

Regular Session, May 2, 2022, 7:00 p.m.  
Catawba County Board of Commissioners

|  |     |          |
|--|-----|----------|
| <b><u>Appointments</u></b>   | 687 | 05/02/22 |
| Juvenile Crime Prevention Council – Ronn Abernathy                                       |     |          |
| Juvenile Crime Prevention Council – Maria Ballard  |     |          |
| Juvenile Crime Prevention Council – Reverend Ron Carson                                  |     |          |
| Juvenile Crime Prevention Council – Katie Varnadoe                                       |     |          |
| Juvenile Crime Prevention Council – Lt. James Kerley                                     |     |          |
| Juvenile Crime Prevention Council – Angela Simmons                                       |     |          |
| Juvenile Crime Prevention Council – Jennie B. Connor                                     |     |          |
| Salt Block Foundation – Laura Treadaway  |     |          |
| Public Health Board – Bill Pitts   |     |          |
| <b><u>Budget</u></b>   |     |          |
| FY22 Medicaid Hold Harmless Revenue Appropriation  | 690 | 05/02/22 |
| ARPA Budget Amendment – ARPA \$10 Million Revenue Loss Allowance                         | 694 | 05/02/22 |
| <b><u>Closed Session</u></b>   | 696 | 05/02/22 |
| Attorney Client Privilege & Consider Qualifications                                      |     |          |
| <b><u>Education</u></b>  | 690 | 05/02/22 |
| Newton-Conover Board of Education Surplus  |     |          |
| <b><u>Finance</u></b>  | 695 | 05/02/22 |
| Acceptance of Upset Bid for Surplus Property: 75 22 <sup>nd</sup> Avenue SE, Hickory     |     |          |
| <b><u>Legal</u></b>  | 692 | 05/02/22 |
| Memorandum of Understanding – Spectrum Southeast by Charter Communications               |     |          |
| <b><u>Presentations</u></b>  |     |          |
| Declaring May 1-7, 2022, National Small Business Week                                    | 687 | 05/02/22 |
| Declaring May 14, 2022, Letter Carrier's Stamp Out Hunger Food Drive Day                 | 687 | 05/02/22 |
| Declaring May 1-7, 2022, Tourism Week  | 688 | 05/02/22 |
| Catawba Valley Community College Parks Art Project                                       | 688 | 05/02/22 |
| Recognition of CVCC Graphic Design Students  | 688 | 05/02/22 |
| <b><u>Proclamations</u></b>  |     |          |
| Proclamation declaring May 1-7, 2022, National Small Business Week                       | 687 | 05/02/22 |
| Proclamation declaring May 14, 2022, Letter Carrier's Stamp Out Hunger<br>Food Drive Day | 687 | 05/02/22 |
| Proclamation declaring May 1-7, 2022, Tourism Week                                       | 688 | 05/02/22 |
| <b><u>Public Comment</u></b>   | 687 | 05/02/22 |
| Michael McRee - Monument   |     |          |
| Kelli Boro – Covid 19 Immunizations  |     |          |
| <b><u>Register of Deeds</u></b>  | 696 | 05/02/22 |
| Excise Tax Refund Request  |     |          |
| <b><u>Resolutions</u></b>  | 691 | 05/02/22 |
| Resolution Declining Property Adjacent to Shuford Elementary on Thornburg Drive          |     |          |
| <b><u>Sheriff's Office</u></b>   | 688 | 05/02/22 |
| Declaring of Retiring Sheriff Deputy Blaine "Ray" Ollis, II, Badge and Service Weapon    |     |          |

**Technology**

692 05/02/22

GREAT Grant Application – Charter Proposal  
Memorandum of Understanding – Spectrum Southeast by Charter Communications

**Utilities and Engineering**

688 05/02/22

Construction Bid Award – River Run and Fox Chase Subdivision Road Improvements

The Catawba County Board of Commissioners met in Regular Session on Monday, May 02, 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 Sherry E. Butler and Katherine W. Barnes. Commissioner Austin Allran was not present.

