

CALDWELL COUNTY
Lenoir, NC

BOARD OF COMMISSIONERS
May 19, 2008
6:00 p.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
Diane Philyaw, Deputy Clerk to the Board
David Lackey, County Attorney

Chairman Greene called the May 19, 2008 meeting to order. The Board welcomed everyone and extended appreciation for their participation in county government. Chairman Greene gave the procedure to follow regarding the public hearings. He announced the grand opening of Super Wal-Mart in Lenoir on Wednesday at 10:00 a.m.; Clark Tire in Granite Falls would have its grand opening that day and the Goodyear blimp would be there; and then there would be events at the Google site: a 3:00 p.m. (soft opening) and a 4:00 p.m. grand opening for the public.

Following a moment of silence for the men and women serving to defend and protect the United States, Commissioner Barrier provided the invocation. Commissioner Higgins led the Pledge of Allegiance.

Chairman Greene asked for any additions or amendments to the May 19, 2008 agenda. Mr. Bobby White asked that the public recognition of VX Aviation be removed and rescheduled for the first meeting in June. Chairman Greene requested to recognize Matt Dunne with Google during the meeting. Commissioner Beane moved to approve the agenda as amended, Commissioner Thuss seconded and the vote was unanimous.

Chairman Greene introduced Matt Dunne with Google and said Mr. Dunne had served as a State Senator in Vermont. Mr. Dunne thanked Chairman Greene for the invitation to say a few words about the Google opening and said the official opening of the data center would be Wednesday with the event at the site and Google was delighted to have so many people to join them at the event. He said construction was continuing and complimented everyone that had helped Google in its location to Caldwell County. Chairman Greene thanked him (Google) for being in Caldwell County.

Public Hearing—Amendment to CDBG Scattered-Site Housing Project

Lisa Helton explained the public hearing was to receive citizens' input regarding an amendment on the 2006 scattered-site housing project. Originally, the project planned rehabilitation of nine

houses; however, one of those was beyond repair and the owner asked that he be relocated from the existing residence to a mobile home. Ms. Helton said that was allowed by the State and the homeowner had requested the mobile home. She requested a total of \$43,000.00 to relocate the owner to a mobile home and funding for clearance activities as well as some environmental health work on the site. Commissioners thanked Ms. Helton for shepherding the project and it was noted Caldwell County would receive more funding in 2009.

Commissioner Beane moved to open the public hearing, Commissioner Thus seconded, and the vote was unanimous. There was no public participation. Commissioner Beane moved to close the public hearing, Commissioner Higgins seconded, and the vote was unanimous.

Commissioner Beane moved to approve the amendment to the Scattered-Site Housing Grant #06-C-1548, identified below and Commissioner Thus seconded the motion. The vote was unanimous.

| | Current Budget | Amended Budget |
|----------------|-----------------------|-----------------------|
| Rehabilitation | \$316,500.00 | \$274,500.00 |
| Clearance | \$.00 | \$ 5,000.00 |
| Relocation | \$.00 | \$ 38,000.00 |
| Administration | \$ 40,000.00 | \$ 40,000.00 |
| Total | \$360,000.00 | \$360,000.00 |

Public Hearing—Request from Clark Tire for an Economic Incentive Grant

Alan Wood, EDC Senior Marketing Director, formally presented a request from Clark Tire for an economic incentive grant associated with a facility that was formerly known as Valley Chevrolet in Granite Falls. Clark Tire purchased the building and spent \$400,000-plus to renovate the property. The renovations were completed and the company would be creating 12-15 new jobs for the first phase.

Commissioner Thus asked Mr. Wood to explain the incentive grant guidelines, based on renovations or job creation. Commissioner Thus indicated the jobs had to be created and must exist for a period of time before the incentive would be granted.

Mr. Wood said the Granite Falls site was the company’s second location in Caldwell County with the other location in Lenoir. The company opened in 1943 and there are a total of 240 employees in the company. Mr. Wood announced Clark Tire would be having a grand opening Friday, May 23rd.

Commissioner Beane moved to open the public hearing, Commissioner Thus seconded, and the vote was unanimous. There was no public participation. Commissioner Thus moved to close the public hearing, Commissioner Beane seconded, and the vote was unanimous. Commissioner Higgins moved to approve the economic incentive grant for Clark Tire as described by Mr. Wood. Commissioner Barrier seconded the motion and it carried unanimously.

