commissioners about the proposed Vacated/Dilapidated Structure Ordinance and said it would effect structures in the following two categories. He said Planning Department staff would work with property owners regarding these structures such as the way staff works with owners of abandoned/junked vehicles.

Category 1 – a home; mobile home; structure which is structurally sound with all windows, doors and other means of access intact and secured, preventing unauthorized access to the

structure. The structure shall also be in generally level position and secured sufficiently to prevent accidental movement.

Category 2 – a home; mobile home; structure that is in such a dilapidated state that it presents a potential threat to the health, safety, or welfare of the community.

Following Mr. Woolridge's and Mr. Feierabend's presentation, there was discussion about the proposed changes and family subdivisions. It was noted that current lots on record (recorded in Caldwell County Registry) were grandfathered and would not be subject to the proposed changes.

Commissioner Greene moved to open the public hearing, Commissioner Barrier seconded, and the motion carried unanimously. The following individuals appeared before Commissioners to voice their concerns:

- Ben Griffin read a prepared statement which is hereby incorporated by reference and made a part of these minutes (Exhibit A).
- Zach Lynn questioned the family subdivision ordinance adopted in 1999 and Mr. Feierabend said only property owned by individuals before that ordinance was adopted were eligible for provisions of the County's Family Subdivision Ordinance. Mr. Lane commended Mr. Feierabend and staff for the work in developing the proposals. He said Caldwell County was a beautiful place to live and he was glad to see the economic environment changing. He also stated he disliked the littered and messed up areas and was glad the plan would be a step toward cleaning up the County.
- Kim Vance, a member of the Collettsville Planning Committee, extended appreciation to Commissioners for their dedication to keeping Caldwell County a beautiful place to live and raise their families. She said people from all over the country were looking to buy land here and she expressed the need for enacting ordinances to ensure the safety of the environment as well as keeping the streams clean and safe.
- Marion Rothrock said he disagreed with page 126 of the zoning ordinance Section 880M(b) regarding open space requirements and cited examples why that section should be deleted. He also stated he disagreed with Section 880M(c) requiring 4-acre lots. He said the size requirements were too large and should be decreased to no more than 2 ½ acre lots. He also disagreed with public access to private property and cited state laws about ownership of waters such as Wilson Creek. He disagreed with exterior lighting, attracting attention to a particular area and asked how a business would be able to have a lighted sign. He said he felt it was unreasonable and the same condition should be deleted throughout the ordinance. Mr. Rothrock said he could not understand why Mulberry Creek Road and Hwy 90 across Staircase Mountain could be considered as strategic corridors.
- Frederic Beane, Chairman of the Baton Steering Committee, asked what was meant by maintaining the character of a community and Mr. Feierabend described the intent of the language. Mr. Beane said he was concerned that it seemed people didn't have a say about their properties. He asked about the Family Subdivision Ordinance and which generation(s) was eligible. Mr. Feierabend said the property owner of record in 1999 was the only eligible generation to subdivide under the Family Subdivision Ordinance provisions. He said, over time, family subdivisions were designed to "fade out."
- Bill Puett talked about the number of large out-of-state developers and their developments "popping up" around the County. He said the majority of Collettsville residents are concerned about them and the economic impact they would be having on

their property values. Mr. Puett said people living on fixed incomes would have a hard time keeping their property and said Commissioners needed to look at tax consequences of large developments. He said The Coves is proof that all phases of a development should not be approved at one time but rather approval of one or two phases at a time. He urged Commissioners to exercise statutory rights under N.C.G.S. 113A which would allow the adoption of an ordinance to require large developments to have their long-term impacts assessed. He said the County needed to be proactive. Regarding the zoning ordinance, Mr. Puett said he fully supported the overlay districts for Collettsville and Yadkin Valley. He disagreed with lots sizes and felt lot sizes could vary depending on the amount of open space. He said commercial development associated with gated communities should be outside the development, more passive open space was needed, particularly in the mountain areas, and the view sheds should be protected. He urged Commissioners to not forget tourism in the County and expressed concern that the moratorium on Wilson Creek development should be kept in place. Mr. Puett said he would like to see the proposals adopted as quickly as possible so that future developments would be subject to requirements of same.

