

CALDWELL COUNTY
Lenoir, North Carolina

BOARD OF COMMISSIONERS
September 17, 2007
6:00 pm

Present: Faye R. Higgins, Chairman
Ron Beane, Vice Chairman
Don Barrier
Dr. John W. Thuss

Absent: Herbert H. Greene

Staff Present: Jack Horton, County Manager
Kathy T. Myers, Clerk to the Board
David Lackey, Attorney

Chairman Higgins called meeting to order and welcomed everyone to the meeting.

Commissioner Thuss announced that on September 21st, an important road naming would take place in remembrance of George Younce, internationally renowned, world famous gospel singer. Chairman Higgins said the dedication of the George Younce Highway would be held at Yadkin Valley Baptist Church on the 21st at 11:00 a.m. She extended an invitation to join the Board in recognizing Mr. Younce, a gentleman that was so inspiring through his gospel music. She said that they were very proud he was from Caldwell County.

Also, Commissioner Thuss said there would be a delivery of forage for livestock and, any questions about the delivery, should be directed to Allen Caldwell or Seth Nagy with the Cooperative Extension Service. He said the forage coming to Caldwell County was from as far east as Craven County.

Chairman Higgins also announced there was a small spill (September 13th) on Mission Road in Hudson. She said a gentleman had left a trailer in the lot at STAT to get dinner and a shower. An employee saw orange smoke coming from the trailer and called the fire department. Chairman Higgins expressed thanks to everyone that responded which included every fire department in the County; Caldwell EMS; Clean Air out of Raleigh; the Red Cross; and the Haz Mat Team out of Asheville. She said it was a very smooth and professional operation.

She noted that the people and agencies that responded need to be commended, noting that, at a later date, she would like the participants to be presented with a certification of appreciation.

All Commissioners led everyone in the Lord's Prayer and Kathy Myers, Clerk to the Board, led the Pledge of Allegiance.

At the request of the petitioner, Chairman Higgins asked that Item H (Public Hearing re EDG for Lowes/Hwy 321 Medical Project) be removed. She said Mr. Shuford was trying to work something out between the parties. Commissioner Thuss asked for a few minutes after the Consent Agenda to bring everyone up to speed on the Smart Start bus (Item M) to understand what took place at the Board of Health Meeting last week. Kathy Myers requested the removal of Item F (Recognition of Caldwell County Retiree, Deborah Dlugos) to be rescheduled for a

later date. Commissioner Thuss moved to adopt the agenda as presented and amended, Commissioner Beane seconded, and the motion carried unanimously.

Proclamation for Litter Sweep

Chairman Higgins reported that Caldwell County's Soil and Water Conservation District had coordinated, for several years, the Fall Litter Cleanup with the great assistance of Kevin Clark and Pam Hamby. This year's event will be held from 9:00 a.m. until 1:00 p.m. on Saturday, October 6th and 150 to 200 volunteers were anticipated to help with the cleanup. Chairman Higgins said gloves and t-shirts would be provided to volunteers as well as water bottles, etc. as tokens for their work and efforts. She informed Commissioners that the Soil and Water Conservation District was requesting \$1500.00 to help with the costs of supplies for the event. Chairman Higgins read the following proclamation and, upon its reading, moved to adopt same; and to approve a contribution of \$1500.00 to help with the program. Commissioner Beane seconded the motion and commented the Conservation District and volunteers did a real good job each year. He noted that the \$1500.00 was currently budgeted in the (Environmental Program) Planning Department's budget. Commissioner Thuss suggested a thank you note be sent to Republic Industries for disposing all of the trash from the roadside clean up. The vote was unanimous.

PROCLAMATION

**LITTER SWEEP
IN CALDWELL COUNTY
September 15 – 29, 2007**

WHEREAS, the North Carolina Department of Transportation organizes an annual statewide roadside cleanup to ensure clean and beautiful roads in North Carolina; and

WHEREAS, the Fall 2007 "LITTER SWEEP" roadside cleanup will take place September 15 – 29, 2007, and local governments, communities, civic organizations, professional groups, businesses, churches, schools, families, and individuals are encouraged to participate in the roadside cleanup campaign; and

WHEREAS, in conjunction with the Fall 2007 Litter Sweep campaign, Caldwell County's Soil & Water Conservation office and other local agencies are organizing a local streamside cleanup event on Saturday, October 6, 2007; and

