Caldwell County
Lenoir, North Carolina

Board of Commissioners
May 1, 2017
6:00 p.m.

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 asked for information about the County’s advisory boards for citizens to serve and the Clerk advised she would provide her with that information.

Regular Session

Chairman Church gave the invocation and Commissioner Potter led the Pledge of Allegiance. Chairman Church asked if there were any additions or amendments to the May 1, 2017 agenda. There being none, Commissioner LaBrose moved to approve the agenda as presented by the Clerk. The motion carried unanimously.

Excellence in Customer Service Award Winner for 1st Quarter 2017

Suzanne Kymer, Design Team member, said the Design Team was created in 2010 to help empower employees in excellent customer service and leadership skills. Ms. Kymer said eligible employees are nominated for the award by fellow employees and the Design Team votes to select a quarterly recipient. She announced Eric Stafford, Public Information Technician, was chosen as the Excellence in Customer Service Award Winner for the first quarter of 2017 and she read the nomination letter submitted by Pam Steuer for his work in assistance to the Envirothon team competition.

The Board of Commissioners formally recognized Eric and presented him with the award.

Proclamation—National Police Week in Caldwell County

Lt. Brine Branham read the following proclamation and requested the Board of Commissioners to declare May 14-20, 2017 as Police Week in Caldwell County. Upon its reading, Commissioner Wilkie moved to adopt the proclamation to declare May 14-20, 2017 as Police
Week in Caldwell County and the motion carried unanimously. Commissioner Wilkie thanked all men and women in law enforcement for their dedicated service.

Proclamation

National Police Week in Caldwell County May 14-20, 2017

Whereas, The Congress and President of the United States have designated May 15 as Peace Officers’ Memorial Day, and the week in which May 15 falls as National Police Week; and

Whereas, the members of the Caldwell County Sheriff’s Office play an essential role in safeguarding the rights and freedoms of Caldwell County; and

Whereas, it is important that all citizens know and understand the duties, responsibilities, hazards, and sacrifices of our Sheriff’s Office, and that members of our Sheriff’s Office recognize their duty to serve the people by safeguarding life and property, by protecting them against violence and disorder, and by protecting the innocent against deception and the weak against oppression; and

Whereas, the men and women of the Caldwell County Sheriff’s Office unceasingly provide a vital public service.

Now, Therefore, Be It Resolved, that the Caldwell County Board of County Commissioners, calls upon all citizens of Caldwell County and upon all patriotic, civic and educational organizations to observe the week of May 14-20, 2017 as Police Week with appropriate ceremonies and observances in which all of our people may join in commemorating law enforcement officers, past and present, who, by their faithful and loyal devotion to their responsibilities, have rendered dedicated service to Caldwell County and, in so doing, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

Be It Further Resolved, that the Caldwell County Board of Commissioners calls upon all citizens to observe Monday, May 15, 2017, as Peace Officers’ Memorial Day in Caldwell County in honor of those law enforcement officers who, through their courageous deeds, have made the ultimate sacrifice in service to their community or have become disabled in the performance of duty, and let us recognize and pay respect to the survivors of our fallen heroes. In witness thereof, we have hereunto set our hand and caused the Seal of Caldwell County to be affixed this the 1st day of May, 2017.

Randy T. Church, Chairman
Caldwell County Board of Commissioners

Attest:
Kathy T. Greene, Clerk to the Board
Proclamation—Older Americans Month in Caldwell County

April Davis, Social Worker Supervisor for the Department of Social Services, said that the United States President first proclaimed May as Older Americans Month in 1963 and May has been proclaimed every year since. Ms. Davis talked about the importance of recognizing senior citizens and their contributions to the community. She said Caldwell County had held an event each year for the past 47 years to honor the County’s senior citizens. Ms. Davis announced the upcoming Celebration of Life beginning at 8:30 a.m. on May 5th at Mountain Grove Baptist Church. It will include a health fair, free meal, door prizes, entertainment, and there was no admittance fee.

Ms. Davis read the following proclamation and asked the Board of Commissioners to declare May 2017 as Older Americans Month in Caldwell County. Upon its reading, Commissioner Potter moved to adopt same and the motion carried unanimously.

PROCLAMATION

Older Americans Month
May 2017

Whereas, Caldwell County, North Carolina, includes older Americans who richly contribute to our community; and

Whereas, we acknowledge that what it means “to age” has changed—for the better.

Whereas, Caldwell County is committed to supporting older adults as they take charge of their health, explore new opportunities and activities, and focus on independence; and

Whereas, Caldwell County can provide opportunities to enrich the lives of individuals of all ages by:

- involving older adults in the redefinition of aging in our community;
- promoting home-and community-based services that support independent living;
- encouraging older adults to speak up for themselves and others; and
- providing opportunities for older adults to share their experiences.

Now, Therefore, Be It Resolved that the Caldwell County Board of Commissioners
does hereby proclaim May 2017 as Older Americans Month in Caldwell County.

Be It Further Resolved that the Caldwell County Board of Commissioners urges every resident to take time during this month to acknowledge older adults and the people who serve them as influential and vital parts of our community.

Adopted this the 1st day of May, 2017.

Randy T. Church, Chairman
Caldwell County Board of Commissioners

Attest:

Kathy T. Greene, Clerk to the Board

Proposed Text Amendments to the Zoning Ordinance

Planning Director Shelley Stevens presented the following proposed Text Amendments to Zoning Ordinance:

The removal of the Special Use Permit (SUP) language (below) due to the language not aligning with the legal definition of a Special Use Permit. Ms. Stevens noted a recent SUP application was reviewed by Staff and the Planning Board, and per the County Attorney’s determination, the language must be abided by until it is removed.

"40B.112 Special Use Permit. A permit issued by the County Commissioners after said Board has held a public hearing. Special Use Permits may be issued within any of the use districts outlined in this Ordinance. Such a Special Use shall only be allowed within districts to which the Special Use Permit is to Correspond. For example within an RA-20 District an NB-SU permit may be issued for a site-specific development proposal for any use permitted by right with an ordinary NB District. The development proposal authorized by a Special Use Permit shall comply with all provisions of the corresponding district. Additional conditions may not be added onto any Special Use Permit.

Section 90D Special Use Permits

Section 90D.1 Purpose of Special Use Permits
The permitting process allows particular uses to be established, but only in accordance with a specific development project. Uses authorized by special use permits shall be permitted uses in one of the established districts created by this Ordinance.
The special use permit approval process is established to address those situations when a particular use may be acceptable in the County as a whole, but the existing underlying zoning district does not permit for the establishment of such use.

No special use permit shall be issued until the owner(s) of the property in question (or his/her authorized agent) requesting the permit has submitted an application for the issuance of a special use permit and the Caldwell County Board of Commissioners has approved such application in accordance with the procedures stated herein.

Section 90D.2 Plans and Other Information to Accompany Petition

Every application for a special use permit shall be submitted in duplicate, with a scale-drawn site plan and any necessary supporting text shall include the following information:

A. A boundary survey and vicinity map showing the property's total acreage, zoning classification(s), general location in relation to major streets, railroads, and/or waterways, date, and north arrow.

B. All existing easements, reservations, and rights-of-way;

C. Proposed number and location of all structures, their approximate area, and their approximate exterior dimensions;

D. A description of all screening and landscaping required by these regulations and/or proposed by the applicant.

E. All existing and proposed points of access to public streets;

F. Delineation of areas within the regulatory floodplain as shown on the official Flood Hazard Boundary Maps for Caldwell County.

G. The owner's names and addresses, property identification numbers and existing land use(s) of all adjoining properties. This information is available at the County Mapping Department.

H. Traffic, parking, and circulation plans, showing the proposed location and arrangement of parking spaces and ingress and egress to adjacent streets; In the course of evaluating the proposed use, the Planning Board or Board of Commissioners may request additional information from the applicant. A request for such additional information shall stay any further consideration of the application by the Planning Board or Board of Commissioners. This information may include (but not be limited to) the following:

1. Stormwater drainage plan;

2. Existing and proposed topography at five-foot contour intervals or less;

3. The existing and proposed location of all water and sewer lines and fire hydrants intended to serve the proposed development.
4. Proposed number, type, and location of signs;

5. A traffic study of the proposed development prepared by a qualified transportation or traffic engineer or planner. The traffic impact study shall include the following information:

A. Existing traffic conditions within the study area boundary;

B. Traffic volumes generated by the existing and proposed development on the parcel, including the morning peak, afternoon or evening peak, and average annual traffic levels.

C. The distribution of existing and proposed trips through the street network;

D. Analysis of the capacities of intersections located within the study area boundary;

E. Recommendations for improvements designed to mitigate traffic impacts and to enhance pedestrian access to the development from the public right-of-way; and

F. Other pertinent information including but not limited to accidents, noise, and impacts on air quality and other natural resources.

Section 90D.3 Fees
No application shall be considered complete unless it contains or is accompanied by all items listed in Section 90D.2, and all applicable fee(s) for the submittal of a special use permit application.

Section 90D.4 Planning Board Review
The Planning Board shall have a maximum of forty-five (45) days from the date at which it initially met to review the application to submit its recommendation to the Board of Commissioners. If a recommendation is not made during said forty-five (45) day period, the application shall be forwarded to the Board of Commissioners.

