Caldwell County
Lenoir, North Carolina

Board of Commissioners
November 19, 2018
6:00 p.m.

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

Absent:   Jeff Branch, Excused

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

There was no public comment.

Regular Session

Rev. Todd Braswell, Pastor of Waterlife Church gave the invocation and Commissioner Wilkie led the Pledge of Allegiance. Chairman Church asked if there were any additions or amendments to the November 19, 2018 agenda. Commissioner LaBrose moved to approve the agenda as presented and the vote was unanimous.

Economic Development Incentive for Project HR

EDC Executive Director Deborah Murray presented information about Roblon US, Inc. (Project HR), a Danish company that came to Caldwell County and bought the former Neptco operation in Granite Falls. Ms. Murray said the company planned to create 100 new, full-time jobs over a one-year period and had requested a Local Jobs Incentive. In addition, it was noted the company anticipates an investment of $1 million to include equipment and renovations. The Caldwell County site is the company’s only North Carolina operation. Ms. Murray introduced the company’s Vice President of Sales for the Americas and General Manager of Operations, Jamie Little. Mr. Little provided a brief history of the company that was established in Denmark in 1954 and talked about the progression of the company through the years. Mr. Little said that sixty-six of Neptco’s employees switched to Roblon and the company operates six days a week with plans for a possible 24/7 operation in the future. Mr. Little noted the company was currently at full capacity and anticipated a bright future for the company.
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 a Local Jobs Incentive of $200,000 ($2,000 per job) for Roblon US, Inc. based on up to 100 new, full-time Caldwell County jobs created over a one-year period. The motion carried unanimously.

Proposed Amendments to the Zoning Ordinance

Planning Director Shelley Stevens presented the following text amendments to the Zoning Ordinance as recommended by the Planning Board.

Public water and sewer:
Removal of language stating that “public water and sewer” are required within zoning districts. Many people choose to have wells for individual lots. Caldwell County has water hookup requirements for subdivisions, which makes sense, but I do not think it is feasible to force residents in certain districts to hook on to water after purchasing individual lots. Public water may not be available to a particular lot. The County does not offer sewer, so there is no way for any lot in our jurisdiction to have public sewer. Environmental Health septic requirements apply throughout the County regardless of what our Zoning Ordinance states. Further, I recommend we delete the definition of “Sewer, Public/Traditional Municipal,” given the definition is factually incorrect and also unnecessary for our ordinance.

Average lot size:
It is logical to have an average lot size within a subdivision, but this is harder to regulate within an entire zoning district consisting of old (nonconforming) lots, new lots, and individual owners. It is recommended that the average lot size requirements for the R-15 District be removed but keep the minimum lot size (for new lots).

Recreational vehicles:
Recreational vehicles are already only allowed as temporary uses in Caldwell County. The Planning Board and I recommend we insert the following provision under “Article VI, Applications of Regulations,” in order to specify how long someone may inhabit a recreational vehicle:

“Section __ Recreational Vehicles
Per this ordinance, recreational vehicles are for temporary occupation (in districts in which they are allowed). No recreational vehicle (RV) may be inhabited continuously for more than six months without an active building permit. If the occupant(s) have an active building permit for a home, they may inhabit the RV for one year. Three-month extensions are allowed with active building permits, up to a maximum of three years. If illegal activity within an inhabited RV is reported by the Sheriff’s Department or other law enforcement agency, tenants may be forced to evacuate within 30 days.”

Chairman Church questioned the possibility of readdressing the clause regarding recreational vehicles to allow in the County when there is a catastrophe. He cited times when FEMA may have
to bring in RV’s for people to live in temporarily during a declared emergency event and he felt that there should be a provision for those occurrences. Ms. Stevens said that would be something that could be added and agreed a three-year time period was doable.

David Lackey suggested Commissioners hold off on adopting a clause regarding RV’s until the satisfactory language is developed and Commissioners agreed to request the Planning Board to review the issue and provide its recommendation.

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

Commissioner Wilkie moved to approve the text amendments because they were consistent with the County’s Comprehensive Land Development Plan; and promoted public health, safety and welfare as each zoning district should contain language that is clear and applicable. The motion carried unanimously.

Presentation and Approval of FY2017-2018 Audit

Matt Braswell, an auditor with Martin Starnes & Associates, presented Commissioners a snapshot of Caldwell County’s FY2017-2018 audit. Mr. Braswell noted Caldwell County received a clean audit and an unmodified opinion from the firm. He thanked Finance Officer Tony Helton and department staff for their cooperation, courtesy, and timely response to their requests for information.