WHEREAS, the local streamside cleanup will involve hundreds of volunteers working to remove litter and trash from rivers and streams in the County; and

WHEREAS, citizens are proud of the clean environment and great natural beauty of Caldwell County and our State, attracting tourists to visit and aiding in the recruitment of new industries; and

WHEREAS, the 2007 Litter Sweep will be the 19th year of the North Carolina Adopt-A-Highway Program and its 6,000 volunteer groups that donate their time and labor year round on these cleanup efforts; and

WHEREAS, the Fall 2007 Litter Sweep will increase awareness of the need for greater recycling efforts and eliminating litter from roadsides, rivers, and streams to ensure a clean environment for a better quality of life in Caldwell County and North Carolina.

NOW, THEREFORE, BE IT RESOLVED, that the Caldwell County Board of Commissioners does hereby proclaim September 15-29, 2007, as “**LITTER SWEEP**” in Caldwell County, and encourages citizens to participate in efforts not only during Litter Sweep but also throughout the year to keep our communities clean.

Adopted this the 17th day of September, 2007.

Faye R. Higgins, Chairman

Attest:

Kathy T. Myers, Clerk to the Board

Report—Emergency Communications Goals & Objectives

Richard Jenkins, Communications Supervisor along with Dave Walton and Charles Stafford, representatives with Motorola discussed the status of the communications project . Mr. Walton gave a quick recap of the system by way of a PowerPoint presentation. Chairman Higgins asked for a copy of the PowerPoint presentation so the Commissioners would be able to look at the information provided. Commissioner Beane asked if the project was within the budget and Mr. Walton said, as far as Motorola is concerned, it was currently on budget. Commissioner Beane indicated Mr. Walton had mentioned 95% coverage in the County and asked if there was anywhere the system would not cover. Mr. Walton said it was based on mobile coverage which is more powerful. Commissioner Beane then asked what would be needed to provide coverage inside a building. Mr. Walton said there were a couple types of solutions: 1) a directional amp with outside antenna that comes into the amp inside the building using an inside antenna (a lot of schools have this type equipment; and 2) depending on coverage in a building, a passive antenna could be placed on the inside or outside. The passive antenna costs approximately \$200; a bi-directional amp with insulation estimated to run \$3000 to \$5000 (ballpark figure). Mr. Jenkins informed the Board that the Sheriff Office now had in-building coverage and inside the jail. The police departments in Granite Falls and Hudson do not have the coverage inside the building. He said that it was known that this system was never intended for in-building coverage everywhere, noting that with all the antenna that there is going to be around and within the county, he thought it was going to be fine. However, he said the system would need to be tested out. Mr. Jenkins said there was going to be better coverage than thought on the building side; Grandmother is already on; and Blowing Rock is going to turn on at some point. He said they had not heard anything from Alexander County. Commissioner Beane asked if it was ever determined how this system would impact the local fire departments and were they going to have to buy new equipment to use the new system.

Mr. Jenkins said dispatchers had one case in which a caller was instructed in applying CPR; however, they had not had their first save yet. He advised there was a meeting earlier in the day regarding a new grant concerning the Viper system. In trying to find grants to apply for, Mr.

Jenkins said all in the Viper infrastructure required a 20% match and said when you start looking at a 20% match that is asking for a lot of money from Caldwell County. Therefore, they decided to apply for money to offset the cost for site development on the Viper sites, whether it is road improvement or property acquisition. He said they wanted to apply for some money that didn't require a match to help in building a road, extending utilities, or doing grading work on the site itself, and on the Viper sites. Mr. Jenkins said they were on budget as far as the contract (with Motorola) but staff knew there would be costs involved and some money was set aside. They are hoping to recoup some of the cost; hopefully, \$475,000.00 in funding through Congressman McHenry's efforts. Chairman Higgins and Commissioners thanked everyone for the update and report.

The County Manager added they had a progress report every two weeks via conference call and all of the Commissioners were invited to sit in on the discussion, noting that some Commissioners had already sat in the meetings/conference calls. Commissioner Thuss advised the biggest thing being addressed now was the site acquisition: the location of the property and whether it was to be rented or purchased. Commissioner Beane asked if there was anyway to in-kind some of the grant money and Mr. Horton explained the grant money Mr. Jenkins was talking about had no match. He said there was an allowance in the project and hopefully the County would get the grant money and save some of that grant funding on these improvements.