Public Hearing—Pegasus Tower Company Conditional Use Permit

Randy Feierabend, Planning Director appeared before Commissioners to formally present a request from Pegasus Tower for a conditional use on property, NCPIN 2874053641, on Laytown Road off of Highway 268 in order to construct a 110-foot monopole tower. Mr. Feierabend informed Commissioners if the request was denied, Pegasus Tower would request a conditional use for the site previously identified for a tower.

It was noted that the site could not be seen at all from Laytown Road but, from Hwy 268, it could barely be seen from a residence with a driveway actually 6 or 8 feet above the road. Mr. Feierabend said the Planning Board supported Pegasus Tower's request and recommended the Board of Commissioners give formal approval.

Commissioner Thuss questioned the visual impact by a test using a big balloon. Mr. Feierabend said they floated a large balloon; however, it was foggy that day. Due to the fog, they went back and made sure the balloon was floated at the correct height.

Commissioner Higgins moved to open the public hearing, Commissioner Thuss seconded, and the vote was unanimous. There was no public participation. Commissioner Beane moved to close the public hearing, Commissioner Thuss seconded, and the vote was unanimous.

Commissioner Barrier moved to approve the conditional use as requested, Commissioner Thuss seconded the motion, and it carried unanimously.

Proposed Amendments to the Zoning Ordinance

Chairman Greene prefaced the public hearing by stating he did not expect any changes on the past position of the Board of Commissioners concerning lot sizes or anything else. Chairman Greene said he was kindly asking the Board to give him the opportunity to change his vote and his vote only on the zoning ordinance regarding lot sizes in Collettsville and Yadkin Valley. He said it would simply allow him to vote his heart and his mind. Chairman Greene said it had been his pleasure to serve 11½ years on the Board of Commissioners and he had always, in the past, voted for those (citizens) that were not in attendance at a meeting. For example, Chairman Greene said there were over 3,000 people that live in Yadkin Valley and he had always voted as a voice for the citizens that did not show up for the meetings. Chairman Greene said he was going to make a motion to put on the floor that the entire county have one zoning regulation that meets and matches the lower end of the county or the rest of the County. He said he would almost assure the vote would be 4 to 1 and he was going to lose; however, he just had to clear his conscience on the issue.

Commissioner Thuss moved to open the public hearing, Commissioner Barrier seconded, and the vote was unanimous.

The following individuals appeared before Commissioners to make comment:

Don Kincaid said that if Commissioner Greene was talking about lot sizes that he would have no comment.

Jesse Plaster reported that by now almost everyone in the Valley had sent a letter. He said he felt zoning provided the community protection of the natural resources that are craved. And, if there were no zoning then there would be no use in hiring planners. Mr. Plaster said he did not feel that snobbish and greed described the residents in Collettsville or Happy Valley. He said he personally put in 100 hours in the project and they had worked with the planners. Mr. Plaster asked the Board of Commissioners to listen to the planners and other residents, and not to throw out two years of hard work.

Kenneth Melton said he did not have anything further to add concerning the lot size.

Liza Plaster said she did not have anything further to add.

Tye Bishop said he had worked on some estimates and ran costs for an example: if a developer bought a lot, built a road and, in the best scenario there were lots on both sides of the road, the road may cost \$150,000.00 to do grading and gravel. In addition there would be the cost of infrastructure for utilities and water as well as costs for surveying and engineering. Mr. Bishop said that would easily get up to \$15,000.00 in costs for a lot and most developers would double that cost for what they market the lot for and that was pretty much the industry standard. He said he understood Chairman Greene's issue about the cost getting high for people that wanted to buy a lot. He said there were a lot of older lots that had been on the market awhile and there were new ones that were coming along with construction costs going up related to rising fuel costs. Mr. Bishop said affordability was something that should be considered and noted he was not sure exactly where the line on zoning in the County should be drawn but thought sometimes the trend was to go overboard with lots big lots because development was not wanted. He closed by commending Commissioners for their vote to take the greenway out of the comprehensive plan.

Eliza Obst said she did not have anything further to add.

Margaret Carter-Martine said she was with her daughter when she registered to vote on May 5th and they both noticed her great great grandfather was one of the first county commissioners. Ms. Carter-Martine said again she felt very passionate about the land in the Yadkin Valley area and said it was one of the drawing cards to the County because of its beauty. She noted that North Carolina had been number one in the entire nation for farms lost and she was afraid development was making farmlands go by the wayside. Ms. Carter-Martin said she thought people growing switch blade grass and corn would see farmland a lot more valuable than thought in the past.

