

CALDWELL COUNTY
Lenoir, North Carolina

BOARD OF COMMISSIONERS
May 21, 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
David Lackey, County Attorney

Chairman Higgins called the meeting to order and welcomed everyone. She announced that Caldwell County's Clerk, Kathy Myers, was recently elected as Secretary of the North Carolina Association of County Clerks. Chairman Higgins extended congratulations and appreciation for all her work.

The invocation was provided by Reverend James Ritch, brother to Chairman Higgins and Pastor of Resurrection Hope Church of God. Josh Brackett, 4th grade student at Hudson Elementary School and Chairman Higgins' grandson, led the Pledge of Allegiance.

Chairman Higgins asked if there were any additions or amendments to the May 21, 2007 agenda. Commissioner Thuss requested the addition of an item for decision (#12) in order to discuss developing a policy regarding environmentally sensitive lands on Wilson Creek. The Clerk requested that Item H1 (Report by Judge Beal) be removed from the agenda for rescheduling in the future. Commissioner Beane moved to approve the agenda as presented and amended, Commissioner Greene seconded the motion, and the vote was unanimous.

Safe Kids Program

Chairman Higgins reported that the Fire Marshal's Office was recently notified of a 2007 Safe Kids Bicycle Helmet grant award in the amount of \$800 as a result of their bicycle safety event. The money must be used to purchase 100 helmets by June 10, 2007.

Chairman Higgins recognized Cheryl Whittington who coordinates the County's Safe Kids Program for her outstanding work and involvement in the program. On behalf of the Board of Commissioners, she presented Ms. Whittington a plaque in appreciation of the outstanding job she does not only with the program but also for the County.

Public Hearing—Request from Calvin Wright for Conditional Use Permit

Randy Feierabend, Planning Director, formally presented the request from Calvin Wright for a conditional use permit. Mr. Wright submitted the request in order to have a backyard workshop

on Bass Lane (off Miller Creek Road), NCPIN 2779057456. The property, consisting of 2.72 acres, is currently owned by Larry Foster.

Mr. Feierabend showed a location map of the site, an aerial photo of the property, photos of the driveway and workshop on the property, and a site plan. He reported that Mr. Wright had secured a dumpster for discarding sawdust and wood chips.

He reported that the Planning Board met on May 7th and, following their review of the request, members voted unanimously to recommend approval subject to the following conditions:

1. No further expansions
2. No Sunday operations
3. Limit noise towards neighbors by limiting opening of doors and windows facing neighbors during operations of business.
4. Operation hours 9 a.m. to 9 p.m., Monday—Saturday
5. Signage limited to a 3 square foot directional sign with name.
6. Deliveries limited to Monday—Friday, 9 a.m. to 5 p.m.

Commissioner Greene moved to open the public hearing, Commissioner Barrier seconded, and the motion carried unanimously. There was no public participation. Commissioner Thuss moved to close the public hearing, Commissioner Greene seconded, and the motion carried unanimously. Commissioner Thuss moved to approve the conditional use permit as recommended by the Planning Board. Commissioner Greene seconded the motion and it carried unanimously.

Public Hearing--CDBG Grant Application for Waterline Construction Project

Bobby White appeared before Commissioners and introduced Bob Skillen, the CEO of VX Aerospace. The company recently, on May 7th, announced that it was locating at Foothills Regional Airport. Chairman Higgins thanked Mr. Skillen for his company and the project which allowed the County to apply for CDBG funding to construct waterlines to the airport property.

Commissioner Beane moved to open the public hearing, Commissioner Thuss 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 authorize staff to submit the \$650,000.00 CDBG grant application as well as approved a CDBG legal binding commitment and other documents required by the grant agency.

Mr. White informed Commissioners that it was originally thought that along with the waterlines, there would be a need for a water tank, making the total project cost at about \$1.7 million. However, since that time, the needs of VX Aerospace have been reviewed and recalculated a couple times for fire flow and it has been determined that using CDBG grant funds of \$650,000.00, waterlines could be built and provide fire protection. He said the construction would involve waterlines from the County's lines to the airport, serving VX Aerospace, along the runway, and serving a hangar. Mr. White noted the grant would not require any local match and was a partnership between Burke and Caldwell Counties, and the Cities of Morganton and Lenoir. He noted that VX Aerospace had committed to 35 new jobs over the next two years and that the employment might near 400 at the end of 5 years.

