

Regular Session, April 18, 2022, 7:00 p.m.  
Catawba County Board of Commissioners

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Catawba County Economic Development – Susanne Swinnie		
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Subdivision Review Board – Jason Cloninger		
United Arts Council of Catawba County – Katherine Barnes		
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The Catawba County Board of Commissioners met in Regular Session on Monday, April 18, 2022, at 7:00 p.m., in the Board of Commissioners Meeting Room, 2<sup>nd</sup> Floor, Catawba County Justice Center, 100 Government Drive, Newton, North Carolina.

Present were Chair Randy Isenhower, Vice-Chair Barbara G. Beatty, and Commissioners Austin Allran, Sherry E. Butler and Katherine W. Barnes.

Also present were County Manager Mick Berry, Assistant County Manager Alison Alexander, County Attorney Jodi Stewart, Assistant County Attorney Josh Teague and County Clerk Dale Stiles. Deputy County Manager Mary Furtado was not present.

1. Chair Randy Isenhower called the meeting to order at 7:00 p.m., noting a quorum was present.
2. Chair Isenhower led the Pledge of Allegiance.
3. Commissioner Austin Allran offered the invocation.
4. Commissioner Katherine Barnes made a motion to approve the Minutes from the Board's Special Closed Session of March 31, 2022, and Regular Meeting of April 4, 2022. The motion carried unanimously.
5. Recognition of Special Guests:  
Chair Isenhower welcomed everyone present. Ben Setser, President of the Catawba Valley Chapter of the Sons of the American Revolution, presented Catawba County Commissioners with a Patriots Day Proclamation. Mr. Setser provided a monthly Newsletter for the Catawba Valley Chapter of The Sons of the American Revolution, and a copy of his presentation.
6. Public Comments. James McRee came forward and requested the Confederate monument on the grounds of the 1924 Courthouse not be removed.

7. Appointments.

Upon the recommendation of Chair Isenhower, which came in the form of a motion that unanimously carried, the Board reappointed Robinson Nicholson to a fourth term on the Catawba County Economic Development Corporation Board of Directors, with a term expiration date of June 29, 2025.

Upon the recommendation of Chair Isenhower, which came in the form of a motion that unanimously carried, the Board reappointed Susanne Swinnie to a third term on the Catawba County Economic Development Corporation Board of Directors with a term expiration date of June 29, 2025.

Upon the recommendation of Vice-Chair Beatty, which came in the form of a motion that unanimously carried, the Board reappointed Warner Lawrence to a third term on the Nursing and Rest Home Community Advisory Committee, with a term expiration date of June 17, 2025.

Upon the recommendation of Vice-Chair Beatty, which came in the form of a motion that unanimously carried, the Board reappointed Jason Cloninger to a seventh term on the Subdivision Review Board, with a term expiration date of June 29, 2024.

Upon the recommendation of Commissioner Butler, which came in the form of a motion that unanimously carried, the Board appointed Katherine Barnes to a first full term, beginning on July 1, 2022, to the United Arts Council of Catawba County, with a term expiration date of June 30, 2025.

8. Public Hearings:

- a. The Finance and Personnel Subcommittee requested the Board of Commissioners hold a public hearing and approve Lenoir Rhyne University's qualified 501(c)(3) capital improvement bonds, pursuant to federal tax law.

Lenoir Rhyne University is in the process of financing and refinancing the costs of capital projects on the Hickory, Asheville, and Columbia campuses. The proposed bonds are "qualified 501(c)(3) bonds," and pursuant to federal tax law, are required to be approved, after a public hearing, by the governmental unit having jurisdiction over the area in which the project is located. The Board of Commissioners is the "applicable elected representative" of the County for the projects on the Hickory campus. The amount borrowed will not exceed \$63,000,000, and the County has no responsibility for the payment of the principal or interest on the bonds or for any costs incurred by LRU with respect to the bonds or the projects.

