

CALDWELL COUNTY
Lenoir, North Carolina

BOARD OF COMMISSIONERS
May 5, 2008
10:00 a.m.

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

Absent: Ron Beane, Excused

Staff: Bobby White, County Manager
Kathy T. Myers, Clerk to the Board

Chairman Greene called the meeting to order and welcomed everyone followed by the invocation given by Commissioner Higgins. The Pledge of Allegiance was led by Caldwell County 4-H youth: Travis Huffman, Holden Huffman, Darin Evans, and Jay Evans.

Announcements

Chairman Greene announced the May 5, 2008 meeting was not a public hearing date. He explained the procedure and timeline for the Board of Commissioners conducting public hearings. He said there would be no public hearing; however, Donald Kincaid called about a month ago wanted to speak on the topic of pathways. Therefore, Mr. Kincaid was scheduled on today's agenda to speak about pathways.

Chairman Greene asked if there were any additions or amendments to the May 5, 2008 agenda. Commissioner Barrier asked that an item for decision be added as #8G regarding the Foothills Mental Health Program. With no other additions or amendments, Commissioner Thuss moved to approve the agenda as presented and amended. Commissioner Barrier seconded and the vote was unanimous.

Older American's Month Proclamation

Julia Borreo and Will Wakefield from the Department of Social Services appeared before Commissioners to talk about the month of May being designated as Older American's month. The Older American's Act was passed 43 years ago. Ms. Borrero said May was a special month in Caldwell County for elderly citizens and she provided information about the upcoming Celebration of Life event at the Caldwell County Fairgrounds. Ms. Borrero and Mr. Wakefield presented a slide show depicting the joys of living with the aging in our society.

Mr. Wakefield extended an invitation to the Commissioners and anyone 60 or older to come to the Celebration of Life at the Caldwell County Fairgrounds.

Chairman Greene read passages from the proclamation which is hereby incorporated by reference and made a part of these minutes (Exhibit A) designating May 2008 as Older

American's Month in Caldwell County and, upon reading, moved to adopt same. Commissioner Higgins seconded and the motion carried unanimously.

Commissioner Barrier requested their slide show PowerPoint presentation be shared with each Commissioner and given to the County's Information Services so that it could be broadcast on the County's TV station.

Comments re Caldwell County Land Use Plan

Mr. Kincaid thanked the Commissioners for their time. He presented pictures of flooding of his farm (which he has owned for approximately 30 years). He said Commissioners' action about 2 months ago to delete the provisions not requiring any pathways on the development was only 5% of what they really wanted in the Valley. He cautioned them to keep in mind that in the Valley probably 80% of the land is in the flood zone (it is flat land and is not susceptible to developers). Mr. Kincaid said they were concerned about developments with their major concern being the modern trend sweeping the nation of pathways, bikeways and so on. He thanked the Board of Commissioners for the Early College High School and the Middle College High School for the fact that blue collar people in the county would have the opportunity to have a college education. Personally, he said he thought it was one of the best things the Board had done; however, flipping 180 degrees, he felt the greenways and the pathways was probably one of the worst things the Board could do. He said people were concerned about the Valley.

He expressed concern about the Rotary clubs in the County donating \$10,000 toward the \$200,000 spent on pathways and greenways so far. Mr. Kincaid said he saw a member of one of the rotary clubs on television advocating more activities for cyclists and he was advocating for a trail up the Buffalo area. Mr. Kincaid, again, said he was not worried about the current or next Board of Commissioners; however, he was worried about the Boards to follow because the greenways seemed to be a trend in the country. He said it was not Government's responsibility to provide greenways or pathways; hunters have to buy hunting licenses; fishers have to find a place to fish; tennis players have to belong to a place to play tennis, and golfers have to find golf courses. It is not the government's responsibility to provide the cyclist a place to enjoy nature. Mr. Kincaid said he didn't expect government to provide this service or outlet for him and said he enjoyed riding a bike or walking. It was noted that 112 property owners along the river were opposed to pathways.

He talked about the right of property and said it would be great if everyone could enjoy all properties they wish but if the property is private they cannot, i.e. Grandfather Mountain owned by Hugh Morton. He said they were primarily worried about the power of condemnation. He gave a scenario regarding the condemnation process of a property. It has to be one or the other.

Commissioner Barrier noted that the condemnation powers for recreational purposes was a State law and encouraged people opposed to the greenway to go to Raleigh and deal with the issue there.

Following discussion, Commissioner Higgins moved to remove any reference of a greenway from the County's Land Use Plan. Commissioner Barrier seconded the motion and it carried unanimously.