Also present were County Manager Mick Berry, Deputy County Manager Mary Furtado, Assistant County Manager Alison Alexander, County Attorney Jodi Stewart, Assistant County Attorney Josh Teague and County Clerk Dale Stiles.

1. Chair Randy Isenhower called the meeting to order at 7:00 p.m., noting a quorum was present.
2. Vice Chair Barbara Beatty led the Pledge of Allegiance.
3. Chair Isenhower offered the invocation.
4. Commissioner Katherine Barnes made a motion to approve the Minutes from the Board's Special Closed Session of April 15, 2022, Regular Meeting and Closed Meeting of April 18, 2022, and Special Meeting-Budget Workshop of April 25, 2022. The motion carried unanimously.
5. Recognition of Special Guests:  
Chair Isenhower welcomed everyone present.
6. Public Comments. Michael McRee of 1191 Kensington Circle, Newton, came forward and requested the Confederate monument on the grounds of the 1924 Courthouse not be removed. Kellie Boro of 1214 Wisteria Drive, Hickory, came forward expressed concerns with Covid-19 immunizations.
7. Appointments.  
Upon the recommendation of Chair Isenhower, which came in the form of a motion that unanimously carried, the Board reappointed the following on the Juvenile Crime Prevention Council: Ronn Abernathy, for an eleventh term; Maria Ballard, for a third term; Reverend Ron Carson, for a first full term; Katie Varnado, for a first full term; Lieutenant James Kerley for a first full term; and Angela Simmons for a third term. With a term expiration of June 29, 2024 for each member.  
  
Upon the recommendation of Commissioner Barnes, which came in the form of a motion that unanimously carried, the Board reappointed Laura Treadaway for a third term, on the Salt Block Foundation, with a term expiration date of June 29, 2024.  
  
Upon the recommendation of Commissioner Allran, which came in the form of a motion that unanimously carried, the Board reappointed Bill Pitts for a third term on the Public Health Board, with a term expiration date of June 29, 2025. Chair Isenhower presented the recommendation in the absence of Commissioner Allran.
8. Presentations.
  - a. Chair Isenhower presented a Proclamation to Lindsay Keisler, Chamber of Commerce President, Kim Dahlsten, Vice-President of Operations and Lori Alala, Chamber of Commerce Board of Directors Chair, declaring May 1-7, 2022 as National Small Business Week,

c. Commissioner Sherry Butler presented Mandy Hildebrand, Chief Executive Officer, Hickory Metro Convention Center and Visitors Bureau, and Lindsay Keisler, Chamber of Commerce President, a Proclamation declaring May 1-7, 2022, as Tourism Week.

d. Amy McCauley, Communications and Marketing Director, introduced Catawba Valley Community College Graphic Design Students that were finalists in the CVCC Parks Art Project. A presentation was provided to the Board by second year CVCC students Stephanie Huitron, Gideon Hart and Maddie Barrymore that exhibited exhaustive efforts taken in completing the intricate detail in the artwork for the four Catawba County parks. After the presentation, the Board recognized each student for their outstanding design work in service to the Catawba County Parks System.

9. Consent Agenda: County Manager Mick Berry presented the following four 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. Dale Stiles, County Clerk requested the Board of Commissioners declare Sheriff Deputy Blaine "Ray" Ollis, II badge and service weapon surplus, effective May 10, 2022.

Sheriff Deputy Blaine "Ray" Ollis, II is retiring effective June 1, 2022. He has requested his badge and service weapon. In lieu of receiving these items at a Board of Commissioners meeting, he has asked that the weapon and badge be presented at a retirement ceremony at the Sheriff's Office on Tuesday, May 10, 2022.

Accordingly, staff requested the Board of Commissioners declare the badge and weapon surplus effective May 10, 2022 pursuant to North Carolina Statute 20-187.2(a).

b. The Policy and Public Works Subcommittee requested the Board of Commissioners: award the bid for the River Run Subdivision Road Improvements to Midstate Contractors Inc., of Hickory, NC, in the amount of \$386,779.40; award the bid for the Fox Chase Subdivision Road Improvements to Ram Pavement Services in the amount of \$160,408.91; authorize the County Manager to execute all documents associated with the project; approve a budget revision in the amount of \$588,000.