After the presentation by Lenoir Rhyne University's Vice President of Business and Finance Jeremy Shreve, Chair Isenhower confirmed the County has no financial responsibility. Chair Isenhower opened the public hearing. No one came forward to speak and the Chair closed the public hearing. Commissioner Sherry Butler made a motion to approve the qualified 501(c)(3) capital improvement bonds pursuant to federal tax law. The motion carried unanimously.

*The following resolution applies:*

**RESOLUTION 2022-\_\_\_**

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF CATAWBA, NORTH CAROLINA, APPROVING THE ISSUANCE BY THE PUBLIC FINANCE AUTHORITY OF ITS EDUCATIONAL FACILITIES REVENUE AND REVENUE REFUNDING BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$63,000,000.**

**WHEREAS**, Lenoir-Rhyne University (the "*Borrower*"), a North Carolina nonprofit corporation and an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended ("*Code*") has requested that the Public Finance Authority, a public authority existing under the laws of the State of Wisconsin (the "*Authority*"), issue its educational facilities revenue bonds, in one or more series, including tax-exempt and taxable bonds (the "*Bonds*"), in an aggregate principal amount not to exceed \$63,000,000. The Bonds will constitute "qualified 501(c)(3) bonds" within the meaning of Section 145(a) of the Code. Proceeds of the Bonds will be loaned to the Borrower to be used to finance and refinance the costs of educational facilities (the "*Projects*") owned and operated by the Borrower;

**WHEREAS**, the Projects are or will be located on the Borrower's Hickory campus at 625 7th Avenue NE, Hickory, North Carolina 28601, on the Borrower's Asheville campus at 36 Montford Avenue, Asheville, North Carolina 28801 and on the Borrower's Columbia campus at 4201 N. Main Street, Columbia, South Carolina 29203 and the proceeds of the Bonds in an amount not to exceed (1) \$52,000,000 will be used to finance and refinance Projects on the Borrower's Hickory campus, (2) \$4,000,000 will be used to finance and refinance Projects on the Borrower's Asheville campus and (3) \$7,000,000 will be used to finance and refinance Projects on the Borrower's Columbia campus;

**WHEREAS**, pursuant to Section 147(f) of the Code and related treasury regulations (collectively, "*Federal Tax Requirements*") and pursuant to Section 66.0304(11)(a) of the Wisconsin Statutes and Section 4 of the Amended and Restated Joint Exercise of Powers Agreement Relating to the Public Finance Authority dated as of September 28, 2010 (collectively, "*Authority Requirements*"), prior to their issuance and after a public hearing held following reasonable public notice, the Bonds are required to be approved by the "applicable elected representative" of a governmental unit having jurisdiction over the area in which the Projects are located;

**WHEREAS**, the Board of Commissioners (the "*Board*") of Catawba County, North Carolina (the "*County*") is the "applicable elected representative" of the County for the Projects located on the Borrower's Hickory campus;

**WHEREAS**, the Borrower has requested that the Board approve the Authority's issuance of the Bonds and financing and refinancing of the Projects in order to satisfy the requirements Federal Tax Requirements and the Authority Requirements; and

**WHEREAS**, the Board, following notice duly given in the form attached hereto as Exhibit A (the "*TEFRA Notice*"), held a public hearing today regarding the Authority's issuance of the Bonds and the financing and refinancing of the Projects and now desires to approve the Authority's issuance of the Bonds and the financing and refinancing of the Projects in accordance with the Code;

**BE IT RESOLVED** by the Board as follows:

**Section 1.** Pursuant to and in satisfaction of the requirements of the Federal Tax Requirements and the Authority Requirements, the Board hereby approves (a) the Authority's issuance of the Bonds in an aggregate principal amount of not to exceed \$63,000,000, and (b) the financing and refinancing of the Projects located in the County.

**Section 2.** The County has no responsibility for the payment of the principal of or interest on the Bonds or for any costs incurred by the Borrower with respect to the Bonds or the Projects.

**Section 3.** This resolution is effective immediately on its passage.

Read, approved and adopted this 18th day of April, 2022.