Section 90D.5 Board of Commissioners Action
Once a recommendation has been received from the Planning Board, or the forty-five (45) day Planning Board review period has expired, the Board of Commissioners shall schedule a public hearing concerning the application.

Section 90D.6 Board of Commissioners Decision
The Board of Commissioners may issue the special use permit only after having evaluated an application and having determined that:

A. The proposed development will not materially endanger the public health or safety if located where proposed and developed according to plan; and
B. The proposed development meets all required conditions and specifications; and

C. The proposed development will not substantially injure the value of the adjoining or abutting property unless it is a public necessity; and

D. The location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with an adopted Land Development Plan

The applicant has the burden of producing competent, material and substantial evidence tending to establish the facts and conditions. If any person submits evidence allegedly contrary to any of the facts or conditions listed in this Ordinance, the burden of proof for overcoming such evidence shall rest with the applicant. In approving a petition for a special use permit, the Board of Commissioners may attach fair and reasonable conditions. Any such conditions shall relate to the relationship of the proposed use to surrounding property, proposed support facilities such as parking areas and driveways, pedestrian and vehicular circulation systems, screening and landscaping areas, the timing of development, street and right-of-way improvements, water and sewer improvements; stormwater drainage, the provision of open space, and other matters that the Board of Commissioners may find appropriate or the applicant may propose. Such conditions to approval of the special use permit may include dedication of rights-of-way or easements for streets, water, sewer, or other public utilities necessary to serve the proposed development. The petitioner shall have a reasonable opportunity to consider and respond to any such conditions prior to final action by the Board of Commissioners.

90D.7 Effect of Approval
If an application for a special use permit is approved under this Part, the approved special use permit, and all conditions which may have been attached to the approval are binding on the property as an amendment to these regulations. All subsequent development and use of the property shall be in accordance with the standards for the approved special use permit, and all conditions attached to the approval. Following the approval of the application for a special use permit, the subject property shall be identified on the Zoning Map by the appropriate symbol which recognizes that a special use permit has been issued for the subject property.

Section 90D.8 Alterations to Approval
Changes to the approved application or to the conditions attached to the approval shall follow the same procedures as initial approval of the special use permit. Any special use permit so authorized shall be perpetually binding to the property included in such permit unless subsequently changed or amended by the Board of Commissioners. However, minor changes in the detail of the approved plan which (1) will not alter the basic relationship of the proposed development to adjacent property, and (2) will not alter the uses permitted or increase the density or intensity of development, and (3) will not decrease the off-street parking ratio or reduce the yards provided at the periphery of the site may be made with the approval of the Planning Director on a one time basis only. Such increase in building size may thereby take place provided the increase does not exceed 10% of the existing floor area on the site or 1,000 square feet of gross floor area
on the entire site, whichever is less; and provided such building, when expanded, shall lie no closer than fifty (50) feet from any adjoining lot which lies in a Residential district.

Section 90D.9 Revocation of Approval of or Special Use Permit
It is intended that a special use permit issued only in light of firm plans to develop the property. Therefore, after the date of approval of the special use permit, the Planning Department shall periodically examine the progress made toward developing the property in accordance with the approved application and any conditions attached to the approval. If the Planning Department determines that a building permit has not been secured within one (1) year (unless a greater time period was listed as one of the conditions contained in the Board of Commissioner's approval) following the date of the approval of the special use permit or that a building permit has been secured but has since lapsed, the Planning Department shall notify the applicant of such a finding, and within sixty (60) days of said notification, the Planning Board shall make a recommendation to the Board of Commissioners concerning the decision of the special use permit and rezoning of the property to a general zoning district classification. The Board of Commissioners, after having conducted a public hearing, may vote to extend the life of the special use permit or have it rescinded.

Section 80M. COD – Colletsville Overlay District
... c. Colletsville Planning Committee Review
Major subdivisions, Planned Unit Developments, Special Use Permits, and Rezonings shall be reviewed by the Colletsville 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.”

Amendments to Planning Board Rules in Zoning Ordinance:
The Planning Director said staff proposed removal of Planning Board rules from the Zoning Ordinance and that they be added to the Bylaws, where not repetitive, since the Bylaws govern the Planning Board. Also, staff proposed removal of the composition requirements, though the ordinance states that Board members must be from specific districts or “at-large,” this requirement may be difficult to follow and has not previously been followed.

“Section 140A. Rules Governing the Planning Board
The Planning Board shall consist of nine (9) members that shall serve up to (3) terms of (3) three years.

Members shall serve staggered terms. Initial appointments shall provide for three (3) members appointed for an initial one (1) year term, three (3) members for an initial two (2) year term, and three (3) members for an initial three (3) year term. After the initial term, members may be appointed for a three (3) term. No member shall serve for more than three (3) terms total. After serving three (3) terms, a former member may be reappointed after one (1) year....

All appointments to the Board shall be made by the County Commissioners. Vacancies occurring for reasons other than expiration of terms shall be filled as they occur for the period of the unexpired term. Each member shall be responsible for attending no less than
two-third (2/3) of the meetings held within a six (6) month period. Any member not fulfilling this requirement shall be notified of their removal from office by the County Commissioners.”

Ms. Stevens reported the Planning Board recommended Commissioners’ approval of the consistency statement (GS 153A-341) followed by approval of the amendments.

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 the following consistency statement and amendments as presented. The motion carried unanimously.

Consistency Statement:
“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 amendments remove outdated and unnecessary text from the Zoning Ordinance.”

Request from Steve Childers for Special Use Permit for Property Located on Hwy 64-90

Ms. Stevens presented the following information about an application from Steve Childers requesting an update of an existing IND-SUP for 3095 Taylorsville Rd issued in 2001.

<table>
<thead>
<tr>
<th>Applicant:</th>
<th>Steve Childers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property Owner:</td>
<td>Western Discount Corporation</td>
</tr>
<tr>
<td>NCPIN:</td>
<td>2799957841</td>
</tr>
<tr>
<td>Location:</td>
<td>directly adjacent and north of Taylorsville Rd (Hwy 90),</td>
</tr>
<tr>
<td>Site Conditions:</td>
<td>wooded and cleared, no floodplain and not in Watershed</td>
</tr>
<tr>
<td>Acreage:</td>
<td>6.254 acres</td>
</tr>
<tr>
<td>Zoning:</td>
<td>IND-SUP (previously RA-20)</td>
</tr>
<tr>
<td>Surrounding Zoning:</td>
<td>RA-20</td>
</tr>
<tr>
<td>Applicant Request:</td>
<td>Special Use Permit Update</td>
</tr>
</tbody>
</table>

Ms. Stevens said the applicant wanted to use the property’s 1-story, 32,095 square ft. (according to applicant’s application) building for a flea market, which fell into the wholesale category within the Industrial Zoning District.

It was noted that the SUP previously issued in 2001 for the property was for wholesale business, a nursery. Ms. Stevens said Mr. Childers proposed minor changes in parking and use (still within the wholesale category) and noted Caldwell County’s Zoning Ordinance indicated modifications to existing SUPs must be reviewed in the same way as new SUPs (Section 90D.8).

It was also noted the DOT Division 11 Assistant District Engineer informed the County and applicant that the project would not create a significant increase in traffic and would not require a Transportation Impact Analysis. Mr. Childers is discussing with DOT the requirements for a driveway permit for the proposed use.
Ms. Stevens shared photos of the site including aerial view; highlighted buffer; front and back views; the site located in the County’s land use plan; the site plan for the original special use permit in 2001; and, the new site plan with minor changes (142 parking spaces).

The site is located in an area identified in the Comprehensive Plan’s Future Land Use Map as a Medium Density District, with projected neighborhood commercial indicated nearby, which is appropriate for the existing SUP and SUP modification.

Ms. Stevens reported the Planning Board and staff reviewed the application’s consistency with the following documents and recommended Commissioners’ approval.

- Caldwell County Zoning Ordinance
- A Deliberate Future: The Caldwell County Comprehensive Land Development Plan

Chairman Church declared the public hearing open. Eric and Beth Fowler, residents of 3049 Taylorsville Road, stated their opposition to the permit. The expressed concern about the value of their property, safety issues, and how the flea market would affect properties in the vicinity and in the community. They said, based on the little information they knew about the plan, they were opposed. Also, they noted the property was located in a curve of Taylorsville Road and that area was known for some of the worst auto accidents. He asked if there would be any type of turning lane. Mr. Fowler said he and his wife had been told “through the grapevine” that a field had been approved for parking; however, the field belonged to him and his wife and they had not granted permission for use as parking.

Drena Adams, resident of 1061 Brush Mountain Road, shared her concerns and presented a petition signed by residents opposed to a flea market for the property at 3095 Taylorsville Road. Ms. Adams cited the lack of sufficient parking to accommodate not only the 300 to 400 vendors Mr. Childers planned for the flea market, according to an article reported in the News Topic, but also the customers. She talked about safety issues if vendors/patrons began parking along Hwy 90. Ms. Adams expressed concern about the potential of litter and garbage from the property landing the stream on the property. She stated her opposition to granting a permit for the flea market.