Communities in Schools Annual Report

Debbie Eller, Executive Director of CIS appeared before Commissioners to provide the annual report. She talked about the achievements and successes of the program as well as provided statistics about students' improvements, etc. as stated in the Communities In Schools Annual Report 2006-07 which is hereby incorporated by reference and made a part of these minutes (Exhibit B)

Juvenile Crime Prevention Council Annual Plan

Bob Henson, Governance Chair of the Juvenile Crime Prevention Council appeared before Commissioners to seek approval of the Council's 2008-09 Program of Work. Caldwell County is slated to receive a total of \$216,221.00 in Juvenile Justice and Delinquency Prevention funds during FY 2008-09. The funds will be designated for projects impacting juveniles: Project Challenge/restitution - \$52,600; Conflict Resolution Center - \$14,500; Universal Mental Health/Substance Abuse - \$37,981; Repay, Inc./Sexual Abuse Intervention - \$25,000; DJJD/Mentor BHS/Diagnostic assessments - \$20,000; Caldwell Committee on Healthy Families (PACT) - \$20,400; Caldwell Friends/mentoring - \$6,000; Baptist Children's Home - \$19,992; and unallocated funding for consideration during the year - \$7,508.

Following Mr. Henson's report, Commissioner Barrier moved to approve the 2008-09 Juvenile Crime Prevention Council Program of Work as presented. He thanked Mr. Henson and the JCPC Council for their hard work. Commissioner Thus seconded the motion and it carried unanimously.

Caldwell Cooperative Extension Service Update

Allen Caldwell, Extension Service Agent, reported the agency had been in Caldwell County for 87 years and the total service of the employees totaled 96 years. Mr. Caldwell said \$196,193 was the local funding in the extension service's budget which amounted to .27% of the total County budget. He contended the citizens were getting a great deal for the money spent on Cooperative Extension. He introduced the Extension Service employees and each provided information about program and services provided in each function/goal of the Cooperative Extension Service Agency. He said the programs are geared toward productive and profitable agriculture; environmental protection and enhancement; movement toward stable communities; responsible youth; and healthy families. Agents speaking about their particular programs and areas of work included Seth Nagy, Debbie Cox; Jeannette Schuszler, Craig Adkins, and Amber Deal.

Northern Communication Site

Bobby White said the issue of the completion of the tower site locations for the communications project was brought before the board some time ago and the purpose of the item on the Board's May 5th agenda item was to review with Commissioners staff negotiations and discussions.

Regarding the comprehensive communications project, four of the five cell tower sites have been implemented and Mr. White said the northern most site needed to be determined. He compared two alternatives for locations of the tower referred to as the Crown Castle site and the Swanson site.

On the Crown Castle site, Mr. White said the existing tower located on St. Marks Road is leased between Crown Castle and the property owner, Mr. Karres and his relatives.

Mr. White informed Commissioners that earlier discussions with Crown Castle indicated they would do a 20-year lease for the construction of the tower. He noted that the County would be responsible for construction of the towers at either site and the tower on either site would be 199 feet. Mr. White advised that he received an email from Crown Castle last Thursday that said they wished to revise the earlier proposal to extend an offer that would provide the County 13 years of use of the site at no lease cost with the balance of the years up to the 20 years at a monthly rate of \$900 plus the inflationary factor over the remaining term. However, this morning, as a follow-up, Mr. Karres and Jason Mayo, representing Crown Castle emailed the County Manager indicating they had discussed the option and had changed the offer to allow the County a lease of up to 30 years (first 13 years of the lease would be at no cost to the county and the balance of the 30 year term would be \$900 per month with an escalator clause). They would permit either one or two towers on the site. Crown Castle would be willing to commit, over a 2-year period, to move the current users from their tower onto the County's emergency tower and thereby end up with only one tower on the site. For Crown Castle to do that, they proposed that the current revenues they are receiving they would continue receiving even if that move was made. For any new users (possibly 2 or 3 new carriers), Crown Castle would split 65/35 the new revenues with 35% to the County and Crown Castle keeping 65%. On the Crown Castle site, Mr. White said, basically, there would be no site development cost required. Earlier there were conversations about the right-of-way. In terms of the Crown Castle site, they provided information to County Attorney David Lackey that verified their right-of-way to the road. It was noted there was title insurance on the property; however, there was a bit of gray area concerning the right-of-way that could be debated by either side.

Regarding the second option on the Swanson property also on St. Marks Road, Mr. White said the County was working with Oasis Leasing Group and had an option to purchase a little over 1 acre of property to locate the tower on that property. He said the Swanson property was located very closely to the Crown Castle site and there were two options for that property: the County could engage a 40-year lease at the same \$900/month with an escalator or the County could exercise a 2-year offer to purchase approximately 1 acre for \$185,000. He said, if the property was purchased, the County could then build a monopole or lattice pole with some site development costs estimated at \$50,000. Mr. White said there would be a potential for additional users of the tower on the Swanson site and the County could do all of the marketing and keep all the revenues or it could negotiate with Crown Castle or other vendors on a revenue-sharing deal. In terms of the Swanson property, Mr. White said the County would receive any new revenues other than the public safety use of the tower. It was noted a right-of-way would be provided to the County on the Swanson property that connects back into Hwy 321 that could help to avoid an issue.