The County is following a statutory process for the subdivision road improvements to meet NCDOT standards, and assess the property owners for the cost of the repairs. After the projects are complete the Board will do the following for each separate project:

- 1) Make a final determination of cost and order a Preliminary Assessment Roll be published.
- 2) Notice and conduct another public hearing.
- 3) At the end of this future public hearing, the Final Assessment Roll can be adopted, which will implement the special assessment.

River Run Subdivision - The River Run Subdivision is located off Finger Bridge Rd, and consists of approximately 62 homes or lots. The main access road into the subdivision is River Run Circle, and there are three relatively short cul-de-sacs that access River Run Drive: Sliding Rock, Elk Track and Bear Paw. The work to be performed generally consists of milling, paving, and placement of approximately 330 feet of storm water drainage pipe.

On April 7, 2022, the County received a total of two (2) bids for River Run, including: MidState Contractors with a bid of \$386,779.40; and JT Russell & Sons, Inc., with a bid of \$488,355.80.

The minimum assessment for each affected parcel in River Run, based on the bid only, is \$6,238.38. Statutorily, the project's total cost may include the actual construction cost, necessary legal costs, and the cost of publishing and mailing notices and resolutions, and will be finalized at the end of the project.

**Fox Chase Subdivision** - The Fox Chase subdivision is located off Sandy Ford Road in the unincorporated part of Catawba County, and 46 lots in the subdivision will be assessed as part of the road improvements. The subdivision has three internal streets: Fox Chase Drive, Beagle Lane and Reynaud Court.

On April 14, 2022, the County received a total of three (3) bids for Fox Chase, including: Ram Pavement Services with a bid of \$160,408.91; MidState Contractors with a bid of \$180,026.50; and JT Russell & Sons, Inc., with a bid of \$245,047.00

The minimum assessment for each affected parcel in Fox Chase, based on the bid only, is \$3,487.15. Statutorily, the project's total cost may include the actual construction cost, necessary legal costs, and the cost of publishing and mailing notices and resolutions, and will be finalized at the end of the project.

**Supplemental Appropriation:**

**Revenue:**

|                   |                           |           |
|-------------------|---------------------------|-----------|
| 110-190050-690100 | Fund Balance Appropriated | \$588,000 |
| 413-460113-695110 | From General Fund         | \$588,000 |

**Expense:**

|                         |   |           |
|-------------------------|---|-----------|
| 110-190050-995413       | Transfer to Subdivision Road Improvement Fund | \$588,000 |
| 413-460113-868505-17001 | Fox Chase – Subdivision Road Improvement      | \$180,500 |
| 413-460113-868505-17002 | River Run – Subdivision Road Improvement      | \$407,500 |

c. The Finance and Personnel Subcommittee requested the Board of Commissioners appropriate \$2,514,689 in current-year Medicaid Hold Harmless revenue to address one-time capital needs.

When the state assumed full responsibility for Medicaid expenses in July 2009, counties gave up 0.5 percent sales tax levied under Article 44 to the state. Cities had no responsibility for Medicaid expenses but lost the shared sales tax revenue as well. As a result, counties were required to hold municipalities harmless for their lost revenue. Because not all counties benefited equally from this exchange, the legislation included a hold harmless provision that guaranteed every county would benefit by a minimum of \$500,000 from no longer incurring Medicaid expenses despite the lost revenue and municipal hold harmless requirement.

