

CALDWELL COUNTY  
Lenoir, NC

BOARD OF COMMISSIONERS  
June 2, 2008  
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: Bobby White, Interim County Manager  
Kathy T. Myers, Clerk to the Board

Chairman Greene called the meeting to order and announced Commissioners would be reconvening their work session at 9:00 a.m. on Wednesday, June 3rd. Commissioner Beane provided the invocation and Chairman Greene led the Pledge of Allegiance.

Chairman Greene asked for any additions or amendments to the June 2, 2008 agenda. There being none, Commissioner Barrier moved to approve the agenda as presented, Commissioner Higgins seconded, and the vote was unanimous.

#### NC Forest Service Annual Report

County Forest Ranger Rusty Dellinger appeared before Commissioners to highlight the following annual report of the local North Carolina Forest Service.

The summary of the activities and accomplishments of the N.C. Forest Service, Caldwell County Ranger's Office for the calendar year 2007. Although the report does not cover every detail throughout the year, it does cover the major activities and accomplishments.

#### STAFF

Locally, the only change in our staff from last year is in our smokechaser position. Preston Story now fills our temporary position to give us an added fire management person during the spring and fall fire seasons. Preston brings with him a good knowledge of Caldwell County as well as a few years experience with Gamewell Fire Department and as a pre-arranged wildland firefighter with our County Pre-arranged Strike Team. Additionally, we have the support staff at the Lenoir District Office available to assist us as needed. This staff includes foresters, forestry technicians, a forest law enforcement officer, mechanics, equipment operators, radio technicians and clerks. We also have the capability to bring personnel into our county from other areas of the state in the event of a major wildfire, natural disaster or complex incident.

## **FIRE CONTROL / LAW ENFORCEMENT**

The Caldwell County Ranger's Office responded to a record number of wildland fires in 2007, responding to 477 incidents. Of that total there were 207 total reportable wildfires. This is nearly double our five year average of 109 fires per year. Total acreage burned for the year was 240 acres. This reflects an average fire size of 1.2 acres per incident. Once again fire damage to real property was held to a minimum. Four structures and three vehicles were damaged by wildfires at an estimated value of \$52,000 dollars. While there was a small amount of real property damage, the N.C. Forest Service and our local fire departments protected 168 structures that were threatened by wildfire at a value of over 24.5 million dollars. These figures clearly show the increasing problem that firefighters are being faced with in Caldwell County. This problem is known as the wildland urban interface. Many homes are being built using combustible building materials in heavily forested areas, in steep rugged terrain, having limited access to conventional fire apparatus, with no defensible space surrounding these homes. All of these factors are making our jobs as fire managers and firefighters extremely difficult when it comes to protecting the real property of the citizens of Caldwell County.

Fires from miscellaneous causes (improper disposal of stove ashes, electric fences, downed power lines, and structure fires) became the leading cause of wildland fires in Caldwell County for 2007. They accounted for 40% of all wildfires in Caldwell County last year. Debris burning dropped considerably from last year from 36% to 22%. Woods arson increased to 20% over last year. Juvenile related wildfires accounted for 7% of the total number of wildfires last year. Responsible persons were identified in 100% of all debris burning wildfires that occurred in Caldwell County in 2007. During 2007 there were 45 misdemeanor citations issued for illegal burning with 45 convictions in District Court. Also 26 warning tickets were issued to first time offenders of the state's outdoor burning laws. Additionally, 2 Juvenile Petitions were filed with the court system in 2007. Woods arson continues to be a problem, but we continue to maintain an aggressive investigative approach with hopes of eventually bringing the responsible persons to justice.

During 2007 Caldwell County residents obtained over 2500 N.C. Forest Service burning permits from our 18 permit agents to burn natural vegetation. Additionally, 140 landowners obtained a permit via the internet last year. These permits are used as a fire prevention tool and are cancelled during periods of high fire danger to reduce the occurrence of wildfires. Individuals who burn debris when a permit is required without obtaining a permit are subject to a misdemeanor citation.

We continue to do Wildland Fire Hazard and Risk Assessments in various developments and communities in our county. These assessments help us have a better understanding of problem areas in our county and should help us be better prepared in the event a wildfire should occur in these areas.