Dr. Jane Roberts said she agreed with Jesse Plaster not thinking they were greedy and selfish. Rather, the people were trying to keep the valley nice for others that visit. She noted it was a historic place. She raised concern about lot sizes, if smaller, the trees would be cut, and there would be a lot of run-off from pesticides and herbicides. Dr. Roberts said she thought the lot sizes needed to be kept at three (3) acres as voted for previously by the Board of Commissioners.

Kenneth Roberts said developers were not bringing in affordable housing to the Happy Valley area, noting that a developer from outside of Collettsville or Happy Valley developing in those areas were not going to see many Caldwell County residents buying those lots. Mr. Roberts said they were marketed way over their heads and noted, currently, they were marketing to people that didn't live here now. He said if the County was really and truly considering people of regular means in Caldwell County, zoning should be kept so that all of our land was not turned

over to off-site developers. Mr. Roberts thanked the Board for the work they had done over the years and said he appreciated the Board asking for advice from the citizens that live in the area. He stated they were as tired of it as the Board was.

Bill Puett said he lived in Collettsville and had emailed his comments that were received by the Board. He talked about lot sizes and density averaging. Mr. Puett said he thought the zoning, as adopted, definitely had to stay and he reminded Commissioners of the views expressed by the citizens of Collettsville in March 2005, noting that only 1% of them had public water. He said the vast majority of people wanted to keep their atmosphere rural and urged Commissioners to leave the zoning as is.

Commissioner Higgins moved to close the public hearing, Commissioner Beane seconded, and the vote was unanimous.

Chairman Greene commented about the same issue being discussed about three years ago during a meeting at Dudley Shoals School. He said one person stood up and spoke against development, noting that it would never leave his mind, because she said she had only lived there about a year when she saw a little deer standing on a lot across from her house and wondered where that deer would live when that lot was cleared and developed. Chairman Greene said he thought well if you had not bought your house and lot he could have lived there. He moved to amend the zoning ordinance by removing Section 80M subsection (a) lot size (Collettsville Overlay District) and Section 80N subsection (a), lot size (Yadkin Valley Overlay District). Chairman Greene noted removing those identified sections would place both overlay districts under the same lot size requirements as the balance of the County. Chairman Greene restated his intention was to have the opportunity to change his vote and his vote only on the ordinance concerning lot sizes in Collettsville and Yadkin Valley. Commissioner Thuss seconded the motion. The vote was 4 to 1 with Commissioners Beane, Barrier, Higgins, and Thuss voting against the motion.

Commissioner Barrier made a request to schedule a public hearing at the Board's June 16th meeting to discuss the greenway issue as a result of a lot of discussion by citizens other than those in attendance. He said he would like to have a public hearing scheduled to allow everyone to speak about greenways.

Commissioner Higgins expressed concern about readdressing issues time and again, noting that the Board of Commissioners heard comments from citizens wishing to speak and then made their decisions by vote.

Following discussion, Commissioner Barrier moved to schedule a public hearing at 6:00 p.m. on Monday, June 16, 2008 to hear from folks for or against pathways. Chairman Greene seconded the motion and it carried by majority vote with Commissioner Higgins voting against the motion.

Public Hearing—Proposed FY2008-09 Budget

Bobby White informed Commissioners that since his initial presentation and the work session conducted by the Board, there were no substantial changes to his budget recommendation. Mr. White said the proposal included the current tax rate of 65.99 cent per hundred valuation be continued for the next fiscal year. It also included a 4.76 percent water rate increase to pass on

the increase by the City of Lenoir to Caldwell County as well as an additional \$2.75 on the annual solid waste fee per household as a result of the State Solid Waste Imposed Tax.

Commissioner Thuss moved to open the public hearing, Commissioner Barrier seconded, and the motion carried unanimously.

Petey Montgomery, a resident of the Grace Chapel Community and member of the district's fire department, said their fire department had requested a 2-cent increase in their fire district tax and Mr. Montgomery said he was the fire captain of the department. He noted that their district had the lowest rate in the County at 4-cents per \$100.00 valuation and they were requesting an increase to 6-cents per \$100 valuation because of the need for a new building and because the department had to replace two Class-A pumpers at a cost of about \$550,000.00. Mr. Montgomery said the men had conducted fundraisers (annual BBQ, etc.), saving the money, and had bought eight (8) acres to build a new department building on. He provided information about the department's operations with one paid staff person that worked from 7:30 a.m. until 5:00 p.m. to enable quicker response to calls and quicker arrivals to emergency scenes. Mr. Montgomery said costs of supplies and equipment had increased as well.