\_\_\_\_\_  
C. Randall Isenhower, Chairman

STATE OF NORTH CAROLINA            )  
  )  
COUNTY OF CATAWBA                 )        SS:

I, Dale R. Stiles, Clerk to the Board of Commissioners of the County of Catawba, North Carolina, **DO HEREBY CERTIFY** that the foregoing is a true and exact copy of a resolution entitled "**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF CATAWBA, NORTH CAROLINA, APPROVING THE ISSUANCE BY THE PUBLIC FINANCE AUTHORITY OF ITS EDUCATIONAL FACILITIES REVENUE AND REVENUE REFUNDING BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$63,000,000**" adopted by the Board of Commissioners of the County of Catawba, North Carolina, at a meeting held on the 18th day of April, 2022.

**WITNESS** my hand and the corporate seal of the County of Catawba, North Carolina, this the \_\_\_\_ day of April, 2022.

[Seal]

\_\_\_\_\_  
DALE R. STILES  
Clerk to the Board of Commissioners  
County of Catawba, North Carolina

b. Chris Timberlake, Planning and Parks Director, requested the Board of Commissioners hold a public hearing to consider an application to rezone approximately 635 acres from R-40 Residential to R-80-CD Conditional District, specifically for a 325-acre utility-scale solar facility.

The current R-40 Residential district requires a minimum lot size of 40,000 square feet (1.09 dwellings per acre) and is a low-density "general use" district. Predominate uses in this district include single-family homes and agriculture. The R-80 Residential district requires a minimum lot size of 80,000 square feet (1.83 dwellings per acre) and is a low-density "general use" district. Predominate uses in this district include single-family homes and agriculture in a more rural surrounding.

Conditional district zoning is based on a "specific use" such as the requested solar facility being proposed. The solar facility would be bound by a set of regulations specific to the request accompanied by a site plan. In this case, if approved, the specific zoning district would be R-80-CD (Conditional Zoning District).

Location/Zoning

The four properties considered for rezoning are located off Hickory-Lincolnton Highway just south of Blackburn Bridge Road, in the 321 Eco-Tech Development Plan, Jacob Fork Township and further identified

by Parcel Identification Numbers 3617-04-73-9646, 3617-04-61-5203, 3616-01-49-9954, and 3616-02-78-2925.

The parcels labeled 1A, 1B, 1C, and 1D, on the maps are zoned R-40 Residential. Blackburn Solar, LLC (subsidiary of NextEra Energy Resources, LLC) is proposing to rezone approximately 635 acres (red hashed area). The applicant intends to enter purchase agreements for Parcels 1A and 1B on the map and lease agreements for Parcels 1C and 1D. In addition, the applicant intends to donate 125 acres along the South Fork River and the northern property line to Catawba Lands Conservancy. This donation may provide for future trail expansion of the Carolina Thread Trail. Adjacent parcels contain the zoning districts and uses described below.

- All parcels surrounding the property are zoned R-40 Residential. Any subdivision of the parcels requires a minimum lot size of 40,000 square feet. The density of the R-40 district provides for 1.09 dwellings per acre. There is a mixture of developed and undeveloped parcels around the subject parcels. The parcels surrounding the subject parcels are predominately developed with residential uses. Various adjacent parcels are wooded or used for agricultural production.

#### Zoning History

There have been no requests for zoning alterations to the property.

#### Land Use

A portion of the area proposed for rezoning is located in the Floodplain Management-Overlay (100-year special flood hazard area). However, the proposed solar area would be located outside of the floodplain. The site plan and decommissioning plan illustrate or state how the applicant will meet the solar facility standards found in Section 44-633 of the Unified Development Ordinance as well as proposed requirements specific to the request. The full list of standards contained within the Unified Development Ordinance is listed below:

#### Sec. 44-633. Solar Farm (Utility-Scale Solar Application)

- (a) All structures and security fencing must meet a 100-foot front setback measured from the edge of the rights-of-way and 50-foot side and rear setbacks. **(Applicant proposes a minimum front setback of 120' and side and rear setbacks of 100'.)**
- (b) A landscape buffer/screen **(identified on site plans, page 6 and 14 of application booklet)** along all exterior sides of the security fence must consist of:
  - (1) On-site mature vegetation exists at a minimum height of 10 feet and depth of 75 feet between the security fence and adjacent property including rights-of-way; or **(There is mature vegetation that meets the requirement at various places on the property.)**
  - (2) A single row of evergreens in combination with mature vegetation, installed at a height of 5 feet achieving opaqueness and a minimum height of 10 feet in 5 years; or **(The applicant is proposing this type of buffer (Type 3) in their plan along the western border where there are existing maturing pines (Parcel 1C).)**
  - (3) A double row of off-set evergreens absent mature vegetation, installed at a height of 5 feet achieving opaqueness and a minimum height of 10 feet in 5 years; or **(The applicant is proposing this type of buffer (Type 1, Type 2A and 2B along the portions of the western and northern border.)**
- (c) Where visibility of the solar farm is increased due to topography, the landscape buffer/screen must be planted on-site in an area that lessens the view of the solar farm. Where visibility of the solar farm is decreased due to topography, the landscape buffer/screen may be reduced. Both shall be determined by the Planning Director. **(Buffers are proposed along property lines to provide the most benefit. However, existing topography provides screening of the proposed solar arrays along some portions of Hickory-Lincolnton Highway.)**
- (d) All solar panels must be constructed to minimize glare or reflection onto adjacent properties and adjacent roadways and must not interfere with traffic or create a safety hazard. **(Noted on site plan, #4 and page 15 of application booklet.)**

- (e) The applicant must secure all necessary approvals and/or permits from NCDOT for the access points for project entrances prior to issuance of a Zoning Authorization Permit. **(Noted on site plan, #5 and page 15 of application booklet.)**
- (f) All construction parking must be located outside of the rights-of-way. **(Proposed outside of right-of-way on plan, noted in #6 and page 15 of application booklet.)**
- (g) Erosion control measures must be installed at construction entrances in order to minimize off-site soil spillage. Existing grass must be maintained in perpetuity sufficient to prevent erosion. **(Noted on site plan, #7 and page 15 of application booklet.)**
- (h) The applicant must provide written authorization from the local utility company acknowledging and approving connection to the utility company's grid. **(Noted on site plan, #8 and Appendix D of the application booklet.)**
- (i) A warning sign concerning voltage must be placed at the main gate to include the name of the solar farm operator and a local phone number for the solar farm operator in case of an emergency. **(Noted on site plan, #9, page 15 and Appendix E of the application booklet.)**
- (j) Power transmission lines must be located underground to the extent practical. **(Noted on site plan, #10 and page 16 of the application booklet.)**
- (k) A security fence equipped with a gate and a locking mechanism must be installed at a minimum height of eight feet along all exterior sides of the solar farm. **(Illustrated and note on site plan, #11 and page 16 of the application booklet.)**
- (l) Landscape buffer/screens, ground cover, security fences, gates, and warning signs must be maintained in good condition until the solar farm is dismantled and removed from the site. **(Noted on site plan, #12 and page 16 of the application booklet.)**
- (m) The Zoning Authorization Permit is subject to revocation if the Planning Department is not notified when the solar farm company holding the permit sells or otherwise transfers its interest to another entity or individual. **(Noted on site plan, #13 and page 16 of the application booklet.)**

As required in the UDO, the applicant has provided a decommissioning plan and will also provide a performance guarantee and financial security with the County to assure decommissioning of the site and restoration of the property. In addition, the applicant will notify the County when the site is abandoned.

#### Utilities

Although public water exists north of the site along Hickory-Lincolnton Highway and Blackburn Bridge Road, the proposed use does not require water services. Public sewer or private septic is not necessary either.

#### Transportation

Hickory-Lincolnton Highway is recognized as a minor thoroughfare in the 2040 Long Range Transportation Plan. Average Annual Daily Traffic counts along Hickory-Lincolnton Highway south of the site measured 950. Development of the property will consist of temporary construction traffic and will not overburden the existing roadway. The transportation plan does not recommend any roadway improvements for Hickory-Lincolnton Highway.