There being no further public comment, Chairman Church closed the public hearing.

Ms. Stevens confirmed that nothing (parking or otherwise) had been approved on anyone else’s property and talked about discussions with NCDOT Assistant Engineer Brandon Greer about an entrance to the property and the parking.

Steve Childers said the flea market, The Weekender Market on 90, would only be open on Fridays, Saturdays, and Sundays from 7 a.m. to 3 p.m. He said the marketplace would be mostly kept indoors and said there were only 15 existing parking spaces on the outside of the building; however, he determined there was room for 142 spaces, including 6 to 10 parking spaces designated for handicap use, using his car to measure the property. Mr. Childers said he believed it to be a safe place for people in and outside the community to buy, sell, and trade. He noted he planned to hire security, parking, and administration staff to keep people from parking in the right-of-way. Mr. Childers said the flea market would help local farmers to sell their produce as
well as people wanting to create their own businesses while keeping spending locally and in the community. He said it was a busy stretch of highway and said he counted 8 to 10 cars per minute. Regarding opposition to the flea market, Mr. Childers said he wanted to ensure property owners that he did not want to devalue their property. He talked about his conversation with Mr. Greer at NCDOT about the entrances/exits, width of driveways (currently 40’), etc. and said he was not aware of that particular area being accident prone. Mr. Childers said he spoke with the Reid who owned property on the back side of his property about the possibility of using their property.

Chairman Church asked about inspections by the Fire Marshal’s Office and building inspections and Ms. Stevens said she met with them about their requirements for the special use as a flea market. She confirmed Mr. Childers would not be able to obtain a permit if all their requirements were not met.

Commissioners Branch and Potter expressed concern about the number of issues needed to be corrected before the Board could take action to grant a permit including a site plan for the property.

Ms. Stevens said Planning Board members’ approval recommendation was based Mr. Childers meeting all requirements contained in the County’s Zoning Ordinance.

Mr. Childers said there were working bathrooms and the property was roughly 95% complete. He talked about emergency lighting and signage as well as other improvements to be done including railings on one of the ramps and changing some door knobs to levers. He said one section, a smaller portion quartered off, could not be used due to a leaking roof.

Following questions from Commissioners to Mr. Childers about some of their concerns, Chairman Church moved to return the application to the Planning Board for further study and the motion carried unanimously.

Request to Rezone Amanda Starnes Winkler Property to PUD

Ms. Stevens presented the following information about an application for rezoning 45.15 acres from R-20 to PUD.

**Applicant:** Ed Fleming (Surveyor) and Amanda Starnes Winkler (Property Owner)

**Developer:** Oscar Vasquez – Futuro, LLC

**Property Owner:** Amanda Starnes Winkler

**NCPIN:** 2795502471

**Location:** south of Lake Hickory, east of Hwy 321, west of Lake Hickory, and abutting Granite Falls on the property’s west and south sides.

**Site Conditions:** wooded, within the Watershed Critical Area, with minimal floodplain (controlled lake)

**Acreage:** 45.15 land-unit acres (for taxing purposes); 57.9 calculated acres (for mapping purposes)

**Zoning:** R-20 (requesting PUD)
Surrounding Land: R-15 (Granite Falls) to the south and west, R-20 (G Falls) and RA-20 to the north, R-20 (G Falls) to the southeast, and RA-20 to the east.

Applicant Request: Rezoning

Ms. Stevens reported the site was located in an area identified in the Comprehensive Plan's Future Land Use Map as a Medium Density District, which is appropriate for the rezoning. Grace Chapel Road, nearby, is listed as a strategic corridor, which, according to the Comprehensive Plan should develop with lot widths ranging from 150' to 200', increased front setbacks (to 50'), and vegetative buffering with new residential communities. However, Lake Hickory separates the proposed development (and rezoning) from Grace Chapel Road, which is approximately .6 miles away. The development does not abut this strategic corridor. A very small portion of the proposed site is in a Special Flood Hazard Area, and the entire site is within the Watershed Critical Area of the County.

She said the Planning Board and staff reviewed the rezoning application's consistency with the following and recommended approval of the consistency statement (GS 153A-341) followed by approval of the amendment.

- A Deliberate Future: The Caldwell County Comprehensive Land Development Plan
- Caldwell County Zoning Ordinance
- Caldwell County Watershed Ordinance
- Caldwell County Flood Damage Prevention Ordinance
- Public health, safety and general welfare

Chairman Church declared the public hearing open.

J. R. Hildreth, residing at 147 Gunpowder Circle, Granite Falls, and abutting the proposed Planned Unit Development, talked about the uniqueness of the situation, a relatively small parcel of land kind of locked in by the Town of Granite Falls and the lake. Mr. Hildreth said The Riverbend community was governed by a homeowners association and, as a result, fell under a master covenant of restrictions. He talked about those restrictions as well as those imposed by the Town of Granite Falls and said Mr. Vasquez met with members of the The Riverbend Homeowners Association members in March about their concerns. He said there was a very good, candid conversation about the overall development and, at that time, Mr. Vasquez committed to develop, adopt, adapt, or mirror covenants and restrictions for his development that were similar to those of their Homeowners Association. Mr. Hildreth said, because of that commitment, he was in favor of the development.

John Dybus, also a resident of The Riverbend community talked about the meeting between Mr. Vasquez and the homeowners association as well as efforts for the past two weeks regarding the development of a similar master declaration of covenants and restrictions for the Waterfront Harbor development. Mr. Dybus said he reviewed, in depth, Mr. Vasquez's master declaration of covenants and restrictions for his development. Mr. Dybus stated his support of the Waterfront Harbor development.

Chairman Church declared the public hearing closed.
Commissioner Branch moved to approve the following consistency statement and to approve the rezoning as requested. The motion carried unanimously.

Consistency Statement:
“Motion to approve because the amendment is consistent with the County’s Comprehensive Land Development Plan; does not negatively impact the surrounding neighborhood and adjacent properties and promotes public health, safety and welfare because single-family homes are appropriate for the PUD Zoning District (as they are for R-20).”

Approval of Preliminary Plat for Oscar Vasquez/Futuro, LLC

Applicant: Oscar Vasquez (Developer) and Ed Fleming (Surveyor)
Developer: Oscar Vasquez – Futuro, LLC
Property Owner: Amanda Starnes Winkler
NCPIN: 2795502471
Location: south of Lake Hickory, east of Hwy 321, west of Lake Hickory, and abutting Granite Falls on the property’s west and south sides.
Site Conditions: wooded, within the Watershed Critical Area, with minimal floodplain
Acreage: 45.15 land-unit acres (for taxing purposes); 57.9 calculated acres (for mapping purposes)
Zoning: R-20 (requested PUD)
Surrounding Land Use: R-15 (Granite Falls) to the south and west, R-20 (Granite Falls) and RA-20 to the north, R-20 (Granite Falls) to the southeast, and RA-20 to the east.

Applicant Request: Preliminary plat approval

Ms. Stevens shared the preliminary plat presented by Oscar Vasquez and Ed Fleming for a new subdivision located off Gunpowder View Circle and Riverbend Drive containing 32 single-family residential lots and 5 common areas.

She said Mr. Vasquez submitted an original preliminary plat while the County was discussing a water hookup requirement, before it became law, but since has agreed to hook the subdivision on to the County’s water system.

Ms. Stevens reported Planning Board members and staff reviewed the plat application’s consistency with the following and recommended approval of the preliminary plat.

- Caldwell County Subdivision Ordinance
- Caldwell County Watershed Ordinance
- Caldwell County Flood Damage Prevention Ordinance

Chairman moved to approve the preliminary plat as presented and the motion carried unanimously.
Proposed Text Amendments to the Planning Board and Board of Adjustments Bylaws

Ms. Stevens presented Commissioners proposals for revisions/amendments to the Planning Board and Board of Adjustment Bylaws. She said the Planning Board recommended approval of them as presented.

Commissioner LaBrose moved to approve the bylaws which are hereby incorporated by reference and made a part of these minutes (Exhibit A). The motion carried unanimously.

Schedule Public Hearing re Establishment of North Catawba Rescue Service District

Stan Kiser reported staff had been in discussions with Dennis Hopkins and other members of North Catawba Fire & Rescue as well as some commissioners, individually, about the need to create a special district (establish a rescue district) for North Catawba in order to generate revenues to provide rescue services needed in the community. The proposed rescue service district would be the same footprint as the North Catawba Fire District. Mr. Kiser noted that, as part of the process, a public hearing was required by North Carolina General Statutes to obtain public input regarding the proposed rescue service district.

Commissioner Wilkie moved to schedule a public hearing for 6:00 p.m. on Monday, July 17, 2017 in the City-County Chambers to obtain public comment regarding the proposed North Catawba Rescue Service District. The motion carried unanimously.

Disbursement of Rescue Readiness Tax Funds

Finance Officer Tony Helton presented a proposal to expend/disburse the remaining fund balance in the Rescue Readiness Fund by the following actions:

- The first use of the remaining fund balance is to “hold harmless”, for two years, Collettsville, Patterson, Valmead, and Yadkin Valley Fire Departments that would lose money under the new system. The amount needed totals $79,000.

