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

Absent: None  

Staff Present: Stan Kiser, County Manager  
Kathy Greene, Clerk to the Board  
David Lackey, County Attorney  

Chairman Church opened the meeting and welcomed everyone.  

Public Comment  

Kathy Kaminski said she found the listing of the County’s advisory boards and committees on the website; however, she was only able to obtain information about eight of them (Voluntary Agricultural District Committee; Criminal Justice Partnership; Local Emergency Planning Committee; Board of Health; Planning Board; Board of Adjustment; Department of Social Services Board; and, Western Piedmont Council of Governments Policy Board) by researching them herself. Ms. Kaminski informed Commissioners more information was needed about the committees so that her women’s group would be better able to participate in the community. She asked them to include information on the County’s website about each committee, the requirements, meeting dates, etc. She noted that she had just moved permanently to Caldwell County in November and wanted a way to get to know people in the community.  

Regular Session  

Commissioner Wilkie gave the invocation and Commissioner Potter led the Pledge of Allegiance. Chairman Church asked if there were any additions or amendments to the June 5, 2017 agenda. There being none, Commissioner LaBrose moved to approve the agenda as presented and the motion carried unanimously.  

Elder Abuse Awareness Day  

Jack Daulton, DSS, presented information about the department’s work to provide protective services to disabled adults who have been abused, neglected or exploited and said Elder Abuse Awareness Day is recognized internationally on June 15th. Mr. Daulton said the State of North Carolina’s law defined abuse as willful infliction or harm by caretaker; caretaker neglect; self neglect; and, exploitation. He said the department was investigating more and more exploitation
cases of people, often family members or caretakers, taking money from elderly people, many of whom are mentally incapacitated. Mr. Daulton talked about the employees and teams in Adult Protective Services and their efforts. He said in 2013, they screened an average of seventeen abuse reports each month and the average monthly reports had increased every year (twenty per month in 2014; twenty-three per month in 2015; and, twenty-four per month in 2016). Mr. Daulton said the department had to place some people in health care facilities; however, staff worked to keep residents in their homes by providing services such as in-home aide; home health care; Meals on Wheels; and, emergency assistance, etc. He said individuals needing to report a suspected case of abuse of an elderly person could do so by a phone call to the department during regular business hours or to the Sheriff Office on weekends, holidays, and after normal business hours of operation.

Public Hearing—Caldwell County FY2017-2018 Budget

Mr. Kiser informed Commissioners a public hearing was required to obtain public comment concerning the proposed FY2017-18 budget that was presented during the May 15th meeting. He noted action to approve a budget would be scheduled for the Board’s consideration during their regular meeting on June 19th.

Chairman Church declared the public hearing open.

Eddie Redman, a resident at 701 Seehorn Street, Lenoir and a member of the Friends of the Library, appeared to comment about the positive efforts of the County’s Library and thanked Commissioners for their support. He talked about how well the new carpet recently installed at the library looked as well as the landscaping efforts by County staff to enhance the outside appearance of the library. Mr. Redman said the library was a tremendous asset to the County and its residents, noting that 24,847 patrons were served at the County’s three libraries during May with a total of 24,093 items circulated that month. He informed Commissioners the Friends of the Library had raised money to contribute to the library’s programs and projects: $16,393 in 2015, $15,647 in 2016 and $11,095 so far in 2017. Mr. Redman talked about the library’s programs and efforts and asked Commissioners to consider an extension of the library’s hours of operation and additional staff to allow better access and greater assistance to more people. He also requested Commissioners to invest in a digital sign at the library, similar to the sign at the Civic Center, to enable information about events, etc.

There being no other persons signed up to make comment, Chairman Church declared the public hearing closed.

Mr. Kiser said the budget as presented during the May 15th meeting contained the same tax rate as last year; the rescue readiness tax was eliminated; and the volunteer fire departments had the ability to levy their own tax rate to meet their departments’ needs.

Public Hearing—Economic Development Incentive for Southern Wood Products

EDC Director Deborah Murray presented a request from Southern Wood Products for a local jobs incentive of $20,000.00 for ten new jobs ($2,000/new job). She said the wood manufacturing company was headquartered in Martinsville, Virginia and had operated in Caldwell County for a
year and a half. Ms. Murray said the 26 year old company specialized in wood component parts and frames for furniture manufacturing and Southern Wood Products planned to expand to meet manufacturing growth by adding ten new employees.

Chairman Church declared the public hearing open. There was no public comment; therefore, Chairman Church declared the public hearing closed.

Commissioner Branch moved to approve a Local Jobs Incentive of $20,000 to Southern Wood Products for up to 10 new, full-time jobs to be created over a one-year period. The motion carried unanimously.

**Public Hearing--Proposed Amendments to the Zoning Ordinance**

Planning Director Shelley Stevens summarized the proposal for the zoning ordinance as contained in the following staff report.