- Jeanie Walker appeared before Commissioners to read a statement prepared by Edward Spivey: “First, I would like to thank all of the volunteers from the different communities who have given so much of their time over the last two and a half years to bring this plan to this point. Also, the County staff and the planning board for their patience and leadership throughout the process. As this plan evolved, many issues and differences of opinion arose. They have been discussed at length for many hours in meetings of community groups, county staff, and the Planning Board over a period of almost three years. I believe all involved have a better understanding of the complexities of implementing such a plan and the different viewpoints whether they be from a developer, land planner, real estate professional, or private landowner. I feel this is a good plan. Concessions were made from all sides to reach a middle ground on many issues. There can be no perfect plan that fits every situation but I feel this is a good document that will serve to protect the communities and the citizens of Caldwell County as well as deal with growth and land use issues in the coming years. In the past week, I have read with dismay the ads placed by Ben Griffin in the News-Topic. I respect Mr. Griffin’s opinion on many issues but I find myself in great disagreement on this one. I feel he has taken a very short-sided opinion on this issue and regret that he did not get involved earlier in earlier discussions to have a better understanding of this proposed plan. He states in his ads that the property values will decrease. I disagree. A recent example is the proposed land purchase by a developer in the Wilson Creek area. Their land use plan exceeds the requirements proposed in this plan but they offered what many consider to be ten times the market value of this land. He states that many won’t be able to afford a new home. I disagree. This is not an affordable housing issue. Large tracts in the overlay districts of this plan with the strictest density averages have already reached land prices that even with higher densities after development costs would not be marketable as affordable housing. If you’re in attendance tonight as a result of these ads, I ask that you please take time to fully understand the full facts of this plan before condemning it.”
- Tom Thuss, Collettsville resident and member of the Collettsville Planning Committee, said he became involved in the planning process for the proposal about two years ago when development began springing up in the Collettsville area. He said his family moved there about six years ago after looking for a long time for a large tract of land because they wanted privacy and not a lot of development around them. They thought they found an absolute perfect place; however, his family has seen over the last several

years development going on all around them. He said the average lot size is 20 to 25 acres along the area where he lives and he noted that had been said in the evening's presentation, over the last year in the northern half of the County there have been over 3,000 lots with an average lot size of around 2 acres. He stated his concern was the compatibility of these developments with the large tracts of land and the existing property owners who were already there. The reason for becoming involved in the planning process was because he hoped to effect some change in how these developments occurred in that area. Following the last two developments, the Planning Board brought to attention the ordinance allowed for those (approximately 2 acres) lot sizes and there was nothing that would allow the blending between the two. Mr. Thuss said, heretofore, the policies in place favored developers and development much more so than is now being proposed and he felt that wasn't a bad thing. He felt that property rights of owners needed to be considered more so and the proposal would accomplish that. He said he felt the proposal wouldn't cause a decrease in the value of his property rather it would enhance the value of his property. He said the proposal was thoughtful, thorough, and responsible. He urged the Board of Commissioners to adopt the proposal.