Mr. Skillen, on behalf of VX Aerospace, said they were thrilled to be in Caldwell County. He said they had experienced such a wonderful, collective effort by the representatives of the partnership as well as various involved agencies. He said their success was the County's and the County's success was theirs. Mr. Skillen said they intended to honor everything the company had committed to and he thanked the Board of Commissioners for their support. He then explained what the company would be making.

Following Mr. White's presentation and comments by Mr. Skillen, Commissioner Barrier seconded the motion and the vote was unanimous.

Public Hearing—Proposed \$13,000,000 Installment Financing Agreement for Human Services Building Project

Mr. Horton reported that the Human Services building project ("project") previously approved by the Board of Commissioners was officially bid to Matthews Construction, the apparent low bidder at \$11,137,000. The low bid along with other associated costs including architectural/engineering fees, telephone, computer, and security system costs make the total project cost with a 5% contingency approximately \$12,500,000.

He said the next requirement associated with awarding the bid was to conduct a public hearing on the plan for financing the project. The County has recorded and accepted an offer, pending Local Government Commission approval, from SunTrust Leasing to finance the project for a twenty-year term at a fixed interest rate of 4.42%.

Commissioner Greene moved to open the public hearing, Commissioner Thus 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 Beane expressed his concern that so many projects were underway and it was not the right time to place a tax burden on the County's citizens.

Commissioner Greene moved to formally approve the associated loan documents and to authorize the Chairman to execute same. Commissioner Thus seconded the motion and it carried by majority vote. Commissioners Beane and Barrier voted against the motion.

Regional Public Transportation Study

Mike Bradshaw, CCATS Executive Director, along with John Tippet (WPCOG) and Lib Fetting (representing KFH Group) appeared before Commissioners to report on a recent study of regional public transportation for certain local governments in the Unifour.

Mr. Tippet said Alexander, Burke, and Catawba Counties had already endorsed the concept of establishing a regional transit system and he reported that the NC Department of Transportation (DOT) had adopted a policy to strongly encourage individual counties to form regional systems. He informed Commissioners that DOT representatives had attended all of their meetings.

Ms. Fetting provided a lengthy power point presentation with details associated with a regional transit system for participating cities, towns, and counties in the Unifour.

Following the presentation, there was much discussion about the proposed membership for the regional transit system board as well as the cost from each government to join the system. Because Commissioners felt further clarification was needed on certain issues, Commissioner Beane moved to delay action until the Board of Commissioners could obtain more information about the governance and what the other counties were going to do. Commissioner Thus seconded the motion and it carried unanimously.

Bid Award for the County Office Plaza Façade Renovations

The County Manager reported that bids had been received for the Alden E. Starnes County Office Plaza project ("project"). CBSA Architect Ernie Sills reviewed them for accuracy and checked to make certain that the low bidder was indeed the "lowest responsible bidder." He said Mr. Sills was satisfied with the bid and sent a letter of recommendation for the Board's consideration.

He told the Board that funds in the amount of \$650,000.00 had been borrowed for the project and the architect recommended awarding the contract to A & M Construction, Asheboro, NC for the base bid as well as Alternates #1, #2, and #3. In addition, Mr. Sills' said, in order to be ADA compliant, four automatic operators for the new doors totaling \$10,845.00 (that were inadvertently omitted from the bids and specs) be added. That would bring the total cost for the project to \$523,335.00. Mr. Horton said staff concurred with Mr. Sills' recommendation.

Commissioner Thus moved to postpone action on the item until the Board's next meeting on June 4, 2007. Commissioner Beane seconded the motion and it carried unanimously.

Environmentally Sensitive Lands on Wilson Creek

Commissioner Thus led discussion about the need for a policy to protect environmentally sensitive lands on Wilson Creek. He then moved to schedule a public hearing for 10:00 a.m. on Monday, June 4, 2007 in order that Commissioners could consider a plan to protect those lands. Commissioner Greene seconded the motion and it carried unanimously.

Consent Agenda

1. Approval of Minutes

The County Manager recommended the Board of Commissioners approve the minutes of the Board's regular meeting on April 4, 2007.