Discussion regarding Overlay Committee references in Zoning Ordinance:
The overlay committees in the Zoning Ordinance were mentioned at a Planning Board Pre-Agenda meeting and at a Planning Board meeting before the May 9th Planning Board meeting. The question that was discussed is: Should the inactive/disbanded Collettsville, Yadkin Valley and Wilson Creek Overlay Committees referenced in the Zoning Ordinance be restarted, or should the language in the Zoning Ordinance be removed (pgs. 147-160, see below -- committee references are marked out using track changes)? After discussion by the Planning Board, it was decided that the committees should be removed.

Proposed Text Amendments to Zoning Ordinance:
Further, the overlay section (and other sections) reference County Erosion and Stormwater Ordinances. Staff proposes this language be removed since erosion and stormwater for the unincorporated area of Caldwell County are handled by the North Carolina Department of Environmental Quality.

"Section 80M. COD – Collettsville Overlay District
The underlying zoning standards shall be complied with for the Collettsville Overlay District (Townships of Johns River, Mulberry, Globe, and Wilson Creek), as shown on the zoning map, except for the following requirements:

a. Lot Size

**Minor Subdivision**
3 acre minimum lot size*

**Major Subdivision**
3 acre density average, 1 acre minimum lot size

**Family Subdivision**
1 acre minimum lot size
*Deeded Lots of Record, created prior to March 17, 2008, between the sizes of 2 and 6 acres, may subdivide creating no more than one new lot with a minimum lot size of 1 acre provided that all other requirements of the Subdivision Ordinance are met.

b. Planned Unit Developments
   a. The density average shall be negotiable
   b. The minimum open space requirement is 35%

c. Collettsville Planning Committee Review
   Major subdivisions, Planned Unit Developments, and Rezonings, shall be reviewed by the Collettsville Planning Committee (appointed by the Caldwell County Commissioners). This Committee will review such development activities on a “mandatory review/voluntary compliance basis” prior to any meeting with the Caldwell County Planning Board or County Commissioners.

d. Neighborhood Business and General Business Architectural and Land Development Guidelines
   a. Exterior building materials shall primarily consist of natural elements such as stone, logs, wood shingle, wood lapped siding, or vertical board and batten. Roofing materials shall be chosen to blend in harmoniously with the natural tree canopy. Metal buildings are not permitted.
   b. Dominant exterior building colors should be chosen to blend in with the natural surroundings. All shades of white, cream, or beige are prohibited from being used as the primary exterior color on any structure.
   c. Exterior lighting shall be muted, fully shielded, and directed to avoid illuminating entire structures, creating glare on the night sky, and attracting attention to particular areas for reasons other than security.
   d. Signage on commercial buildings must be made of natural materials (or have such an appearance), may not be internally illuminated, and must have a monument design.
   e. Public trail easements must be established where there is an opportunity to implement county recreation and greenway plans.
   f. Building design, materials (including all signage), and site plan must be approved by the Caldwell County Planning Department. Appeals may be issued to the Board of Adjustment.

Section 80N. YVOD – Yadkin Valley Planning District
The underlying zoning standards shall be complied with for Yadkin Valley Planning District, as shown on the zoning map, except for the following requirements:

a. Lot Size

**Minor Subdivision**
3 acre minimum lot size*

**Major Subdivision**
3 acre density average, 1 acre minimum lot size

**Family Subdivision**
1 acre minimum lot size
*Deeded Lots of Record, created prior to March 17, 2008, between the sizes of 2 and 6 acres, may subdivide creating no more than one new lot with a minimum lot size of 1 acre provided that all other requirements of the Subdivision Ordinance are met.

b. Planned Unit Developments
   a. The density average shall be negotiable
   b. The minimum open space requirement is 35%

e. Yadkin Valley Planning Committee Review
   Major subdivisions, Planned Unit Developments, and Rezonings shall be reviewed by the Yadkin Valley Planning Committee (appointed by the Caldwell County Commissioners). This Committee will review such development activities on a "mandatory review/voluntary compliance basis" prior to any meeting with the Caldwell County Planning Board or County Commissioners.

dc. Neighborhood Business and General Business Architectural and Land Development Guidelines
   a. Exterior building materials shall primarily consist of natural elements such as stone, logs, wood shingle, wood lapped siding, or vertical board and batten. Roofing materials shall be chosen to blend in harmoniously with the natural tree canopy. Metal buildings are not permitted.
   b. Dominant exterior building colors should be chosen to blend in with the natural surroundings. All shades of white, cream, or beige are prohibited from being used as the primary exterior color on any structure.
   c. Exterior lighting shall be muted, fully shielded, and directed to avoid illuminating entire structures, creating glare on the night sky, and attracting attention to particular areas for reasons other than security.
   d. Signage on commercial buildings must be made of natural materials (or have such an appearance), may not be internally illuminated, and must have a monument design.
   e. Public trail easements must be established where there is an opportunity to implement county recreation and greenway plans.
   f. Building design, materials (including all signage), and site plan must be approved by the Caldwell County Planning Department. Appeals may be issued to the Board of Adjustment.