Financially, this exchange has been positive for counties. The nation entered a recession shortly after the legislation's adoption, causing sales tax revenue to dramatically decrease while Medicaid costs increased. Catawba County benefited more from the Medicaid swap than guaranteed by the legislation until Fiscal Year 2018/19, when it received its first small hold harmless payment of \$215,707. As sales tax has continued to grow the past two years and unemployment has remained low, so have the Medicaid Hold Harmless payments. The county received \$341,436 in Fiscal Year 2019/20, \$1,222,513 in Fiscal Year 2020/21, and has received \$2,514,689 year-to-date this fiscal year. Because this revenue source is extremely sensitive to changes in the economy and Catawba County has only recently begun to receive it despite it being approved over 13 years ago, it makes sense to budget this revenue with caution. Accordingly, the following one-time needs are recommended to be addressed from funds received this fiscal year.

| Department               | Account#                | Appropriation | Description   |
|--------------------------|-------------------------|---------------|---|
| General Capital Projects | 410-460100-988000-12008 | \$600,000     | Fleet Services Facility Expansion - increase garage capacity by 25%, from 4 to 5 bays. The garage has been the same size since constructed in 1993, while its fleet has grown by 131% (184 vehicles in 1993 vs. 426 today). Increasing the size will allow the garage to be more efficient in performing preventative maintenance on vehicles and provide improved emergency response capacity. |
| General Capital Projects | 410-460100-982000-11202 | \$300,000     | Technology CIP Increase (updating servers and storage)  |
| General Capital          | 410-460100-             | \$300,000     | Newton Library - (6) HVAC units/controls  |

|                          |                          |                    |   |
|--------------------------|--------------------------|--------------------|---|
| Projects                 | 985000-18013             |                    |   |
| General Capital Projects | 410-460100-985000-18031  | \$184,300          | St. Stephens Playground - replace 30-year-old playground equipment to address safety concerns, add dog agility course to the heavily used dog park, and replace existing horseshoe pits with concrete cornhole boards |
| General Capital Projects | 410-460100-988000-11018  | \$169,439          | Additional funding for General Renovations project to address deferred maintenance needs  |
| General Capital Projects | 410-460100-988000-15018  | \$125,000          | Family Services parking lot asphalt   |
| General Capital Projects | 410-460100-985000-11401  | \$122,000          | Voting Equipment for One-Stop Site - County required to add additional site with 2024 election  |
| General Capital Projects | 410-460100-988000-12009  | \$100,000          | JC Sheriff's parking/drive asphalt  |
| General Capital Projects | 410-460100-988000-15029  | \$81,000           | Lifeskills Roof (will use in conjunction with existing project balance for this facility's maintenance needs)   |
| Emergency Services       | 110-260150-984000        | \$311,950          | Replace additional ambulance, due to extended delivery time for ambulances once ordered   |
| Emergency Services       | 110-260150-985000        | \$118,000          | Replace transport ventilator \$19,000, upgrade 7 base radios as required by VIPER transition (\$7,000 per radio; \$49,000), and purchase 20 transport IV pumps  |
| Emergency Services       | 110-260300-984000        | \$75,000           | Replace 2008 F-250 Truck - Animal Control with over 185,000 miles   |
| Emergency Services       | 110-260350-985000        | \$13,000           | Replace 2 banks of 9 cage cat enclosures - Animal Shelter   |
| Register of Deeds        | 110-160050-981000        | \$15,000           | File cabinets for recorded plats  |
| <b>Total</b>             | <b>110-190050-611460</b> | <b>\$2,514,689</b> | <b>FY22 Medicaid Hold Harmless Appropriation</b>  |

**SUPPLEMENTAL APPROPRIATION**

*Revenue:*

|                   |                            |             |
|-------------------|----------------------------|-------------|
| 110-190050-611460 | Medicaid Hold Harmless     | \$2,514,689 |
| 410-460100-695110 | Transfer from General Fund | \$1,981,739 |

*Expense:*

|   |             |
|---|-------------|
| Specific General Fund (110) appropriations as detailed in table above         | \$532,950   |
| Specific General Capital Projects Fund (410) appropriations as detailed above | \$1,981,739 |
| 110-190900-995410                      Transfer to General Capital            | \$1,981,739 |

d. The Finance and Personnel Subcommittee requested the Board of Commissioners determine if the Board is interested in purchasing the Newton-Conover Board of Education's surplus property located on Thornburg Drive NE in Conover and identified as PIN# 3742-1564-4298 ("Property").