- The second use is to catch up Valmead Fire Department for providing backup ambulance service. They were inadvertently left out of the extra $9,000 provided during the current fiscal year to departments who provided back up ambulance service.

- The remaining $210,000 would be disbursed evenly, at $15,000, for each of the fourteen fire departments.

He requested authorization from Commissioners to disburse the funds as proposed which would effectively deplete the fund and settle the account moving forward.

Commissioner Branch moved to authorize the disbursement of the Rescue Readiness Fund as presented and the associated budget amendment below. The motion carried by unanimous vote.

<table>
<thead>
<tr>
<th>Increase</th>
<th>Fund Balance Appropriation</th>
<th>$298,000.00</th>
</tr>
</thead>
<tbody>
<tr>
<td>Increase</td>
<td>District Tax Collections</td>
<td>$298,000.00</td>
</tr>
</tbody>
</table>
Renewal of Sales Tax Reinvestment Fund Agreement

Mr. Kiser informed Commissioners that the term of the current Sales Tax Reinvestment Agreement was scheduled to expire June 30, 2017 and talked about the discussions among staff, municipal officials, and commissioners, individually, regarding a renewal agreement and revisions. He said the significant changes in the proposed renewal were the amounts to be contributed by each local government and the eligible uses for the revenues to the fund.

Commissioner Potter moved to approve the agreement which is hereby incorporated by reference and made a part of these minutes (Exhibit B). The motion carried unanimously.

Caldwell County Schools Offer to Sell Horizons Elementary School Property to Caldwell County

Mr. Kiser reported the Board of Education, during its meeting on April 10th, determined the school system no longer needed the Horizons Elementary School facility and property located at 143 Cedar Valley Road in Hudson (Parcel #03 2 1 12). Pursuant to N.C.G.S. § 115C-518, Mr. Kiser said the Board of Education was required to first offer the property to Caldwell County when the Board of Education has determined the property is no longer suitable or necessary for public school purposes.

It was noted that during recent negotiations with the school system to purchase property in Valmead, it was brought to the County’s attention that North Carolina General Statutes require schools to sell its property at fair market value. The current tax value of the property is $563,400 and the fair market value, most likely, would be somewhere in that range.

Commissioner LaBrose moved to decline acquisition of the Horizons School property at the current fair market value. David Lackey said, as a fiduciary of the taxpayers’ money, the school system should try to obtain fair market value for the property but were not required to do so. The motion carried unanimously.

Resolution Exempting Engineering/Architectural Services for Possible Renovations to the Animal Control Facility

Mr. Kiser said that during the Board’s last work session there was discussion about renovations to the current animal control facility and questions arose about whether or not that would be the best option rather than construction of a new facility. In order to proceed further, he said certain professional services needed to be conducted on the site to determine the feasibility of renovations/expansion of the current facility. He requested Commissioners’ approval to exempt the County from bidding requirements associated with the professional services estimated to be less than $50,000.

Commissioner Potter moved to adopt the following resolution and the motion carried unanimously.
RESOLUTION EXEMPTING ENGINEERING/ARCHITECTURAL SERVICES
FOR THE COUNTY ANIMAL CONTROL BUILDING
FROM G.S. 143-64.31

WHEREAS, G.S. 143-64.31 requires the initial solicitation and evaluation of firms to perform architectural, engineering, surveying, construction management-at-risk services, and design-build services (collectively “design services”) to be based on qualifications and without regard to fee;

WHEREAS, the County proposes to enter into one or more contracts for Engineering/Architectural services for a Feasibility Study of the Animal Control Building and

WHEREAS, G.S. 143-64.32 authorizes units of local government to exempt contracts for these services from the qualifications-based selection requirements of G.S. 143-64.32 if the estimated fee is less than $50,000; and

WHEREAS, the estimated fee for the services for the above-described project is less than $50,000.

NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF CALDWELL RESOLVES:

Section 1. The above-described project is hereby made exempt from the provisions of G.S. 143-64.31.

Section 2. This resolution shall be effective upon adoption.

Randy Church, Chairman
Caldwell County Board of Commissioners

Consent Agenda

1. Approval of Minutes
Mr. Kiser recommended the Board of Commissioners approve the April 3, 2017 minutes as presented.

2. Budget Amendments
Mr. Kiser read the following budget amendments and recommended the Board of Commissioners approve the budget amendments.

A. Department of Social Services
   1) Additional State Funding for Child Care Assistance, $388,027.00*
      A recent reallocation of State funding resulted in additional State funding for child care assistance to eligible working families. These are 100% reimbursed funds and requires no county funds. The following budget amendment is necessary to reflect the increase in funds allocated to the County.
      
<table>
<thead>
<tr>
<th>Increase</th>
<th>10.5390.331644</th>
<th>CCDF</th>
<th>$388,027.00</th>
</tr>
</thead>
<tbody>
<tr>
<td>Increase</td>
<td>10.5390.437800</td>
<td>Daycare Purchase</td>
<td>$388,027.00</td>
</tr>
</tbody>
</table>

   2) State Foster Home Funding, $20,000.00
      An additional $20,000.00 is needed to cover the cost of children in foster care paid placement who are only eligible for State Foster Home Funds (SPHF). The following budget amendment is
necessary to reflect State reimbursement funds for the expense. The County’s portion of the expense will be covered from savings in Adult Rest Home expenses available in the department’s budget.

<table>
<thead>
<tr>
<th>Increase</th>
<th>10.5390.334615</th>
<th>FC SFHF</th>
<th>$20,000.00</th>
</tr>
</thead>
<tbody>
<tr>
<td>Increase</td>
<td>10.5390.443100</td>
<td>FC SFHF</td>
<td>$20,000.00</td>
</tr>
</tbody>
</table>

B. Sheriff Office

1) Donation(s) of $1,200.00*

The following budget amendment is necessary for the Sheriff Office to use funds donated to the department. No additional local dollars are required.

<table>
<thead>
<tr>
<th>Increase</th>
<th>10.4310.364200</th>
<th>E-Donated</th>
<th>$1,200.00</th>
</tr>
</thead>
<tbody>
<tr>
<td>Increase</td>
<td>10.4310.432900</td>
<td>E-Donated</td>
<td>$1,200.00</td>
</tr>
</tbody>
</table>

2) Donation(s) of $200.00*

The following budget amendment is necessary for the Sheriff Office to use funds donated to the department for its Explorer Program. No additional local dollars are required.

<table>
<thead>
<tr>
<th>Increase</th>
<th>10.4310.364200</th>
<th>E-Donated</th>
<th>$200.00</th>
</tr>
</thead>
<tbody>
<tr>
<td>Increase</td>
<td>10.4310.435500</td>
<td>Range Maintenance</td>
<td>$200.00</td>
</tr>
</tbody>
</table>

3) DARE Program, $2,000.00*

The following budget amendment is necessary to reflect increase in the revenue and expenditure line items for the DARE program.

<table>
<thead>
<tr>
<th>Increase</th>
<th>10.4318.364001</th>
<th>DARE Funds</th>
<th>$2,000.00</th>
</tr>
</thead>
<tbody>
<tr>
<td>Increase</td>
<td>10.4318.432800</td>
<td>DARE Expenditures</td>
<td>$2,000.00</td>
</tr>
</tbody>
</table>

C. Additional Sales Tax Revenues for Caldwell County Schools, $400,000.00*

Sales tax revenues designated for the school system are greater for the current fiscal year that originally projected. Therefore, the following budget amendment is necessary to reflect the increased revenue that is flow-through funding from the County to the school system.

<table>
<thead>
<tr>
<th>Increase</th>
<th>75.5910.313006</th>
<th>Sales Tax Article 40</th>
<th>$150,000.00</th>
</tr>
</thead>
<tbody>
<tr>
<td>Increase</td>
<td>75.5910.313007</td>
<td>Sales Tax Article 42</td>
<td>$250,000.00</td>
</tr>
<tr>
<td>Increase</td>
<td>75.5910.465501</td>
<td>School Capital Outlay</td>
<td>$400,000.00</td>
</tr>
</tbody>
</table>

D. Closing Costs for WLMS Loan Refinancing, $52,767.39*

When the County recently refinanced the William Lenoir Middle School loan the borrowing included funding to cover the costs for issuing the loan as well as other closing costs associated with the new loan. The following budget amendment is necessary to reflect the loan funding sent to the County to pay for the closing costs.

<table>
<thead>
<tr>
<th>Increase</th>
<th>75.9800.390001</th>
<th>Proceeds of Bond Refund</th>
<th>$52,767.39</th>
</tr>
</thead>
<tbody>
<tr>
<td>Increase</td>
<td>75.9100.419601</td>
<td>Loan Closing Fees</td>
<td>$52,767.39</td>
</tr>
</tbody>
</table>

E. Additional Fire District Tax Revenues, $124,000.00*

Finance staff identified tax collections for the following fire districts that will exceed the amount projected in the FY2016-17 budget. These are flow-through funds and the following budget amendment is necessary to increase the revenue line items and make subsequent payments to the districts.