Section 800. Wilson Creek Conservation Overlay District
I. Purpose
The purpose of the Wilson Creek Conservation Overlay District ("District") is to implement the Wilson Creek Vision Statement ("Vision Statement") as prepared by the Wilson Creek Advisory Committee. The Vision Statement outlines five primary goals:

1. Enhance the public health, safety, and general welfare in the Wilson Creek area through the protection of water quality, the environment, and historic values

2. Preserve and enhance the water quality of Wilson Creek as a North Carolina "outstanding water resource" and a federally designated Wild and Scenic River
3. Protect the public’s view of Wilson Creek and screen future development from the road and waterways

4. Protect the area’s endangered plant, animal, and aquatic species

5. Work to complement the U.S. Forest Service Comprehensive Management Plan for the Wilson Creek area adopted on September 30, 2005, and support other federal and state agencies, as well as land trusts, that have jurisdiction or interests in the Wilson Creek corridor

II. Applicability

This ordinance applies to all new major and minor subdivisions and PUDs within the Overlay District as defined below. It does not apply to agricultural or forestry related activities and applies to existing lots and family subdivisions only as indicated in the matrix on page 3. Furthermore, existing lots of record, between the sizes of 2 and 6 acres, may subdivide creating no more than one new lot with a minimum lot size of 1 acre provided that all other requirements of the Subdivision Ordinance are met.

III. Wilson Creek Overlay District Defined

The District shall include Wilson Creek from the southernmost USFS boundary on Brown Mountain Beach Road north to the Avery County line and all areas within 1,320 (1/4 mile) of each side of Wilson Creek. This area is delineated on the Official Caldwell County Zoning Map.

IV. Definitions

1. Existing lot of Record
A lot legally recorded at the adoption date of the Overlay ordinance.

2. Density Average
The density average provides the standard for the maximum number of dwellings allowed within a development project.

\[
\text{Density Average} = \frac{\text{Total number of acres/acreage requirement}}{} 
\]

3. Undisturbed Buffer
A unit of land containing existing healthy vegetation that shall be left in its natural state excluding noxious weeds and plants. Individual trees can be cut that are dead, diseased or damaged, or pose a threat to human life or property. Such a buffer shall not be graded, nor shall any development occur within such a buffer.

4. Environmental Assessment (EA)
A detailed report that is submitted by the responsible party for major development projects, including Major Subdivisions and Planned Unit Developments (PUD), which provides the following information:

a. The environmental impact of the proposed action;
b. Any significant adverse environmental effects which cannot be avoided should the proposal be implemented;
c. Mitigation measures proposed to minimize the impact;
d. Alternatives to the proposed action;
e. The relationship between the short-term uses of the environment involved in the proposed action and the maintenance and enhancement of long-term productivity; and
f. Any irreversible and irretreivable environmental changes which would be involved in the proposed action should it be implemented.

5. Traffic Impact Analysis
A study that assesses the effects that a particular development’s traffic will have on the transportation network in the community.

6. Development Plan
A plan as described in Section 80L.7 (Planned Unit Development) of the Caldwell County Zoning Ordinance.

7. Site Plan
A site plan illustrates development plans for a single lot or parcel. Identified on a site plan shall be driveways, septic areas, dwelling footprint, accessory buildings, yard areas, and any other site impact areas. Surveyed trees larger than 18” in diameter and within 150’ of the dwelling and access driveway shall be included on plan and are expected to remain.

8. Construction Plans
Construction plans for structures greater than 144 square feet, including residential dwellings, commercial buildings, and accessory buildings, must be submitted for review by the Caldwell County Planning Department. Plans should demonstrate architectural detail, roof and siding material, and color schematics.

V. Permitted and Conditional Uses
Permitted Uses
a. Accessory buildings to residential uses, provided that no accessory building shall be rented or occupied for gain. Furthermore, in no instance shall an accessory use be placed upon a parcel which is absent of a principal use. See Section 80C.4 for requirements for accessory structures and garages.
b. Churches and their customary related uses including cemeteries.
c. Governmentally owned facilities.
d. Public safety facilities such as fire and police stations and rescue squad headquarters, provided that equipment be stored indoors.
e. Public or private parks.
f. Single family site built and modular dwellings.
g. Agricultural and farm related structures which qualify under G.S. 153A-340 as a Bona Fide Farm. These structures are to be used for purposes such as the storage of hay, plants, farm supplies/machinery or livestock, including uses such as horses, cattle, or goats, but excluding more intensive uses such as swine facilities and chicken houses. Any farm-type building or structure shall be at least two-hundred (200) feet from any existing perennial
stream or any residence on adjacent tracts of land and shall be at least one-hundred (100) feet from any shared property line.