Wilson Creek Corridor Study Group

Dr. Jane Carswell Roberts appeared before Commissioners and provided information about a group she is a member of, the Wilson Creek Study Group. She said she attended and represented 20 people at the August 7, 2007 Commissioners' meeting. At that time, a study group was self-appointed to serve. She listed the people serving on the group: William Puett, Environmental Lawyer and Collettsville resident; Susan Powers, geologists, biologist and nature artist; Alex Bernhardt, Sr., land owner in Wilson Creek Area, conservationist and businessman; Sandra Coffey, local historian and Collettsville resident; Gary Greer, retired US Forest Ranger at Grand Father District and also a Collettsville resident; Kenneth Roberts, Chairman, Board of Friends of Wilson Creek and retired school superintendent; Janet Wilson, local land owner; and Ed Spivey, builder, and local land owner in Wilson Creek area. Dr. Roberts suggested someone from the Planning staff and Planning Board as well as a County Commissioner to serve on the group as well. Chairman Higgins asked for a couple of Commissioners to serve on the study group and Commissioners Beane and Thuss volunteered.

ABC Report

Dr. Steve Stone, Caldwell County Schools Superintendent, provided Commissioners with the schools' ABC report. Ms. Dottie Darsie, Board of Education Chair expressed pleasure in attending the Commissioners' meeting to talk about and celebrate their successes. She said they had a very successful school year. Ms. Darsie said they were very pleased with the outcome of the students this year concerning their end of grade testing that is required by federal and state government. She thanked the Commissioners for financial and moral support of the school system, noting that it helped the County's teachers to succeed with the County's students.

Dr. Stone thanked everyone for the opportunity to "brag" and celebrate with them the success of their ABC Program which he said was directly related to the support from the Commissioners. The numbers have been completed and Caldwell was at 92% of the district in meeting or exceeding the ABC goals which were established by North Carolina. Dr. Stone said if goals are

met, it indicates performance and teachers were getting the students moving and being successful. He said the average for the state was 78% and noted that Caldwell was way ahead of the state as has been the trend throughout the years.

Dr. Stone highlighted the success marks and drew attention to the Caldwell County Early College High School. He said the early college high school reflects the actual community, not just the gifted and talented. He said charter schools are public schools but they have the opportunity to pick and select the students to attend their schools. In Caldwell County, he said they were very proud of the fact that they take any and everyone that comes through their door. Dr. Stone said the schools that ranked higher than Caldwell County only schooled gifted and talented students.

Dr. Stone reported Caldwell County's school enrollment at about 13,200+ and said the first days of school went very smooth. He reported \$750,000 was received from North Carolina for ABC bonuses for the schools that met or exceeded their goals. The teachers would receive \$1500.00 and teacher assistants would get \$750.00. Schools that met high growth, the teachers would receive \$750.00 and teacher assistants would receive \$375.00 (totaling about \$700,000). Dr. Stone expressed the school system was excellent due to the support of the Commissioners.

Chairman Higgins indicated the Caldwell County Early College High School is an example of how smart all our children were. She said they did not recruit students making the highest grades and that was a good reflection. Dr. Stone also indicated all of the high schools made high growth which meant they were not only doing what the state says the school should do to be successful but also they were moving along with that.

Commissioner Beane inquired of the 10 schools that achieved high growth, the bonus amounts for those teachers. For schools that met or exceeded goals, the teachers would receive \$1700.00 (\$1500.00 from the State and \$200.00 from benefits set aside) and the teacher assistants would receive \$750.00. For schools that met high growth, the teachers would receive \$750.00 and the teacher assistants would receive \$375.00. Dr. Stone said schools that did not meet or exceed their goals or did not meet high growth, the teachers and teacher assistants would not receive anything. However, there is a plan for those schools to address the ABC program for next year.

Calvin Wright's Special Use Permit

Chairman Higgins called Mr. Wright to the podium. Chairman Higgins said Mr. Wright was self-employed and self-supporting even though he was disabled. He was not receiving any type disability assistance and relied on work in his shop where he does woodworking. She said when he got really busy there were times when he would like to be able to finish up a project on Sundays and the restrictions that the Board put on his permit were no Sunday operations. Therefore, Chairman Higgins said Mr. Wright was appearing before the Board to ask about giving him a little lead way.