## **TRAINING**

As with any emergency response agency, training is a constant part of our itinerary. Many man hours are spent each year on wildland fire training in our county. The firefighters of our county are second to none when it comes to their ability to assist in wildland fire suppression and are invaluable to us when it comes to suppressing wildfires in our county. It is the responsibility of my office to ensure that the firefighters of Caldwell County are adequately trained to respond

to and combat wildland fires. Last year over 50 firefighters received nearly 600 hours of training in areas such as basic wildland firefighting, fire behavior, strategy and tactics and fire operations in the urban interface. We continue to use our pre-arranged firefighters to assist us in the suppression of wildfires. All employees within the County Ranger's Office are affiliated with a local volunteer fire department. During 2007, my staff attended over 200 man hours of fire control training. This training will help us better protect the natural resources of our county, as well as the property of our citizens.

## **EQUIPMENT**

We continue to maintain our fleet of 6 fire control vehicles. Of these vehicles, 3 are initial attack vehicles, which the county staff operates daily. The 3 additional vehicles are support vehicles that we staff during periods of high fire danger and occurrence. These vehicles consist of a crew Suburban, a wildland fire engine, and a spare initial attack unit. Along with these vehicles, we have numerous pumps, chainsaws, and firefighting hand tools to maintain. We loan to each of the fire departments in the county a supply of hand tools to assist them in their suppression efforts. Annually we inventory these tools and make needed repairs to them as necessary. Maintaining all this equipment is time consuming, but we pride ourselves on being fire ready at all times. Our bulldozers are still stationed at Lenoir and Wilkesboro and are available for use in Caldwell County. Hickory Regional Airport is home to our fleet of aircraft that generally serves Caldwell and surrounding counties. Our scout plane, helicopter, and CL-215 air tanker are all stationed there and can respond within minutes to a wildfire in Caldwell County upon our request, if available. Additionally, in the event of a major wildfire or other natural disaster we can pull resources from other areas of the state to help with the incident.

Through the Volunteer Fire Assistance Award Program administered through the N.C. Forest Service, seven Caldwell County fire departments received over \$12,000 dollars in matching grant money in 2007. Departments receiving the 50/50 matching grant were Gamewell, Grace Chapel, Hudson, Kings Creek, Little River, North Catawba, and Valmead. These monies were used to purchase wildland firefighter personal protective equipment. Items purchased with this money included nomex firefighting pants and shirts, face and neck shrouds, helmets, gloves and goggles. Our office is glad to be able to assist our local departments in obtaining these grant monies. This equipment will enable them to more effectively and efficiently fight wildland fires.

## **YOUTHFUL OFFENDERS PROGRAM**

The citizens of Caldwell County have once again benefited tremendously from the N.C. Forest Service BRIDGE program (Building, Rehabilitating, Instructing, Developing, Growing and Educating). This program utilizes non-violent youthful offenders as firefighting crews to help support our fire control efforts. They are not limited to just fire control alone. These crews are involved in other forestry related work projects and community service projects throughout Caldwell County and western North Carolina. BRIDGE crews performed over 5,700 man-hours of service to the citizens of our county last year. Crewmembers are paid \$1.00 per day, therefore resulting in tremendous savings to the taxpayers of our county. Areas in which the crews performed last year were fire control, fire standby, prescribed burns, trail maintenance, chainsaw details and seed collection for our tree nursery operation. Additionally, over 1,200 man-hours were devoted to community service organizations such as Ruritan clubs and Optimist Clubs.

## **FOREST MANAGEMENT**

It is the responsibility of the N.C. Forest Service to protect and manage the private forestland of our county and state. Providing landowners with professional advice on managing their forestland takes up a large portion of our time. Forestland, whether it be natural or planted should be soundly managed to provide forest products for future generations. Upon request from a landowner we will make a site visit and examine their forestland to develop a forest management plan for their property. This plan is designed to guide them in soundly managing their forestland. Approximately 96 landowners received on the ground assistance directly related to forest management. Management plans were developed on 1,845 acres of private forestland in Caldwell County for 44 landowners. For 2007 nearly 700 acres of new forests were established.

## **WATER QUALITY**

In 2007 there were 23 timber harvesting sites inspected to ensure that they were in compliance with the Forest Practice Guidelines as they relate to water quality. These sites covered over 500 acres of timber harvesting operations. Additionally, Best Management Practices were recommended and implemented on 889 acres in order to protect the quality of water in our creeks and rivers. The Lenoir District Office has a Water Quality Forester on staff that assists us in monitoring logging sites in our county. We continue to be proactive rather than reactive in our water quality program, hopefully preventing problems before they occur. Our staff has been involved in tailgate training sessions with loggers on their work sites as well as assisting with a daylong training session dealing with Best Management Practices as they relate to forestry.