Conditional Uses
The following uses are permitted when authorized by the Board of Commissioners after said Board holds a public hearing pursuant to the provisions of the base ordinance.

a. Bed and Breakfast
b. Garage apartments and guest houses, provided they are located in the rear yard, meet the requirements stipulated for two-family dwellings, are architecturally similar, and meet all setback requirements required of the principle structure. Upon approval, such uses may be constructed prior to the completion of the principle structure provided both are permitted and under construction. The principle use must be completed within three years of the garage apartment or guest home. (amended 8/16/2004)
c. Privately owned utility facilities such as transformer stations, pumping stations, water towers and telephone exchanges provided:
   1. All buildings shall be designed and landscaped in such a way as to blend in with surrounding area;
   2. All dangerous apparatus shall be enclosed by a wood or native stone privacy fence of at least eight (8) feet in height.
   3. A proposed facility located on a site which contains a mature natural canopy shall perpetually maintain a one hundred (100) foot undisturbed buffer, said mature natural canopy, measured from the outermost limits of said facility and not visible from a public road, adjoining property, or perennial stream.
d. Recreational vehicles and/or campers as principal uses, provided;
   1. The property to which it is to be located is no less than ten (10) acres.
   2. Provided that the recreational vehicle or camper is not visible from a public road, perennial stream, or any surrounding properties.
   3. Prior to the camper being placed on the property an approved well and septic system must be installed.

e. Wireless Telecommunication Towers, provided that no portion of the tower or support facilities can be seen from any perennial stream or public roadway.
f. Accessory Structures not meeting the required development standards listed in Sections 80C.1(a) and 80C.4 shall be subject to the following conditions:
   1. Is the structure for personal storage and is it secondary to the main dwelling;
   2. Will the structure substantially injure the value of adjoining properties;
   3. Is the location and character of the structure in harmony with the area;
   4. Is the structure in any way to be used in connection with any commercial or industrial activity;

In seeking to accomplish the above goals the Overlay Committee, Planning Board, and County Commissioners will consider such items as:
1. Is the structure architecturally similar to the principal dwelling;
2. Is the structure located on acreage or is it part of a residential development lot;
3. Is the applicant increasing setbacks, landscaping, buffering, etc.;
4. Is the structure visible from Wilson Creek, the road and/or adjacent properties;
5. Other potential impacts not conducive to the area.
VI. Process for requesting uses not listed
All uses not specially listed as a permitted or Conditional Use must be requested under the provisions of a PUD rezoning request. A PUD request may be submitted for any size lot within the Overlay. Industrial uses and manufactured homes are prohibited within the Overlay.

VII. Non-Conforming Uses
If a nonconforming dwelling is damaged by fire, explosion, tornado, earthquake, or other uncontrollable cause it may be repaired and enlarged provide the enlargement does not further encroach towards Wilson Creek or any of its tributaries. In reconstructing said dwelling the amount of non-conformity may be increased. All county codes such as Environmental Health (septic), Building Code, Flood Ordinance, etc. must be met or said dwelling may not be reconstructed. All other nonconformities are subject to the requirements of the base ordinance.

VIII. Requirements for Development... (see zoning ordinance for table)...

A. Projects requiring Development Plans
While not limited to, the following factors shall be considered during the development review process by the Caldwell County Subdivision Review Board, Caldwell County Planning Board, and Caldwell County Commissioners:
   I. Impact upon views from Wilson Creek, tributaries, and public roads associated with road clearing
   II. Dwelling site placement that best screens proposed dwellings from Wilson Creek, tributaries, and public roads
   III. Lighting must be shielded and directed to avoid illuminating structures or creating glare on the night sky; roadway lights in major subdivisions and PUDs are prohibited

B. Projects Requiring Site Plans
While not limited to, the following standards must be met prior to the issuance of Zoning Permit by the Caldwell County Planning Department:
   I. The dwelling height shall be 20 feet below the ridgeline
   II. Natural vegetation shall appropriately screen structures from Wilson Creek, tributaries, and public roads
   III. Lighting must be shielded and directed to avoid illuminating structures or creating glare on the night sky

C. Projects requiring Construction Plans
While not limited to, the following standards must be met prior to the issuance of Zoning Permit by the Caldwell County Planning Department:
   I. New structures must demonstrate an appearance that blends with the natural environment and minimally impacts views from public roads and waterways
   II. Exterior building materials shall primarily consist of natural elements such as stone, logs, wood shingle, wood lapped siding, or vertical board and batten.
Roofing materials shall be chosen to blend in harmoniously with the natural tree canopy. Metal buildings are not permitted.
III. Dominant exterior building colors should be chosen to blend in with the natural surroundings. All shades of white, cream, or beige are prohibited from being used as the primary exterior color on any structure.
IV. Exterior lighting shall be muted, fully shielded, and directed to avoid illuminating entire structures, creating glare on the night sky, and attracting attention to particular areas for reasons other than security.

D. Requirement for Land Disturbance greater than 1/2 acre and on 30% or greater slopes
An Erosion/Sedimentation Control Plan and a Stormwater Control Plan must be prepared by a Professional Engineer according to the design standards described in the Caldwell County Erosion and Sedimentation Control Ordinance and the Caldwell County Stormwater Control Ordinance.

E. Protected Flood Plain/Buffer Requirements
On undeveloped property, healthy trees of 4” diameter and greater, to be measured at 3’ above the ground, may not be removed. All clearing within a buffer must be done by hand except in the case of a natural disaster. Development may take place upon existing and Family lots within the floodplain, but such development must meet the requirements of the floodplain ordinance. Lots with existing improvements prior to the adoption of this ordinance, including cleared areas within buffer, are grandfathered and may continue to maintain their property in the same manner as before ordinance adoption.