Gamewell Fire

<table>
<thead>
<tr>
<th>Increase</th>
<th>25.4340.311116</th>
<th>2016 Vehicle Tax</th>
<th>$5,000.00</th>
</tr>
</thead>
<tbody>
<tr>
<td>Increase</td>
<td>25.4340.484300</td>
<td>District Tax Collections</td>
<td>$5,000.00</td>
</tr>
<tr>
<td>Location</td>
<td>Increase</td>
<td>Description</td>
<td>Amount</td>
</tr>
<tr>
<td>------</td>
<td>------------------</td>
<td>---------------------------</td>
<td>------------</td>
</tr>
<tr>
<td>North Catawba</td>
<td>26.4340.311116</td>
<td>2016 Property Tax</td>
<td>$20,000.00</td>
</tr>
<tr>
<td></td>
<td>26.4340.484300</td>
<td>District Tax Collections</td>
<td>$20,000.00</td>
</tr>
<tr>
<td>Patterson</td>
<td>27.4340.311116</td>
<td>2016 Property Tax</td>
<td>$12,000.00</td>
</tr>
<tr>
<td></td>
<td>27.4340.484300</td>
<td>District Tax Collections</td>
<td>$12,000.00</td>
</tr>
<tr>
<td>Valmead Fire</td>
<td>29.4340.311116</td>
<td>2016 Vehicle Tax</td>
<td>$10,000.00</td>
</tr>
<tr>
<td></td>
<td>29.4340.484300</td>
<td>District Tax Collections</td>
<td>$10,000.00</td>
</tr>
<tr>
<td>Little River Fire</td>
<td>30.4340.311116</td>
<td>2016 Vehicle Tax</td>
<td>$8,000.00</td>
</tr>
<tr>
<td></td>
<td>30.4340.484300</td>
<td>District Tax Collections</td>
<td>$8,000.00</td>
</tr>
<tr>
<td>Sawmills</td>
<td>31.4340.311116</td>
<td>2016 Property Tax</td>
<td>$12,000.00</td>
</tr>
<tr>
<td></td>
<td>31.4340.484300</td>
<td>District Tax Collections</td>
<td>$12,000.00</td>
</tr>
<tr>
<td>Grace Chapel</td>
<td>32.4340.311116</td>
<td>2016 Property Tax</td>
<td>$10,000.00</td>
</tr>
<tr>
<td></td>
<td>32.4340.484300</td>
<td>District Tax Collections</td>
<td>$10,000.00</td>
</tr>
<tr>
<td>Collettsville</td>
<td>33.4340.311116</td>
<td>2016 Property Tax</td>
<td>$7,000.00</td>
</tr>
<tr>
<td></td>
<td>33.4340.484300</td>
<td>District Tax Collections</td>
<td>$7,000.00</td>
</tr>
<tr>
<td>Yadkin Valley Fire</td>
<td>34.4340.311116</td>
<td>2016 Vehicle Tax</td>
<td>$5,000.00</td>
</tr>
<tr>
<td></td>
<td>34.4340.484300</td>
<td>District Tax Collections</td>
<td>$5,000.00</td>
</tr>
<tr>
<td>Kings Creek Fire</td>
<td>35.4340.311116</td>
<td>2016 Vehicle Tax</td>
<td>$7,000.00</td>
</tr>
<tr>
<td></td>
<td>35.4340.484300</td>
<td>District Tax Collections</td>
<td>$7,000.00</td>
</tr>
<tr>
<td>Bethlehem Fire</td>
<td>36.4340.311116</td>
<td>2016 Vehicle Tax</td>
<td>$3,000.00</td>
</tr>
<tr>
<td></td>
<td>36.4340.484300</td>
<td>District Tax Collections</td>
<td>$3,000.00</td>
</tr>
<tr>
<td>Gunpowder (Hudson) Fire</td>
<td>37.4340.311116</td>
<td>2016 Vehicle Tax</td>
<td>$8,000.00</td>
</tr>
<tr>
<td></td>
<td>37.4340.484300</td>
<td>District Tax Collections</td>
<td>$8,000.00</td>
</tr>
<tr>
<td>North Caldwell (Blowing Rock) Fire</td>
<td>38.4340.311116</td>
<td>2016 Vehicle Tax</td>
<td>$12,000.00</td>
</tr>
<tr>
<td></td>
<td>38.4340.484300</td>
<td>District Tax Collections</td>
<td>$12,000.00</td>
</tr>
<tr>
<td>Granite Falls Fire</td>
<td>39.4340.311116</td>
<td>2016 Vehicle Tax</td>
<td>$5,000.00</td>
</tr>
<tr>
<td></td>
<td>39.4340.484300</td>
<td>District Tax Collections</td>
<td>$5,000.00</td>
</tr>
</tbody>
</table>

F. Additional Room Occupancy Tax Revenue, $30,000.00*

Room Occupancy Tax revenues have generated more funding that originally projected in the budget for FY2016-17 and the following budget amendment is necessary to reflect the increased funding in the amount of $30,000.00.

Increase 10.6574.318003.5003 Room Occupancy $30,000.00
Increase 10.6574.461100.5003 Room Occupancy $30,000.00
G. Reduction of ADM Funds for Completed Roof Replacement Project at West Lenoir Elementary School, $6,990.00*

The County received notification that the roof replacement project at West Lenoir Elementary School had been completed and all the ADM funding for the project was not needed. The following budget amendment is necessary to reflect the reduction in the revenue and expenditure line items of the project.

| Decrease | 74.5910.334301 | Public School ADM | $6,990.00 |
| Decrease | 74.5910.465801 | Public School ADM | $6,990.00 |

3. Resolution in Support of Funding for Federal Community and Economic Development

Mr. Kiser said that during the March meeting members of the Western Piedmont Council of Governments Policy Board adopted a resolution in support of Federal Community & Economic Development Programs and had asked local governments in the WPCOG region to adopt similar resolutions showing support as well. He recommended the Board of Commissioners adopt the following resolution.

**Resolution**

**by the County of Caldwell, North Carolina**

**Supporting Federal Community & Economic Development Programs**

WHEREAS, the County of Caldwell spends limited resources to encourage and facilitate community and economic development for the benefit of its constituents; and

WHEREAS, the County of Caldwell is a member of Western Piedmont Council of Governments (WPCOG), a voluntary association of local governments in Alexander, Burke, Caldwell and Catawba Counties organized in 1968; and

WHEREAS, the County of Caldwell partners with other local governments in the region, through the WPCOG, to support and assist community & economic development efforts throughout the region through project development, infrastructure development, workforce development, site and building preparation and readiness, and job creation; and

WHEREAS, the President's proposed budget eliminates and reduces important federal programs that make local community & economic development efforts possible; and

WHEREAS, the proposed budget eliminates the Appalachian Regional Commission (ARC), Economic Development Administration (EDA), HOME Investments Partnerships Program, Community Development Block Grant (CDBG) Program, and reduces other federal programs that provide grants to local communities for housing, community development, infrastructure and job creation; and

WHEREAS, the local governments in the region, through the WPCOG, obtained 128 grants for its local communities from 2012 to 2016 totaling $52,693,750 that leveraged an additional $137,957,792 in local and private investment (see attachment); and
WHEREAS, examples of those projects include infrastructure such as water, wastewater, broadband and roads, projects critical to business and industrial development and job creation, and housing projects to provide affordable housing and increase homeownership; and

WHEREAS, communities in our region obtained 13 ARC grants, from 2012 to 2016, totaling $1,801,517 that funded water and sewer improvements for business expansion, and downtown Wi-Fi projects to support business development in small towns and those investments leveraged an additional $2,747,698 in local and private investment and also assisted in the creation of 296 new jobs; and

WHEREAS, communities in our region obtained 3 EDA grants, from 2012 to 2016, totaling $1,764,000 that funded the creation of a manufacturing training facility for a community college and the creation of the Carolina Textile District that supports textile industry job growth and those investments leveraged an additional $13,140,000 in local and private investment and also assisted in the creation of 327 new jobs; and

WHEREAS, those grants directly improved the lives of thousands of local residents and workers including the HOME Program that provided assistance, from 2012 to 2016, to 483 first-time homebuyers totaling $2.7 million and leveraging an additional $43 million in private investment in housing, $2.2 million in financing to create 507 affordable multi-family housing units through private development that created $57.5 million investment, and $633,200 to support the work of local Habitat for Humanity chapters; and

WHEREAS, communities in our region obtained 27 CDBG grants, from 2012 to 2016, totaling $16,627,376 for infrastructure improvements and business assistance that assisted in the creation of 47 new jobs and improved or served 587 homes; and

WHEREAS, the EDA and ARC programs fund local efforts to develop projects and provide grant writing and administration that enabled communities to seek various state grants including Building Re-Use and Industrial Development Fund grants, from 2012 to 2016, that totaled $6,717,634 and leveraged an additional $76,895,421 in local and private investment and assisted in the creation of 808 new jobs.

NOW, THEREFORE BE IT RESOLVED:
1. That the County of Caldwell strongly supports the ARC, EDA, HOME, CDBG and other federal programs that enables local community & economic development.
2. Caldwell County Board of Commissioners encourages the President and members of Congress to continue the current funding levels of these programs to local communities.