## **COST-SHARE ASSISTANCE**

Caldwell County landowners received nearly \$5,000 dollars in cost-share assistance during 2007 to help them either establish a new forest or improve their existing forestland. This money came from the state funded Forest Develop Program. This program offer landowners an incentive of up to 60% of the total cost of their forestation project up to a prevailing rate.

## **INSECT AND DISEASE CONTROL**

We continue to do two aerial detection flights for the Southern Pine Beetle each year. Both of these flights turned up only a few isolated spots in 2007. Presently, the Hemlock Woolly Adelgid poses the biggest threat to our forests in Caldwell County. There are treatments available for this pest, but they are primarily for yard trees. These treatments are not economical in a forestland setting. However, there are some experimental treatments that are being tested in a forested setting. The NC Department of Agriculture (NCDA) identified two spots in our County that are infested with the Gypsy Moth. One is in the Laytown area and the other in the Pine Mountain area of Hudson. NCDA treated the Pine Mountain infestation in April of 2007. We will continue to monitor for any threats to our forestland from insects and diseases.

## **INFORMANTION AND EDUCATION**

Maintaining a strong information and education program is important to us. During 2007 we continued to work with our local media outlets. Fifteen programs on various forestry topics were given to local civic clubs and groups. As always we participated in the annual fire prevention day activities, as well as the annual Christmas Parade in Lenoir. Smokey Bear carried on his tradition of visiting each of the elementary schools, bringing with him the fire prevention message to over 3600 young children in kindergarten through second grades. Also we are involved with the career day programs through CCC&TI and the Communities in Schools program.

In closing the Caldwell County Ranger's office has had another busy and productive year. Our fire response continues to increase with each passing year. I appreciate the support that my office receives from the Board of Commissioners. With your continued support I look forward to providing the best possible service available to the citizens of Caldwell County. My door is always open.

### **SAFE Kids Program**

Cheryl Whittington, SAFE Kids coordinator appeared before Commissioners to provide information about the program that began in 2001. It is aimed at preventing accidental injuries to children and focuses on safety. Ms. Whittington said Caldwell County's program conducted eleven events during 2007 with the help of businesses and agencies including State Farm Insurance, Wal-Mart, Kiwanis Club, etc. They performed 250 car seat checks and gave away more than 100 bike helmets and gunlocks as part of their focus on safety. She reported that the State's SAFE Kids program funded the purchase of 70 car seats last year and would be funding a like amount in 2008. She said April 26 through May 4 was SAFE Kids Week and an event was conducted at the Avery-Dennison facility/parking lot. With funding assistance from Adam Sterken, State Farm Insurance and SAFE Kids, helmets were given to 60 children. The event was attended by about 45 adults and about 65 children. There was food and games for everyone and FairValue was a large contributor for the event.

### **Northern Communication Tower Site**

Mr. White reported to Commissioners the following three options for consideration to locate the northern communications tower.

- Swanson Site – Mr. White informed Commissioners that staff had met with Dennis Swanson to clarify issues regarding a lease/purchase option for approximately one acre. He said the County could lease the site for \$900 per month or purchase it for \$185,000. Regarding the revert clause in the proposed lease; Mr. White said Mr. Swanson agreed to eliminate the clause. Regarding the right-of-way availability, Mr. White said it needed to be large enough to get a 4-wheel drive vehicle to the site for maintenance and traffic associated with the construction of the tower. If the County purchased the property, there would have to be a 45-foot right-of-way available and designated before subdividing according to the County's Subdivision Ordinance. If the County leased the site, there would be no need for a 45-foot right-of-way. Mr. White informed Commissioners that

Mr. Swanson agreed to live up to his initial agreement that if the County did not have right-of-way access and it was adjudicated, he would provide it. However, Mr. Swanson did not desire a public road through his property. Mr. White said County staff could not guarantee the right-of-way needed but, in speaking with the County Planning Director, Mr. White said there was a possibility for a waiver. Even so, there would still be the need for engineering and design standards.