Mr. Braswell highlighted the following information obtained for the completed FY2017-2018 audit.

General Fund Budget vs. Actual

<table>
<thead>
<tr>
<th></th>
<th>Budget</th>
<th>Actual</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenues</td>
<td>$72,212,994</td>
<td>$69,999,349</td>
</tr>
<tr>
<td>Expenditures</td>
<td>$80,535,286</td>
<td>$72,078,498</td>
</tr>
<tr>
<td>Other Financing Sources</td>
<td>$ 8,322,292</td>
<td>$ 2,076,233</td>
</tr>
</tbody>
</table>

Revenues and Expenditures Percentages

Revenues
- Ad Valorem Taxes   57%
- Restricted Federal and State Grants 23%
- Local Option Sales Tax 8%
- Other Sources 11%

Expenditures
- Human Services 25%
- Education 25%
- Public Safety 26%
- Other Expenditures 24%
Mr. Braswell reported the following amounts associated with Caldwell County’s fund balance for 2017 and 2018.

<table>
<thead>
<tr>
<th>Description</th>
<th>2017</th>
<th>2018</th>
<th>Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Restricted Amount</td>
<td>$ 5,035,904</td>
<td>$ 5,110,904</td>
<td>$ 75,000</td>
</tr>
<tr>
<td>Non-Spendable</td>
<td>116,396</td>
<td>65,935</td>
<td>(50,461)</td>
</tr>
<tr>
<td>Assigned</td>
<td>5,349,474</td>
<td>5,221,742</td>
<td>(127,732)</td>
</tr>
<tr>
<td>Unassigned</td>
<td>3,391,976</td>
<td>3,492,253</td>
<td>(100,277)</td>
</tr>
<tr>
<td>Total Fund Balance</td>
<td>$13,893,750</td>
<td>$13,890,834</td>
<td>(2,916)</td>
</tr>
</tbody>
</table>

It was noted the available fund balance increased $238,438 from the previous year to $9,758,819 at the end of June 30, 2018. Also noted, the available fund balance percentage increased from 13% in 2017 to 14% in 2018.

Mr. Braswell reported revenues of $3,630,964 and expenses of $3,080,206 to the Water Fund during the fiscal year with capital project expenses of $15,725.

Commissioner LaBrose formally accept Caldwell County’s FY2017-2018 audit conducted by Martin Starnes & Associates and the motion carried unanimously.

Consent Agenda

1. Approval of Minutes
   The County Manager recommended the Board of Commissioners approve minutes of the October 8, 2018 meeting as presented.

2. Budget Amendments
   The County Manager recommended the Board of Commissioners approve the following budget amendments.

   a. Sheriff Office (School Resource Officers) $669,276.00
      During the FY2018-19 budget process, the Board approved the use of the new sales tax revenues to hire additional school resource officers so that all schools in the Sheriff’s jurisdiction would have an officer on site. It is important to note that the new sales tax revenues (Article 44*524) can only be spent for education or economic development purposes. The following budget amendment is necessary to use $669,276.00 of the new sales tax revenues for SRO’s this fiscal year.
      
      Increase  41.3000.313008  Sales Tax Revenues  $669,276.00
      Increase  41.9800.498000  Interfund Transfer Out $669,276.00

   b. Juvenile Crime Prevention Council (Reimbursement to State) $194.60
      The final accounting process was completed for JCPC’s FY2017-18 and the following budget amendment is necessary to transfer the unused funding to the reimbursement line item to be sent back to the State. No local dollars are required.
      
      Increase  10.6579.397051  JCPC Fund Balance  $194.60
      Increase  10.6579.467000  JCPC Reimbursement  $194.60
c. DSS (Cell Phones for Certain Employees) $27,000.00
Several cell phones were recently given to certain employees at DSS and the following budget amendment is necessary to cover the cost of the phones through the remainder of the current fiscal year. It is important to note that about one-half of the cost will be reimbursed from federal funding so a fund balance appropriation of $13,500.00 is necessary.

<table>
<thead>
<tr>
<th>Increase</th>
<th>10.5310.331600</th>
<th>Federal Revenues</th>
<th>$13,500.00</th>
</tr>
</thead>
<tbody>
<tr>
<td>Increase</td>
<td>10.9800.397000</td>
<td>Fund Balance Appropriation</td>
<td>$13,500.00</td>
</tr>
<tr>
<td>Increase</td>
<td>10.5310.432100</td>
<td>Telephone</td>
<td>$27,000.00</td>
</tr>
</tbody>
</table>

d. Economic Development Incentive Line Item Funds for Planning Legal Fees - $5,000.00
The funding line item for the Planning Department’s legal expenses is running short and the following budget amendment is necessary to transfer available funding from the economic development incentives line item to Planning’s legal line item. No new local money is required.