Former County Commissioner Alden Starnes, Grace Chapel Fire Department's Treasurer, said the department had done well over the years; however, at this point in time, they needed to expand. He said the new building would cost \$1 to \$1.5 million and the cost of operations was about \$167,000.00 annually. Mr. Starnes said the department had 45 members and requested the 2-cent tax rate increase so they could have a sufficient down payment when they started construction in two or three years.

Former County Commissioner Tim Sanders, on behalf of the North Catawba Optimist Club, requested some funding appropriation, much like had been done for other communities and their parks. He said North Catawba Optimists had been providing programs for youth in that area; however, if funded, the County funds would not be used for the programs. Rather, they would be used for operations and upkeep of the park. He said they had been blessed by a lot of private contributors but the expenses had soured.

Mr. Joel Pennell said he had been a North Catawba Optimist since 1982. He talked about the various athletic programs the club sponsored for boys and girls and said there were tentative plans to expand with a soccer or fall baseball program beginning around September. He said they had the greatest number of boys and girls participating in their programs, around 312 to 320 ranging from ages 4 to 15 which was greater participation than they had anticipated.

Mr. Sanders said he served on the board of directors along with 5 other members who had reviewed their needs and identified a request for a total of \$14,500.00 needed for maintenance and operation of the park, everything other than the program itself.

Mr. Pennell said they did get donations and they tried to sell sponsorships for signs displayed on the ball field. They wanted to improve the field and possibly light it, noting it was probably the only field in the County that did not have lights. Mr. Pennell urged Commissioners to consider a funding appropriation to them and said anything they did would be greatly appreciated.

Mr. Sanders said a lot of sponsors had enabled them to use a little field they had which had no fence around it. He noted the parking area was in bad shape but the private funds from contributors were used for the programs. He said Parkway Bank had been working with the club on a possible loan to construct lighting which would cost, at the cheapest, about \$45,000.00 to \$46,000.00. Mr. Sanders said there was a lot of planning going on and that some supplies and equipment had been bought by members themselves. He noted the Optimist's motto was "every kid counts".

Commissioner Thuss moved to close the public hearing, Commissioner Beane seconded, and the motion carried unanimously.

Mr. White reminded Commissioners and the public of the work session scheduled for Thursday, May 22nd at 9:00 a.m. He said, during that session, the schools and community college officials would appear before Commissioners to discuss their budget requests for next year.

Resolution—State of NC Secondary Road Program

Commissioner Thuss provided information about government economic funding relative to the State of NC Secondary Road Program. He said the State Legislature was currently in session and cautioned the public about the "trickling down" of funding that might end up on the taxpayers. He referred Commissioners to a resolution similar to one that was adopted by the Rutherford County Board of Commissioners and urged Commissioners to adopt it. Following discussion, Commissioner Thuss moved to adopt the following resolution and direct that it along with a cover letter be sent to the County's State representatives as well as Mr. Arnold Lakey, NCDOT Trustee; Mr. Lyndo Tippett, NCDOT Secretary; The Honorable Joe Hackney, Speaker of the House; the Minority Leader of the House; Senator Marc Basnight; and the Senate's Minority Leader. Commissioner Barrier seconded the motion.

Commissioner Barrier said ad valorem taxes should not be used to build or maintain roads and Commissioner Higgins said it was just another example of the State giving counties more responsibility for the things the State should be doing. Chairman Greene added that the State is the biggest, slowest most incredulous encroachment on county government. He said county government was an extension of State government and that is the way state officials view local governments. He said they could dissolve Caldwell County (or any other county) tomorrow, taking every penny that is collected in taxes if that is what they wanted to do and spend it. Chairman Greene said that is what they generally did by slowly but surely shifting the burden of what they don't want to do to the counties, leaving it up to the counties to provide services the best way they can. The vote was unanimous.

RESOLUTION BY THE CALDWELL COUNTY BOARD OF COMMISSIONERS RE STATE OF NORTH CAROLINA SECONDARY ROAD PROGRAM

WHEREAS, the NC General Assembly passed House Bill 1513 during the 2007 session; and

WHEREAS, HB 1513 allows counties to "voluntarily" participate in the costs of transportation projects; and

WHEREAS, since 1931 the State of North Carolina has had a model system of constructing, improving and maintaining interstate, primary, and secondary roads; and

WHEREAS, the 21st Century Transportation Committee and the Transportation Oversight Committee are considering diverting all Secondary Road Program funding to the Primary Road Program; and