The Newton-Conover Board of Education adopted a Resolution on April 11, 2022, declaring the Property to be surplus property, and pursuant to state law, directed Superintendent Dr. Aron Gabriel to afford the Board of Commissioners the first opportunity to obtain the property at fair market value. The Property is adjacent to Shuford Elementary School and is subject to a right-of-way benefitting privately owned property. County staff

does not recommend the Board of Commissioners purchase the Property, as it is not necessary for County operations. If the County does not purchase the Property, the Board of Education may utilize any statutorily approved process for disposal of the Property.

State law also requires the proceeds of any sale of real property shall be applied to reduce the County's bonded indebtedness for the school administrative unit disposing of the real property or for capital outlay purposes.

*The following resolution applies:*

**RESOLUTION No. 2022-\_\_\_\_\_**

**RESOLUTION DECLINING PROPERTY ADJACENT TO SHUFORD  
ELEMENTARY ON THORNBURG DRIVE**

**WHEREAS**, the Newton-Conover Board of Education ("BOE") owns certain real property located on Thornburg Drive NE in Conover, North Carolina, and being described as Catawba County parcel identification number of 374215644298 ("Property"); and

**WHEREAS**, the BOE desires to sell the Property after offering it first to the Board of Commissioners for purchase at fair market value as required by law; and

**WHEREAS**, the BOE adopted a Resolution on April 11, 2022 declaring the Property to be surplus property and authorizing the Superintendent and Chair of the BOE to dispose of the Property in any manner permitted by Article 12 of North Carolina General Statute 160A, with the Board to approve the final sales and/or exchange price subject to Board of Commissioners declining to purchase the Property.

**NOW THEREFORE**, be it resolved as follows:

1. That the Catawba County Board of Commissioners has been offered the Property at fair market value; and
2. That the Catawba County Board of Commissioners hereby declines the offer to purchase the Property.

**ADOPTED**, this the \_\_\_\_ day of May, 2022.

[Seal]

\_\_\_\_\_  
C. Randall Isenhower, Chairman  
Catawba County Board of Commissioners

Attest:

\_\_\_\_\_  
Dale Stiles, Clerk  
Catawba County Board of Commissioners

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

10. Manager's Report.

Assistant County Manager Alison Alexander presented the following item.

- a. Staff requested the Board of Commissioners approve the use of \$100,000 in American Rescue Plan Act (ARPA) funds as match to support Charter’s GREAT Grant application to provide service to a minimum of 949 currently un/underserved households within Catawba County, and to authorize the Assistant County Manager to sign any subsequent agreements related to the project.

The American Rescue Plan Act (ARPA) allocated billions of dollars to support broadband across the country. North Carolina, in turn, allocated over \$350M in ARPA funding to support broadband needs in the state, through the Growing Rural Economies with Access to Technology (GREAT) Grant, a competitive grant which focuses on the deployment and enhancement of last-mile broadband services to un/underserved citizens, defined as households with internet speeds of less than 25/3. Using the State’s most recent mapping, approximately 7,500 households in Catawba County are un/underserved. The State extended the application deadline from April 4 to May 4, 2022 in late March.

With access to the grant limited to Internet Service Providers (ISPs), the County’s main role is that of a funding conduit. The State designed the program to encourage Counties to participate financially. Applications can score higher if a County utilizes ARPA funds to support the grant’s match requirement.