<table>
<thead>
<tr>
<th>Decrease</th>
<th>10.4970.461900</th>
<th>EDI</th>
<th>$5,000.00</th>
</tr>
</thead>
<tbody>
<tr>
<td>Increase</td>
<td>10.4910.419900</td>
<td>Legal Fees</td>
<td>$5,000.00</td>
</tr>
</tbody>
</table>

e. Safety Program

1) Transfer Line Item from Human Resources to Emergency Management - $2,446.00
Recently, the Safety Program was moved under the supervision of Emergency Management and the following budget amendment is necessary to transfer the funding from the Human Resources Department to Emergency Management. No new local money is required.

<table>
<thead>
<tr>
<th>Decrease</th>
<th>10.4190.419800</th>
<th>Safety Program</th>
<th>$2,446.00</th>
</tr>
</thead>
<tbody>
<tr>
<td>Increase</td>
<td>10.4602.419800</td>
<td>Safety Program</td>
<td>$2,446.00</td>
</tr>
</tbody>
</table>

2) Transfer Salary and Benefits for Safety Officer from HR to EM - $39,267.00
Likewise, the following budget amendment is necessary to transfer the salary and benefits line items from Human Resources to the Emergency Management program associated with the Safety Officer position. No new local money is required.

<table>
<thead>
<tr>
<th>Decrease</th>
<th>10.4190.412100</th>
<th>Salaries</th>
<th>$28,000.00</th>
</tr>
</thead>
<tbody>
<tr>
<td>Decrease</td>
<td>10.4190.412700</td>
<td>Longevity</td>
<td>$ 600.00</td>
</tr>
<tr>
<td>Decrease</td>
<td>10.4190.418100</td>
<td>FICA</td>
<td>$ 2,300.00</td>
</tr>
<tr>
<td>Decrease</td>
<td>10.4190.418200</td>
<td>Retirement</td>
<td>$ 2,300.00</td>
</tr>
<tr>
<td>Decrease</td>
<td>10.4190.418300</td>
<td>Health Insurance</td>
<td>$ 4,500.00</td>
</tr>
<tr>
<td>Decrease</td>
<td>10.4190.418400</td>
<td>Dental Insurance</td>
<td>$ 300.00</td>
</tr>
<tr>
<td>Decrease</td>
<td>10.4190.418700</td>
<td>Life Insurance</td>
<td>$ 17.00</td>
</tr>
<tr>
<td>Decrease</td>
<td>10.5110.412700</td>
<td>Longevity</td>
<td>$ 1,250.00</td>
</tr>
<tr>
<td>Increase</td>
<td>10.4602.412100</td>
<td>Salaries</td>
<td>$28,000.00</td>
</tr>
<tr>
<td>Increase</td>
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<td>Longevity</td>
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<td>Increase</td>
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<td>FICA</td>
<td>$ 2,300.00</td>
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<tr>
<td>Increase</td>
<td>10.4602.418200</td>
<td>Retirement</td>
<td>$ 2,300.00</td>
</tr>
<tr>
<td>Increase</td>
<td>10.4602.418300</td>
<td>Health Insurance</td>
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<tr>
<td>Increase</td>
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<td>Dental Insurance</td>
<td>$ 300.00</td>
</tr>
<tr>
<td>Increase</td>
<td>10.4602.418700</td>
<td>Life Insurance</td>
<td>$ 17.00</td>
</tr>
</tbody>
</table>
3. Resolution to Adopt the Fourth Supplement to the Caldwell County Code of Ordinances
American Legal Publishing sent Supplement S-4 to replace, delete, or add pages to the County’s Code of Ordinances as a result of codifying amendments since the last revision. Therefore, the County Manager recommended the Board of Commissioners adopt the following resolution to formally approve Supplement S-4 to the Caldwell County Code of Ordinances.