In summary, Mr. White encouraged the Board of Commissioners to let staff know of any questions/concerns they might have regarding the two site locations so that the fifth (northern) tower site could be identified and finalized as part of the overall communication project. Mr. White said he would like to schedule the issue for a decision during the Board's meeting on May 19th.

Commissioner Barrier moved to schedule the selection of the northern communications tower site for the May 19, 2008 meeting in order to receive public comment and take action regarding the tower site. Chairman Greene seconded the motion. Following discussion about leasing versus owning the site, the vote was unanimous.

County Vehicle Policy

Commissioner Higgins began discussion about a proposed County Vehicle Policy revised form the policy adopted in June 2006. She along with Lloyd Robbins and Carole Brown had been working to amend/improve the original policy to be more applicable to Caldwell County's motor fleet and operations.

Following discussion and minor changes made to the document, Commissioner Higgins moved to adopt the May 2008 County Vehicle Policy as amended which is hereby incorporated by reference and made a part of these minutes (Exhibit C). Commissioner Barrier seconded the motion and it carried unanimously.

Award Construction Contract for Harpertown Community Park

Mr. White presented a recommendation concerning the Harpertown Community Development project. He said staff bid a community facility for the Harpertown area as part of the overall project and because of the lack of sufficient funds; the bids were rejected by the Board of Commissioners. It was noted that the project is in the fifth and final year of the CDBG grant and the 100% grant funding had been used for various activities including clearance activities, housing improvements, a bus stop for community children, and waterline improvements. However, the final commitment was to build a community center. In trying to provide some community effort, Mr. White said staff redesigned a community park that could be done with the available grant funds for that project and completed by August 2008. Mr. White said staff recommended the Board of Commissioners award the contract to Wilkie Construction for the community park project in the amount of \$85,750.00. He noted that no local dollars were involved with the project.

Commissioner Thuss moved to approve an \$85,750.00 construction bid for the Harpertown Community Park to Wilkie Construction and authorize County staff to finalize all related project and construction documents. Commissioner Barrier seconded the motion and it carried unanimously.

Mt. Herman Landfill Methane Recovery Project Proposal Agreement with Greenhouse Gas Services, LLC.

Mr. White said that, more than a year ago, the County worked with Republic Industries to implement a series of methane wells at the former Mt. Herman landfill site. He said the methane wells were currently flaring the methane generated by the old landfill. He said staff was considering ideas as to how to not only use the product or the methane a little bit better than just flaring but to also look at taking advantage of energy credits. Mr. White said there was a substantial amount of documents and justification which was not as simple as originally thought; therefore, staff had been in discussions with Greenhouse Gas Services, LLC who has the knowledge and experience to potentially partner with the County in an actual agreement in which the company is responsible for some capital improvements at the landfill site and they would be

responsible for all the engineering, monitoring, evaluation, and marketing of energy credits. Mr. White said the County hoped to develop a mutually acceptable agreement with Greenhouse Gas Services so that they would provide the technical aspects and marketing and the County would generate revenues from those efforts without having to expend any local funds. He said staff had discussed the concept on more than one occasion and staff felt good about the possibilities; therefore, staff recommended partnering with Greenhouse Gas Services, LLC (2-year term sheet). Mr. White said Greenhouse Gas Services would be willing to do due diligence for a 3-month period and determine the methane volumes, the potential as well as the daily administrative requirements for a project. During that due diligence period, Mr. White said the County would work with them to develop a formal agreement to be brought back to the Board should the project successfully mature to that point. In order for the company to come and make investments of time, energy, and manpower, staff had recommended the Board of Commissioners formally accept the terms as proposed.

Commissioner Thuss moved to approve the term sheet with Greenhouse Gas Services, LLC which is hereby incorporated by reference and made a part of these minutes (Exhibit D) related to the Mt. Herman landfill methane gas project and to authorize Chairman Greene to sign as the County representative. Commissioner Barrier seconded the motion and it carried unanimously.

Proposed Amendments to the Zoning Ordinance

Chairman Greene referred to his memo to Commissioners asking for an opportunity to schedule a public hearing to revisit the zoning ordinance and the subdivision ordinance that was addressed only a couple months ago. He said his sole purpose was so that he could change his vote on some of the issues because he didn't vote his heart and wanted an opportunity to change his vote for the record. Chairman Greene said he wished to address lot sizes described in the zoning ordinance.