Adopted this 1st day of May, 2017.

Attest:
4. Approval of Third Revision to Juvenile Crime Prevention Council’s 2016-2017 Annual Plan

Mr. Kiser said the local Juvenile Crime Prevention Council (JCPC) submitted its annual plan which was approved by the Board of Commissioners in December 2016 and two programs (Adolescent Substance Abuse and Phoenix Homes) resulted in less funding needed for the year. Therefore, he recommended the Board of Commissioners approve the following budget amendment necessary to reduce the revenue and expenditure line items and to approve the revised funding plan.

<table>
<thead>
<tr>
<th>Decrease</th>
<th>Amount</th>
<th>Program</th>
</tr>
</thead>
<tbody>
<tr>
<td>10.6579.334100</td>
<td>JCPC</td>
<td>$7,891.00</td>
</tr>
<tr>
<td>10.6579.467901</td>
<td>Adolescent Substance Abuse</td>
<td>$2,520.00</td>
</tr>
<tr>
<td>10.6579.468004</td>
<td>Phoenix Homes</td>
<td>$5,371.00</td>
</tr>
</tbody>
</table>

5. Approval of Permit to Brown Mountain Resort for Fireworks Display

Mr. Kiser reported the County received a request for a fireworks display on Friday, June 30, 2017. The display will be held at Brown Mountain Resort, 6785 Brown Mountain Beach Road, Collettsville, NC. Grand Finale Entertainment will be conducting the fireworks display and has submitted the accompanying documents including a copy of the insurance certificate. Fire Marshal Kevin Brown advised his office would conduct the necessary inspections of the site prior to the display. He recommended the Board of Commissioners grant a permit for a fireworks display by Grand Finale Entertainment on Friday, June 30, 2017 at Brown Mountain Resort.

6. Schedule June 5th Budget Work Session

Mr. Kiser said he planned to present the proposed FY2017-2018 County budget during the Commissioners’ meeting on May 15th and, in talking with each commissioner, he recommended the Board of Commissioners schedule a work session for 12:00 noon on Monday, June 5, 2017 in the City-County Chambers.

Commissioner LaBrose moved to approve the six 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. By unanimous vote, Chairman Church declared the meeting adjourned at 7:37 p.m.
Proposed Amendments to Board of Adjustment Rules of Procedure:
All proposed changes to the Board of Adjustment Rules of Procedure are shown in red, using the track-changes feature of Word, below.

RULES OF PROCEDURE BY LAWS
ZONING BOARD OF ADJUSTMENT
Caldwell County
North Carolina

ARTICLE I
General Rules

The Zoning Board of Adjustment shall be governed by the terms of Chapter 153A Article 18, Part 3 of the General Statutes of North Carolina and by the Zoning Ordinance of Caldwell County. All members of the Board shall thoroughly familiarize themselves with these laws.

ARTICLE II
Membership

The Caldwell County Zoning Board of Adjustment shall consist of seven (7) members. Five (5) members shall serve as regular members for Zoning Board of Adjustment cases and two (2) shall serve as alternates. The Caldwell County Board of Commissioners shall appoint Zoning Board of Adjustment members. Terms of office shall be for the period of three (3) years. The terms of the Board members shall be staggered so that no more than fifty percent (50%) of the terms of members expire at once.

The alternate members of the Board shall be called on to attend any regular meetings and hearings at which one or more regular members are absent or are unable to participate in hearings because of financial or other interests.

Regular members, upon receiving notice of regular or special meetings, shall notify the Secretary to the Board within forty-eight (48) hours if they will be unable to attend or participate.

ARTICLE III
Officers and Duties

A. Chairperson. A chairperson shall be elected by the full membership (including the alternate member) of the Board of Adjustment from among its regular members. His/her term of office shall be two (2) years or until an election for Chairperson can be held one year until his/her successor is elected, beginning on July 1. The Chairperson shall be eligible for reappointment. The chairperson shall decide upon all aspects of order and procedure, subject to these rules, unless directed otherwise by the majority of the Board in session at the time. The Chairperson shall appoint committees found necessary to investigate any matters before the Board. The Chairperson shall have the following powers:

1. To rule motions in or out of order, including the right to rule out of order any motion patently offered for obstructive purposes;
2. To preside over and call order at any point during hearings;
3. To entertain and answer questions of parliamentary law or procedure;
4. To give oath to any witness appearing before the Board;
5. To call a recess at any time during meetings or hearings;
6. To call special meetings;
7. To adjourn in any emergency.

B. Vice-Chairperson. A Vice-Chairperson shall be elected by the Board among its members in the same manner and for the same term as the Chairperson. He/she shall serve as acting Chairperson in the absence of the Chairperson, and at such times, he/she shall have the same powers and duties as the Chairperson. The Vice-Chairperson shall be eligible for reappointment.

C. Secretary. The Secretary shall be appointed by the Chairperson of the Board, either from within membership or from outside, to hold office during the term of the Chairperson and/or until a successor Secretary has been appointed. The Secretary shall be eligible for reappointment. If the Secretary is chosen from outside the Board's membership, he/she shall not be eligible to vote on any matter.

The Secretary, subject to the direction of the Chairperson and the Board, shall keep all records, conduct all correspondences of the Board, arrange for all required public notices, notify members of the agenda and pending meetings, notify parties to cases prior to the Board making a decision on such cases, shall generally supervise the clerical work of the Board. The Secretary shall keep in a permanent volume the minutes of every Board meeting. These shall indicate the names of the members that were present or absent, show the record of all important facts pertaining to each meeting and hearing, every resolution acted upon by the Board, all votes of the Board members upon any resolution, deposition, or final determination of any question, indicating the names of the members voting against or failed to vote.

ARTICLE IV
Regular Meeting

A. Regular Meetings. Regular meetings of the Board shall be held on the fourth Thursday of each month at 5:30 pm in the 2nd floor, second Tuesday of each month at 6 pm in the City/County Chambers/Tommy Austin Room located in the Caldwell County Administrative Office at 905 West Avenue Lenoir, North Carolina on the third floor of the Health and Human Services Building at 7345 Morganton Boulevard Southwest, Lenoir, North Carolina; provided that meetings may be held at any other convenient place in the County if the Chairperson so directs before the meeting.

B. Special Meetings. The Chairperson may call special meetings of the Board at any time. At least seventy-two (72) hours' notice of the time and place of the special meeting shall be given, by either the Secretary or the Chairperson, to each member of the Board; provided no public hearing is required. If a majority of the Board is notified, then notification shall be provided to the Lenoir News Topic forty-eight (48) hours' prior to the scheduled meeting.

C. Cancellation of Meetings. If there is no business for the BOA, then that month's meeting is assumed to be cancelled. If there are no appeals, applications for conditional use permits or variances, or other business for the Board, or if so many members and alternate members notify the Secretary that they
D. Quorum. A quorum shall consist of a simple majority except in the case of variances, which require a 4/5 majority vote of the members of the Board, but the Board shall not pass upon any question relating to an appeal from a decision, order, requirement, or determination of the Zoning Enforcement Officer or his/her designee, or an application for a variance or conditional use permit when there are less than four-fifths (4/5) of the full membership of the Board.

E. Voting. All regular members shall vote on each issue made in the form of a motion, unless they have disqualified themselves for one or more of the reasons listed in Article V. The four-fifths (4/5) required vote shall not be reduced from any such disqualifications. If the Board is unable to obtain the four-fifths (4/5) Board members necessary to vote on an application, the application may be appealed to the Superior Court for final disposition. If a Board member abstains from voting without being properly disqualified, then his/her vote shall be considered an affirmative vote. In all other matters the vote of a simple majority of the members present and voting shall decide issues before the Board.

F. Conduct of Meetings. All meetings shall be open to the public, subject to the following rules:

1. Persons wishing to speak at a public hearing on an application for a variance, conditional use permit, or an appeal, shall register with the Secretary to the Board, listing the party or parties they represent, indicate whether they support or oppose the application, be sworn in and be limited to a maximum of five (5) minutes each.

2. Persons wishing to speak at a public hearing on an application for a variance, conditional use permit, or an appeal, for more than five (5) minutes, shall give written notice to the Secretary to the Board prior to the meeting, stating the reason for support of or opposition of the proposed application.

3. Oral testimony presented at the public hearing shall be limited to fifteen minutes total for each of the proponents and opponents, except, where written notice to speak in Article III, §(3) above, requests additional time, the request may be allowed in whole or in part at the public hearing at the discretion of the Chairperson.

4. Anyone wishing to speak at a public hearing must be formally recognized by the Chairperson prior to speaking.

5. The order of business at regular meetings shall be as follows:

   1. Call to Order;
   2. Welcome;
   3. Pledge of Allegiance;
   4. Roll Call;
   5. Approval of Minutes;
   6. Approval of Agenda;
   7. Old Business;
   8. New Business;
   9. Committee Reports;
10. Adjournment.

ARTICLE V
Rules of Conduct for Members

Members of the Board may be removed for cause, including violation of the rules stated below.