Mr. Wright said that in this day and time when you are doing furniture work for the companies that everybody knew a lot of it was imported now. He said he does carving work which is pretty tedious and hard to get out in one week. He said the companies he did work for expected him to get the product to them in a week. Mr. Wright said he was doing work for a company in Tennessee and had always been on time during the last 3 years; however, it required a lot of time finishing up on Sundays, loading his truck etc. Chairman Higgins said Mr. Wright would like to be able to operate on some Sundays because he did have to meet those deadlines. She

said he had no income other than from his woodworking business. Chairman Higgins said she understood the request would have to be reviewed again by the Planning Board.

Commissioner Beane asked Mr. Wright how much noise came from his woodworking operation and Mr. Wright said you could probably throw a rock and make as much noise as he did working on Sundays. He said the neighbors couldn't hear him if they were on their porch. Mr. Wright invited Commissioners to come and pass through his property on a Sunday to listen for the noise.

Commissioner Thuss moved to send Mr. Wright's request back to the Planning Board with a wavier so as not to cost Mr. Wright any additional charges. Commissioner Barrier seconded the motion. Chairman Higgins indicated there would be no charges. Commissioner Thuss indicated the Planning Board had already considered and discussed the request at length and he valued their opinion. Commissioner Beane inquired as to how much time would it take to send the request back and Commissioner Thuss indicated it could be on the pre agenda Tuesday at 11:00 am and go to the Planning Board's meeting on October 1st as well as scheduled for the Commissioners on October 1st to set a public hearing for October 15th. With no further discussion, the motion carried unanimously.

Fee Schedule for Stormwater Ordinance and Soil Erosion and Sedimentation Control Ordinance

Bill Duquette appeared before Commissioners to present a revised fee proposal associated with the ordinance which would become effective October 1st. He noted that part of what the ordinances called for was the Commissioners to set a fee schedule for the ordinances. He said he was instructed while Bobby White was still the County Manager along with the municipal managers to work toward a fee structure for basically funding one-half of the cost of the program.

He explained how he came up with a fee of \$650.00 per disturbed acre. He highlighted fees being charged by other counties in the State, noting that Wake County had quite a different take on things, but ultimately their fees were about \$1000.00 per acre and could actually be higher. Mr. Duquette also explained what was meant by a cleared or disturbed acre and why there should be charges associated with the activities. He said, basically any time there was building that was going on there would have to be some clearing the acreage of trees. Anytime a tree is destroyed, a tree canopy is destroyed, or grubbing from the ground, it was considered land disturbance. He said, in order to protect the environment, there must be controls installed to keep sediment out of neighbors' property, out of the street, and especially from going into the waters. In order to enforce the ordinances, there had to be staff including himself and there would be plans submitted that would need to be reviewed.

Mr. Duquette said the State Environmental Protection Agency would not do anything about a local situation if it was less than a certain amount. They had been providing the sedimentation service up to this point and would not continue after October 1st. The burden would then fall on the County to do plans, reviews, and inspections. Chairman Higgins indicated the County had been pushed to do the enforcement because nobody would be doing it for Caldwell which was really pushed by the EPA and Clean Water Act.

There was lengthy discussion about the amount of the \$650.00 fee per disturbed acre and Commissioners questioned whether it could be lowered initially. Randy Feierabend, Planning Director, informed Commissioners that Mr. Duquette and he had talked with the homebuilders

and emphasized how it would work and told them the effective date of enforcement was October 1st.

Mr. Feierabend said if someone complained that a builder was dumping mud on their property, staff would go out and work with the builder to resolve the problem and give the builder two (2) weeks to correct it (no charge) with the staff reviewing the complaint following two weeks. He said if staff's recommendation for correction did not work, staff would come up with another plan. However, if the builder had done nothing about the problem then it would become an issue. Mr. Feierabend said there was no fee even when there was a problem (losing water/mud over onto property of a neighbor).

Mr. Duquette said there were no requirements against staff developing an erosion and sediment control plan; however, it did have to be an engineer on a small project or on a large project. He said regarding stormwater it would require basically anyone that is licensed such as a land surveyor, landscape architect, soil scientist, etc.