F. Passive recreation
Uses such as walking trails or primitive camp sites are allowed within the protected buffer-flood plain. Such passive uses may not be closer than 30’ from a perennial stream unless design plans are reviewed by the Overlay Committee and the Planning Board and approved by the County Commission.

IX. Wilson Creek Overlay District Planning and Review Committee (“Committee”)
The Committee shall have five voting members. There shall be at least one voting member that is a full-time resident and property owner of the Overlay Area and two that are property owners within the Overlay District. These five members shall be appointed by the Caldwell County Commissioners. Two non-voting advisory positions shall be appointed from the Friends of Wilson Creek, the North Carolina Fish and Wildlife Commission, the United States Forest Service, or the Foothills Conservancy. The Committee’s duties shall be as follows:
1. The Committee shall have 30 days prior to the Caldwell County Subdivision Board or the Caldwell County Planning Board meetings to review and produce a report regarding Rezoning, Special/Conditional Use, Major Subdivision, and PUD requests.
2. The Committee report shall outline recommendations, if any, to ensure that the proposed action is in accordance with intent of this ordinance.”

Chairman Church declared the public hearing open. There was no public comment; therefore, Chairman Church declared the public hearing closed.
Commissioner Potter moved to approve the following Consistency Statement and to approve the proposed amendments as recommended by the Planning Board. The motion carried unanimously.

Consistency statement (GS 153A-341):
"Motion to approve because the amendments are consistent with the County’s Comprehensive Land Development Plan; and promote public health, safety and welfare because the Planning Board reviews projects throughout the County with the entire County taken into consideration. The proposed amendments also remove references to null ordinances."

Public Hearing--Proposed Amendments to the Subdivision Ordinance

Ms. Stevens also summarized the proposal for the zoning ordinance as contained in the following staff report and noted the County’s Environment Health staff supported the proposal.

Proposed Text Amendment to Subdivision Ordinance:
Staff and Planning Board propose addition of Improvement Permit (IP) requirements to the Subdivision Ordinance. The following proposed amendment is based off Catawba County’s requirement (below). Staff discussed the issue with Environmental Health. Environmental Health stated that they support the proposed amendment and plan to institute policies that will help keep incoming applications moving efficiently.

Proposed for Caldwell Co. Subdivision Ordinance:
Where public sewer is not available, each lot in the development must be approved (Environmental Health Improvement Permit) for an individual lot on-site septic system by the County Division of Environmental Health or an independent Professional Engineer (GS 130A-336), or the lot must be approved for a private sewer system by NC Department of Environmental Quality before final plat approval. On-site septic system approval is not required for parcels greater than 5 acres but is for parcels less than 5 acres. Alternatively (to obtaining Improvement Permits), the following statement may be recorded on each parcel on the final plat, “no septic permit has been issued at the time of preliminary plat approval.” The development plat must indicate that the parcel(s) have not been evaluated for building purposes.

2 options: get permit or write on final plat that there was no permit issued.

Current Catawba Co. UDO Requirements:

**Sec. 44-521. Water supply and sanitary sewer.**

**(b)** Public sanitary sewer required. Public sanitary sewer is required in a residential and non-residential development as follows:

1. Any development which has public sewer system lines available must extend the public sewer system throughout the development to each lot in accordance with building code and the current County sewer ordinance in effect.

2. Where public sewer is not available, each lot in the development must be served by an individual on-site septic system approved by the County
division of environmental health or a private sewer system approved by the state department of environment, health and natural resources. On-site septic system approval is not required for parcels greater than 5 acres. The development plat must indicate that the parcel(s) have not been evaluated for building purposes.

Chairman Church declared the public hearing open. There was no public comment; therefore, Chairman Church declared the public hearing closed.

David Lackey questioned the reason for having the statement printed on each parcel and, following discussion, Commissioner Potter moved to approve the proposed amendments with the changes to verbage as suggested by the County Attorney and discussed by Commissioners. The motion carried unanimously.

Preliminary Plat for Waterfront Subdivision

Ms. Stevens informed Commissioners that Caldwell Timber Partners, LLC and LW Investments were requesting approval of a revised preliminary subdivision plat for property located west of Connelly Springs Road and directly north of Lake Rhodhiss as identified in the following information. She said the current proposal contained 280 (from 277) residential lots and 9 (from 7) common areas for development in 3 phases. Ms. Stevens noted the lot sizes ranged from 1 acre to 20.5 acres within the subdivision.

Applicant: LW Investments
Developer: LW Investments
Property Owner: Caldwell Timber Partners, LLC
NCPIN: 2745333257 and 2744995525
Location: West of Connelly Springs Rd, and south of Premier Baton School Rds
Site Conditions: wooded with floodplain, in the Watershed Critical Area
Acreage: 1011.12 calculated acres (967.01 & 44.11 acres)
Zoning: R-20 & PUD
Surrounding: RA-20 to the north, northwest, east and southeast. Some R-20 to the north, and a little G-B to the northeast, along Connelly Springs Rd. There is also PUD zoning to the southeast.
Land Use: Preliminary plat review/approval

Ms. Stevens highlighted information contained in the following staff report.