WHEREAS, diverting Secondary Road Program funding will leave no funding to pave and improve secondary roads; and

WHEREAS, some county officials have been invited to participate in the discussion regarding this transfer with certain state officials and committees.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF CALDWELL COUNTY THAT:

1. It strongly opposes the transfer of Secondary Road Program funding to the Primary Road Program or any other program that will reduce funding for secondary road construction, improvement, and maintenance.
2. It strongly opposes any efforts by the General Assembly or NCDOT to shift any transportation costs formerly paid by the State to counties.
3. It strongly opposes any efforts by the General Assembly to appropriate local revenues whether property tax, sales tax, or any other local revenue for State transportation programs or any other State programs.
4. It strongly urges all counties to be fully aware and concerned that any invitation to participate in discussions of transportation needs may lead to an indirect appropriation of local funds.
5. It strongly urges all counties to contact the NC Association of County Commissioners and direct it to oppose any efforts to transfer the funding of any State programs to counties.
6. That a copy of this resolution be sent to each county in the State.
7. That copies of this resolution be sent to Caldwell County's representative in the NC General Assembly along with each and every Commissioner's heartfelt concern about the transfer of this and future state costs to counties.

Adopted this the 19th day of May, 2008.

Kathy T. Myers, Clerk to the Board

Herbert H. Greene, Chairman

Following, Chairman Greene said he earlier requested a budget proposal from the County Manager based on a 12-cent reduction in the tax rate for consideration during the Board's work session on May 22. Commissioner Barrier said he would also like to bring to light the conversation he had with the Manager regarding the budget, noting that he thought it was a healthy thing to take a look at a 12-cent budget reduction because it would demonstrate to them how important some of the services the county provides. In his view of government, Commissioner Barrier said the Commissioners were elected to administrate the services for the

citizens in the County that they value and one of the things that concerned him greatly was focusing first and foremost on the tax rate without first having a value discussion about the services provided by those taxes. He said it also disturbed him that when they talk about cutting taxes or changing the tax rate was to take the budget and just whack away at it or come up with some horrific means to find the savings. He said he would like to see the Manager and staff look at a more rational way to go about reorganizing with some cuts and administer services that the community values: the best services possible at the lowest costs possible. Commissioner Barrier said as long as the County continued to provide best possible services to the community with the lowest costs possible it made no difference to him how it was organized. He said he would expect some opportunities to eliminate some redundancies in the system with an approach that would be the most fiscally responsible.

Commissioner Thuss emphasized the need to consider mandated services and it was noted that there was not much room for funding cuts in the services provided once the funding for mandated services was taken out of the picture. Commissioner Barrier said one of the things he personally felt was the need to make sure the Board focused on discussion in the community about the services they expected the County to provide and then decide how the County would pay for them, i.e. like the communities value their fire departments and its services. He said he was not going to let himself discuss the budget anymore without considering the services.

Commissioner Higgins said department heads had made cuts and they were concerned that they did not have staff to do the services they needed to do. She asked that they be present at the work session to discuss their services to the County's citizens. Mr. White talked of the challenge to incorporate the employees in helping to identify ways to accomplish best possible services at the least possible cost. Commissioner Higgins noted that was the program she had discussed with Mr. White to provide monetary incentives for county employees submitting ideas that would actually be implemented by the County to provide services more efficiently or result in cost savings.

Commissioner Thuss cautioned Commissioners that the State Legislature wanted to raise teachers' salaries which was almost a 1-cent tax increase just for Caldwell County. Commissioner Barrier said that was why the school board and community college officials would be addressing Commissioners during the work session to talk about how they would use it and how they would improve the system. Commissioner Higgins highlighted the fact that county employees had never had the same mandated raises and benefits that the school system had received.

Lengthy discussion followed about an audit of departments, procedures, and services provided to citizens to identify performance issues, efficiency, redundancy, etc. Commissioner Barrier said last year when the County had a horrendous tax increase, the Board discussed bringing someone in to look at things and look for needed improvements; however, they got distracted and did not do it. In addition, Commissioners agreed last year that the budget process did not have to be a one-year process that is started again the next year but instead they needed to continually look at the cost of providing the services, an ongoing process. Commissioner Greene said if the audit was not done by an outside party it would not be as objective as it could be and Commissioner Barrier agreed.