- Eric Jenkins said he owned property in Collettsville and throughout the County. He said he had seen a lot of diverse development throughout jurisdictions where he owns property. Mr. Jenkins said his primary focus was to offer support of the plan and said Tom Thuss made excellent comments regarding the plan. He encouraged the Board of Commissioners to use the proposal as a foundation for moving forward in the future. Mr. Jenkins said he thought steep slopes were an issue in the northeast and northwest quadrants of the County and he was mostly supportive of daytime and nighttime view shed protections for those areas. He said decisions in the 1950's and 1960's when thoughtful planning may have not taken place was proof that a new foundation needed to be built for the next generation.
- Roy Jacobsen, a real estate developer, provided a PowerPoint presentation regarding the Grandin Road project he is working on. He said he couldn't address all the issues in the ordinance because most did not apply to the type business they did. They are sometimes called "green" developers. They develop so that the property has the best possible value and the Grandin Road project is based on how well the mountains and trees are treated. There will be two separate entrances/exits, 20-feet wide into the development. They tried to develop a road in the project that did not destroy the mountain and brings value to the property. He said he applauded actions of the Planning Board and said he felt the Grandin Road project would be one that everyone would be proud of.
- Brandon McCann, Tourism Development Director with the Chamber of Commerce, appeared to endorse the proposals which hold land developers to higher standards. The proposals would help preserve and sustain the scenic beauty as well as the environment. He said the proposals were needed to be able to restrict some development to preserve the area for future generations.
- Liza Plaster, resident of hay valley for over 50 years and has worked with the Chapel of Rest since 1984. Began that year having concerts every spring and fall. She said people coming to the Valley and descended the steps of the Chapel, they say that they are glad the Chapel is still there, it is peaceful, no lighting, no signs, etc. She said the people needed to be visionaries in order to preserve these lands with these type proposals for future generations to enjoy.
- Roger Jett, a resident of Granite Falls, on behalf of himself and his brothers and sisters who own approximately 900 acres (mostly timber) in Caldwell County. He said he listened closely to Mr. Feierabend's comments earlier which were somewhat reassuring

to him since they do have a timber management plan that they are currently nine years into the plan. They want to maintain the option to possibly developing/subdividing the land in the future and sees much of the proposal having a severe impact on that. To date, they have incurred approximately \$200,000 in costs associated with the timber management plan and Mr. Jett mentioned some of the work that had been done. He said he felt clarification was needed regarding conservation of land requirements found on page 39 (Residential Development Actions).

- T. R. Bishop said he agreed with about 95% of the plan, well thought out and a lot of hard work had put in it. He expressed concern that environmental health was looking for larger lot sizes. He expressed concern about requiring 25% open space and felt that would cut down on lot sizes. (100 acres – 25% open space – 15% for roads leaving 40 acres to try to put 50 houses on and he felt that couldn't be done in most cases). He voiced the need for smaller open space requirements. He also said he thought it would be hard to administer the number of trees being allowed to be cut and cited examples of expensive work to count and identify the number of trees to be removed. He urged Commissioners to be very careful in respect to private ownership in what they might have to give up for public access. He said if it was voluntary.
- Bud Hathcock addressed the excessive timbering on page 39. He said there was no provision for natural disasters (insects, diseases, hurricanes, etc.) that happen to people's timbers. He said that people would be penalized for seven years and they may be reluctant to clean it up. He said seven years was too excessive to stop people from using cut-over timber land to be developed. Under the subdivision ordinances, people that subdivide are required to do a lot more erosion control. He asked if the County has specific guidelines that defined a clear-cut. He said the U.S. Forest Service will not give advice on anything other than government land and wondered if the County had talked with them to find out what constitutes a clear-cut. He asked if there was anyone on the Board of Adjustments that was qualified to determine clear-cuts and subsequent restoration. On page 58 (70E.9—Tree Preservation), he said that basically mandated the size of people's yards because of the size of the building envelope. He asked the Board's consideration of his viewpoints before adopting the proposals.
- Rachel Plaster, long time resident of Happy Valley and is the 6th generation of her family to live in the Valley. She talked about how special Collettsville and Happy Valley were even after traveling to and living in several places around the world. She commended the Planning Director and staff for the proposals which she voiced support for. She said she wished more of the people opposing the proposals had been involved in the planning process. She said she felt tourism was a great option for Caldwell County and that needed to be kept on the forefront.
- Jesse Plaster, a Happy Valley resident, said he was a part of the planning process that began 2 ½ years ago. He said it was a long process and noted that he felt a large number of people were in favor of the proposals even though they may have differences about a few of the requirements. He said everything needed to be done possible to avoid large changes to communities and the environment. Regarding open space, a lot of the existing developments contained open space plans as a result of current buyers wishing to have amenities; to see hiking trails, creek ways, etc. He said that added more value to the development which increases property owners' values. Mr. Plaster said he wanted to see the preservation of the community feel that he has grown to expect, particularly Happy Valley, which is one of only two historic districts in the State. Also, the Over Victory Mountain Trail runs through the Valley.

