

Catawba County Board of Commissioners  
Regular Session, June 15, 2009, 7:00 p.m.

**American Recovery and Reinvestment Act of 2009 (ARRA)**

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Nursing and Rest Home Community Advisory Committee 368 06/15/09  
Conover Planning Board 368 06/15/09  
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Jury Commission 368 06/15/09  
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**Closed Session**

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**JCPC**

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Fiscal Year 2009-2010 County Budget 368 06/15/09

**Resolution**

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Authorizing U&E Director as Responsible Official on environmental matters 371 06/15/09  
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Grant from NC Biofuels Center – purchase crushing/storage equipment for Biodiesel Facility 372 06/15/09  
Awarding bid for Utility Bridge as part of Southeastern Catawba County (SECC) Wastewater Collection System 373 06/15/09

The Catawba County Board of Commissioners met in regular session on Monday, June 15, 2009 at 7:00 p.m. in the 1924 Courthouse, Robert E. Hibbitts Meeting Room, 30 North College Avenue, Newton, North Carolina. This meeting followed the Board's Budget Hearings with County Departments and Outside Agencies which took place in the 2<sup>nd</sup> Floor Meeting Room of the Government Center in Newton from 8:00 a.m. until 4:30 p.m.

Present were Chair Katherine W. Barnes, Vice-Chair Lynn M. Lail and Commissioners Dan A. Hunsucker, Glenn E. Barger and Barbara G. Beatty.

Also present were County Manager J. Thomas Lundy, Assistant County Manager Lee Worsley, Assistant County Manager Dewey Harris, County Attorney Debra Bechtel, Deputy County Attorney Anne Marie Pease, Budget Manager Jennifer Mace and County Clerk Barbara Morris.

1. Chair Katherine W. Barnes called the meeting to order at 7:00 p.m.
2. Commissioner Dan A. Hunsucker led the Pledge of Allegiance to the Flag.
3. Vice-Chair Lynn M. Lail offered the invocation.
4. Commissioner Glenn E. Barger made a motion to approve the minutes of the Special Session and Regular Meeting of May 18, 2009. The motion carried unanimously.
5. Recognition of Special Guests: Chair Barnes welcomed everyone present.
6. Public Comments for Items not on the Agenda:  
Terry Beal, owner and operator of Buffalo Beals Animal Park, came forward to request Board approval of a tiger display at the animal park for one day on Saturday, June 20, 2009. Mr. Beal acknowledged that this was not in compliance with the County's ordinance regarding inherently dangerous exotic animals, but asked for an exception to the ordinance for this one-day display. The Board referred the request to Deputy County Attorney Anne Marie Pease for further research and discussion with animal control staff. Mr. Beal was advised that Ms. Pease would contact him regarding her findings.
7. Public Hearing:  
The Board held a public hearing and wrap-up session on the proposed Fiscal Year 2009-2010 County budget. The proposed budget would hold the County property tax rate stable at 53.5 cents per \$100 of property value. It addresses the impact of the recession through conservative revenue estimates and by holding the line on spending. Operating costs are down by 4%, sixteen positions are unfunded, staff has been reassigned to areas with highest service demands, and technology used to maximize available resources. No salary increases and no new programs and services have been added. Citizens came forward to encourage the Board to reconsider funding for the Sex Offender Treatment Program; increase funding for Catawba Valley Behavioral Health (CVBH); for clarification of the reasoning and decision on the location of a new school for the Newton-Conover City Schools and why three of the requesting fire districts received tax increases while three did not; question funding for the proposed expansion/renovation of the County's animal shelter; ask if there was a possibility of furloughs; and suggest the Board consider a tax decrease. After the public hearing, the Board held a wrap-up of its budget discussions and took action to appropriate \$108,000 in ABC Substance Abuse Funds (revenues that had been included in the recommended budget, but the expense was not included); restore \$4,375 funding to the Convention and Visitor Bureau of the \$8,750 reduced in the recommended budget (for total funding of \$33,125) and restore \$8,500 funding to the Sex Offender Treatment Program contracted through Mental Health Partners under CVBH, by reducing the contracted amount for Psychiatric Support and Transcription Services through CVBH by the same amount. The Board will adopt the County Budget for Fiscal Year 2009-2010 at a Special Meeting scheduled for Wednesday, June 17, 2009 at 9:00 a.m. in the 2<sup>nd</sup> Floor Meeting Room of the Government Center.
8. Appointments.  
Vice-Chair Lynn Lail recommended the reappointment of Al Jean Bogle for a fourth term, James Gaither for a third term, Gregory Hayes for a fifth term and David Huffman for a fifth term on the Criminal Partnership Advisory Board. Vice-Chair Lail also recommended the reappointment of Grace McLeod for a fourth term on the Nursing and Rest Home Community Advisory Committee. Commissioner Dan Hunsucker recommended the reappointment of Ken Hilderbran to a fifth term on the Conover Planning Board and appointment of Jamie Treadaway for a first term to replace his wife, Laura Treadaway, on the Newton-Conover Auditorium Authority Board of Directors. Commissioner Glenn Barger recommended the reappointment of Bob Sanford for a third term on the Jury Commission; Janet Crump for a second term and Captain Mark Shook for a first full term on the Repay Board of Directors and the appointment of Tami Hefner for a first term on the Home & Community Block Grant Committee to replace Grace McLeod who retired. Commissioner Barger also recommended the reappointment of Alanda Jackson for a fourth term, Daniel McEachran for a first full term, Donna Mull for a third term, Karen Yaussy for a third term, Sam Kuhn for a third term