#### Land Use Plan

The 321 Eco-Tech Development Plan, adopted July 2011, serves as the recent land use plan for this area. Map 6, Future Land Use Recommendations, recommends low-density residential use for the properties identified in the request. Map 5 of the Startown Small Area Plan (SAP), adopted October 2005, also recommended the properties for low-density (1 dwelling per 2 acres) residential use. The Startown SAP also recommends conservation along the South Fork River. The use associated with the request for a solar facility at this location is inconsistent with the adopted plan's residential use recommendations but consistent with the lower-density development patterns recommended in the plan and consistent with the

recommendation for working with landowners in providing conservation of land for passive recreation opportunities. In addition, the request is consistent with providing opportunity for Carolina Thread Trail along the South Fork River identified in Map 8, Transportation/Multi-modal recommendations within the 321 Eco-Tech Development Plan.

Planning Board Public Hearing

The Planning Board held a public hearing on March 28, 2022. Five citizens commented on the request. Generally, comments centered around impacts to wildlife and scenery, loss of farmland, desiring more time to study solar impact, belief of negative impact regarding electrical transmission, and that the use should be farther away from residential uses. One also commented that residential use is a higher and better use of the land as opposed to solar because of the need for housing stock. Nick Tosco, attorney, spoke on behalf of the applicant, noting that recent appraisals did not indicate any devaluation of property adjacent to solar uses. He also reiterated the intent to dedicate 125 acres of open space to the Catawba Lands Conservancy and the potential for Carolina Thread Trail location.

The board inquired about the amount of overhead off-site power lines, and the applicant indicated the overwhelming majority would be buried, with what wasn't buried not visible from the road. The board commented on private property rights being a consideration and noted there were other solar farms in the area that had not caused any known issues.

A copy of a letter from Mary Roakes, property owner of 1C, was provided to the Board.

After Mr. Timberlake's presentation concluded, the Chair opened the public hearing. Nick Tosco came forward on behalf of the applicant noting a total of 125 acres of conservation, creation of 100 jobs, increased tax revenue, and no detriment to property value. Paul Gadd, of Wilfong Road in Newton, came forward in opposition to the request, as did Dr. Paula Love of Blackburn Bridge Rd. in Lincolnton, R.C. Hessenstein of Blackburn Bridge Road, in Lincolnton, and Dan Blackwell, of Blackburn Bridge Road, Lincolnton. Concerns raised by those in opposition included negative environmental impacts and disaster risk related to the composition of the solar panels themselves, negative effect on property values, water quality impacts, and noise associated with solar farm operation. Andy Wells of North Center Street, Hickory, came forward in support of the request and explained that NextEra Energy would work well with the Carolina Thread Trail. No one else came forward to speak and the Chair closed the public hearing.

In reference to commissioner inquiries, Mr. Timberlake reported evergreens typically reach approximately six-feet in height within five-years of planting. The land leases are thirty-five year agreements. Solar panels would cover one hundred and forty acres, and grassy meadow type seed would be used as vegetation control to minimize mowing to three to four times annually. Approximately eighty percent of solar panels are imported from Southeast Asia. County Attorney Jodi Stewart reported Solar Farms follow land use and must be bonded pursuant to Catawba County ordinance.

Commissioner Barnes expressed concern with herbicides affecting well water, health issues, consistent low frequency noise levels, post bracket rust and rain water runoff into the South Fork River. Chair Isenhower concurred with Commissioner Barnes. Commissioner Butler expressed concern due to the South Fork River flowing downstream and the potential for further contamination from solar panel components and conductive properties.

Commissioner Butler made a motion to deny the rezoning request due to the issues set forth above. The motion to deny such rezoning was carried unanimously.

9. Consent Agenda: County Manager Mick Berry presented the following five items under the consent agenda. Chair Isenhower asked if any commissioner wished for an item to be broken out of the consent agenda for individual discussion. None were requested.
  - a. The Finance and Personnel Subcommittee requested the Board of Commissioners approve an amendment to the FY21/22 Mediko jail medical contract to add mental health services. No additional appropriation is needed to support this request.