AN ORDINANCE ENACTING AND ADOPTING
A SUPPLEMENT TO THE CODE OF ORDINANCES FOR CALDWELL COUNTY AND DECLARING AN EMERGENCY

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio, has completed the 2018 S-4 supplement to the Caldwell County, North Carolina Code of Ordinances; and

WHEREAS, the 2018 S-4 supplement contains all ordinances of a general and permanent nature enacted since the 2015 S-3 supplement to the Caldwell County, North Carolina Code of Ordinances of Caldwell County; and

WHEREAS, American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make reference to sections of North Carolina code; and

WHEREAS, it is the intent of the Caldwell County Board of Commissioners to accept these updated sections in accordance with the changes of the law of the State of North Carolina; and

WHEREAS, it is necessary to provide for the usual daily operation of Caldwell County and for the immediate preservation of the public peace, health, safety and general welfare of Caldwell County that this ordinance take effect immediately upon official action by the Board of Commissioners.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISIONERS OF THE COUNTY OF CALDWELL:

Section 1. That the 2018 S-4 supplement to the Code of Ordinances of Caldwell County, North Carolina as submitted by American Legal Publishing Corporation of Cincinnati, Ohio, and as attached hereto, be and the same is hereby adopted by reference as if set out in its entirety.

Section 2. Such supplement shall be deemed published as of the day of its adoption and approval by the Caldwell County Board of Commissioners and the Clerk is hereby authorized and ordered to insert such supplement into the copy of the Code of Ordinances kept on file in the Office of the Clerk to the Caldwell County Board of Commissioners.

Section 3. This ordinance is declared to be an emergency measure necessary for the immediate preservation of the peace, health, safety and general welfare of the people of this County, and shall take effect at the earliest date provided by law.

PASSED AND ADOPTED by the Caldwell County Board of Commissioners on this 19th day of November 2019.
ATTEST:

Kathy T. Greene, MMC, NCCCC  
Clerk to the Board

Randy T. Church  
Chairman

4. Resolution re Zack’s Farm Road
The County Manager recommended the Board of Commissioners adopt the following resolution seeking addition of Zack’s Farm Road to the State Road Maintenance System

Resolution

Requesting Addition of Zack’s Farm Road to State Road Maintenance System

Whereas, residents of Zack’s Farm Road have sought help from local and State officials to make repairs to Zack’s Farm Road which a portion of said road has collapsed as a result of a failed culvert under the road; and

Whereas, residents of Zack’s Farm Road have concerns about the safety and, potentially, the inability of not only residents and visitors but also for emergency vehicles to access twelve residences located on that road in an emergency; and

Whereas, residents of Zack’s Farm have requested the addition of the road to the State Maintained Secondary Road System; and,

Whereas, the Caldwell County Board of Commissioners is of the opinion that Zack’s Farm Road should be added to North Carolina’s Secondary Road System as it meets the Department of Transportation’s standards and criteria; and

Whereas, the Caldwell County Board of Commissioners requests that Zack’s Farm Road be added to the North Carolina Secondary Road System.

Now, Therefore, Be It Resolved, that the Caldwell County Board of Commissioners hereby request the NC Department of Transportation to use $200,000.00 in State contingency funding to implement improvements and repairs of Zack’s Farm Road.

Adopted this the 19th day of November, 2018.

Randy T. Church, Chairman
Caldwell County Board of Commissioners

Attest:
5. Contract with Republic Services of North Carolina re Landfill Gas to Energy Project
In 2015, the County approved and entered into a Fourth Amendment to the Agreement between the County and Republic Services of North Carolina, LLC to allow Republic to sell landfill gas to third parties for gas-to-energy production. The amendment also provides that the County is to receive 50% of Republic's gross revenues from the sale of landfill gas, and that the County has the right to review and approve any third party contract, "which approval shall not be unreasonably withheld." Later in 2015, the County reviewed and approved a contract whereby Republic was going to sell landfill gas to a third party that was going to convert the gas to electricity for resale at the landfill property, and the County also approved a sublease whereby Republic subleased a portion of the landfill property to the third party where the gas to electricity process would take place.

The gas to electricity project did not materialize but now Republic and the same third party are entering into a restated and amended contract for the third party to convert the land fill gas to renewable natural gas for resale. David Lackey reviewed the restated and amended contract and confirmed that it is essentially the same contract that the County approved in 2015 except that rather than converting gas to electricity it will be converted to renewal natural gas.

Mr. Lackey said he did not see any reason to withhold the County’s approval of the restated and amended Agreement; therefore, the County Manager recommended the Board of Commissioners approve the contract.