and Sara Greko for a second term on the Community Services Block Grant Board. Commissioner Barger also recommended the appointment of Christopher Johnson and Diana Smith-Williams for first terms on the Community Services Block Grant Board. County Manager J. Thomas Lundy recommended the appointment of Mark Logan for a first full term as tax assessor and designated Mr. Logan as tax administrator.

Chair Barnes recommended the appointment of the following 84 persons to four different committees of Social Services' Catawba Aging Leadership Planning Team:

**Services and Support Committee:**

Ruth Artavia (Centro Latino)  
Teresa Blossom (Private Case Management)  
Mark Bumgarner (Catawba County DSS – Guardianship)  
Lynsey Capone ( WPCOG – Family Caregiver Specialist)  
Wendy Chavez (Health & Home Services)  
Frank Colavecchio (Grandparents Raising Grandchildren)  
Jennie Connor (United Way)  
Glennie Daniels (Cooperative Extension)  
Rodney Franklin (Catawba County DSS-CAP)  
Lynn Furr (Independent Living)  
Mary Mode (Catawba Council on Aging)  
Aimee Reimann (Abernethy Laurels)  
Jane Rollins (Adult Life Programs)  
Michelle Roseman (Hospice)  
Leanne Shull (Cooperative Christian Min.)  
Nicole Reiger Thomas (Alzheimer's Assoc.)  
Touger Vang (United Hmong Association)  
Susan Vincent (Home Instead)  
Leslie Yount (Attorney – Elder Law)  
Lucille Woodrum (Volunteer Senior Adult)  
Carla Brotherton (Health First (CVMC))

**Healthy Aging Committee**

Elinore Apple (Hickory Family Practice)  
Harriett Bannon (Senior Tar Heel Legislature & Regional Aging Advisory Committee)  
Dr. Jason Boehme (Chiropractor)  
Judy Dahlstrom (Mental Health Partners)  
Phil DiCasolo (Director YMCA)  
Dr. John Earl – consultant (Hickory Family Practice)  
Gordon Fletcher (Audiologist)  
Nanci Gregory (YMCA Conover)  
Steve Jones (Hickory Parks and Rec)  
Alice Lane (Catawba County Health Department)  
Pam Lowdermilk (Community Advisory Committee and Parish Nurse)  
Amanda Munden (Catawba County DSS – Nutrition)  
Jane Murphy (Regional Aging Advisory Committee)  
Beth Rudisill (CVMC)  
Ed Salyards (Frye Regional Medical Center)  
Jan Shaffer (Catawba County DSS)  
Cindy Sigmon (Dental Hygentist – Catawba County Health Department)  
Stephanie South (Services for Blind – DSS)  
Terry Spencer (Adult Life Programs – Geriatric Specialty Team)  
Carolyn Thompson (Parrish Health Nurse)  
Sheila Weeks (WPCOG Area Agency on Aging)

**Public Accountability and Responsiveness Committee**

Don Beal (Town Council)  
Norman Cook (Mayor – Town of Long View)  
Brenda Davis (Catawba DSS – Medicaid)

Debbie Dedmon (Social Security)  
Bruce Eckard (Mayor- City of Conover)  
Dewey Harris (Assistant County Manager)  
Tami Hefner (Adult Services Manager – DSS)  
Lance Hight (City of Conover Planner)  
Z. Ann Hoyle (Alderman)  
Jeff Isenhour (Town Council)  
John Kenny (WPCOG – Grants)  
Lynn Lail (County Commissioner)  
Mark Logan (Catawba County Tax Office)  
Michael McNally (Chamber of Commerce)  
Dan Miller (Retired accountant)  
Mike Moore (Town Council)  
Glenn Morrison (Mayor – City of Claremont)  
Vernon Moyer (Alderman)  
Robert Mullinax (Mayor – City of Newton)  
Vance Reading (Mayor – Town of Catawba)  
Robert Smyre (Mayor – Town of Maiden)  
Rudy Wright (Mayor – City of Hickory)