Since the state reformed mental health services years ago, mental health and substance use issues have been a growing problem in local detention centers. Through Partners Health Management, the County contracts with Catawba Valley Healthcare (CVH) to provide mental health and substance use programs in the detention center. Based on licensure requirements and limitations, CVH staff cannot diagnose all inmates, aren't available to screen inmates 24/7, and are overloaded providing counseling/treatment programs when they are present. Timely diagnosis and treatment of mental health and substance use issues is critical to inmate and detention officer safety. The jail has limited space to isolate inmates suffering from severe mental health issues and / or suicide watch. Diagnosis is required to provide medications to stabilize the inmate and to determine if they can be safely returned to the population or need to be moved outside the facility for more appropriate treatment. Adding increased capacity for mental health professionals to operate within the jail will likely also help ease the high turnover rate among detention center staff.

Mediko, the County's existing jail medical provider, offers 24/7 telehealth psychiatry services as an add-on to its contract at a cost of \$47,385 for the remainder of this fiscal year. If approved, no additional funding is required for FY22, as the Sheriff's Office has sufficient lapsed salaries within the jail budget to cover the expense this year due to position vacancies. This service increase is included in the Sheriff's requested budget for FY23 at a cost of \$189,533 and will be addressed in the recommended budget presented to the BOC for consideration.

b. The Finance and Personnel Subcommittee requested the Board of Commissioners transfer of \$1,000,000 from the System-wide Classroom Renovations project to a Hickory High School Renovations project to begin planning for needed renovations and a System-wide facility review/audit.

The four-year schools' construction plan included \$8 million to renovate four of Hickory Public Schools' five elementary schools. Additional classrooms were planned at three schools, allowing for removal of mobile classrooms, and general renovations were planned at the other school. The Fiscal Year 2021/22 budget included \$4 million towards these renovations with an additional \$4 million planned in Fiscal Year 2022/23. Since the time the original request was made, average daily membership (ADM) has changed at all four locations resulting in all of the schools except Viewmont Elementary being under capacity, making these renovations a lower priority. At this time, the District would like to maintain \$3 million of the \$4 million already appropriated to address elementary renovations in case the need arises.

HPS has requested to repurpose \$1 million of the previously appropriated funds to address two other higher priority needs. First, HPS would like transfer \$900,000 to a Hickory High School Renovations project, with initial funding used to seek information and feedback from multiple architectural firms regarding potential options/costs to address needs at Hickory High School. Additionally, the system requests that the \$4 million planned for elementary renovations in Fiscal Year 2022/23 be repurposed toward potential high school renovations. (This will be reflected in the forthcoming FY2022/23 Recommended budget.)

Second, the District would like to use \$100,000 to conduct a districtwide facility review/audit to better understand its short- and long-term capital needs. Based on the low dollar amount of this request and the fact that there are no near-term plans to issue debt, county staff recommends using school construction cash reserves to fund this portion of the request, if approved.

**Transfer of Appropriation:**

From:

423-740100-865200-32150-3-24	System-wide Classroom Renovations	\$1,000,000
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To:

423-740100-865200-32104-3-19	HHS Renovations	\$ 900,000
423-740100-865200-32150-3-25	Facility Review/Audit	\$ 100,000

**Partial Project Closures:**

423-7400100-993999-30050-9-01	Future Projects/Expenditures	(\$100,000)
423-740050-690450	Proceeds – Installment Purchase	(\$100,000)



c. The Policy and Public Works Subcommittee requested the Board of Commissioners approve by Resolution two (2) Land Lease Agreements for Farming, and authorize the County Manager to execute the Lease Agreements.

On February 24, 2022 and March 31, 2022, the County received bids on two separate five-year Lease for Farm Acreage for county-owned property located adjacent to the landfill. Leasing the acreage for farming reduces the amount of County time used to maintain the property, while providing competitive access to arable land.

*Hickory Lincolnton Tracts:* The area consists of four tracts of land totaling approximately 48.48 acres as shown on the attached map, labeled Hickory Lincolnton Tracts. The highest bidder, Mr. Russell E. Hedrick, will pay the County \$62.00 per acre, which equates to \$3,005.76 annually and \$15,028.80 over the life of the lease.

