Caldwell County Board of Commissioners

Lenoir, North Carolina

June 17, 2019
6:00 p.m.

Present:
Randy T. Church, Chairman
Mike LaBrose, Vice Chairman
Jeff Branch
Donnie Potter
Robbie Wilkie

Staff Present:
Stan Kiser, County Manager
Thomas Welch, Clerk to the Board
David Lackey, County Attorney

Chairman Church called the meeting to order at 6:00 p.m.

Public Comment

There were 5 citizens signed up for the public comment period:

Clay B. Bollinger spoke regarding a livestock issue beside Baton Baptist Church.
Mary Lanaville spoke regarding animal control/feral cats.
Irv Eurto spoke regarding animal control/feral cats.
Danny Brown spoke regarding livestock issue beside Baton Baptist Church.
Jennifer Tripplett spoke regarding livestock issue beside Baton Baptist Church.

Regular Session

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

Reverend Tony Harris, Senior Pastor at Harrisburg Baptist Church, provided the invocation and Commissioner Potter led the Pledge of Allegiance.

Chairman Church asked the Clerk if there were any additions or amendments to the June 17, 2019 agenda. There were none. Vice Chairman LaBrose moved to approve the agenda as presented by the Clerk; the vote was unanimous to approve.

Recognition of Retiree

Major Marc Jardon retired with over 12 years of service to Caldwell County during a law enforcement career spanning more than 30 years. Chairman Church presented Major Jordon
with a plaque on behalf of the county. Major Jardon was also presented his service weapon on behalf of the Sheriff and Sheriff’s Department.

**Items for Decision**

John Wear, Interim Planning Director, presented the Board of Commissioners with a proposed text amendment to the Junked Motor Vehicle Ordinance. The staff report is detailed below:

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**STAFF REPORT**

Caldwell County Board of Commissioners
June 17, 2019 Meeting

Submitted by: John Wear, WPCOG (Interim Planning Director)

Subject: Ordinance Amendment – Junked Motor Vehicle Ordinance

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**Background:**

To better comply with North Carolina General Statutes with regard to the County Ordinance on Junked Motor Vehicles, Caldwell County Attorney David Lackey recommends that we propose the following amendments to comply with the requirements of G.S. §153A-132.2, which authorizes counties to adopt ordinances that allow for the removal of junked motor vehicles from private property.

**The Current Language in the Junked Motor Vehicle Ordinance:**


(A) All junked vehicles shall be kept in a garage or building structure that provides a complete enclosure so that they cannot be seen from a public street or from adjacent property. For purposes of this subchapter, a garage or building structure means either a lawful, nonconforming use or a garage or building structure erected pursuant to the lawful issuance of a building permit and which has been constructed in accordance with all zoning and building code regulations. A carport shall not be treated as an acceptable garage or enclosure under this subchapter.
(B) It shall be unlawful for the registered owner, or person entitled to the possession of a junked motor vehicle, to place, store, leave or allow a vehicle to remain on any property in violation of this subchapter or to allow a vehicle to remain on any property after the vehicle has been ordered removed from that property.

(C) It shall be unlawful for the owner, lessee or occupant of the real property, upon which a junked motor vehicle is located, to leave, or allow the vehicle to remain on the property in violation of this subchapter after the vehicle has been ordered removed. (Ord. passed 4-19-2004) Penalty, see §93.99

§93.29 Enforcement provisions.

The planning director shall enforce this subchapter. He may call upon other agencies as necessary to assist in the enforcement of this subchapter.

(A) Whenever the planning director receives a complaint alleging a violation of this subchapter, he shall investigate the complaint and take whatever action is warranted.

(B) The owner, tenant, or occupant of any building or land or part thereof and agent or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this subchapter may be held responsible for the violation and suffer the penalties and be subject to the remedies herein provided.

(C) The following procedure shall apply upon discovery of a violation:

(1) If the planning director finds that any provision of the subchapter is being violated, he shall send a written notice to the person responsible for such violation,
indicating the nature of the violation, ordering the action necessary to correct it, and advising the violator of the number of days within which the violation shall be corrected.