- Crown Castle Site – Regarding the right-of-way to that site, Mr. White said Crown Castle and Matt Karres said it was not a problem because they have access and title insurance. However, Mr. White noted that no documented right-of-way was available to the County so staff, until adjudicated, could not confirm access. He referred Commissioners to correspondence from Attorney Don Fuller, representing Peter J. Rea that contended the right-of-way was an issue. Mr. White said the County could construct a new tower on the site of the existing Crown Castle tower and owners of the existing tower agreed to move the current users over to the County’s new tower and demolish the old tower within two years. He then referred Commissioners to a one-page summary outlining the proposal for the County to lease the site and replace the existing tower with a 199-foot county emergency tower. The lease would be for thirty years and there would be no lease payment for the first thirteen years. Beginning with year 14, the lease payments would be \$900 plus the CPI rate adjustment. Following the lease payments would be adjusted by the Consumer Price Index at the fifteenth, twentieth, and twenty-fifth years. He said the existing users/carriers on Crown Castle’s tower would relocate to the County’s tower and Crown Castle would continue to collect the revenues from the existing users/carriers. However, any revenues from new users/carriers locating on the County’s tower would be split: 65% to Crown Castle and 35% to Caldwell County. In addition, Crown Castle would be responsible for marketing, engineering, and maintenance of the County’s tower on their site.
- Oakes Property (Leon Oakes) – Mr. White reported Richard Jenkins and Motorola officials conducted a technical review of the site located off Richlands Road. At the highest peak on the property, if the tower were built on that property, there would be some loss of coverage in some of Collettsville and Yadkin Valley estimated to be as much as 15%. He said Mr. Oakes verbally indicated that the property could be purchased for \$125,000 per acre or leased for \$600 per month which was substantially less than the proposal from Mr. Swanson. Mr. Oakes also indicated that right-of-way would not be an issue on his property. However, Mr. White raised the issue concerning coverage loss. He referred Commissioners to a letter from Patterson Fire Department encouraging the Board of Commissioners to consider a site with the best possible coverage.

Commissioner Thuss questioned Motorola representatives about a performance warranty and they said it would be an issue as well as additional costs and lighting requirements on the Oakes site. Motorola representatives said the Crown Castle site was already developed and would minimize construction activity.

Regarding the other VIPER site on Butte Mountain, Motorola representatives said the engineering work had been done but construction had not begun. They estimated the site to be complete in about ninety days. And, if the Crown Castle site was chosen, it would take about sixty days to complete construction.

Commissioner Beane expressed concern about not having legal or written documentation of a right-of-way on the existing (Crown Castle) site.

County Attorney David Lackey said with the cooperation of Dennis Swanson and two family members it would be theoretically possible to eliminate access issues by coming straight off Highway 321 but that would be price prohibitive. On the St. Mark's Church Road, Mr. Lackey said neither Dennis Swanson nor Crown Castle had a written easement; however, C&K Turnpike (owner of the Crown Castle site) and Dennis Swanson did title searches and obtained title insurance policies that did not maintain right-of-way exceptions which certified access. He said the case could be argued on either side and he gave an example; however, Mr. Lackey said, in his opinion, there would be less motive to challenge the County using the Crown Castle site because, if challenged, there would be other parties with the County involved in a potential challenge. Mr. Lackey said the title insurance policy of Mr. Swanson's site was \$300,000 and \$825,000 on the Crown Castle site.

Following discussion, Commissioner Higgins moved to follow the staff's recommendation and proceed with development of a specific agreement for the Crown Castle site on the St Mark's Road and provide a formal agreement for the Board's final action. Commissioner Thus seconded the motion and it carried by majority vote. Commissioners Beane and Barrier voted against the motion.

### Consent Agenda

#### 1. Approval of Minutes

The County Manager recommended the Board of Commissioners approve the minutes of the May 19, 2008 meeting as prepared and presented by the Clerk.

#### 2. Budget Amendments

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

##### A. Fire/Rescue District Property Taxes; \$46,500.00

Tax collections for the following fire and rescue districts have exceeded the original projections for FY2007-08 and the following budget amendment is necessary to increase the revenues and subsequent expenditure line items for the districts:

##### Rescue Squad

Increase	24.4340.311307	2007 Property Tax	\$12,000.00
Increase	24.4340.484300	District Tax Collections	\$12,000.00