On March 21, 2022 the Board approved the use of \$1,500,000 in American Rescue Plan Act (ARPA) funds as match to support Lumen’s GREAT Grant application to provide service to a minimum of 4,560 currently un/underserved households. Each company, Lumen and Charter, have submitted proposal for different geographic areas within the County, so if both grant proposals are funding, a total of 5,509 locations will gain the ability to access high speed internet.

| <b>Charter (Spectrum) Proposal</b>    |                     |
|---------------------------------------|---------------------|
| <b># Households</b>                   | 949                 |
| <b>Fiber Miles</b>                    | 95.2                |
| <b>GREAT Grant Funding</b>            | \$ 3,325,804        |
| <b>Company Investment</b>             | \$ 1,325,344        |
| <b>County ARPA Funds Requested</b>    | <b>\$ 100,000</b>   |
| <b>Total Project Cost</b>             | <b>\$ 4,751,148</b> |
| <b>Cost /Fiber Mile</b>               | \$ 49,933           |
| <b>Cost/ Household</b>                | \$ 5,006            |
| <b>County Cost/ Household</b>         | \$ 105              |
| <b>County ARPA Funds % of Project</b> | 2%                  |

The following Memorandum of Understanding applies:

**MEMORANDUM OF UNDERSTANDING**

The parties to this Memorandum of Understanding (“MOU”) are CATAWBA COUNTY, North Carolina (“County”) and SPECTRUM SOUTHEAST, LLC., by its Manager, CHARTER COMMUNICATIONS, INC. (“Charter”) on \_\_\_\_\_, 2022 (“Effective Date”).

The purpose of this MOU is to establish a commitment by the parties to partner in the North Carolina Growing Rural Economies with Access to Technology (“GREAT”) program established by the North Carolina Broadband Infrastructure Office (“Broadband Office”). Although a joint effort between

County and Charter has not yet been formalized for the Charter - Catawba County Fiber Project ("Project"), which Project is described more specifically below, both parties are anticipating to collaborate on a contract ("Contract") to be executed if the Broadband Office awards a GREAT Grant to Charter for the Project during the supplemental round of applications due on May 4, 2022. The Contract would require Charter to complete the Project within a specific timeframe and would require Catawba County to pay Charter a portion of the costs associated with the Project. Neither party would be under any obligation to the other: (1) if Charter is not awarded the Project by the Broadband Office; (2) if, in Charter's sole discretion, Charter chooses not to submit an application to the Broadband Office for the Project; or (3) the parties do not reach an agreement on the final terms of the Contract. The various obligations in the Contract contemplated by the parties are summarized below:

If Charter is awarded the Project by the Broadband Office, Charter would commit to:

- a. Execute a five-year service agreement with the Broadband Office for the Project, which will deploy a fiber-to-the-premises network to approximately 949 locations with a total Project cost of approximately \$4,751,148;
- b. Draft and submit to County a draft Contract once advised by the Broadband Office of a successful application and anticipated award;
- c. Execute a mutually acceptable Contract with County to formalize the Parties' respective rights and obligations with respect to the Project whereby Charter will complete the Project and County will pay a portion of the Project costs as described below and in the Contract;
- d. Complete all Grant Activities to be described in the Contract;
- e. Provide a copy of any required Progress Report to County on the status of the Project as set forth in the Contract;
- f. Notify County if its assistance is needed with the Project;
- g. Submit requests for payment to County when the Project is completed, or earlier at the request of County;
- h. Complete all Project work within the required timeframe;
- i. Provide County information on the locations where broadband had been enabled as part of the Project;
- j. Prepare and execute any required nondisclosure agreements related to the Project; and
- k. Include this MOU in its application to the Broadband Office for the Project.

County would commit to:

- a. If Charter is awarded the Project by the Broadband Office, execute a mutually acceptable Contract with Charter. The Contract will formalize the Parties' respective rights and obligations with respect to the Project whereby Charter will complete the Project and County will remit American Rescue Plan Act ("ARPA") funding in an amount not to exceed \$100,000 to Charter at the conclusion of the Project, as addressed in this MOU and the Contract;
- b. Process requests for payment for the Project pursuant to the Contract in a timely manner;
- c. Provide assistance with the Project in accordance with the Contract within the scope of County's authority;
- d. Provide information about the Project on the County Broadband Initiative website;
- e. Assist in publicizing the Project to County residents; and
- f. Allow Charter to include this MOU in its application to the Broadband Office for the Project.