2. Budget Amendments

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

- a. Scrap Tire Tax; \$15,000.00

Following review by Finance staff, the scrap tire tax flow-through funds will be lower than projected for FY2006-07 and the following budget amendment is necessary to correct revenue and expenditure line items:

Increase	10.4260.318001	Scrap Tire Tax	\$15,000.00
Increase	10.4260.435400	Scrap Tire Tax	\$15,000.00

b. Juvenile Crime Prevention Council; \$37,675.84

The Council was awarded additional funding for some of its programs for use during FY2006-07. Psychological Services received \$1,400.00 and Project Challenge received \$8,000.00. In addition, The Dream a Better Dream project was awarded \$28,275.84. The following budget amendment is necessary to recognize the additional revenues and the subsequent expenditures of these flow-through funds:

Increase	12.5830.330000	JCPC Other Grants	\$15,900.84
Increase	12.5830.468006	DJJDP Gov. Crime	\$15,900.84
Increase	12.5830.330000	JCPC Other Grants	\$12,375.00
Increase	12.5830.468005	JCPC Grant	\$12,375.00
Increase	12.5830.334100	JCPC State	\$ 1,400.00
Increase	12.5830.466200	Psychological Services	\$ 1,400.00
Increase	12.5830.334100	JCPC State	\$ 8,000.00
Increase	12.5830.467101	Project Challenge	\$ 8,000.00

c. Room Occupancy Tax; \$18,000.00

Finance staff submitted the following budget amendment necessary to reflect increases over projections in the FY06-07 budget.

Increase	10.6170.318003	Room Occupancy Tax	\$18,000.00
Increase	10.617949.461100	Room Occupancy Tax	\$18,000.00

d. Health Department; \$333.00

The following budget amendment is necessary to transfer funds from the supplies line item to the non-capitalized equipment line item in order to purchase needed computer software:

Decrease	10.5116.426000	Supplies	\$333.00
Increase	10.5116.452000	Non-capitalized Equipment	\$333.00

3. Comprehensive Economic Development Program Budget Amendment

During the April 16, 2007, Commissioners authorized implementation of the Economic Development Strategy which included the designation of Sales Tax Reinvestment Funds to finance the program. In order to continue implementation, staff submitted a technical budget amendment to reflect the use of the funds within the current fiscal year budget (FY2006-07). The proposal is designed to realign \$35,000.00 in the current Environmental line item to the Economic Development line item. In addition, the Economic Development line item needs to be increased by \$65,500.00 based on "potential" expenditures. Any funds not obligated by June 30th will revert to the existing Sales Tax Reinvestment Fund balance.

The proposal and funding was formally presented to and approved by the Sales Tax Reinvestment Committee.

The County Manager recommended the Board of Commissioners approve the following budget amendment to move the \$35,000.00 from Environmental to Economic Development and the

appropriation of existing unobligated sales tax reinvestment fund balance in the amount of \$65,500.00 to the Economic Development line item.

Decrease	20.4500.412100	Environmental Salaries	\$ 35,000.00
Increase	20.3000.397000	Fund Balance Appropriation	\$ 65,500.00
Increase	20.4504.444100	Economic Dev Contractual	\$105,500.00

It was noted that the budget amendment would not require the obligation or expenditure of new local dollars.

4. Lenoir Trans-Load N.C. DOT Rail Grant Agreement

Mr. Horton reported that staff was finalizing various grant agreements associated with construction of the Lenoir trans-load facility. He informed Commissioners that the following revenues sources would fund the project estimated at \$1,341,600.00:

➤ N.C. Department of Commerce Reserve grant	\$ 450,000.00
➤ N.C. Department of Commerce Utility grant	\$ 100,000.00
➤ N.C. Department of Transportation Rail grant	\$ 400,000.00
➤ Appalachian Regional Commission grant	<u>\$ 200,000.00</u>
	\$1,150,000.00
➤ City of Lenoir local share	\$ 95,800.00
➤ Caldwell County local share	<u>\$ 95,800.00</u>
Total	\$1,341,600.00

Because of the various sources, it was necessary to designate certain portions of the cost to the respective grant source based on their eligibility criteria. While the final ARC grant has not been officially signed, staff was notified, verbally, that all required documentation had been provided and approved by the Agency. The remaining step is the signature of the ARC Federal co-chairman which should happen within a very short time.

It was noted that the N.C. Department of Transportation agreed to administer the federal grant funds and determined the best way to recognize the function was to have two (2) grant agreements with the County as applicant. The first agreement would be associated with their State grant funds and the second agreement would reflect their administration of the ARC grant funds (including the federal language not necessary in their “standard” State grant forms).

The EDC will be the actual implementing agent and, because of their relationship as an operational component of the County, State officials believe that acceptable to disburse the grant funds.

