Chairman Church called the meeting to order at 6:05 p.m.

Public Comment

Three citizens signed up to speak during the public comment period.

Joel Walker of 3326 Lilac Lane, Hudson spoke regarding trash and what he believed to be overcrowding at Wilson Creek. A video was presented to Commissioners.

Pam Brown of 1039 Stagecoach Trail, Lenoir spoke regarding solid waste violations of a neighbor. Pictures were presented to Commissioners.

Christy Hartsoe of 1329 Shew Hollar Road, Lenoir spoke regarding her support of keeping Wilson Creek open and accessible for all visitors.

Regular Session

Chairman Church welcomed everyone in the audience and watching via television.

Reverend Terry Kale, Senior Pastor at New Life Baptist Church, provided the invocation and Commissioner Wilkie led the Pledge of Allegiance.

Chairman Church asked if there were any additions or amendments to the July 22, 2019 agenda. The Clerk requested that item “B” be added under Items for Decision. Item B consisted of an Ambulance Purchase Request, to be presented by Emergency Services Director Dino Dibernardi. The Clerk also requested to add a closed session to the end of the agenda, pursuant to NCGS 143-318.11(A)(6) to discuss a personnel matter. Commissioner Wilkie made
motion to approve the amended agenda as presented by the Clerk; motion carried unanimously.

Chairman Church recognized newly appointed Caldwell County Health Director, Anna Martin. On behalf of the Board of Commissioners, Chairman Church congratulated Anna on her new position and introduced her to the public as the new Health Director.

Public Hearings

A. Local Jobs Incentive for “Project Vanderbilt” – Deborah Murray, Executive Director, EDC

Ms. Murray informed Commissioners a large pharmaceutical manufacturer has narrowed its search for a new manufacturing facility, and Caldwell County is one of six finalist locations. The Economic Development Commission requested a local jobs incentive of $2,000 per job, up to 200 jobs to be created, to run concurrently with the NC JDIG and NC Building Reuse Grants, not to exceed four years, and a Caldwell County Tax Grant for 75% of the company’s increased property taxes resulting from new investment for a period of five years (the base of the tax grant being the 2019 assessment). The Commission was also asked to approve the attached Resolution allowing the Caldwell County EDC to apply for and administrate, if approved, the referenced NC JDIG and NC Building Reuse Grants.

After Ms. Murray’s presentation, Chairman Church declared the public hearing open. There were no public comments; Chairman Church then declared the public hearing closed.

Commissioner Potter made motion to approve the local jobs incentive of $2,000 per job, up to 200 jobs to be created, to run concurrently with the NC JDIG and NC Building Reuse Grants, not to exceed four years, and a Caldwell County Tax Grant for 75% of the company’s increased property taxes resulting from new investment for a period of five years (the base of the tax grant being the 2019 assessment); and to approve the attached Resolution allowing the Caldwell County EDC to apply for and administrate the referenced NC JDIG and NC Building Reuse Grants. Motion carried unanimously. The signed Resolution is filed with the Caldwell County Register of Deeds, Book 1967, page 1642.

North Carolina Economic Development Incentive
Authorizing Resolution
Project Vanderbilt Economic Development Project
Caldwell County North Carolina
**Whereas,** the Caldwell County Board of Commissioners and Deborah Murray, Executive Director of Caldwell County Economic Development Commission, are currently recruiting a manufacturing company to Caldwell County, NC, to create up to 200 new jobs over the next four years, and

**Whereas,** this economic development project is locally titled Project Vanderbilt in order to maintain confidentiality until approved for public release by the North Carolina Department of Commerce and appropriate company officials, and

**Whereas,** the North Carolina Department of Commerce has begun its preliminary review of this economic development project to determine the company’s eligibility for a Job Development Investment Grant and a Building Reuse Grant based on the new job creation for the project, and

**Whereas,** these state incentives require a local government to serve as an applicant to the state on behalf of Project Vanderbilt, and

**Whereas,** the Caldwell County Board of Commissioners understand the company will locate its first United States Operations in Lenoir to compliment their existing operation outside the US, and

**Whereas,** the Caldwell County Board of Commissioners has approved a local jobs incentive grant of $2000 per job for up to 200 new jobs along with a 5 year 75% county tax grant for the new personal and real tax value over and above the existing 2019 tax value, and

**Whereas,** Caldwell County elected officials and Deborah Murray, Caldwell Economic Development Commission Executive Director, will work with the North Carolina Department of Commerce and officials representing the Project Vanderbilt operation to successfully implement the state and local Economic Incentives.

**Now Therefore Be It Resolved** the Caldwell County Board of Commissioners agree to formally serve as applicant to the state of North Carolina for Project Vanderbilt incentive under the Job Development Investment Grant(JDIG)and Building Reuse Programs and authorize the Chairman to sign appropriate certifications for the local government applications related to this project.

Adopted this 22\textsuperscript{nd} day of July, 2019.