Spectrum Southeast, LLC, by its Manager,  
Charter Communications, Inc.



Name (printed): \_\_\_\_\_

CATAWBA COUNTY

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Name (printed): \_\_\_\_\_

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**THIS INSTRUMENT** has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act as amended.

Date: \_\_\_\_\_

\_\_\_\_\_  
Mary Morrison, Interim Finance Director  
Account Number:  
Amount:  
Grant Name & Number (if applicable):

**APPROVED AS TO FORM**

Date: \_\_\_\_\_

\_\_\_\_\_  
Jodi Stewart, County Attorney

Date: \_\_\_\_\_

\_\_\_\_\_  
Risk Management

There were no questions. Commissioner Butler made a motion to approve the use of \$100,000 in American Rescue Plan Act (ARPA) funds as match to support Charter's GREAT Grant application to provide service to a minimum of 949 currently un/underserved households within Catawba County, and to authorize the Assistant County Manager to sign any subsequent agreements related to the project. The motion carried unanimously.

Deputy County Manager Mary Furtado presented the following item.

b. Staff requested the Board of Commissioners: approve a budget amendment appropriating \$10M in ARPA funds claimed through the standard revenue loss allowance to support current-year staff salaries for the provision of general government services, as allowed for in the US Treasury's Final Rule; adopt the revised ARPA grant ordinance reflecting this appropriation; and approve appropriation of local funding to various one-time capital projects, as detailed below.

The American Rescue Plan Act (ARPA) was signed into law on March 11, 2021, providing \$350 billion for eligible state, local, territorial, and Tribal governments to meet pandemic response needs and rebuild a stronger, economy as the country recovers. Catawba County was awarded \$30.968 million in ARPA funds to spend on eligible use, as described in the Final Rule issued by the US Treasury Department. In May 2021, Catawba County received its first tranche of funding, totaling \$15,484,455. The second tranche of funding is anticipated in May 2022.

On April 4, 2022, the BOC formally elected to take advantage of the \$10 million standard revenue loss allowance provided for in the Final Rule, without appropriating those funds. These funds are authorized to support the provision of general government services. Staff is recommending the BOC appropriate these funds to support organization-wide salary expenses incurred during the 3<sup>rd</sup> quarter of FY2022 and approve an amendment to the attached ARPA grant ordinance reflecting this appropriation.

If approved, this action creates \$10M in local reversion funds available for investment. Staff is recommending the BOC invest these reversion dollars in various one-time capital projects reflected below, based on the rationale that one-time ARPA funds should be spent on one-time initiatives in order to limit future spending liability and avoid unsustainable investments.

- Hickory – Trivium \$ 1,500,000
- SECC Business Park \$ 2,000,000
- Hickory EMS Base \$ 3,000,000
- Agricultural Resource Center \$ 1,650,000
- Radio Replacement / Upgrade \$ 975,000
- Future Projects \$ 875,000

The BOC has previously committed funds to all of recommended projects with exception of the radio replacement / upgrade project, which is made necessary by an upgrade to the state's VIPER communications system which will require all radios and supporting equipment be upgraded by July 1, 2025. Staff is also recommending setting aside \$875,000 to support future project needs not yet identified.

**Supplemental Appropriation:**

*Revenue:*

|                   |                                 |              |
|-------------------|---------------------------------|--------------|
| 291-190050-626136 | American Rescue Plan ARP Funds  | \$10,000,000 |
| 110-190900-695291 | From American Rescue Plan Funds | \$10,000,000 |
| 410-460100-695110 | From General Fund               | \$10,000,000 |