Commissioner Thuss informed everyone that one of the big complaints he was hearing about the State was the turn around time that they submit their plan until the time they get it approved. For example, the Bluffs was submitted to county staff from a registered, licensed engineer. Mr. Duquette said the maximum was 30 days by ordinance but staff would work quicker than that. He cautioned the Board that this was a new program and there would be a learning period. He said staff felt that the County's norm would be what the State calls a fast track.

Commissioner Thuss asked what about with a developer or builder that is a relatively small operation building a series of homes, dwellings, down an existing street, how would the ordinance impact them. Would it be a lot-for-lot basis or would it be the development or whatever? Mr. Duquette said he thought it would depend on the situation. If it was one lot at a time or if a builder was doing a group of homes together. The road must be in before the lots were cleared, otherwise the State, by law, had to take the lot and add to the clearing of the road.

Randy Feierabend provided the definition of pervious area, pavement, concrete, roof top, pool, patio, (where water can not run into ground).

Commissioner Thuss proposed no action on the issue. He said there needed to be individual meetings with staff, the manager, and Commissioners to work out a proposal to be scheduled again on the Board's October 1st meeting. Commissioner Beane seconded that motion. Following discussion, the motion carried unanimously.

Plan for Water Operation During the Drought Operation

Chairman Higgins reported that citizens in the County had done a really good job conserving water. Dwight Minton, Public Utilities Director, reported that consumption was down by more than 20% which exceeded even the Stage 3 goal in the low flow protocol. He recommended no additional steps as long as citizens continued conserving as they had been. Mr. Minton asked for permission to monitor the usage. He also noted that there was a certain amount of water the County had to use in its system. Commissioner Beane asked how many people in the County and municipalities had access to public water and Mr. Minton informed him it was upwards to 85%, noting that, in a rural county that was a high percentage. Chairman Higgins thanked Mr. Minton and the citizens for all their hard work.

Approval to use the Contingency for the 06-07

In the absence of the EMS Director Tommy Courtner, Mr. Horton said a request was submitted by Mr. Courtner to use contingency money for an outstanding bill from FY06-07. He said EMS staff did work themselves to remodel the Hudson EMS base and one of the invoices for supplies got lost or stuck behind another one. Therefore, they needed to pay the invoice out of their current year budget but did not have the funds necessary to make payment. Mr. Horton said there were two sources of funding; either from fund balance or from the contingency line item. Commissioner Beane moved to approve the following budget amendment to use contingency funds to pay the bill and Commissioner Thuss seconded the motion. County Manager indicated the EMS staff saved the County lots of money by doing the work themselves. Following discussion, the motion carried unanimously.

Decrease	10.4110.499100	Contingency	\$2,250.00
Increase	10.4265.435500	M&R Building	\$2,250.00

Compressor at Main Library

Mr. Horton said Jim McKee learned on August 24th that the chiller unit went out at the main library. He thought the unit was under warranty, unfortunately it turned out to be the compressor instead. Mr. McKee obtained the following three (3) quotes. Mr. Horton said the low bid was a little under \$16,000.00 for a new 60-ton new replacement chiller and requested Commissioners' approval to use contingency funds as well to replace the chiller at the library. He said staff felt the bid should be awarded to Triangle Contractors as the lowest bidder at \$15,486.14.

- Triangle Contractors, Inc. \$15,486.14
Post Office Box 8010
Morganton, NC 28655

- Piedmont Air Conditioning \$19,659.23 (without extended warranty)
2904 Manufacturers Road \$22,051.00 (with extended warranty)
Greensboro, NC 27406

- Huffman Metal Works, Inc. \$30,707.12
1250 19th Street Court SE
Hickory, NC 28602

Commissioner Thuss inquired about the warranty and Mr. McKee indicated this would be a new unit with a 1-year warranty but, after the first year, additional insurance could be bought. He said the existing compressor had been working for 9 years and noted the technician couldn't say it was damaged due to lightning. Commissioner Thuss moved to approve the following budget amendment to use contingency funds to replace the compressor; and, if any money was received from the insurance company, that it be returned to the contingency fund. Commissioner Barrier seconded the motion and it carried unanimously.

Decrease	10.4110.499100	Contingency	\$16,000.00
Increase	10.4272.435500	M&R Building	\$16,000.00

Consent Agenda

1. Approval of Minutes

The County Manager recommended the Board of Commissioners approve the minutes of the July 23, 2007 meeting as prepared and presented by the Clerk.