**Safety & Security Committee**

Shuford Abernethy (Steering Committee)  
Tom Alexander (Hickory Fire Department – Fire Chief)  
Carol Beard (Lifeline – Health First)  
Don Brown (Chief of Police – Newton)  
Troy Church (Chief of Police – Maiden)  
Cecil Cook, Jr. (Chief of Police – Catawba)  
Terri Franco (Adult Protective Services – DSS)  
Debbie Haynes (Safe Harbor Rescue Mission)  
J. Mark Hinson (Conover Fire Department – Fire Chief)  
Chip Ivey (Hickory Police Department)  
Lisa Miller (Women’s Resource Center)  
Ann Peele (Family Guidance Center)  
Roxanne Powell (Long Term Care Ombudsman)  
Alton Price (Catawba County Sheriff Department)  
Yerby Ray (American Red Cross)  
Donald Robinson (Town of Catawba Fire Department– Fire Chief)  
Gary Sigmon (Claremont Fire Department – Fire Chief)  
Gerald Tolbert (Chief of Police – Claremont)  
David Weldon (Catawba County EMS Director)  
Kimberly Whitley (Attorney – Elder Law)

These recommendations came in the form of a motion and the motion carried unanimously.

9. Consent Agenda:

County Manager J. Thomas Lundy presented the following five items under the Consent Agenda:

- a. A request for the Board to approve reductions to the Fiscal Year 2008-2009 Juvenile Crime Prevention Council (JCPC) budget in response to budget cuts mandated by the State of North Carolina for the current fiscal year. The State has required its Department of Juvenile Justice to implement a series of budget cuts in order to help cover the State’s deficit. On April 5, 2009, the JCPC received notice that each county would have a 7% reduction in funds for the month of April. On April 30, the Council received notice that it would have a 3.5% reduction in May and June, with one-half taken in May and one-half in June. The total amount of budget cuts was \$14,289. JCPC’s original allocation was \$349,859. After the budget cuts, the allocation is \$335,570. The JCPC Finance Committee recommended to the JCPC that cuts be applied equally. A percentage reduction was applied to each program so smaller programs would not see a greater cut than programs receiving more funding. All programs are on target to meet requirements for the year, and all programs continue to see increased demand for service.

b. A request for the Board to approve the JCPC's Annual Plan and recommended State funding allocations, which are dependent upon State funding in the new budget. The JCPC is an organization established by the State of North Carolina's Department of Juvenile Justice. The JCPC exists to identify risks for youth in the community, prevent crime among "at-risk" youth, review court data and identify needed programs to provide intervention and prevention. Membership is determined mostly by the statute establishing the JCPC. Representatives are involved with youth activities. Funding is allocated by the State, distributed to the County and then to programs. The annual plan is consistent with the 2009-10 recommended County budget, which includes \$349,859 in State JCPC funding for programs as approved by the JCPC. Corner House I and II and Family N.E.T. are County services receiving JCPC funding totaling \$238,776 and are part of Social Services's recommended budget. JCPC Administration, the Conflict Resolution Center, Parenting Network and Project Challenge are outside agencies receiving JCPC funds. A total of \$111,083 is budgeted in the proposed 2009-2010 County budget as pass-through funds.

c. A request for the Board to approve a joint grant application with the City of Hickory for a 2009 Justice Assistance Grant (JAG) from the United States Department of Justice. These funds will be used to purchase 800 MHz radios for the Sheriff's Office's Patrol Unit. The County's share of grant funds is expected to be \$16,403, with no local match required. JAG funding allocation is based on population and violent crime statistics. This grant submission is separate from a Recovery JAG award applied for in April 2009 which will fund an additional Sheriff's Deputy position for one year. The grant allows local governments to support a broad range of activities to prevent and control crime based on their own needs.

d. A request for the Board to authorize the County's Director of Utilities and Engineering to act as the "responsible official" to State officials on behalf of Catawba County, with respect to environmental matters associated with solid waste, air quality, land quality, and water quality regulations as they relate to the functions and projects of the Utilities and Engineering Department. On May 21, 2009, Catawba County Director of Utilities and Engineering Barry Edwards received a request from the Division of Air Quality of the North Carolina Department of Environment and Natural Resources for clarification of the "responsible official" for municipal solid waste landfills owned by a county. Title V permitting regulations require that applications and submittals, including but not limited to reports and compliance certifications, be signed by the responsible official. Justification for the conclusion that the responsible official should be the Director of Utilities and Engineering was also requested. Staff submitted that the job requirements of the position of Director of Utilities and Engineering and the extensive knowledge and experience of the Director uniquely qualify the Director to be the "responsible official" with regard to Title V permitting regulations, water quality, land quality and solid waste, as they pertain to the functions of the Utilities and Engineering Department.