The revised preliminary plat was provided to the Planning Department 4.24.17. The Planning Director reviewed the plat and provided the applicants with comments and revisions based on her review and based on the pre-agenda meeting review held 4.25.17 at 10 am.

NCDOT is still reviewing permitting requirements for the development. They have previously indicated that no Transportation Impact Analysis is required for the development.
Open space is now 23% of the development (instead of 25%), but a 25% reduction in the open space requirement is allowed for developments hooking on to water (per the Subdivision Ordinance p. 26, 81.2 e).

Based on the WPCOG School Growth Estimation Model run by Taylor Dellinger at the WPCOG, the estimated school impact from this subdivision is:

- Baton Elementary: 42 students (estimated at .15 students per new housing unit)
- Hudson Middle: 22 students (estimated at .08 students per new housing unit)
- South Caldwell High: 28 students (estimated at .10 students per new housing unit)

The following items have changed (from the previous plat) due to environmental concerns after West Consultants voluntarily hired a wetland specialist:

- The development gained 3 lots by modifying around the wetland areas that are located at lot 150 and 151 -- the area where the road used to connect to Scenic Lane.
- Scenic Lane was modified near lots 151 and lots 281 and 207 to further stay away from the wetlands and cross the streams at a better angle.
- Road P was added to connect to Goat Farm Road (and the previous connection to Baton School Road omitted since it involved a stream crossing).
- Two roads were added that cut through the open space where lots 155 and 156 and lots 163 and 164 are located. This is to eliminate the stream crossings at lots 75 and 69 where the developer previously had roads going through them.
- Road O was slightly modified around lot 175 to avoid the stream.

Items needed per Subdivision Ordinance in near future (but not required by ordinance before preliminary approval), from Staff review of plat:

- Driveway Permit needed; “91.5 f. 1) The intersection of a private road and a public road shall be approved by the NCDOT.” (p. 31)

- If developer decides not to complete improvements before final plat submittal: cost estimate info for bonding and info from p. 23 & 24.

- A statement signed and sealed with attached testing results/documentation by a professional engineer licensed to work in NC certifying that the private streets were inspected and built to the standards contained within the ordinance.

- Maintenance statement on plat (p. 21 & p. 28, Sec 91.2)

Items needed per Zoning Ordinance, from Staff review of plat (not required by ordinance before preliminary approval):

- If your common areas are going to have parking, make sure that plans for that are submitted and follow the applicable parking and buffering requirements in the County’s Zoning Ordinance.
- From the buffer section, 70F:

- "c. Entrances to residential developments are not exempt to this section and are subject to the requirements of Section 70F.33." (p. 64)

- "Entrances, exits, and other access points to residential subdivisions shall be required to provide landscaped planting areas. These landscaped planting areas shall be no less than two-hundred (200) square feet in area. The landscaped planting areas shall include shrubbery and other planting which do not interfere with the required site visibility triangle." (p. 68)

- "The current owner(s) and subsequent owners of the landscaped property or the manager or agent of the owner(s) shall be responsible for the maintenance of all landscaped and/or buffer areas. Said areas shall be maintained so as to present a healthy, neat, and orderly appearance at all times and shall be kept free of refuse and debris. Maintenance shall include the replacement of all dead or diseased plant material if that material was shown on the original landscape plan." (p. 70)

Ms. Stevens reported the Planning Board recommended approval of the preliminary plat.

Commissioner Branch moved to approve the preliminary plat as presented by Ms. Stevens and recommended by the Planning Board. The motion carried unanimously.

Right-of-Way Easements for Property at Taylorsville Road

On behalf of TGS Engineers, a contractor for the NC Department of Transportation, Mr. Steve Whisnant, appeared before Commissioners to talk about the highway project to construct a roundabout on US Highway 64-90 (Taylorsville Road) at Wildcat Trail and Moose Lodge Road as well as a project on the same highway at the bridge near its intersection with US Highway 18 (Wilkesboro Boulevard). Mr. Whisnant said the bridge was in desperate need of repair and would be replaced with a triple culvert. To proceed with the projects, he requested Caldwell County to grant right-of-way easements for TIP/Parcel #R-5745 001 and #R-5745 008 (Caldwell County Tax Parcel #09 97 1 3). It was noted the land for the easements totaled 1.27 acres. Mr. Whisnant informed Commissioners the NCDOT had reached an agreement with owners of Evans Funeral Home to relocate its driveway entrance from Taylorsville Road to the Moose Lodge Road.

Lengthy discussion followed about the potential need to again reduce the speed limit on Taylorsville Road and how that would impact the local residents as well as challenges/problems of the roundabout especially for transfer truck drivers. Mr. Whisnant said the projects would provide a better flow of traffic and noted the roundabout would improve safety for entrance to Wildcat Trail.

Commissioner Church expressed concern that the roundabout might be safer for drivers in and out of the school twice daily; however, it would be a problem for drivers that travel Taylorsville Road all other times of the day each day of the week.
Commissioner LaBrose, with regret, moved to approve granting the right-of-way easements to the North Carolina Department of Transportation. Following discussion, the motion carried by majority vote. Commissioners Church and Potter voted in opposition to the motion.