2. Budget Amendments

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

a. DSS (Crisis Intervention Program Allocation) \$20,671.00

DSS was notified of an increase to their original State allocation of \$133,380.00 by \$20,671.00 for a total of \$154,051.00 for FY07-08. The funds are used to assist eligible County residents with heating and cooling expenses. It should be noted that the funds are 100% federal and requires no county funds. The following budget amendment is necessary to reflect the increased funding:

Increase	81.5692.331600	Temp Federal	\$20,671.00
Increase	81.5692.438800	Emergency Assistance	\$20,671.00

b. Health Department (Decrease WIC Grant funds) \$10,323.00

The budget originally approved for the Health Department's WIC Grant was projected \$10,323.00 more than was approved by the State. Therefore, WIC grant funding to Caldwell County will be decreased by \$10,323.00. It should be noted that WIC funding is a finite amount determined by the Women's and Children's Health/Nutrition Services, Division of Public Health, North Carolina Department of Health and Human Services. The following budget amendment is necessary to reflect the reduced funding:

Decrease	80.5167.331501	WIC	\$10,323.00
Decrease	80.5167.426000	Supplies	\$10,323.00

c. Health Department (TANF Funding Increase) \$9,145.00

The Health Department was notified of an increase in Temporary Assistance for Needy Families Out-of-Wedlock Birth Prevention funding by \$9,145.00. The following budget amendment is necessary to reflect the increased allocation that will be used to purchase medical supplies for the family planning clinic:

Increase	10.5116.334514	Clinic – F.P. State	\$9,145.00
Increase	10.5116.426100	Medical Supplies	\$9,145.00

d. Information Services (Settlement Reimbursement for Damaged Equipment) \$3,480.00

Two laptops leased by the County were recently damaged and the Information Services Department received insurance checks totaling \$3,480.00 to repair/replace the damaged laptops. The following budget amendment is necessary to reflect these revenues and place them in Information Services' maintenance and repair line item:

Increase	10.4210.310000	Miscellaneous Revenue	\$3,480.00
Increase	10.4210.435200	Maintenance & Repair	\$3,480.00

e. Sales Tax Reinvestment Fund Revision; \$174,500.00

The following budget amendment is "housekeeping" in nature as it is needed to revise the current year Sales Tax Reinvestment Fund to reflect unspent funds from last fiscal year and the increased contributions by the municipalities over previous year amounts:

Decrease	20.3000.330022	Municipal Sales Tax	\$109,603.60
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Decrease	20.3000.397000	Fund Balance Appropriated	\$ 64,896.31
Increase	20.4504.444100	Contractual	\$164,500.00
Increase	20.4504.461910	IG Affairs	\$ 10,000.00

f. Lease Purchase Funding; \$134,581.22

During FY2006-07, the County borrowed money to purchase certain approved capital outlay items. However, all the equipment was not able to be acquired in that fiscal year and the following budget amendment is necessary to roll the funds over the current FY2007-08 budget in order to proceed with purchase of a new ambulance, communications equipment for patrol cars, and switches and backups for the computer system:

Increase	10.3000.397000	Fund Balance Appropriated	\$133,081.22
Increase	10.4310.451000	Equipment	\$ 1,038.00
Increase	10.4330.451001	Vehicles	\$122,935.00
Increase	10.4210.451000	Equipment	\$ 9,108.22
Increase	10.3000.397000	Fund Balance Appropriated	\$ 1,500.00
Increase	10.4330.451001	Vehicles (tags & taxes)	\$ 1,500.00

3. Request to Apply for State Grant to Purchase Communication Radios

Mr. Horton said Bobby White met with staff recently to discuss a possible grant source tied to inoperable communication improvements that potential local needs might be eligible for consideration. Based on discussions with staff and State officials, it appears the County could apply for additional radios for use by the County's EMS/Fire/Rescue. The grant source may allow Caldwell County to purchase more radios than the number limited in the current plan. The County Manager recommended the Board of Commissioners authorize Bobby White to develop a grant application seeking funds to purchase radios for use by EMS/Rescue/Fire personnel.