(2) Notwithstanding the foregoing, in cases that pose an immediate danger to the public’s health, safety, or general welfare, the planning director may seek enforcement without proper written notice by invoking any of the penalties or remedies authorized in this section. (Ord. passed 4-19-2004) Penalty, see §93.99

Recommendation:

Add a new section 93.29(D) as follows:

"(D) In addition to the other remedies provided herein, if, after having been given the notice required by subsection (C) (1), above, the violation is not corrected within the time specified in the notice, the Planning Director may cause a junked motor vehicle to be removed from private property and disposed of by following the procedures set forth in G.S. §153A-132.2(a1) through (a4). For purposes of subsection (a1), the Planning Director is the duly authorized county official to determine whether the aesthetic benefits of removing the vehicle outweigh the burdens imposed on the private property owner.

Provided, however, that no motor vehicle that is used on a regular basis for business or personal use may be removed or disposed of."

Commissioners expressed concern about the county removing personal property from real estate owned by the citizens of Caldwell County. Chairman Church made motion to not adopt the text amendment, and to send said amendment back to the Planning Board for further review with the assistance of other staff and the County Manager to come up with a better remedy for this issue that may arise in our county. The motion carried unanimously.

Consent Agenda

A. Approval of Minutes
   • County Manager, Stan Kiser, recommended the Board of Commissioners approve the minutes of the June 3, 2019 meeting as presented.

B. Home and Community Care Block Grant
   • Mr. Kiser recommended Commissioners’ approval of Home and Community Care Block Grant SFY 2019-2020 (Services Funded, Services Allocations, and Provider Designation) as recommended by the Caldwell County Council on Aging.
C. Budget Amendments
   1. The county has made an offer, which has been accepted, to purchase land. The offer requires $10,000.00 in earnest money. Mr. Kiser recommended a budget revision to fund $10,000.00* for that purpose. Additional funds will be budgeted prior to closing.
   2. Mr. Kiser recommended a budget revision to reflect the impact of the salary study that the county implemented in January of 2019. It increases the line items projected to overdraw by pulling money from the other line items that are projected to have a surplus. The majority of the funding comes from lapsed salaries. The remainder is pulled from the other line items in the general fund. $1,187,714.90*.

D. Request from Sheriff’s Department to keep additional vehicle for reserves
   - Mr. Kiser recommended approval for the Sheriff’s Department to keep an additional vehicle designated for reserves. The vehicle would come from the existing fleet as it is rotated off. No vehicle purchase will be necessary; the fleet will grow by one unit.

E. Designation of Voting Delegate to NCACC Annual Conference
   - Mr. Kiser recommended designating Vice Chairman Mike LaBrose as voting delegate to the NCACC Annual Conference.

F. Application for Fireworks Display
   - Mr. Kiser recommended the approval of a fireworks display to be held in the Town of Rhodhiss on July 20, 2019.

G. Dental Fee Schedule Revision
   - Mr. Kiser recommended the approval of Dental Fee Schedule Revision contingent upon approval by Caldwell County Board of Health.

Commissioner Potter made motion to approve all items on the Consent Agenda as recommended by the County Manager; motion carried unanimously.

Appointments

Thomas Welch, Clerk to the Board, presented the following applicants for appointment:

EDC: Janet Aiken, Jonathan Blair, Richard Boyd III, Ann Smith, Mark Transou

Planning: John Moore, Clay Wilson

Granite Falls Planning Board, ETJ: Patrick Barker

Granite Falls Board of Adjustment, ETJ: Wylie Moore
**Library:** Dottie Darsie for unexpired term ending 2020

The number of applications for each of these boards coincided with the number of vacancies.

Commissioner Wilkie made motion to approve the appointments as read by the Clerk, motion carried unanimously.

The Clerk received more applications for the following three boards than there were vacancies:

**Department of Social Services:** 1 vacancy, 3 applications – Chasity Houck, Hannah Romero, Iris Whitt

**Library:** 3 vacancies, 11 applications – Kim Clark, Phil Crump, Jane Cummings, Michael Fitzgerald, Rosa Gesunheidt, Pamela Helton, Dawn Lowman, Jason Potter, Gail Rasmussen, Sandra Rich, Charles Senf

**Community College:** 1 vacancy, 2 applications – Chris Barlowe, Marilyn Starnes

Ballots were distributed to the Commissioners to vote on appointments to the three aforementioned boards and the results were as follows:

**DSS** – Iris Whitt  
**Library** – Phil Crump, Dawn Lowman, Jason Potter  
**Community College** – Chris Barlowe

The Clerk read aloud the names of the appointees after the vote was final. The signed ballots are included in these minutes and are part of the permanent record.

Vice Chairman LaBrose made motion to adjourn at 7:00 p.m.; motion carried unanimously.