Early College Furnishings

Mr. White said there had been considerable progress on the building and, at this time, the three partners had moved toward the furnishings of the facility. He said some informal discussion by members of each of the three groups indicated that there was a need for \$502,194.70 worth of furnishings for the early college facility. Mr. White presented a proposal for the County to pay a 1/3 share in the amount of \$167,398.23 and the other two to each pay the same amount. He noted it would be a one-time expenditure and, at this time of the fiscal year, he recommended the appropriation come from fund balance.

Commissioner Barrier moved to approve a 1/3 participation in the furniture funding of the early college facility based on an estimated cost of \$502,194.70 and to approve the following budget amendment. Commissioner Higgins seconded the motion. The vote was unanimous.

Increase	10.3000.397000	Fund Balance Appropriated	\$167,398.23
Increase	10.5920.423501	CCC&TI-One time Cap Outlay	\$167,398.23

FY2008-09 Budget Message

Mr. White presented his Budget Message for FY2008-09. He highlighted information contained in the document which is hereby incorporated by reference and made a part of these minutes (Exhibit E).

Bobby White provided clarification concerning questions raised by the Board of Commissioners and discussion followed about scheduling a work session. Commissioner Barrier moved to receive the County Manager's Proposed FY2008-09 budget; to schedule a work session for 9 a.m. on Monday, May 12, 2008 in the City-County Chambers; and to schedule a public hearing for 6 p.m. on Monday, May 19, 2008 in the City County Chambers. Commissioner Thus seconded the motion. Commissioner Barrier said he would like to hear from the Board of Education and CCC&TI during the work session, specifically their vision and plans for education in this county for the next few years. The vote was unanimous.

Foothills Area Mental Health

Commissioner Barrier informed the Board that there was a desire on the part of Smoky Mountain Center's Board to look at securing a location for office space for them in the Lenoir area. He said they would like to be close to the current mental health facility building at the Government Campus on Morganton Boulevard because they are going to continue to need that building for mental health services. He said Smoky Mountain Center had asked if the County would be interested in selling them a piece of property (approximately 3 acres) adjacent to that building. The Board of Commissioners suggested Smoky Mountain Center consider some privately owned land adjacent to that property. Commissioner Thus moved not to sell any of the County's property located at the Government Campus but to suggest Smoky Mountain Center look at privately owned property adjacent to the County's property. Chairman Greene seconded the motion and the vote was unanimous.

Consent Agenda

A. Approval of Minutes

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

- February 18, 2008 Regular Meeting
- March 11, 2008 Special Meeting
- March 17, 2008 Regular Meeting
- April 7, 2008 Regular Meeting

B. Request from EMS to Purchase Equipment Using Donated Funds

The County's EMS Department received donations totaling \$850.00. Department staff would like to use the fund to purchase a flat screen TV for the field staff at Lenoir base. It was noted this action would not require any local dollars. The County Manager recommended the Board of Commissioners approve the following budget amendment and to authorize staff to purchase the flat screen TV as requested:

Increase	10.4330.364000	Donations	\$550.00
Increase	10.4330.364000	Donations	\$300.00
Increase	10.4330.452000	Non-capitalized equipment	\$550.00
Increase	10.4330.452000	Non-capitalized equipment	\$550.00

C. Request from Detention Center to Purchase Equipment

The Detention Center is in need of a dog bite suit for detention center personnel. The funds would be used from the department's training line item and no new dollars would be impacted. The County Manager recommended the Board of Commissioners approve the following budget amendment and to approve purchase of the dog bite suit as requested:

Decrease	10.4320.431200	Training	\$1,670.00
Increase	10.4320.4452000	Non-cap Equipment	\$1,670.00

D. Request from Sheriff Office to Purchase Equipment

Sheriff Office staff requested to purchase three (3) new radios: two for the patrol division and one for Investigations. The department has available funds in the contractual line item and no new dollars will be impacted. The County Manager recommended the Board of Commissioners approve the following budget amendment and to approve purchase of the radios as requested:

Decrease	10.4310.444100	Contractual	\$2,213.00
Increase	10.4310.452000	Non-cap Equipment	\$2,213.00

E. Request from Health Department to Purchase Equipment

The Health Department staff requested approval to purchase a laptop computer for the Preparedness Coordinator as well as examination tables and Dopplers for the clinic. Staff advised the County funds would be replaced by Pan Flu funding as part of the Board's meeting in May. The County Manager recommended the following budget amendment and to approve purchase of the equipment as requested:

Decrease	10.5116.426100	Salaries	\$12,250.00
Increase	10.5116.452000	Non-capitalized equipment	\$12,250.00

Commissioner Barrier moved to approve the five (5) items on the consent agenda as presented and recommended by the County Manager. Commissioner Higgins seconded the motion and it carried unanimously.

Report to Commissioners re Requests before the Planning Board

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

- Conditional Use request from Pegasus Tower for a cell tower site.

There being no further business to conduct, Commissioner Thuss moved to adjourn and, by unanimous vote, Chairman Greene declared the meeting adjourned at 1:19 p.m.