ATTEST:

____________________________  ________________________
Thomas Welch, Clerk to the Board  Randy T. Church, Chairman
Caldwell County Commission
B. Quasi-judicial hearing for consideration of Conditional Use Permit, Verizon Wireless Cell Tower – Shelley Stevens, Planning Director

Chairman Church yielded the meeting to Attorney Timothy J. Rohr to conduct the quasi-judicial hearing regarding a proposed cell tower on Fowler Road in Granite Falls, NC. Mr. Rohr gave a brief description of the method and purpose of a quasi-judicial hearing.

Mr. Rohr then instructed the Clerk to administer the oath to all parties who would be testifying during the hearing.

Ms. Zona Carlton, assumed the designee of “attorney” for the purposes of the hearing. Mr. Rohr informed Ms. Carlton she would only act as the attorney for those in opposition of the proposed tower for the purposes of the hearing. She could bring questions to witnesses as well as call her own witnesses.

Shelley Stevens presented a staff report from the Planning Board and recommended the Board of Commissioners approve the Conditional Use Permit, contingent upon the submission of final documentation needed from the applicant. There were no questions directed to Ms. Stevens.

Attorney Josh Rotenstreich, council for Baker Donaldson and Verizon Wireless, presented an overview of the proposed tower and referenced the submitted application as evidence the necessary requirements had been met for the Commissioners to grant the Conditional Use Permit. Mr. Rotenstreich was not sworn, therefore he did not testify, but called sworn witnesses Bilal Shaikh (RF Engineer), David Smith (Real Estate Appraiser), and John Yeagley (site acquisitions) to testify as questions arose pertinent to their areas of expertise.

Mr. Rotenstreich’s first witness was Bilal Shaikh. He testified to the objective of building the new tower, which is for capacity offload to handle overload of the tower in Clover. Mr. Rohr informed the Commissioners that although Mr. Shaikh provided said information, the information was not required for the approval process, per North Carolina Legislature, which states safety, land development, and zoning are the pertinent factors in making the decision to grant or not grant the permit. Ms. Carlton asked Mr. Shaikh if any considerations for livestock or people living near the tower were provided. Mr. Shaikh answered affirmatively that such considerations were made. Mr. Shaikh was dismissed.

Mr. Rotenstreich called David Smith to testify regarding property appraisal and the lack thereof of any injurious effects to property as a result of the possible tower. Mr. Smith testified that in his experience he has seen no adverse effects to property values as a
result of nearby towers. He studied a subdivision, “Deer Creek”, in Granite Falls, NC and found no properties located within the subdivision suffered a loss of value as a result of the tower. He stated, in his opinion, the potential tower would not adversely impact property values. Ms. Carlton asked Mr. Smith if his opinion of a property would change if there was a cell tower present. Mr. Smith stated he would not pay less because a cell tower was near the property, and that having no cell service would be a detractor in his mind, rather than the presence of the tower. Ms. Carlton asked Mr. Smith about other potential negative effects, aside from visual and noise issues. Mr. Smith said the such issues were beyond his scope. Mr. Rotenstreich asked Mr. Smith to confirm he had done around 30 such appraisals around the state and that none of those had resulted in findings of adverse effects on property value. Mr. Smith answered both of the questions in the affirmative. Ms. Carlton asked Mr. Smith if he worked for Verizon. He answered no and that he is self-employed. Mr. Smith was dismissed.

Mr. Rotenstreich then added that the Conditional Use Permit and Tower meet all FCC guidelines.

Mr. Rotenstreich then called John Yeagley to testify to the fact that no other tower is present within 1 mile of the proposed tower. He also said no other location was available to use for co-location within the 1 mile radius. Aside from this determination, he stated he could not confirm how close the nearest tower is, in reference to Chairman Church’s earlier question. Commissioner Branch asked how much coverage the proposed tower would provide, and Mr. Yeagley said he only used the search ring provided by Verizon to locate a property and was not an expert in coverage. Mr. Potter asked Mr. Yeagley how close this tower is to dwellings. Mr. Yeagley confirmed the tower would be at least 160 feet from the nearest property line. Mr. Yeagley was dismissed.

Mr. Rotenstreich then yielded the floor to Ms. Carlton.

Ms. Carlton asked Mr. Shaikh if the people living within a 1 mile radius would be subject to an umbrella effect, losing service, in times when safety would be a concern. He answered she would have service in any safety-involved situations and that to his knowledge there is no such thing as an umbrella effect.

Ms. Carlton then testified to her objections to the tower due to health concerns she has for herself, her livestock, and her neighbors.

Ms. Eva Teague, also a sworn witness, testified to her objection to the tower.

Mr. James Cunningham, also a sworn witness, testified to his object to the tower, due to its proximity to his property.

Mr. Rotenstreich had no questions for any of these witnesses.
Ms. Carlton asked Mr. Shaikh if this tower would negatively impact the service of anyone in the area who does not subscribe to Verizon wireless. He said it would not.

Ms. Carlton then asked Mr. Shaikh if the tower would disrupt the homing device of honey bees. He said he could not answer that question.

Mr. Rohr then declared the testimony portion of the hearing over.

Ms. Carlton declined the opportunity to offer a closing argument to the Board.

Mr. Rotenstreich concluded by saying the applicants have following all necessary guidelines and rules, thus providing their burden of proof. He also stated that no evidence had been presented during the hearing to compel the denial of the Conditional Use Permit.