Commissioner Beane agreed that the County should always be looking at how it provided services and how it could do it most efficiently. He said he hoped that was a recurring process done by the Commissioners and staff every year, not just a year when there is a significant tax increase. He commended Mr. White for doing just that and said the County had been as lean as anyone on new employees. Commissioner Beane noted it was his tenth year on the board and he did not think the number of employees had changed much because when he took office there were about 522 employees and it has only grown to the current number of 526 employees. He stressed the frequency of unfunded mandates made on the County and how they caused a strain on the County's budget. Commissioner Beane pointed out that one of the biggest things in the budget was the County's bonded indebtedness for various projects which amounted to almost 16 cents of the 65.99-cent tax rate factored in the proposed budget.

Northern Communication Site

Mr. White said the item was scheduled on the Board's agenda to allow him to brief the Commissioners again on the latest status dealing with the northern communication site. He said there were two options that he would quickly review. The first option, the Crown Castle site, is owned by a corporation and Matt Karres is the contact person. Mr. White said the proposal from Crown Castle was a 30-year lease with no lease payment for the first 13 years and monthly lease payments of \$900 for years 14 through 30.

If you would migrate the existing years from the current tower to the new tower and in exchange for that, Mr. White said Crown Castle wished to keep 100% of existing revenues that were currently being paid to Crown Castle. However, any new revenues from companies that may, in the future, locate on the tower owned by the County on the Crown Castle site; Mr. White said Crown Castle was proposing a 65/35 split of the new revenue: they would keep 65% and the County would get 35%. For example, Mr. White explained that for the potential new tower that would be built if you look at the number of the existing users that would migrate over, according to the Crown Castle staff, there were potentially two (2) new users going on that site. So if one were to assume that there was perhaps as much as \$1500.00 per month rental charged to the new users that would be \$3000.00 per month. The county's share on an annual basis for that would be around \$12,600.00. Mr. White noted that the Crown Castle site was what they called construction ready with no site development costs. He said it was located on an existing road and they had heard there may be some question about right-of-way. They shared information with the County Attorney and Mr. White said, in his opinion, there could always be litigation questioning the right-of-way into the site that would need to be adjudicated by a court before he as manager or any of the staff could make guarantees about right-of-way.

Mr. White said the other option was the Swanson site located very close, almost to the existing site and they had been dealing with the property owner. He reported there was an opportunity for the County to actually purchase the site from the property owner for \$185,000.00 and said the current owner indicated he did have a right-of-way that could be used by the County to eliminate any question about access to the site. Mr. White highlighted two (2) important points to consider in looking at the Oasis leasing agreement with Mr. Swanson: two (2) clauses in the proposal:

1. a revert clause in the agreement that says if that site is not used for a communication tower that that property reverts back to the owner

Mr. White said his concern was if the County did not need the property in three (3) years, sold the property, and it was not compatible for his property, he felt like there was some degree where both sides could reach an acceptable condition if it was not used for a tower site.

2. in terms of the right-of-way or the availability of that right-of-way, the language stated was that right-of-way would be made available to the County only if they were adjudicated not to have right-of-way on the St. Marks' Road

Mr. White said he explained that it was his understanding when they talked about a right-of-way to the site; they were not talking about a big 45-foot paved road going in but were talking about a fairly limited space to the tower in order to provide maintenance. He said it was not really a road as we define a road. Before the County spends money on attorney fees and other costs, Mr. White said the County needed the opportunity to eliminate the right-of-way issue. He reported he felt Mr. Swanson would be more than willing to revise that condition to allow a limited kind of construction right-of-way for an access road.

Following Mr. White's presentation, Commissioners and the Manager had discussion comparing the two site proposals as presented as well as what conditions in the proposals they would agree to. There was also discussion about a new offer on a third site off Hwy 321 just below Richlands Road. The Board of Commissioners directed Mr. White to review and compare the three options and bring a recommendation back before the Board during the June 2, 2008 meeting.

Consent Agenda

1. Approval of Minutes

The County Manager recommended the Board of Commissioners approve the minutes of the April 21, 2008 and May 5, 2008 meetings as prepared and presented by the Clerk.

2. Western Piedmont Regional Transit Authority Interlocal Agreement

Mr. White reported that, in 2007, the Board of Commissioners approved and funded a realignment of the CCATS Transportation Program into a 4-county regional transit authority, the Western Piedmont Regional Transit Authority. During the Authority's meeting on March 13, 2008, they approved an interlocal agreement for each of the four counties to consider and take action to approve. The County Manager recommended the Board of Commissioners approve the interlocal agreement which is hereby incorporated by reference and made a part of these minutes (Exhibit A).