- Shane Ellison said he'd heard an awful lot of expensive homes coming into the County and asked about the families that couldn't afford such expensive homes. He said if the proposal would not allow families to give a member a half-acre to build on. He said it wouldn't be worth a half-nickel to that family member if they couldn't build on it but rather only be able to pay taxes on it. He encouraged people to talk with Tony Whitt at Environmental Health about how much could be done on a half-acre lot. Mr. Ellison said there were several half-acre lots in the County that had a house, well, and septic tank on the property. He said just because the large developers are coming, don't forget the little people. He said some people live on small incomes and their ability to borrow is based on their income and many might have to fall back to a mobile home rather than a stick-built home. He said this plan would force a lot of people to go that route. Mr. Ellison expressed concern about the 300-foot requirement for driveways along the strategic corridors and felt it might land lock some landowners.
- Allen Gragg talked about a tract of land he owns on Stone Mountain which he was doing some logging on. He said he told all inspectors what his plans for the land was and was told by the Planning Director that all he needed to do was to pay \$300 and obtain a special use permit. Mr. Gragg said he paid for a special use permit to allow the camper to be located on the property. He said he wanted his \$300 back and he would pull his camper off the property. He said he felt there was no reason that he shouldn't get a permit. He said the letter from the State had nothing to do with the County. He said he had worked two years on the property cleaning it up for his use.
- John Corpening said he came to the public hearing just for information and found two issues he had: 1) timbering and 2) 300' driveway had already been addressed. He met with the Forest Service about trees on acreage he owned. He said he had a lot of road frontage on the Dudley Shoals Road.
- Jerome Moretz said he was a fourth generation timber man and said the proposal. Worries about ridge tops and lot sizes. He said that whenever county commissioners started paying taxes on the properties then they could start worrying about the ridge tops and lot sizes. He expressed concern for the low income families and understood that there would be no more mobile homes allowed. Mr. Feierabend informed Chairman Higgins that, for the most part, all of the new lots created would be for modular and site-built homes except for family subdivisions. Only lots of record (recorded in Caldwell County Registry) would be allowed for locating a mobile home unless it is a Family Subdivision. Mr. Moretz said the federal governments own 50,000 acres in northern Caldwell County where everyone is worried about. He said the government had a plan for cutting and managing those lands. He said an old tree would drink 100 gallons of water a day and give off a little oxygen whereas a young tree would drink quite a bit less water but would produce more oxygen. He urged Commissioners to consider that information. He felt it unfair to people who might not sell their timber because they don't understand the regulations. Mr. Moretz said a lot of people did not know what was going on over the past 2 ½ years ago but now that they know what is happening, they are very upset. He said it was time for the people to speak up and for the Commissioners to listen to some good hardworking people. Ask them what they want and, if they did that, they would be serving the people whereas they are currently serving a small number of people. He urged Commissioners to look at requirements for clear cutting.

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

Report—New County Office Plaza Phone System

Greg Branch, Information Technology Director, appeared before the Board of Commissioners to report on the new phone system recently installed in all departments of the County Office Plaza. He said it was a continuation of the Register of Deeds phone system that was put into place back in October. Currently, the County is spending \$1200 per month on local telephone service for the County Office Plaza which consists of 60 phones at approximately \$20 per month.

Mr. Branch said with implementation of the new phone system, the local charges were not going to be any more than \$557 per month no matter the number of auto attendants or voice mail boxes. Since implementation of the new system, Mr. Branch reported that 11 phones had been added for a total of 71 phones. The added phones allowed several people who had extensions to have their own dedicated lines to their desks and allowed the addition of 36 voice mail boxes at no extra cost (the cost would have been \$4 extra per month on the old system).

He said even figuring the 11 lines added the total savings per month would be \$967 and he said the County should realize its return on investment in 3.4 years. And, over a ten-year period, Mr. Branch estimated a savings of about \$75,000.00. He provided Commissioners with benefits and advantages of the new system versus the previous system.

There was short discussion about operations of the new system, the auto attendant, and voice mail options.