Commissioner Branch then asked if any health issues have been reported due to cell towers. Mr. Rotenstreich said the applicants met all requirements, which include health standards set by the federal government.

Mr. Rohr then charged the Board of Commissioners with taking action regarding the Conditional Use Permit.

Ms. Carlton submitted a copy of the quasi-judicial hearing notice received by residents. The nearby residents complained the letter did not give them a complete understanding of how they needed to prepare for the hearing. Later, Ms. Stevens said that her department had complied with legal obligations when sending the letters in question.

The Board discussed the difficulty of making the decision to approve or not approve a Conditional Use Permit in a situation such as this. Commissioner Branch also assured residents that the county did not stand to profit monetarily from this tower if it was approved. He also offered that eventually other cell services may add on to the tower and provide a benefit to even more citizens.

Commissioner Potter made motion to table the decision on the Conditional Use Permit until October 7, 2019 to allow the affected citizens time to prepare expert testimony and for the applicant to submit the nine final documents required to obtain the permit. Mr. Rohr said the Board can decide at that meeting to reopen the hearing and hear more arguments. Mr. Rohr also stated that Verizon would not need to repeat the evidence submitted at the July 22, 2019 meeting. The motion carried unanimously.

The meeting was yielded back to Chairman Church and he declared a 10 minute recess from 8:15-8:25 p.m.

**Items for Decision**
A. 2018 Tax Collector’s Settlement and 2019 Tax Collection Charge – Monty Woods
Monty Woods, Caldwell County Tax Administrator, requested a settlement of 2018 taxes be recharged to the tax collector for collection.
2018 Real & Personal Taxes County Taxes Only (Vehicle taxes listed separately)
Total 2018 Outstanding - $1,499,786.74 = 3.86%

Mr. Woods also requested Commissioners officially charge him, as Tax Administrator, with collecting taxes for 2019.

Commissioner Wilkie made motion to Charge 2018 Tax Collector’s settlement back to the Tax Administrator and charge him with collection of taxes for 2019; motion carried unanimously.

B. Ambulance Purchase Request – Dino Dibernardi
Commissioners were told that due to an accident, an ambulance was totaled. Mr. Dibernardi requests to replace the ambulance with a stock ambulance at a cost of $208,000.00.

Commissioner Wilkie made motion to purchase the replacement ambulance at a cost of $208,000.00; motion carried unanimously.

Mr. Dibernardi also presented commissioners with a request to purchase a new ambulance now that was scheduled to be purchased as a replacement during FY 2020-2021. The ambulance would be replaced one year early, but due to time needed to order and build the ambulance and the ability to fund the purchase with the upcoming capital loan, Mr. Dibernardi said it would make sense to go ahead with this purchase if the Board approved. The new ambulance would cost $280,000.00. County Manager Stan Kiser said if the ambulance was added to the upcoming capital loan, the payment would not be increased from last year.

Commissioner Potter made motion to purchase the new ambulance at a cost of $280,000.00, to be included in the upcoming capital loan; motion carried unanimously.

Consent Agenda

A. Approval of Minutes
County Manager Stan Kiser recommended the Board approve the minutes from the June 17, 2019 meeting.

B. CCSO Request for Vehicle Purchase
Mr. Kiser recommended the Board approve the vehicle purchase, trading asset number 2979 toward a new vehicle, which would require $16,000.00 in additional funds from asset seizure funds. The purchase requires no local funds.
C. Caldwell County Vehicle Maintenance Policy
   Mr. Kiser recommended the Board approve a new vehicle maintenance policy due to
   the expiration of the County’s contracts with service providers. The new policy
   would allow department heads to find their own vehicle service providers, provided
   the service and cost are comparable and no vendors would be used that are owned
   or operated by a family member.

D. Designation of WPCOG Policy Board Alternate
   Mr. Kiser recommended the Board designate Commissioner Wilkie as the WPCOG
   Policy Board Alternate.

E. State Job Classification Adjustment
   Mr. Kiser recommended the Board update Caldwell County Job Classifications to
   reflect recent changes in North Carolina’s Job Classifications.

   Commissioner Potter made motion to approve the consent agenda as presented by
   the County Manager; motion carried unanimously.

Appointments

The Clerk received an application for appointment to the Town of Sawmills Planning Board, ETJ.
Due to an unexpected vacancy, the town wishes to appoint Adam Wilson to the Board for a
term running July 1, 2019 to July 1, 2021.

Chairman Church made motion to appoint Mr. Wilson to the Town of Sawmills Planning Board,
ETJ to fulfill the unexpired term; motion carried unanimously.

Closed Session

At 8:39 p.m. Chairman Church made motion to enter into closed session, pursuant to NCGS
143-318.11(A)(6) to discuss a personnel matter; motion carried unanimously. The Chairman
informed the public there was no expectation of any decisions being made during the closed
session.

At 9:30 p.m. Commissioner Potter made motion to exit the closed session portion of the
meeting; motion carried unanimously.

With no further business to discuss, at 9:31 p.m. Commissioner Branch made motion to
adjourn; motion carried unanimously.