*Blackburn Facility Tracts:* The area consists of two tracts of land totaling approximately 25.61 acres as shown on the attached map, labeled Blackburn Facility Tracts. The highest bidder, Mr. Daniel Isenhour, will pay the County \$101.00 per acres, which equates to \$2,586.61 annually and \$12,933.05 over the life of the lease.

**ANALYSIS/ALTERNATIVES:**

Leasing this acreage for farming will make good use of the property while maintaining it and create a revenue source, offsetting the cost of the County's maintenance cost. The annual cost to sow grass, mow and maintain the property is estimated at \$2,222.70, which equates to \$30.00 per acre.

The following resolution applies:

**RESOLUTION #2022-\_\_\_\_\_**  
**AUTHORIZING THE EXECUTION OF LAND LEASE AGREEMENTS**

WHEREAS, G.S. 160A-272 allows the Catawba County Board of Commissioners to lease property owned by the county upon adoption of a resolution authorizing the execution of the lease agreements; and

WHEREAS the County received an offer on February 24, 2022, from Mr. Russell Hedrick to lease approximately 48.48 acres for farming purposes, in response to a request for proposal published January 21, 2022, for a period of five (5) years at a rate of \$62.00 per acre, per month; and

WHEREAS the County received an offer on March 31, 2022, from Mr. Daniel Isenhour to lease approximately 25.61 acres for farming purposes, in response to a request for proposal published March 21, 2022, for a period of five (5) years at a rate of \$101.00 per acre, per month; and

WHEREAS, the following property is not needed for the period of the leases for use as part of the Blackburn Resource Recovery Facility:

No.	Book/Page	Parcel ID.	Net Acres (Approx.)
1	3344/0441	361701387194	17.43 ±
2	3681/0628	361701476476	11.80 ± (Non-forested portion)
3	3681/0628	361701378150	2.17 ±
4	2690/1368	361701489547	17.08 ± (Partial)
		<b>Total:</b>	<b>48.48 ±</b>
1	2676/1675	361702796313	13.09 ± (existing field)
2	3681/0628	361701476476	12.52 ± (existing field)
		<b>Total:</b>	<b>25.61 ±</b>

WHEREAS, it is the intent of the County to authorize the execution of the Land Lease Agreements at its regularly scheduled meeting to be held on April 18, 2022;

NOW, THEREFORE BE IT RESOLVED, that the Board of Commissioners hereby accepts the offers to Lease the above properties and authorizes the County Manager to execute the Land Lease Agreements.

This the 18<sup>th</sup> day of April, 2022.

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C. Randall Isenhower  
Chair, Catawba County Board of Commissioners

**d.** The Policy and Public Works Subcommittee requested the Board of Commissioners approve a waiver of the \$5 per ton/3-yard scoop fee for mulch, beginning with Earth Day, April 22, 2022 and continuing through May 7, 2022.

Part of the permitted operations at the Blackburn Resource Recovery Facility (Facility) is the diversion of grindable yard waste and land clearing debris in order to preserve landfill capacity and generate mulch that is both sold and used in landfill operations. The amount of mulch currently on-hand is approximately 2,000 cubic yards.

Currently, the grinding/composting and tire recycling area of the Facility is experiencing operational difficulties due to the excessive amount of stockpiled mulch. The rows of mulch must be "turned" often to avoid the danger of spontaneous combustion brought on by the buildup of heat within the mulch as the material decomposes. The volume of mulch currently on-hand is making the regular turning of the mulch difficult while also maintaining adequate and safe access to the area for citizens and employees.

Currently, the price to purchase mulch is \$5 per ton or \$5 per 3-cubic yard scoop, with the customer having the option of choosing. The sale of mulch represented a revenue of \$14,451.55 in FY 2022 for the Solid Waste Fund.

If a temporary waiver is approved, staff will prepare a media release to notify citizens of the fifteen-day mulch giveaway.