4. Appointment of Review Officer for Town of Cahah's Mountain

The County Manager recommended the Board of Commissioners adopt the following resolution designating Laurie B. Locicero and Connie T. South as Review Officers for the Town of Cahah's Mountain.

**RESOLUTION TO APPOINT
A REVIEW OFFICERS
FOR THE TOWN OF CAJAH'S MOUNTAIN**

WHEREAS, SL 1997-309 (S875) makes a number of significant changes in the procedures for recording maps and plats; and

WHEREAS, the main purpose of the law is to transfer the responsibility for reviewing plats to determine whether they meet recording requirements from the Register of Deeds to the Review Officers; and

WHEREAS, the new GS 47-30.2 requires the Board of County Commissioners in each County, by resolution, to appoint a person(s) to serve as Review Officer to review each plat before it is recorded and certify that it meets the North Carolina statutory requirements for recording; and

WHEREAS, the Town of Cahah's Mountain has requested that the Caldwell County Board of Commissioners appoint Laurie B. Locicero and Connie T. South as Review Officers for the Town of Cahah's Mountain in order to ensure an expeditious review of all maps and plats as required by G.S. 47-30.2 before they are presented to the Register of Deeds for recording.

NOW, THEREFORE, BE IT RESOLVED, that the Caldwell County Board of Commissioners does hereby appoint Laurie B. Locicero and Connie T. South to perform all responsibilities as required for Review Officers under the appropriate North Carolina General Statutes for the Town of Cahah's Mountain and its planning area.

Adopted this the 17th day of September, 2007.

ATTEST:

Kathy T. Myers, Clerk to the Board

Faye R. Higgins, Chairman

5. Proposed Revision to Health Department Fee Schedule

Mr. Horton reported that Health Department staff recently asked the Health Board to review the current fee schedule pertaining to fees for copies. The current FY07-08 fee schedule includes a copy fee of \$5.00; however, due to situations when multiple copies are requested, staff felt the fee might need revising. The Health Board did review the fee schedule and approved the following revised fee for copies:

- \$2.00 for the first page
- \$.15 per page thereafter.

The County Manager recommended the Board of Commissioners approve the revised Health Department fee schedule for copies as approved by the Health Board.

6. Moratorium

The County Manager recommended the Board of Commissioners adopt the following moratorium ordinance.

MORATORIUM ORDINANCE FOR THE WILSON CREEK

AREA OF CALDWELL COUNTY, NORTH CAROLINA

WHEREAS, the Caldwell County Board of Commissioners has previously sought and obtained federal "Wild and Scenic River" designation of Wilson Creek in Caldwell County, North Carolina;

and

WHEREAS, the Caldwell County Board of Commissioners is of the opinion that the Wilson Creek area should, to the extent permitted by law, be preserved as nearly as possible in its natural and pristine state; and

WHEREAS, the current Caldwell County land use plans and ordinances in effect at this time are not adequate to preserve the natural beauty and environmental integrity of Wilson Creek; and

WHEREAS, the Caldwell County Board of Commissioners is of the opinion that the County should preserve, to a reasonable extent, the status quo of current land use in the Wilson Creek area until such time as the County can conduct a long-range planning effort and recommend changes to the County's land use plans and ordinances to more effectively plan for and control development within the Wilson Creek area so as to preserve it as nearly as possible in its natural state and to preserve its environmental integrity:

NOW, THEREFORE, BE IT RESOLVED that, pursuant to N.C.G.S. §153A-340(h), a development Moratorium is enacted as follows:

1. For a period of twelve (12) months, beginning June 5, 2007 at 8:00 a.m. and continuing through and including June 4, 2008 at 5:00 p.m., unless earlier repealed, no proposed subdivision of land which lies, in whole or in part, within the Wilson Creek area, will be considered or approved, preliminarily or otherwise, by either the Caldwell County Planning Director or the Caldwell County Subdivision Review Board. Provided, however, that any "family subdivision" which meets the requirements of Section 95.1 of the Caldwell County Subdivision Ordinance is exempt from the provisions of this Moratorium.

2. The land which is subject to this Moratorium Ordinance is all land in Caldwell County, North Carolina located within twelve hundred feet (1200') on each side of Wilson Creek from the Avery County line to the Adako Road (herein referred to as "the Wilson Creek area").