3. 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. Marketing Fund for Participation in the *News-Topic's Caldwell Book*; \$3,800.00

The County sponsored a two-page advertisement in the magazine at a cost of \$3,800.00. Mr. White recommended the Board of Commissioners adopt the resolution which is hereby incorporated by reference and made a part of these minutes (Exhibit B) to allow use of contingency funds to cover the cost of the advertisement and said the following budget amendment is necessary to make payment to the *News-Topic*.

| | | | |
|----------|----------------|---------------------|------------|
| Decrease | 10.4110.499100 | Contingency | \$3,800.00 |
| Increase | 10.4110.444100 | Contractual Expense | \$3,800.00 |

B. Sheriff Office (Concealed Weapon Permits) \$4,000.00

The concealed weapon permit fees have exceeded budget and the following budget amendment is necessary to adjust revenues and expenditures through the end of the current fiscal year.

| | | | |
|----------|----------------|------------------|------------|
| Increase | 10.4310.322000 | Concealed Weapon | \$4,000.00 |
| Increase | 10.4310.469301 | Concealed Weapon | \$4,000.00 |

C. Health Department (Susan G. Komen Foundation Grant) \$22,500.00

The Health Department's Clinic program was awarded an additional \$22,500.00 grant from the Susan G. Komen Foundation to be used for providing free mammograms and diagnostic/treatment services for women who do not qualify for state or federal funding. The following budget amendment is necessary to reflect the flow-through funding to Caldwell Memorial Hospital for services provided.

| | | | |
|----------|----------------|--------------------|-------------|
| Increase | 10.5116.330503 | Clinic-Komen Grant | \$22,500.00 |
| Increase | 10.5116.444100 | Contractual | \$22,500.00 |

D. Health Department (State Reimbursement) \$600.00

The Child Health Program received \$600.00 in funds from the Public Health Nurse Training Program as reimbursement for participation in a public health supervisor's and director's training. The following budget amendment is necessary to reflect the funding reimbursed the County.

| | | | |
|----------|----------------|--------------|----------|
| Increase | 80.5113.330000 | Other Grants | \$600.00 |
| Increase | 80.5113.431100 | Mileage | \$600.00 |

E. DSS (Foster Care) \$414,754.00

The following budget amendment is necessary to increase the foster care revenue and expense line items as a result of more children placed in the program than originally projected. The foster care expense is reimbursable. It was noted the budget amendment would not change the County's participation in the overall DSS budget.

| | | | |
|----------|----------------|----------------------------|--------------|
| Increase | 10.5310.331600 | DSS-Federal | \$142,254.00 |
| Increase | 81.5690.331600 | Child-Federal | \$272,500.00 |
| Increase | 81.3000.391005 | Interfund Transfer-General | \$142,254.00 |
| Increase | 81.5690.443100 | Foster Care | \$414,754.00 |
| Increase | 10.9800.497911 | Interfund Transfer-General | \$142,254.00 |

F. Medicaid Transportation; \$85,000.00

The County received an additional \$85,000.00 in grants and other revenues to support the projected expenses associated with the County's Medicaid transportation program in FY2007-08. It was noted there were no additional local monies being requested as part of this action. The following budget amendment is necessary.

| | | | |
|----------|----------------|-------------------------|-------------|
| Increase | 81.5693.331600 | Federal | \$55,250.00 |
| Increase | 81.5693.334600 | State | \$27,200.00 |
| Increase | 81.5693.337601 | Other | \$ 2,550.00 |
| Increase | 81.5693.445301 | Medicaid Transportation | \$85,000.00 |

G. Health Department (Pandemic Influenza Planning Grant) \$17,500.00

The County was awarded a federal bio-terrorism grant amounting to \$17,500.00 to fund the local health department's efforts associated with planning and implementing a local pandemic influenza plan. It was noted that the grant did not require any local matching funds and no local revenues would be impacted. The following budget amendment is necessary.

| | | | |
|----------|----------------|---------------------------|-------------|
| Increase | 10.5116.331507 | Bioterrorism-Federal | \$17,500.00 |
| Increase | 10.5116.452000 | Non Capitalized Equipment | \$12,250.00 |
| Increase | 10.5116.444100 | Contractual Expense | \$ 1,500.00 |
| Increase | 10.5116.432100 | Telephone | \$ 1,500.00 |
| Increase | 10.5116.419200 | Professional Fees | \$ 2,250.00 |

H. Grace Chapel/US 321 Interconnector; \$200,000.00

Mr. White said, in late 2007, Caldwell County formally agreed to partner with the City of Hickory and the Town of Granite Falls to undertake the preliminary engineering activities associated with the future construction of an interconnector between Grace Chapel Road and US Hwy 321. The potential improvement would ease congestion at the existing Grace Chapel intersection as well as address a need for MDI. The engineering work is estimated to cost \$200,000.00 and would be funded by the following sources: \$75,000.00 from the Caldwell County Sales Tax Reinvestment Fund; a \$50,000.00 financial contribution from the City of Hickory and a \$50,000.00 NCDOT Planning Grant.