It was also noted that the local contributions for the project would be provided from revenues paid to the County and City by Google.

The County Manager recommended the Board of Commissioners approve the two (2) grant agreement method to apply for ARC/State DOT funds for the project and approve the retroactive signature of Chairman Higgins as well as other actions that may be necessary to implement the project in accordance with the designated budget.

5. Caldwell County N.C. Commerce Utility Grant/Lenoir Trans-Load

Previously, staff informed Commissioners a \$100,000.00 N.C. Department of Commerce Utility Grant to help with financing the Lenoir Rail Trans-load facility was approved. Since the notification, staff received the formal grant agreement, funding approval, and certification forms. In addition, the County received their grant guideline and documents necessary to secure the funds.

Therefore, Mr. Horton recommended the Board of Commissioners approve the following three actions associated with the grant award:

1. Approval of the \$100,000.00 grant agreement and authorization for the Chairman to execute any and all documents associated with the grant.
2. Approval of the accompanying resolution authorizing signatures on the provided Department of Commerce Signatory and Certification form.
3. Approve the designation of Jack Horton, County Manager, as primary grant contact for the project.

6. Request to Purchase Equipment for Detention Center

Mr. Horton informed Commissioners of a request from staff for Board approval to purchase the following items for the Detention Center at an approximate cost of \$7,500.00. Department staff proposes the use of available funds within the uniform line item to purchase the equipment.

<u>Equipment</u>	<u>Estimated Cost</u>
➤ Six (6) Tasers with holsters	\$2,665.00
➤ Three (3) Alco-Sensor FST's	\$1,599.00
➤ Two (2) Emergency Restraint Chairs	\$3,000.00

The County Manager recommended the Board of Commissioners authorize staff to purchase the items as requested using funds from the department's uniform line item in the current budget.

7. Request to Purchase Bullet Proof Vests for Sheriff Department

The Sheriff Department received a \$1,000.00 donation specifically designated for purchasing vests. Therefore, staff requests approval from Commissioners to purchase three (3) bullet proof vests for their officers. Mr. Horton recommended the Board of Commissioners authorize staff to purchase three bullet proof vests and to approve the following budget amendment:

Increase	10.4310.364200	Sheriff Donated Funds	\$1,000.00
Increase	10.4310.432900	Sheriff Donated Funds	\$1,000.00

8. Request from DSS to Purchase Replacement Work First Vehicle Using TANF (Temporary Assistance for Needy Families) Funds

The Department of Social Services currently has a 2001 Chevrolet Ventura van that was purchased using 100% TANF funds. The van is used to assist families to self sufficiency by helping with transportation for job search and retaining employment. Because the vehicle has mileage in excess of 110,000, DSS requested approval from the State to trade for a new vehicle.

As a result of the request, the N.C. Department of Health and Human Services a letter dated April 26th approving the purchase of a 2007 Dodge Caravan CV at a cost of \$24,000.00 (after trade-in allowance) and acknowledging the federal funding to finance the acquisition. It was noted that the acquisition would not require any local tax dollars.

The County Manager recommended the Board of Commissioners authorize staff to trade the current vehicle for a new van and approve the following budget amendment:

Increase	10.5310.331600	DSS-Federal	\$24,000.00
Increase	10.5310.451001	Vehicles	\$24,000.00

9. Request from Administration to Purchase Replacement Vehicle Using Insurance Settlement Funds

Some time ago, a Jeep Liberty used occasionally by Environmental Health staff was wrecked and totaled. As a result, the County received insurance settlement funds in the amount of \$15,194.63. Mr. Horton said, for some time, the County's Administration has needed a vehicle capable of carrying up to about ten passengers. In the past, Administration always had to borrow a vehicle from either the Tax Department or the Planning Department. Recently, the County Manager talked with a local dealer about a 2006 Ford E350 12-passenger van and negotiated a purchase price of \$15,000.00. The County's Fleet Manager, Lloyd Robbins, checked the vehicle thoroughly and recommends purchasing the vehicle for its intended use.