A. Faithful attendance at all Board meetings and conscientious performance of the duties required of Board members shall be considered a prerequisite of continuing membership on the Board. If a Board member is unable to attend, he/she is required to notify the Secretary to the Board as required in Article II. If a Board member is absent from two or more consecutive meetings, without giving proper notification as outlined in Article II, his/her appointment to the Board shall be terminated.

B. No Board member shall take part in the hearing, consideration, or determination of any case in which he/she has a financial interest, fixed opinion, undisclosed outside contract, close family tie, close business tie, or close personal interest. In the event a Board member states they have a conflict, the Chairperson shall consider the statement of the Board member whom believes he/she has a conflict and shall move to disqualify him/her if the Chairperson believes the conflict is valid. If the Chairperson deems the conflict as valid and disqualifies the Board member, then the Board member shall remove themselves himself/herself from the Board room during the hearing from which they have been disqualified. If staff has knowledge of information which points to a conflict of interest involving any Board member, then staff shall notify the Chairperson, or Vice-Chairperson in the event the Chairperson is believed to be in conflict, of the information.

C. No Board member shall vote on any matter that decides an application or appeal unless he/she has attended the public hearing on that application or appeal.

D. No Board member shall discuss any case with any parties thereto before the public hearing on that case; provided, however, that members may receive and/or seek information pertaining to the case from its Secretary prior to the hearing. If a Board member requests information from the Secretary, then the Secretary shall provide the same information to all other Board members. In case of an appeal, Planning Staff are a party, and the Board shall not discuss the case with the Secretary.

E. Members of the Board shall not express individual opinions on the proper judgment of any case with any parties thereto before that case is determined. Violation of this rule shall be cause for dismissal from the Board.

ARTICLE VI
Appeals and Applications

A. Types of Appeals. The Board shall hear and decide all appeals from and review any order, requirement, decision or determination made by the Zoning Enforcement Officer or his/her designee. It shall also hear and decide all matters referred to it on which the Zoning Ordinance of Caldwell County requires it to pass. In deciding appeals, the Board may hear both those based on an allegedly improper or erroneous interpretation of the Ordinance and those based on alleged hardship resulting from strict interpretation of the Ordinance.

B. Procedure for Filling Appeals. No appeal shall be heard by the Board
unless notice thereof is filed within thirty (30) days after the interested party or parties receive notice of the order, requirement, or determination of the Zoning Enforcement Officer or his/her designee. The applicant must file his/her application for a hearing with the Zoning Enforcement Officer or his/her designee, who shall act as Secretary for the Board in receiving this notice. All applications shall be made on the form furnished for that purpose, and all information required thereon shall be complete before an appeal may be considered as having been filed.

C. Hearings.

1. Time. After notice of appeal or application is received, the Board Chairperson shall set the time for a hearing, which shall be at a regular or special meeting within forty-five (45) thirty-six (36) days from the filing of such notice of appeal or application.

2. Notice. The Board shall give notice of the hearing in a newspaper generally circulated in Caldwell County by advertising published for two (2) consecutive weeks, not more than twenty-five (25) days, and no less than ten (10) days prior to the scheduled hearing. The Board shall mail notices of the hearing to the parties to the action appealed from, and to such other persons as the Zoning Enforcement Officer shall direct, not more than twenty-five (25) days, and no less than ten (10) days prior to the hearing. Such notice shall state the location of the building or lot, the general nature of the question involved in the appeal, and the time and place of the hearing.

3. Conduct of the Hearing. Any party may appear in person, by Agent, or by attorney at the hearing. The order of business for each hearing shall be as follows:

   A. The Chairperson, or such person as he/she shall direct, shall give a preliminary statement of the case;

   B. The applicant and all others in support shall present the evidence and arguments in support of his/her application;

   C. Persons opposed to granting the application shall present arguments against the application;

   D. The Chairperson shall summarize the evidence that has been presented, giving the parties opportunity to make objections or corrections.

Witnesses may be called and factual evidence may be submitted, but the Board shall be limited to consideration of such evidence as would be admissible in a court of law. All witnesses before the Board shall be placed under oath, and the opposing party may cross-examine them.

4. Rehearsals. An application for a rehearing may be made in the same manner as an application for an original hearing. Evidence in support of the application shall initially be limited to what is necessary to enable the Board to determine whether there has been substantial change in the facts, evidence, or
D. Decisions

1. Time. Decisions by the Board shall be made not later than thirty (30) days from the date of the public hearing, unless the applicant agrees to extend the period and such agreement appears in writing.

2. Form. The Board's final decision shall be shown in the record of the case as entered into the Board's minutes and signed by the Secretary and the Chairperson on approval of the minutes by the Board. Such record shall show the reasons for the determination, with a summary of the evidence introduced and the findings of fact made by the Board. When a request is granted, the record shall state in detail any exception or hardship upon which the decision was based and which the Board finds to exist. The decision may reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from. The record shall state in detail what, if any, conditions and safeguards the Board imposes in connection with granting of a conditional use permit. When an application is denied the Secretary shall notify the applicant of the action outlining the reason(s) and factor(s) of the decision. The applicant may appeal the decision to Superior Court within thirty (30) days of the decision. A separate record of the decision in each case shall be prepared, filed in the Planning Department Office, and furnished to the parties as specified in Subsection 5.

3. Expiration of Permits. Unless otherwise specified, any order or decision of the Board granting a conditional use permit or variance shall expire if the applicant does not obtain a zoning compliance permit and/or a building permit within sixty (60) days from the date of the decision.

4. Voting at Hearings. The concurring vote of a simple majority of the Board members shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Enforcement Officer, or to decide in favor of the applicant any matter on which the Board is required by ordinance to act. To approve a variance from the ordinance provisions, a 4/5 vote is required.

5. Notice and Public Records Decisions. The Secretary shall give written notice of the decision in the case to the appellant and/or the applicant and to any aggrieved party who has filed a written request for such notice with the Secretary or the Chairperson of the Board when the hearing is held. Such notice may be delivered either by personal service or by registered mail, or certified mail, return receipt requested. A copy of the decision shall also be filed in the Planning Department office.

ARTICLE VII
Amendments and Appeals to the Decisions of the Board of Adjustment
1. Amendments. These rules may, within the limits allowed by law, be amended at any time by an affirmative vote of not less than a majority of four (4) members of the Board, provided that such amendment be presented in writing at a regular or special meeting before the meeting at which the vote is taken.

2. Appeals to Board of Adjustment Decisions. Appeals to Board decisions are to be filed within thirty (30) days of the decision with the Clerk of Superior Court.

PLANNING BOARD RECOMMENDATION: Approval of the Board of Adjustment Rules of Procedure amendments.
Proposed Amendments to Planning Board Bylaws:
All proposed changes to the Planning Board Bylaws are shown in red, using the track-changes feature of Word, below.

BYLAWS
CALDWELL COUNTY PLANNING BOARD

Adopted August 6, 2001
Amended September 10, 2001
Amended October 12, 2009

I. PURPOSE

The purpose of the Caldwell Planning Board is to act in an advisory capacity to the Caldwell County Board of Commissioners involving matters related to land use, environmental concerns, recreational uses, and infrastructure development including but not limited to subdivision of property, water, sewer, stormwater, and road construction.

The Board in performing its duties shall strive to cooperate and coordinate its planning responsibilities. This coordination of efforts shall include but not be limited to local municipalities, state and federal agencies.

Rules not listed in this ordinance that are in G.S. 160A-388 shall apply to the BOA and its procedures and hearings.

II. VISION STATEMENT

The mission of the Caldwell County Planning Board is to assert visionary leadership in the area of comprehensive planning for both the county’s urbanizing area and its rural communities. Through responsible stewardship of the natural environment, the Board shall work towards an attractive community that is harmonious with both the environment and also economically successful.

III. GENERAL RULES

The Caldwell County Planning Board shall be governed by the terms of North Carolina Article 18, Statute 135A-320 to 349 and any other general or special state laws relating to planning in the Caldwell County as well as by the resolution by which the Board was established.

The Planning Board shall consist of nine (9) members that shall serve terms of (3) three years.

Members shall serve staggered terms. Initial appointments shall provide for three (3) members appointed for an initial one (1) year term, three (3) members for an initial two (2) year term, and three (3) members for an initial three (3) year term. After the initial term, members may be appointed for a three (3) year term. No member shall serve for more than three (3) terms total. After serving three (3) terms, a former member may be reappointed after one (1) year.

All appointments to the Board shall be made by the County Commissioners. Vacancies occurring for reasons other than expiration of terms shall be filled as they occur for the period of the
IV. OFFICERS AND DUTIES

The Board shall have three officers, Chairperson, Vice-Chairperson, and Secretary. Their duties shall be as follows:

Chairperson: The Chairperson shall be elected by a majority of the full membership of the Board. The term shall be for two (2) years or until an election for Chairperson can be held. It shall be the Chairperson’s duty to set the agenda and determine all points of order and procedure, unless directed otherwise by a majority of the Board in session. The Chairperson shall have the authority to appoint committees as deemed necessary to research matters and report findings to the Board.

Vice-Chairperson: The Vice-Chairperson shall be elected by a majority of the full membership of the Board. The term shall be for two (2) years or until an election for Vice-Chairperson can be held. In the absence of the Chairperson the Vice-Chairperson shall have the same authority as the Chairperson.