6. Approval of Use of Contingency Funding
It was noted that the County’s Budget Ordinance granted the County Manager authority to use contingency funds as deemed necessary to fund urgent needs, emergency situations, or for unforeseen equipment and repairs; however, its use must be reported to the Board of Commissioners at the next available meeting. Mr. Kiser informed Commissioners that he approved the following budget amendment to use $11,133.00 in contingency funds to cover the cost to replace a broken air conditioning unit at the Sheriff Office. He recommended the Board of Commissioners ratify approval of the budget amendment.

| Decrease | 10.4110.499100 | Contingency | $11,133.00 |
| Increase | 10.9000.451000.4321 | Equipment | $11,133.00 |

7. Approval to Write-off Uncollectible Health Department Accounts Totaling $7,833.63
The Caldwell County Health Department requested authorization to write off the following accounts totaling $7,833.63. The Caldwell County Board of Health previously approved the write-off during the meeting on November 1st.

- 25 Accounts Under $50, not eligible for Debt Set-off $ 595.74
- 204 Accounts Over $50 but still not eligible for Debt Set-off $7,237.89
  - 47 Live out of state
  - 157 balances are now too small to collect or have been set off
8. Approval of JCPC’s Risk and Needs Assessment Recommendations for Caldwell County
It was noted the Caldwell County Juvenile Crime Prevention Council, in fulfillment of the duties and responsibilities as set forth in the General Statutes of the State of North Carolina, submitted the accompanying Risk and Needs Assessment Recommendations for Caldwell County. The JCPC also identified strategies and services most likely to prevent or reduce delinquent behavior. In an effort to prevent or reduce delinquent behavior, the JCPC determined, through this risk and needs assessment the following services as Priorities for Funding. The County Manager recommended the Board of Commissioners approve the JCPC’s County Plan which included the JCPC’s priorities for FY2019-2020 funding.

1. Substance Abuse Treatment
2. Psychological Assessments
3. Sex Offender Treatment
4. Restitution/Community Services
5. Counseling Services
6. Interpersonal Skills Building
7. Mentoring
8. Mediation
9. Parent/Family Skill Building
10. Teen Court
11. Community Day Treatment-Structured Day
12. Intensive In-home Treatment
13. Temporary Shelter (crisis beds for Involuntary Committed Youth)
14. Temporary Shelter (crisis beds)
15. Group Homes

9. Authorization to Accept Donation of Monuments for Location on County Property
Mr. Kiser said the Board of Commissioners during the meeting on July 23rd, authorized the location of monuments displaying the U.S. Constitution, the Bill of Rights, and the Declaration of Independence at the County Office Plaza. He said; however, since that time there had been some talk about the City wanting them somewhere different and noted Mayor Gibbons approached the him about putting the monuments on the courthouse lawn. Mr. Kiser noted the 811 locate service had marked the location and, in reviewing the site with Maintenance Supervisor Bryan Davis, it did not appear there would be any utilities that would create a problem.

Therefore, he recommended the Board of Commissioners accept the donation of the monuments and approve the site identified at the courthouse for placement of them.

10. Approval Requested from Health Department to Purchase Equipment
Mr. Kiser recommended the Board of Commissioners approve the purchase of a piece of equipment needed for the Dental Clinic using available funds in the department’s current year budget.
Commissioner Potter moved to approve the ten items on the consent agenda as presented and recommended by the County Manager. The vote was unanimous.

Appointments

The Clerk informed Commissioners that Tina Miller, Aging Director with WPCOG, had requested the reappointment of Georgianna Bland and Mary Ellen Moore to serve another term of two years each and the appointment of Cynthia Adkins for a two-year term to the Regional Aging Advisory Committee.

The Clerk reported EM Director Kenneth Teague requested the appointment of the following individuals to the Local Emergency Planning Committee.

- Courtney M. Smith  
  CMH Emergency Room
- Patti F. Nelson  
  Public Transit
- Curt Hiller  
  At-large
- Jerry Eplin  
  Environmental Engineer and Chemistry

And, the Clerk reported the Planning Director had requested the appointment of the following individuals to serve on the County’s newly created Comprehensive Land Use Plan Steering Committee.

- Kim Edmisten
- Kelsey Pfaff
- Gloria Rhoney
- Deborah Murray
- Jeff Church
- Joe Sims
- Ken Teague
- BJ Fore

Commission LaBrose moved to appoint the individuals to the committees as read by the Clerk. The vote was unanimous.

Closed Session

At 6:39 p.m., Commissioner LaBrose moved to go into closed session pursuant to N.C.G.S. §143-318.11(a)(5) to discuss potential acquisition of property and the motion carried unanimously.

At 7:10 p.m., Commissioner LaBrose moved to go out of closed session into regular session and the motion carried unanimously.

There being no further business, Commissioner LaBrose moved to adjourn and, by unanimous vote, Chairman Church declared the meeting adjourned at 7:11 p.m.