Consent Agenda

1. Approval of Minutes
Mr. Kiser recommended the Board of Commissioners approve the minutes of the May 1, 2017 and May 15, 2017 meetings as presented.

2. Budget Amendments
Mr. Kiser recommended the Board of Commissioners approve the following budget amendments as presented.

   A. E911 Fund Balance (Motorola Equipment Purchase) $26,550.00*
   During FY2015-16 staff was granted approval for an upgrade to the consoles and equipment necessary to upgrade Communications. Some of the funds set aside were rolled over into the next fiscal year budget to complete the project; however, not all the funds were spent and equipment purchased. The following budget amendment is necessary to roll over the unspent funding that “died” to fund balance last year to complete the project in the current fiscal year. No new local dollars are necessary.

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<thead>
<tr>
<th>Increase</th>
<th>Fund Balance Appropriation</th>
<th>$26,550.00</th>
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</thead>
<tbody>
<tr>
<td>13.3000.397000</td>
<td>Equipment</td>
<td>$26,550.00</td>
</tr>
</tbody>
</table>

   B. DSS (State Funds for Child Care Assistance) $24,032.00*
   The state has reallocated unspent funding for child care assistance and the following budget amendment is necessary to reflect additional funds for the County to help eligible families with child care expense. No local dollars are required.

<table>
<thead>
<tr>
<th>Increase</th>
<th>CCDF</th>
<th>$24,032.00</th>
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</thead>
<tbody>
<tr>
<td>10.5390.331604</td>
<td>Daycare Purchase</td>
<td>$24,032.00</td>
</tr>
</tbody>
</table>

   C. Scrap Tire Tax - $9,500.00*
   Collection of scrap tire tax funds has exceed the original estimate in the current year budget and the following budget amendment is necessary to reflect the increase in this flow-through funding. No local dollars are required.

<table>
<thead>
<tr>
<th>Increase</th>
<th>Scrap Tire Tax</th>
<th>$9,500.00</th>
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</thead>
<tbody>
<tr>
<td>10.4286.318001</td>
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<td>$9,500.00</td>
</tr>
<tr>
<td>10.4286.435400</td>
<td></td>
<td>$9,500.00</td>
</tr>
</tbody>
</table>

3. Resolution in Support of the Upper Catawba River Trail Signage and Maps Project
It was noted the City of Marion was invited to submit a final 2018 Recreational Trails Program Grant application for the Upper Catawba River Trail – Signage and Maps Project. If the project is awarded the grant, the funds will be used to increase recognition and use of the Trail by developing and updating branding, signage, and maps for the Trail accesses and portages. Heather
Cotton, Marion’s Planning and Development Director is working with Tim Johnson, Burke County Community Development, to prepare the final application and required attachments. Since it is a regional project that involves a diverse range of stakeholders, Mr. Johnson has requested Caldwell County Commissioners and others in the region to adopt resolutions and letters of support for the project. Mr. Kiser recommended the Board of Commissioners adopt the following resolution of support and authorize staff to also send a letter of support for the project.

Resolution by the Caldwell County Board of Commissioners in Support of the Upper Catawba River Trail Signage and Maps Project – City of Marion 2018 Recreational Trails Program Grant Application

WHEREAS the North Carolina Division of Parks and Recreation has designated the Upper Catawba River Trail as a State Designated Trail; and

WHEREAS the Upper Catawba River Trail is a natural and recreational resource of regional significance that passes through or adjacent to McDowell, Burke, Caldwell, Alexander, and Catawba Counties and provides economic, health, and environmental benefits; and

WHEREAS branding and consistent signage along the Upper Catawba River Trail will serve residents and visitors to the area; and

WHEREAS the City of Marion has been invited by the North Carolina Trails Committee to apply for 2018 Recreational Trails Program funds for the State designated Upper Catawba River Trail and more specifically the Upper Catawba River Trail – Signage and Maps project; and

WHEREAS the grant would fund signage, kiosks, and maps for up to 30 access points in four different counties along the river; and

WHEREAS the project is supported by a diverse stakeholder group including Duke Energy, North Carolina Wildlife Resources Commission, Trout Unlimited, North Carolina Wildlife Federation, local governments along the trail, and river users.

NOW, THEREFORE, BE IT RESOLVED that the Caldwell County Board of Commissioners does hereby support the City of Marion’s 2018 Recreational Trails Program application for the Upper Catawba River Trail – Signage and Maps project.

Adopted this the 5th day of June, 2017.

Randy T. Church, Chairman
Caldwell County Board of Commissioners

Kathy T. Greene, MMC
Clerk to the Board
4. Approval of Caldwell County Schools’ Application for Use of ADM/Lottery Funds
Mr. Kiser reported the school system submitted an application for use of ADM/Lottery funds for a parking relocation project at Lower Creek Elementary School. The bid opening was held Friday, June 2nd and the amount of the application is $240,000.00. He recommended Commissioners approve the application; approve the following budget amendment; and, adopt the project budget ordinance which is hereby incorporated by reference and made a part of these minutes (Exhibit).