e. A request for the Board to confirm for its minutes the Board's authorization, obtained through polling due to time constraints, for the County Manager to sign documents related to the receipt of federal grant funds through the American Recovery and Reinvestment Act of 2009 (ARRA). On February 16, 2009, the Board approved resolutions for ten water and sewer projects for potential submission to the North Carolina Department of Environment and Natural Resources for funding under ARRA. At its May 18, 2009 meeting, the Board received a report on the County's receipt of a \$3 million award through ARRA for the Blackburn-Plateau Water Loop, with \$1.5 million in a principal forgiveness loan that does not have to be repaid, and \$1.5 million in a zero percent interest loan with a 20-year term and annual payments estimated at \$75,000. The estimated cost for the Blackburn-Plateau Water Loop project is \$3,642,580. Staff worked with appropriate State offices to secure final confirmation of the funding and received an *Offer and Acceptance of Loan for Water Supply System Project* that had to be signed and dated by June 12, 2009. Due to this deadline, polling of the Board to authorize the County Manager to execute this document was required, as the next scheduled meeting of the Board was not until June 15, 2009. Two Board members were polled by phone, and three Board members were polled at Board subcommittee meetings on June 8, 2009. All Board members agreed to this authorization.

Chair Barnes asked if any Board member wished to have any item broken out of the consent agenda for further discussion. None were requested. Commissioner Hunsucker made a motion to approve the consent agenda. The motion carried unanimously.

10. Departmental Reports:  
Utilities and Engineering:

1. Barry Edwards, Director of Utilities and Engineering, presented a request for the Board to adopt a resolution approving a mandatory three-year update to the current ten-year Catawba County Solid Waste Management Plan, which includes management of abandoned manufactured homes, during an advertised public meeting that allowed for a public comment period. The purpose of the Plan and the mandatory three-year update is to meet local solid waste needs and document measurable progress made toward a good-faith effort to achieve both the County's waste reduction goal and the State's waste reduction goal. On June 16, 1997, the Board adopted a State-mandated ten-year Solid Waste Management Plan in accordance with North Carolina General Statute §130A-309.09A. The draft Plan with three year update was available for public review at the Catawba County Library at 115 West C Street, Newton and the Catawba County Utilities and Engineering Department at the Government Center at 100-A Southwest Blvd, Newton from June 9 through June 15, 2009. Vice-Chair Lail made a motion to adopt the following resolution. The motion carried unanimously.

Resolution # \_\_\_\_\_

Approving the Catawba County  
Solid Waste Management Plan Update

**WHEREAS**, better planning for solid waste will protect public health and the environment, provide for an improved solid waste management system, better utilize our natural resources, control the cost of solid waste management; and

**WHEREAS**, NCGS §130A-309.09A(b) requires each unit of local government, either individually or in cooperation with other units of local government, to develop a 3-year update to the 10-year Comprehensive Solid Waste Management Plan; and

**WHEREAS**, Catawba County as represented on the Catawba County Planning Advisory Committee; and

**NOW, THEREFORE, BE IT RESOLVED** that the Catawba County Board of Commissioners hereby approves the 3-year update to the 10-year Comprehensive Solid Waste Management Plan.

Adopted this the \_\_\_\_\_ day of \_\_\_\_\_ 2009.

2. Barry Edwards, Utilities and Engineering Director, presented a request for the Board to approve entering into an agreement to accept a \$150,000 grant award offered by the North Carolina Biofuels Center for the purchase of feedstock crushing and/or storage equipment to be used as part of the County's planned Biodiesel Research Facility and authorized County Manager J. Thomas Lundy to execute the necessary documents for this grant. On July 21, 2008, the Board awarded a design contract for the Biodiesel Research Facility to Camp, Dresser, & McKee. The design is complete. To improve the efficiency of the Biodiesel Research Facility, a feed stock crushing facility needs to be developed and installed that includes automated seed crushing equipment. The current process for crushing seeds harvested from feedstock crops grown on the landfill property uses a hand operated seed crusher brought to the site from Appalachian State University. This hand operated seed crusher is small, inefficient and will not be able to meet the demands of the Biodiesel Research Facility when it is ready for production. The Biodiesel Research Facility budget currently include \$300,000 for the feedstock processing station, not including seed crushing equipment and with minimal crop yield storage capacity. The efficiency of the Biodiesel Research Facility will be increased greatly through the use of this grant, by increased output and improved yield storage.