Mr. White said the NCDOT grant agreement had been executed and said the following budget amendment was necessary in order to implement engineering activities. He recommended the Board of Commissioners adopt the resolution which is hereby incorporated by reference and made a part of these minutes (Exhibit C) to establish the project budget.

| | | | |
|----------|----------------------|--------------------------------|--------------|
| Increase | 20.3000.397000 | Fund Balance Appropriation | \$ 75,000.00 |
| Increase | 41.3000.391005.10135 | Transfer | \$ 75,000.00 |
| Increase | 41.3000.330000.10135 | Other Grants-Intergovernmental | \$ 75,000.00 |
| Increase | 41.3000.334020.10135 | DOT Grant | \$ 50,000.00 |
| Increase | 20.3000.498800 | Transfer | \$ 75,000.00 |
| Increase | 41.4726.459600.10135 | Construction | \$200,000.00 |

Commissioner Barrier moved to approve the eight (8) items on the consent agenda as presented and recommended by the County Manager. Commissioner Higgins seconded the motion and the vote was unanimous.

Appointments

Chairman Greene nominated Mearle Hickman, Bob Reece and Lloyd Robbins each to serve another three-year term on the Board of Adjustments. Commissioner Higgins moved to appoint the nominees and the vote was unanimous.

Commissioner Barrier moved to reappoint Jerry T. Church to serve another term on the CCC&TI Board of Trustees. Commissioner Thuss seconded the motion and the vote was unanimous.

Commissioner Barrier nominated himself as the Commissioner representative and nominated Joyce Edwards as DSS Director to serve on the Smoky Mountain Center Board of Directors. Commissioner Higgins moved to appoint the nominees and the vote was unanimous.

Commissioner Greene nominated Mearle Hickman to serve another two-year term on the Jury Commission beginning July 1, 2008. Commissioner Thuss moved to appoint the nominee and advised Mr. Hickman had served on the Jury Commission for the last two years and is a “good man”. The vote was unanimous.

Commissioner Beane moved to reappoint Rick Rash and Judi Sale each for another term on the Library Board of Trustees. The vote was unanimous.

Chairman Greene nominated Jim Chapman, Elaine Lockhart, and Allen Stewart each to serve another three-year term on the Caldwell County Economic Development Commission. Commissioner Higgins moved to appoint the nominees and the vote was unanimous.

Chairman Greene nominated Wyle Moore and Judy Yount for reappointment to the Granite Falls Board of Adjustments ETJ and the vote was unanimous.

Commissioner Thuss nominated Dr. Maggiore and Karen Cannon for reappointment to the Health Board each for a three-year term and nominated Don Barrier to serve out his (John Thuss) term as the Commissioner representative. Commissioner Beane seconded and the vote was unanimous.

Commissioner Higgins nominated Alden Starnes for a three-year term on the DSS Board. Commissioner Thuss moved to appoint the nominee and the vote was unanimous.

Commissioner Beane moved to reappoint Elaine Lockhart to the Workforce Development Board for another term. Commissioner Higgins seconded and the vote was unanimous.

Public Comment Period

Due to a misunderstanding regarding the cell tower public hearing, three (3) people wanted to speak regarding the issue.

Ron Lilly has land at 4850 St. Marks Road. His contact information is 1) mailing address: 302 Dooley, Mooresville, NC 28117; 2) home phone: 704-664-5141; and 3) cell phone: 704-451-2070.

Phillip Strayen said his address was 4759 St. Marks Road, Lenoir, NC 28645 and his phone number was 828-295-3252. He advised the Board the tower would be in front of his home and asked that they look at another tower site.

Denise Drum said her address was 4909 St. Mark’s Road, Lenoir, NC and her phone number was 828-295-7420. She advised the Board she had lived in that area for 55 years, 17 at the current address. Ms. Drum asked what about a lower tower to blend in with the landscape better.

There being no further business to conduct, Commissioner Thus moved to adjourn and, by unanimous vote, Chairman Greene declared the meeting adjourned at 8:10 p.m.