*Expense:*

|                         |                                  |              |
|-------------------------|----------------------------------|--------------|
| 291-190050-995110       | To General Fund                  | \$10,000,000 |
| 110-190050-995410       | To General Capital Projects Fund | \$10,000,000 |
| 410-460100-868216-18025 | Hickory – Trivium                | \$ 1,500,000 |
| 410-460100-988000-18033 | SECC Business Park               | \$ 2,000,000 |
| 410-460100-988000-12046 | Hickory EMS Base                 | \$ 3,000,000 |
| 410-460100-988000-13001 | Agricultural Resource Center     | \$ 1,650,000 |
| 410-460100-985000-12047 | Radio Replacement / Upgrade      | \$ 975,000   |
| 410-460100-993100-19990 | Future Projects                  | \$ 875,000   |

There were no questions. Commissioner Barnes made a motion to approve a budget amendment appropriating \$10M in ARPA funds claimed through the standard revenue loss allowance to support current-year staff salaries for the provision of general government services, as allowed for in the US Treasury's Final Rule; and approve appropriation of local funding to various one-time capital projects, as detailed below. The motion carried unanimously.

A second reading to adopt the revised ARPA grant ordinance reflecting the appropriation is necessary due to the absence of Commissioner Austin Allran. This item was continued until the next regular Board of Commissioner's Meeting, on May 16, 2022, at 7:00 p.m., in the Board of Commissioner's Meeting Room, Second Floor, of the Catawba County Justice Center, in Newton.

11. Attorney's Report.

a. Staff requested the Board of Commissioners approve the sale of surplus County-owned property located at 75 22nd Avenue SE, Hickory, and accept the offer to purchase from Fred Sharpe in the amount of \$2,900, as submitted via the upset bid process.

At the April 4, 2022 meeting, the Board approved the surplus of a 0.13-acre County-owned vacant parcel located at 75 22nd Avenue SE, Hickory (Parcel ID #370106480683) and accepted a bid from Fred Sharpe in the amount of \$2,900, to initiate the upset bid process for the disposal of the property. Notice of the bid process was advertised on April 15, 2022, with a deadline of 5:00 p.m. on April 26, 2022. No additional bids were received for this property.

The Board must approve or reject the final high offer within 30 days after the upset bid period has passed.

There were no questions. Commissioner Butler made a motion to approve the sale of surplus County-owned property located at 75 22nd Avenue SE, Hickory, and accept the offer to purchase from Fred Sharpe, in the amount of \$2,900, as submitted via the upset bid process. The motion carried unanimously.

b. The Register of Deeds requested the Board of Commissioners approve an excise tax refund request from Jennifer Eckard, Attorney at Law, totaling \$489.00.

Mrs. Eckard conducted a closing involving the conveyance of real property by General Warranty Deed, and the Deed included an error in the amount of the excise tax to be collected by the Register of Deeds' Office. The original deed indicated the excise tax was \$855.00 but should have been \$366.00. Mrs. Eckard has recorded an Affidavit of Correction of Typographical or Other Minor Error along with the corrected deed.

Pursuant to NCGS §105-228.37, a taxpayer who has overpaid an excise tax may request, in writing, a refund for the amount that was paid in error, and the Board must conduct a hearing on the request within ninety (90) days after the request was filed. The Register of Deeds received the refund request, verified the refund, and recommends approval of the request.

There were no questions. Commissioner Barnes made a motion to approve an excise tax refund request from Jennifer Eckard in the amount of \$489.00. The motion carried unanimously.


c. County Attorney Jodi Stewart requested the Board consider moving into Closed Session pursuant to North Carolina General Statutes 143-318.11(a) 3) and 6) 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, which privilege is hereby acknowledged; and to consider the qualifications, competence, performance, character, fitness, conditions of initial appointment of an individual public officer or employee or prospective public officer or employee. Attorney Stewart anticipated 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 7:51 p.m.

At 7:55 p.m. the Board returned to open session. Commissioner Butler made a motion to approve the selection of Mary Furtado as Catawba County Manager, with a starting date of July 1, 2022. The motion carried unanimously.

12. Adjournment. No further action was taken. Upon a motion by Vice-Chair Beatty which unanimously carried, the meeting was adjourned at 7:57 p.m.



Randy Isenhower, Chair  
Catawba County Board of Commissioners



Dale R. Stiles  
County Clerk