3. The problems and conditions necessitating this Moratorium are that the County does not presently have adequate land use plans and ordinances to protect either the environment or the natural beauty of the Wilson Creek area. There is the potential for development in this area that would damage the environment and mar the natural beauty of the Wilson Creek area before adequate land use plans and ordinances can be developed and enacted.

4. Courses of action, alternative to a moratorium, that were considered by the County included commencement of work on the revised land use planning and ordinances, which work is already underway. However, the commencement of work on these matters was not considered to be an adequate alternative to a moratorium because development harmful to the environment and natural beauty of the Wilson Creek area could proceed without a moratorium.

5. Placing a moratorium on subdivision of land in the Wilson Creek area, except for "family subdivisions", will stop the kinds of large-scale development of land that could most seriously harm the environment and natural beauty of the Wilson Creek area until adequate land use plans and ordinances can be developed and enacted.

6. A one (1) year moratorium is needed to give ample time to involve the public in the planning effort, and to consider, refine and enact what may be innovative planning initiatives. Also, as a practical matter, the small Caldwell County planning office has much other work to be performing simultaneously with the planning effort for the Wilson Creek area.

7. From June, 2007 through February, 2008 the County plans to identify existing land uses in the Wilson Creek area, receive community input, create a "vision committee" for the Wilson Creek area and write a "vision plan". From February, 2008 through June, 2008 the County plans to draft, review, seek public comment on, refine and enact new land use plans and ordinance provisions for the Wilson Creek area.

8. If any provision of this Moratorium Ordinance shall be determined by a court of competent jurisdiction to be unlawful or unenforceable, such determination shall not invalidate the entire Moratorium Ordinance, and all other provisions shall remain in effect.

NUNC PRO TUNC June 4, 2007.

CALDWELL COUNTY BOARD OF COMMISSIONERS

By: _____
Faye R. Higgins, Chairman

ATTEST:

Kathy Myers, Clerk to the Board

7. Reschedule Work Session

Chairman Higgins asked Commissioners to review their schedules to find a date suitable for rescheduling the September 26th work session. The County Manager recommended the Board of Commissioners reschedule the meeting for October 8, 2007 from 9:00 am until 2:00 pm.

8. Change in Date for Trip to Washington, DC

The County Manager recommended the trip originally scheduled for October 22-24 be changed to October 29-31.

Commissioner Beane moved to approve the eight (8) items on the consent agenda as presented and recommended by the County Manager. Commissioner Barrier seconded the motion and it carried unanimously.

Appointments

Commissioner Thuss moved to reappoint Dr. Timothy McGee, Dr. Rebecca Whisnant, and Dr. Allen Hefner each for another term on the Board of Health. Commissioner Barrier seconded the motion and the vote was unanimous.

Smart Start Bus

Commissioner Thuss said he met with Sam Yearick, Finance Director, Denise Michaud, Health Director and Commissioner Barrier regarding the status of the Smart Start bus which was funded by State Smart Start monies. He informed Commissioners that the State notified Caldwell County that they probably would not fund the operation. As a result, there would be a shortage in the amount of \$115,000 in the Health Department's budget for salaries for the employees who worked on the bus. Commissioner Thuss said if funds could not be identified to cover the shortfall, the bus would have to be parked at the end of September and the Health Board made a decision to park the bus and end that program.

Chairman Higgins said Mr. White was trying to find grant monies for the bus program and she had heard from someone that the bus was going to be used for a spay and neuter clinic, not for the children. She said, of course, that was an error, noting that the County would make every effort to find some grant sources to help with the Smart Start bus. Commissioner Thuss advised that he understood the thinking but did not really agree with it. He said it came from the State. They were really trying to establish a better working relationship with their patients and families and they felt like the County's bus operation did not allow that to happen, because that relationship was occurring in the absence of family being physically present when the services were being delivered.

Commissioner Beane commented about information he just received in the mail about a grant and because he just received it, was unable to get it scheduled for the Board's agenda. He said the airport was awarded a \$150,000.00 grant and he would provide all Commissioners a copy of the letter.

Commissioner Barrier saluted the efforts and work for many months of Alan Wood in successfully getting a \$75,000.00 grant from the Rural Center for AMP. Commissioner Beane advised he understood they were doing well.

There being no further business, Commissioner Barrier made a motion to adjourn and, by unanimous vote, Chairman Higgins declared the meeting adjourned at 8:18 p.m.