Secretary: The Secretary of the Board shall be the director and staff of the Planning Department. A member of the Board may be elected to serve as secretary in lieu of staff if the Board member is elected by a majority of the full membership of the Board. The term shall be for two (2) years or until an election for Secretary can be held. The Secretary shall keep all records and minutes of regular and special calls meetings, conduct all correspondence (subject to direct), and shall generally supervise the clerical work of the Board. The Secretary shall be responsible (in cooperation with the Chairperson) to prepare the agenda of regular and special calls meetings, provide notice of Board meetings to the members, arrange proper and legal notices of meetings and hearings, and such other duties as are generally performed by a Secretary.

V. ELECTIONS AND PROCEDURES

The election of Chairperson, Vice-Chairperson, and Secretary shall be held at the first regularly scheduled meeting in February of each year unless otherwise agreed upon and deferred by the majority of the Board present. If an officer’s seat is vacated prior to a scheduled election, then the Board shall hold an election to fill the vacant seat for the remainder of that term.

Voting procedure for officers shall be as follows:

- If there is one nomination for an office, then the Chairperson shall call for a voice vote.
- If there is more than one nomination, then the Chairperson shall call for a ballot vote immediately after closure of nominations. The votes are then counted and the winner is announced. The winner must have a majority of those voting.
VI. MEETINGS

A. Regular Meetings: Regular meetings of the Board shall be held on the 2nd Monday of each month at 6:00 p.m., in the City/County Chambers, provided that the Chairperson so directs, meetings may be held at any other place within the County. Regular meetings may be rescheduled at the discretion of the Board.

B. Special Meetings: Special meetings of the Board may be called at any time by the Chairperson. At least seventy-two (72) hours notice shall be given of the time and place of the special meeting, by the secretary or by the Chairperson, to each member of the Board; provided, that this requirement may be waived by action of a majority of all the members.

C. Cancellation of Meetings: Whenever there is no business for the Board, the Chairperson may dispense with a regular meeting by giving notice to all members not less than forty-eight (48) hours prior to the time set for the meeting.

D. Quorum: A quorum shall consist of a simple majority of members of the Board.

E. Conduct of Meetings: All meetings shall be open to the public. The order of business at regular meetings generally shall be as follows: (a) roll call. (b) reading of minutes of previous meetings; (c) report of committees; (d) old business; (e) new business. Parliamentary procedure shall be in compliance with Robert’s Rules of Order.

F. Vote: No Board member shall participate in the decision of any matter in which he/she has any personal bias or a personal financial interest. If a member abstains from voting, the member is not part of the voting body. A member with a conflict shall announce this fact at the beginning of the discussion related to the item of conflict and shall abstain from any and all discussion or participation. Each member of the Board including the Chairperson shall have an equal vote and for any motion to pass it is necessary that the majority of those members present to favorably pass a motion.

G. Minutes: All minutes of the Planning Board shall be approved by a motion and seconded and a concurring vote of the majority of members present. Such minutes with all necessary supporting data shall be recorded permanently in the Planning Board Minute Book. Also, they shall be submitted to the Manager and County Commissioners.

VII. COMMITTEES

Special committees may be appointed by the Chairperson for purposes and terms approved by a majority of the Planning Board members present.

VIII. AGENDA / ORDER OF BUSINESS
All meetings shall be open to the public. The order of business at regular meetings generally shall be as follows:

A. Roll call  
B. Approval of Minutes  
C. Committee Reports  
D. Old Business  
E. New Business  
F. Other business not on agenda  
G. Adjournment

IX. AMENDMENTS

These rules of conduct may be amended from time to time with a majority vote of the Planning Board and a majority vote of the Board of Commissioners. Amendment(s) shall be approved by an affirmative vote of not less than two members of the Board, provided that such amendment shall have first been presented to the membership in writing at a regular or special meeting preceding the meeting at which the vote is taken:

PLANNING BOARD RECOMMENDATION: PB recommendation of approval of the Planning Board Bylaw amendments.
NORTH CAROLINA
CALDWELL COUNTY

SALES TAX REINVESTMENT AGREEMENT

This Sales Tax Reinvestment Agreement ("this Agreement") is entered into by and among CALDWELL COUNTY ("the County"), a political subdivision of the State of North Carolina, and TOWN OF GAMEWELL ("Gamewell"), TOWN OF SAWMILLS ("Sawmills"), TOWN OF CAJAH'S MOUNTAIN ("Cajah's Mountain"), TOWN OF HUDSON ("Hudson"), TOWN OF GRANITE FALLS ("Granite Falls") and CITY OF LENOIR ("Lenoir"), all being North Carolina municipal corporations (collectively "the Municipalities").

WITNESSETH:

WHEREAS, the Towns of Gamewell, Sawmills, Cajah's Mountain, Hudson, and Granite Falls and the City of Lenoir are all municipal corporations located in Caldwell County; and

WHEREAS, the Municipalities and the County desire to collectively fund economic development activities and other public purposes within Caldwell County; and

WHEREAS, the parties have agreed that these activities and purposes will be funded by the Municipalities in consideration of the County's continued election of the per capita method of distribution of local government sales and use tax among the County and the Municipalities pursuant to G.S. §105-472(b)(1), under which election the County receives less sales and use tax revenues, and the Municipalities receive more sales and use tax revenues, than they would receive if the County elected the ad valorem method of distribution; and

WHEREAS, pursuant to the authority of G.S. Chapter 160A, Article 20, Part 1, the County and the Municipalities have each resolved to enter into this interlocal agreement to provide funding for the activities and purposes set forth herein:
NOW, THEREFORE, for and in consideration of the mutual covenants contained herein, the parties agree and contract as follows:

1. This Agreement is entered into for the purpose of collectively funding economic development activities and other public purposes in Caldwell County. It is the intention of the parties to this Agreement that those activities which are anticipated to have the greatest county-wide impact will receive priority in funding. Decisions on which economic development activities and other public purposes to fund, and the amount of funding, will be made by the Caldwell County Board of Commissioners. Provided, however, that no more than $350,000.00 per fiscal year will be spent from the Fund for public purposes other than economic development, for four (4) consecutive years beginning with the fiscal year that begins July 1, 2017.

2. Administrative implementation of the Fund and of the activities and purposes funded thereby shall be the responsibility of the Caldwell County Manager and his staff.

3. Pursuant to the terms of previous similar agreements, the County has established a special appropriation fund ("the Fund") under the authority and control of the Caldwell County Finance Department, which has been and shall continue to be reserved for the activities and purposes herein provided. Each Municipality's contribution to the Fund shall be paid into the Fund during July of each year, beginning July, 2017. All interest earned on the monies in the Fund shall be credited to Fund and spent for the intended activities and purposes. The County shall include the Fund in its annual audit, and within two (2) weeks after its receipt of the annual audit report, it shall provide to each of the Municipalities a written report showing Fund
receipts, interest, expenditures and balance. During the term of this Agreement, the county shall continue to elect each year the per capita method of sales and use tax distribution.

4. The term of this Agreement is for a period for four (4) years, beginning July 1, 2017 and ending June 30, 2021.

5. During the four (4) year term of this Agreement, the Municipalities’ respective annual contributions to the Fund shall be the following:

<table>
<thead>
<tr>
<th>Municipality</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gamewell</td>
<td>$189,000.00</td>
</tr>
<tr>
<td>Sawmills</td>
<td>194,000.00</td>
</tr>
<tr>
<td>Granite Falls</td>
<td>27,500.00</td>
</tr>
<tr>
<td>Hudson</td>
<td>27,500.00</td>
</tr>
<tr>
<td>Cajah’s Mountain</td>
<td>155,000.00</td>
</tr>
<tr>
<td>Lenoir</td>
<td>7,000.00</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$600,000.00</strong></td>
</tr>
</tbody>
</table>

6. Monies paid into the Fund prior to July 1, 2017 that have not been expended will be used only for economic development purposes.

7. Should the sales tax revenues fall to a level below the level experienced at the time of this Agreement, each Municipality shall retain the right to request that its contribution be lowered. The request must be submitted to the County Board of Commissioners no later than January 31st. If approved, the lowered contribution would take effect in the following fiscal year, for the payment due to the County in July. Upon obtaining a request to lower the contribution amount the County shall analyze the actual sales tax receipts of each Municipality and determine if a reduction in the contribution is warranted. The ultimate authority on whether or not to reduce the contribution from each Municipality shall rest with the County Board of Commissioners.
8. This Agreement may be modified only with the unanimous consent of all of the parties hereto.

9. This Agreement supersedes all previous agreements between these parties dealing with this same subject matter.

Each of the signatories below hereby represents that this Agreement has been approved in an open meeting by the governing body represented by the signatory, and that the signatory has been duly authorized to execute this Agreement as the binding act of the governing body.

Caldwell County

By: [Signature]
Chairman, Board of Commissioners

Caldwell County

By: [Signature]
Chairman, Board of Commissioners

Town of Gamewell

By: [Signature]
Mayor

Town of Sawmills

By: [Signature]
Mayor

Town of Cajah’s Mountain

By: [Signature]
Mayor