The current Biodiesel Research Facility budget indicates an eight-year payback on the cost of the facility. Utilizing these grant dollars to purchase the improved seed crushing and storage equipment will help the County realize the anticipated payback period, and possibly improve on it, as these components of the EcoComplex will need to be purchased in order to utilize the facility to its fullest. In the current facility budget, seed crushing equipment was not included in order to keep the cost of the facility to a minimum. The Biofuels Center grant presents an opportunity for the County to improve upon the efficiency of the system without negatively impacting the overall budget of the project.

Commissioner Barger made a motion to entering into the subject agreement and authorize County Manager J. Thomas Lundy to execute the necessary documents for this grant. The motion carried unanimously. The following appropriations apply:

**Appropriations**

Revenue	
525-350050-631435	\$150,000
NC Biofuels Grant	
Expenditure	
525-350050-993503	\$150,000
Solid Waste Fund	

3. Barry Edwards, Utilities and Engineering Director, presented a request for the Board to reject all bids received on April 22, 2009 for construction of a utility bridge as part of the Southeastern Catawba County (SECC) Wastewater Collection System; award the project bid to Gilbert Engineering Company of Statesville, NC, in the amount of \$398,893, and appropriat funding from the Water and Sewer Construction Fund in the amount of \$398,895 for this project. (Note: budget transfers are made in increments of \$5.)

On June 16, 2008, the Board awarded construction contracts on six of seven divisions of the SECC Wastewater Collection System to three contractors. The seven divisions of the project consist of three pump stations, three sections of varying sizes of sewer line, and one utility bridge. The utility bridge would include 311 linear feet of sewer force main, and 185 linear feet of 24-inch steel encasement pipe for a future twelve-inch water line. The utility bridge will support the sewer force main and future water line over the Norfolk Southern Railroad at its intersection with Hudson Chapel Road. The utility bridge will parallel an existing North Carolina Department of Transportation (NCDOT) roadway bridge. The NCDOT no longer permits water or sewer lines to be suspended from NCDOT bridges. There will be approximately 30 feet between the existing roadway bridge and the utility bridge. The actual span of the utility bridge is approximately 150 feet in length and 9 feet in width.

On April 22, 2009, Catawba County received bids for the following contractors: Gilbert Engineering Co. \$438,834; Taylor & Murphy Construction Co., Inc. \$454,500; Mountain Creek Contractors \$667,175 and G.L. Wilson Building Co. \$1,261,018.

After a review of the bids, and in an attempt to garner better bid prices, County staff made the decision for the project to be rebid. Bids were received on May 28, 2009 from the following contractors: Gilbert Engineering Co., \$398,893; DHG Griffin Infrastructure, \$561,140 and Hickory Construction Co., \$622,000. Based on the review of the bids and qualifications, staff recommended the bid be awarded to Gilbert Engineering Company of Statesville, NC, in the amount of \$398,893.

Funding for this part of the project was included in financing approved by the Board on April 7, 2008, but those funds have not been appropriated from the Water and Sewer Construction Fund Balance. Therefore, \$398,893 will be appropriated from the Water and Sewer Construction Fund.

Vice-Chair Lail made a motion to reject all bids received on April 22, 2009, award the bid for construction of the Utility Bridge (Division VII) of the Southeastern Catawba County (SECC) Wastewater Collection System to Gilbert Engineering Company in the amount of \$398,893 and

appropriate funding from the Water and Sewer Construction Fund in the amount of \$398,895. The motion carried unanimously. The following appropriations apply:

**Appropriations**

Revenue

415-430050-690100 \$398,895

Fund Balance Applied

Expense

415-431100-861500-21023 \$398,895

SECC Wastewater Collection System

11. Other Items of Business: None.
12. Attorneys' Report: None.
13. Manager's Report:  
County Manager Lundy requested the Board consider moving into Closed Session in accordance with General Statute 143-318.11(a)(3) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body. Mr. Lundy did not anticipate did not take any action upon the Board's return to open session. Commissioner Hunsucker made a motion to move into closed session at 8:25 p.m. The motion carried unanimously.
14. Adjournment: The Board returned to open session and took no action. Commissioner Barger made a motion to adjourn at 8:45 p.m. The motion carried unanimously.

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Lynn M. Lail, Vice-Chair  
Board of Commissioners

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Barbara E. Morris, County Clerk