<table>
<thead>
<tr>
<th>Increase</th>
<th>74.5910.334302</th>
<th>Public School Lottery</th>
<th>$240,000.00</th>
</tr>
</thead>
<tbody>
<tr>
<td>Increase October</td>
<td>74.5910.465810</td>
<td>Public School Lottery</td>
<td>$240,000.00</td>
</tr>
</tbody>
</table>

5. Memorandum of Understanding Between Caldwell County and Friends of the Library
It was noted Library Director Lesley Mason submitted a memorandum of understanding that identifies a space agreement for the Friends of the Library’s activities on county property. Mr. Kiser recommended the Board of Commissioners approve the following memorandum of understanding as requested.

Memorandum of Understanding
Between
Caldwell County
And
Friends of the Caldwell County Library, Inc.

This Memorandum of Understanding (MOU) sets for the terms and understanding between Caldwell County and the Friends of the Caldwell County Library, Inc. (“Friends”) regarding use of space within the Library footprint.

Purpose
This MOU will serve as an understood agreement that Caldwell County and the Friends maintain a cooperative relationship in order to support programs and projects not allocated for within the Caldwell County Public Library’s operating budget. Within this agreement the County agrees to allow a 10ft x 24 ft. space located in the Library, on the main floor, known as “the Alcove” to be used as a daily book sale. This space is equipped with shelving units, and there is allowable space for four book carts, and three chairs.

Likewise, Friends is allowed office space, identified as the former supply room, to serve as it’s administrative office and work area. This space will be secured by lock and key, with the Library Director and the identified Friends’ officer holding keys.

Likewise, Friends is allowed to maintain a book cart sale at each library location.

The above purpose will be accomplished by undertaking the following activities:
Friends will use the allotted space described to sort and store, price, and sell, books identified by the Library as surplus and unneeded donations.

Friends will be responsible for maintaining the integrity of the allotted spaces, as well as any financial transactions resulting from the agreed activities.
The Library is not responsible for any fiduciary activities involving Friends.

Any additional space needed to conduct the business of Friends will require a meeting room request, as outlined in the Library’s meeting room policy.

**Duration**
This MOU is at-will and may be modified by mutual consent of authorized officials from the County and Friends. This MOU shall become effective upon signature by the authorized officials from the County and Friends and will remain in effect until modified or terminated by any one of the partners by mutual consent. If at any time either entity wishes to withdrawal from this MOU, they will do so, in writing to the parties listed. In the absence of mutual agreement by the authorized officials from Library and Friends, this MOU shall end on July 1st, 2018, at which time the partners can chose to renew or modify this MOU, to best benefit the Library.

**Relationship of the Parties**
For the purposes of this agreement and other related agreements signed by the parties, neither party is the agent of the other nor has the right or authority to bind the other party through its actions or any other agreements or communications.

**Indemnity**
Friends agrees to indemnify and hold harmless Caldwell County and it’s respective officers, employees, representative, agents and/or volunteers completely, finally, and absolutely against and from any and all legal liability and claims, or damages, or costs for bodily injury, death and/or property damage, reasonable costs and expenses whether direct or indirect, including without limitation legal fees, arising out of or in connection with the performance of this agreement, except for injuries and damages caused by the sole negligence of the County.

**Contact Information**
Caldwell County Public Library
Lesley Mason, Library Director
120 Hospital Ave.
Lenoir, NC 28645

Partner representative
Friends of the Library
Address

_________________________ Date:
(Stan Kiser, Caldwell County Manager)

_________________________ Date:
(Helen Dockery, Friends of the Caldwell County Library, Inc. President)
Chairman Church moved to approve the five items on the consent agenda as presented and recommended by the County Manager. The motion carried unanimously.

There being no further business, Commissioner Wilkie moved to adjourn and, by unanimous vote, Chairman Church declared the meeting adjourned at 7:00.
ESTABLISHMENT OF PROJECT
FOR THE PUBLIC SCHOOL
NORTH CAROLINA LOTTERY FUNDS

WHEREAS, there is a desire to relocate parking lot at Lower Creek Elementary School, and.

WHEREAS, Caldwell County wishes to utilize NC Public School Lottery funds for the relocation of the parking lot at Lower Creek Elementary School and,

WHEREAS, the county staff requests the Board of Commissioners’ approval to budget funds in a capital project fund, namely the Public School Lottery Funds for the state portion of the funds necessary for this project.

NOW, THEREFORE, BE IT RESOLVED by the Caldwell County Board of Commissioners that:

Section 1: The governing board hereby creates a project fund for the purpose of these debt payments.

Section 2: The funding for the project will be secured by the following detailed budget amendment:

<table>
<thead>
<tr>
<th>Increase</th>
<th>School Lottery</th>
<th>$240,000.00</th>
</tr>
</thead>
<tbody>
<tr>
<td>745910 334302</td>
<td></td>
<td></td>
</tr>
<tr>
<td>745910 465810</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Section 3: The fund will remain operational through August 2017.

Section 4: The project shall be effective June 1, 2017.

Adopted this 5th day of June, 2017.

ATTEST:

Kathy T. Greene
Clerk to the Board

Randy T. Church
Chairman