North Catawba				
Increase	26.4340.311307	2007 Property Tax		\$12,000.00
Increase	26.4340.484300	District Tax Collections		\$12,000.00
Patterson				
Increase	27.4340.311307	2007 Property Tax		\$ 4,000.00
Increase	27.4340.484300	District Tax Collections		\$ 4,000.00
Little River				
Increase	30.4340.311307	2007 Property Tax		\$ 2,000.00
Increase	30.4340.484300	District Tax Collections		\$ 2,000.00
Sawmills				
Increase	31.4340.311307	2007 Property Tax		\$ 5,000.00
Increase	31.4340.484300	District Tax Collections		\$ 5,000.00
Grace Chapel				
Increase	32.4340.311307	2007 Property Tax		\$ 6,000.00
Increase	32.4340.484300	District Tax Collections		\$ 6,000.00
Kings Creek				
Increase	35.4340.311307	2007 Property Tax		\$ 3,000.00
Increase	35.4340.484300	District Tax Collections		\$ 3,000.00
Granite Falls				
Increase	39.4340.311307	2007 Property Tax		\$ 2,500.00
Increase	39.4340.484300	District Tax Collections		\$ 2,500.00

B. Scrap Tire Tax; \$20,000.00

The scrap tire revenues are projected to exceed budgeted revenues and the following budget amendment is necessary.

Increase	10.4260.318001	Contingency		\$20,000.00
Increase	10.4260.435400	Contractual Expense		\$20,000.00

C. Caldwell Friends; \$1,200.00

The Caldwell Friends Program applied for and received an additional \$1,200.00 in State Juvenile Crime Prevention funding for the current fiscal year. The following budget amendment is necessary to recognize the additional funding that flows through Caldwell County to Caldwell Friends.

Increase	12.5830.334100	JCPC-State		\$1,200.00
Increase	12,5830.468007	Caldwell Friends		\$1,200.00

D. DSS; \$5,500.00

Donated funds at DSS were estimated and budgeted at \$60,000.00 for FY2007-08. However, DSS has received \$65,500.00 in donated funds as of May 16<sup>th</sup> and the following budget amendment is necessary to recognize the additional funding.

Increase	81.5692.364601	Donated Funds		\$5,500.00
Increase	81.5692.432900	Donated Funds		\$5,500.00

E. Soil & Water Conservation; \$1,183.91

Caldwell Soil & Water Conservation District received a reimbursement for their work on the High Rock Lake Survey. They wish to use part of the reimbursement to digitize their 1982 aerial

flight records. The following budget amendment is necessary to convert 25% of the reimbursement for the digitization project.

Increase	10.4960.310000	Miscellaneous Revenue	\$1,183.91
Increase	10.4960.444100	Contractual Expense	\$1,183.91

### 3. Cancel Board of Commissioners July 7, 2008 Meeting

The County Manager recommended the Board of Commissioners cancel the regular meeting scheduled for July 7, 2008.

### 4. Juvenile Criminal Justice Partnership Program Funding Continuation Application.

Mr. White noted that each year the Board of Commissioners review and comment on the application for continuation of Juvenile Criminal Justice Partnership (JCPC) Program funding. The local JCPC reviewed and approved an \$81,335.00 application to the State for continuation of the local program. Mr. White said no local County funds were involved and the substance abuse program is closely monitored according to Judge Beverly Beal. Mr. White recommended the Board of Commissioners approve the application for continuation of the funding for the Juvenile Crime Prevention Council.

Commissioner Higgins moved to approve the four (4) items on the consent agenda as presented and recommended by the County Manager. Commissioner Beane seconded the motion and the vote was unanimous.

### Report to Commissioners re Requests before the Planning Board

Randy Feierabend provided Commissioners information on the following request to be formally presented to the Planning Board during its first meeting in June.

- Conditional Use request from Tim Huffman to construct a private airstrip.

### Appointments

Chairman Greene informed the Board that action taken during the May 19, 2008 meeting to reappoint Rick Rash and Judi Sale to the Library Board of Trustees needed to be rescinded because of the term limitations in the Library Board's bylaws. Commissioner Higgins moved to rescind the Board's action of May 19, 2008, as stated, and to appoint Deborah Ashley and Deborah Rummel to the Library Board of Trustees, each for a 3-year term. Commissioner Beane seconded the motion and the vote was unanimous.

Commissioner Barrier moved to appoint Buck Deal for a 3-year term on the Caldwell County Planning Board as Oak Hill's representative. Commissioner Thuss seconded the motion and the vote was unanimous.

There being no further business to conduct, Commissioner Barrier moved to adjourn and, by unanimous vote, Chairman Greene declared the meeting adjourned at 11:08 a.m.