Because Administration has needed its own vehicle sufficient to handle transportation of groups on trips as well as traveling to various functions, the Mr. Horton recommended the Board of Commissioners authorize use of the insurance settlement funds to purchase the van from Cars Plus, Lenoir and to approve the following budget amendment. He said the acquisition would not require any additional local funds:

Decrease	10.5111.310000	Miscellaneous Revenues	\$15,194.63
Decrease	10.6170.41.469550	Property Ins Reserve	\$ 255.37
Increase	10.4110.451001	Vehicles	\$15,450.00

10. Reject Bids Submitted by Dealers for 2008 Ford Crown Victorias

As part of the 59-month financing for capital outlay, the County bid the purchase of four (4) additional Sheriff patrol vehicles (2007 Ford Crown Victoria police cars with the police interceptor packages). Mr. Horton reported the County received the following bids from two vendors who quoted 2008 models:

Ken Wilson Ford, Inc. 769 Champion Drive Canton, NC 28716	\$82,940.00	Four (4) 2008 Ford Crown Victorias
Bill Smith Ford P.O. Box 5 Southern Pines, NC 28388	\$87,520.00	Four (4) 2008 Ford Crown Victorias

Because both vendors submitted quotes for 2008 vehicles with a delivery date scheduled in the next fiscal year, neither met the bid specifications. He informed Commissioners that staff was able to locate and acquire the four (4) 2007 vehicles as specified at a negotiated cost with the available funds. Therefore, the County Manager recommended the Board of Commissioners reject the identified bids as neither vendor met the bid specifications and to allow staff to officially authorize the negotiated purchase of the four (4) 2007 Ford Crown Victoria patrol vehicles from Ken Wilson Ford using available funds.

Commissioner Greene moved to approve the ten (10) 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 Bobby White to fill a vacancy on the Foothills Regional Airport Authority. Fellow Commissioners seconded the motion and it carried unanimously.

Public Comment—Victor and Toni Davis

Mr. and Mrs. Davis addressed the Board of Commissioners regarding the septic system on their property at 2764 Tumbleweed Drive. Ms. Davis said they moved into the house in November 1997 and, in April 1998, reported their septic system was letting sewer seep out. She contacted Ben Griffin (who sold the house to them on a lease/purchase arrangement) about the problem and he said he would send his worker, Junior, out to check it once the ground dried up. In October 1998, Junior came to the residence and cut one line off; however, it still did not dry the land out.

After still calling Mr. Griffin about the problem, he sent Junior out to the house in September 2003 to see how to repair the system again. He could not come up with a plan so he called Mr. Griffin who said he would call Mike Beane and have him go out and look at the Davis' septic system because Mr. Beane was aware of the problem. Then, Mr. Beane told Mr. Griffin that they needed to pump uphill so Junior came to the residence and began digging on Lot #223 behind their property. He dug low and hit water so he went uphill and said that would work. In October 2003, Mr. and Mrs. Davis signed a new contract with Mr. Griffin that included Lot #223 plus the cost of a tank, pump station, plumber (Jeff Hoyle) fees, and electrical work amounting to \$6,500.00. Ms. Davis said that was again the way Mike Beane fixed the system. He came out to their property after everything was completed and then another visit where he found two things wrong. Mr. Beane said that the electrical work needed something and he had the plumber come back and fix a ball in the tank.

In June 2004, the last system failed. Ms. Davis called Mr. Griffin and he told her that he did not warrant septic systems. In 2005, she contacted Denise Michaud, County Health Director, who sent Frank Prince out to their residence to see what could be done. Ms. Davis said, as of April 2007, they still had not found a fix for the problem. She told Commissioners there was 10 to 12 inches of water two feet down the foundation of the house.

Ms. Davis said Mike Beane was the inspector in 1997 and in 2003; however, no permit was ever found for their system.

As of May 2007, they obtained a permit to fix the second septic tank because Tony Whitt said there was too much water where the lines were. He drew up a third system using two one-piece tanks. After contractor Jackie Woods put the tanks in and anchored them down, he returned on May 18th to complete the work and found one tank was flowing out and the other one was holding water. Mr. Whitt said he was done fixing Mike Beane's problems and he was done with their system.

Ms. Davis said that, on May 15th, Mr. Whitt told her and Mr. Davis he would have never passed the second system.

Mr. and Mrs. Davis said that because Mike Beane was a county employee they felt their problem should be the County's problem. She informed the Board of Commissioners that the third tank was going to cost them close to \$10,000.00 so they would have spent a total of \$16,500.00 for two failed systems.

With no further business to conduct, Commissioner Beane moved to adjourn. Commissioner Greene seconded the motion and, by unanimous vote, Chairman Higgins declared the meeting adjourned at 8:30 p.m.