Alternatives to this request are limited and include: Approval of the request; waiver of a portion of the fees; no fee waiver.

**e.** The Tax Administrator requested the Board of Commissioners approve nineteen (19) releases totaling \$3,393.59, three (3) refunds totaling \$522.30, and seventy-five (75) Motor Vehicles Bill adjustments / refunds totaling \$9,436.72, requested during the month of March.

North Carolina General Statute 105-381(b) states upon receipt of a taxpayer's written request for release or refund, the taxing unit's governing body has 90 days to determine whether the taxpayer's request is valid and to either approve the release or refund of the incorrect portion or to notify the taxpayer in writing that no release or refund will be made.

During the month of March, Tax Office staff has checked records and verified the legitimacy of nineteen (19) release requests totaling \$3,393.59, three (3) refunds totaling \$522.30 and seventy-five (75) Motor Vehicle Bill adjustments / refunds totaling \$9,436.72.

Common reasons for release of tax bill amounts include change in values and months, change in situs, businesses closing / being sold, clerical errors, listing errors, material changes in property structures and change in ownership. The refund requests are due to situs errors and a value change. The motor vehicle bill adjustments are largely due to pro-ration of tax bill amounts to account for mid-year transfers of ownership, change in values and change in situs. (A detailed transaction summary of individual transactions is attached.)

Consistent with current practice, the Tax Collector will continue to present any material refunds or releases of significant dollar amounts individually, rather than bundled together with other minor transactions on consent agenda.

COMMISSIONER APPROVAL OF RELEASES & REFUNDS

TIME PERIOD: March 1, 2022 through March 31, 2022

PROCESSED: April 18, 2022

**REGULAR RELEASES**

MOTOR VEHICLE	\$ 0.00
REAL & PERSONAL	\$3,393.59
TOTALS	\$3,393.59

**REGULAR REFUNDS**

MOTOR VEHICLE	\$ 0.00
REAL & PERSONAL	\$522.30
TOTALS	\$522.30

COUNTY GRAND TOTAL \$3,915.89

**NEW MOTOR VEHICLE SYSTEM REFUNDS (VTS)**

MOTOR VEHICLE NCVTS \$9,436.72

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RANDY ISENHOWER  
 CHAIRMAN OF THE BOARD  
 CATAWBA COUNTY BOARD OF COMMISSIONERS

Chair Isenhower stated the consent agenda came in the form of a motion collectively, which carried unanimously.

10. Manager's Report. There were no items to report.

11. Attorney's Report.

a. Staff requested the Board of Commissioners approve an amendment to the Board of Adjustment's bylaws requiring meetings to be held the third Tuesday of each month instead of the last Tuesday.

At its February meeting, the Board of Adjustment (BOA) discussed the possibility of changing the monthly meeting date from the last Tuesday of every month to the third Tuesday of every month because the meeting currently conflicts with the Western Piedmont Council of Government's Policy Board meeting. The consensus of the BOA was to move forward with requesting the Board of Commissioners approve this change. The meeting schedule for the BOA is included in the bylaws, and an amendment to the bylaws requires BOA and Board of Commissioners approval. Upon approval of the amendment by the Board of Commissioners, the BOA will take action at its next meeting.

Vice-Chair Beatty made a motion to approve an amendment to the Board of Adjustment's bylaws requiring meetings to be held the third Tuesday of each month instead of the last Tuesday. The motion carried unanimously.

b. County Attorney Jodi Stewart requested the Board consider moving into Closed Session pursuant to North Carolina General Statutes 143-318.11(a) 1) and 3) to prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record


within the meaning of Chapter 132 of the General Statutes, and 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. Attorney Stewart did not anticipate any action upon return to open session. Vice Chair Beatty made a motion to move into closed session for the stated reason. The motion carried unanimously. The Board entered into Closed Session at 8:18 p.m.

12. Adjournment. No further action was taken. Upon a motion by Vice-Chair Beatty which unanimously carried, the meeting was adjourned at 8:26 p.m.



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Randy Isenhower, Chair  
Catawba County Board of Commissioners



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Dale R. Stiles  
County Clerk