2006 Tax Collectors Settlement and 2007 Tax Collection Charge

Mack Chandler formally presented the Board of County Commissioners the 2006 Tax Collectors Settlement as well as the 2007 Tax Collection Charge as required by N.C.G.S. 105-373(a), 105-321, and 105-352 to authorize the County Tax Department staff to collect delinquent 2006 taxes and to initiate collection of 2076 taxes. Mr. Chandler reported the outstanding balance of uncollected 2006 taxes of \$965,878.32.

Commissioner Beane moved to formally approve the 2006 Tax Collectors Settlement and 2007 Tax Collection Charge to the County Tax Administrator which is hereby incorporated by reference and made a part of these minutes (Exhibit B). Commissioner Greene seconded the motion and it carried unanimously.

Award Bid for Harpertown Water Project

Lisa Helton, coordinator of the Harpertown CDBG project, appeared before Commissioners to report bids that were opened on June 28th for the water improvements project in Harpertown. She said funds from Year 4 and Year 5 will be used to finance the project. She highlighted the following bidders and recommended Commissioners award the contract to Wilkie Construction, the lowest bidder, at \$344,555.00.

<u>Contractor</u>	<u>Bid</u>
Wilkie Construction	\$344,555.00
Iron Mountain	\$473,914.80
Buckeye Construction	\$665,443.15

Shad Walters, with the engineering firm, explained what the water improvements project for Harpertown entailed. He said it was an old county system implemented about 40 years ago and the project would upgrade the system to new lines which would also offer fire protection. The existing lines would all be abandoned.

Commissioner Greene moved to award the bid for the Harpertown water improvement project to the lowest bidder, Wilkie Construction, in the amount of \$344,555.00. Commissioner Beane seconded the motion and it carried unanimously.

Request to Sell County-owned House Located in Harpertown

Lisa Helton said the house was purchased during year 1 or 2 and has been used for temporary housing for people when working on theirs or building

She said all rehab was complete and; therefore, needed to sell the house and property and use funding from the sale for the next project (park for the community). David Lackey advised that the house and property could be sold and cited options as to how it could be disposed.

Commissioner Greene moved to proceed with the sale of the home by the County, initially, at the county appraisal value subject to the required ten-day upset bid process. Commissioner Thus seconded the motion and it carried unanimously.

Governor's Highway Safety Program – 3rd Year

Captain David Anderson appeared before Commissioners to seek approval to continue the third year of the Governor's Highway Safety Program. This year the grant covers 50% and the County matches the remaining 50% of the cost for a designated officer to patrol US Hwy 321. The County's cost this year would be \$20,550.00 and, in order to formally acknowledge and receive the funds, the Board would need to take action to formally approve continuation of the grant program. Captain Anderson noted that when the grant was initially approved, the County committed to continuation of the program with diminishing federal support.

Because of the uncertainty of whether the County's matching funds were already included in the FY2007-08 budget or if the funds would have to be taken from the County's general fund, Commissioner Greene moved to table action until the Board's next meeting. Commissioner Barrier seconded the motion and it carried unanimously.

Designate Voting Delegate for NCACC Annual Meeting

Chairman Higgins informed Commissioners that action was needed to designate a voting delegate for the North Carolina Association of Counties' annual meeting and conference August 16-19, 2007.

Commissioner Greene moved to designate Ron Beane as Caldwell County's voting delegate, Commissioner Barrier seconded, and the motion carried unanimously.

Offer to Purchase Owned by Caldwell County

Mr. Horton informed Commissioners that, in 2003, the County agreed to sell a strip of land calculated at .53 acres adjacent to the Library in Lenoir for a retail development project. However, the project was put on hold and the property was not sold at that time. The project is now being reconsidered and the County has received an offer to purchase for the same retail development. In addition to the purchase price of \$75,000.00, the purchaser is also committing an additional contribution of \$20,000.00 to the Library Foundation as well as building a rock retaining wall and fence to separate the properties. Mr. Horton said there would also be necessary landscaping associated with the project.

Mr. Horton said if the Board of Commissioners approved the offer, the purchaser would be required to pay \$3,750.00 as earnest money within 10 days of the Board's action. After acceptance and approval of the offer to purchase, the County would be required to advertise the offer for upset bids for a period of ten days.

Commissioner Greene moved to approve the offer to purchase and authorize Chairman Higgins and the County Attorney to execute associated documents with the sale be conditioned upon the project starting within 90 days from the date of closing. Commissioner Thus seconded the motion and it carried unanimously.

Budget Amendment—EDC (Google Monies) \$350,000.00

Mr. Horton reported that Finance staff submitted a budget amendment to provide funds to the Economic Development Commission for the trans-load project. He said the monies were those that Google gave Caldwell County and the City of Lenoir (each \$1.5 million). He noted that the City of Lenoir received an additional \$1 million for its water expansion project.

Commissioner Greene moved to approve the following budget amendment to move Google money to the EDC. Commissioner Thus seconded the motion and it carried unanimously.

Decrease	10.3000.397000	Fund Balance Appropriated	\$350,000.00
Increase	10.617049.461961	EDC Trans-load	\$350,000.00

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.

- May 7, 2007 Regular Meeting
- May 21, 2007 Regular Meeting
- June 4, 2007 Regular Meeting
- June 18, 2007 Regular Meeting
- June 28, 2007 Special 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. Sheriff Office (Donation to Purchase Bullet Proof Vest) \$358.36

The Sheriff Office received a donation to purchase a bullet proof vest. The following budget amendment is necessary to transfer the donated funds to the expenditure line item in order to make the purchase:

Increase	10.4310.364200	Donated Funds	\$358.36
Increase	10.4310.432800	Donated Funds	\$358.36

b. E-911 Funds (Computer Purchase) \$1,734.00

The following budget amendment is necessary to use E-911 funds to purchase a computer. It was noted this was an eligible purchase for E-911 funds.

Increase	13.3000.397000	Fund Balance Appropriated	\$1,734.00
Increase	13.4312.452000	Non-capitalized Equipment	\$1,734.00

c. Library (LSTA Grant) \$10,000.00

Last February, the Board of Commissioners authorized staff to submit an application for a \$10,000.00 EZ Strengthening Public & Academic Library Collections grant. The grant will be used to develop a young adult nonfiction collection that meets the needs of the students enrolled in the Early College High School program at the college as well as the general public. It was noted that Caldwell County's library was one of only four public libraries to receive one of these grants. Nina Zanjani, Assistant Director, developed the grant application for consideration. The following budget amendment is necessary to receive the grant and the \$25,000.00 local match will come from funds within the library's current year budget.

Increase	10.6110.330000	Other Grants	\$10,000.00
Increase	10.6110.456000	Books & Periodicals	\$10,000.00

Commissioner Barrier moved to approve the two (2) items on the consent agenda as presented and recommended by the County Manager. Commissioner Beane seconded the motion and it carried unanimously.

Appointments

Commissioner Beane moved to appoint Kathy Lyday, Charlene A. Moore, and Allen J. Stewart to the Library Board of Trustees, each for a three-year term. Commissioner Greene seconded the motion and it carried unanimously.

Chairman Higgins moved to appoint Nancy Martin to fill a member vacancy on the Council for Women. Commissioner Greene seconded the motion and it carried unanimously.

Commissioner Greene moved to appoint the following individuals to the Local Emergency Planning Committee, Commissioner Beane seconded, and the motion carried unanimously.

- Kenneth M. Briscoe, Lenoir Fire Chief
- William F. Howard III, Bernhardt Furniture
- Ronnie Jewell, Blue Ridge Electric Corporation
- Denise Michaud, County Health Director
- David Stout, Broyhill Furniture

Chairman Higgins moved to reappoint Ronald Roukema to serve another term on the DSS Board and Commissioner Greene seconded. The vote was unanimous.

Commissioner Thuss moved to reappoint Kathy Manship to serve another term on the Caldwell Community College & Technical Institute Board of Trustees. Chairman Higgins seconded the motion and it carried unanimously.

Closed Session

At 9:28 p.m., Commissioner Barrier moved to go into closed session pursuant to NCGS 143-318.11(a)(4) to discuss an economic development project. Commissioner Greene 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.

With no further business to conduct, Commissioner Thuss moved to adjourn and, by unanimous vote, Chairman Higgins declared the meeting adjourned at 9:55 p.m.