Caldwell County
North Carolina
Board of Commissioners Meeting

September 9, 2024 at 6:00 PM
City-County Chambers
905 West Avenue NW, Lenoir

AGENDA

Call to Order ***Chairman Randy T. Church***

Public Comment Period

Invocation ***Pastor, Mack Jarvis, Hudson First Baptist Church***

Pledge of Allegiance ***Commissioner, Jeff Branch***

Agenda Amendments from the Board, Manager & Public

Agenda Items

1.	Resolution	Commemorating September 11, 2001
2.	Presentation *Irving Eurto*	Deputy of the Year
3.	Presentation *Irving Eurto*	EMT of the Year
4.	Presentation *Sheriff Bean*	Life Saving Valor Awards
5.	Presentation *Richard Gilliland*	Life Saving Award- Animal Care
6.	Presentation *Brent Brinkley*	Foothills Regional Airport Presentation
7.	Public Hearing *Micah Kelly*	Wing N Biddy Way
8.	Public Hearing *Shelley Stevens*	TXT 2024-1 Text Amendment Request
9.	Public Hearing *Shelley Stevens*	RZ 2024-4 R-20 and RA-20 to GB - 2525 Blowing Rock Blvd
10.	Presentation *Josh Angle*	Revaluation-Schedule of Values
11.	Items for Decision *Josh Angle*	2014 Tax Release
12.	Items for Decision	Health Department Organizational Chart Revision

Anna Martin

13.	Items for Decision *Sheriff Bean*	Sheriff's Office Organizational Chart Revision

Consent

14.	Budget Revisions	Soil & Water- Strap Grant Funding 2024
15.	Budget Revisions	Departmental Fund Transfer to Economic Development
16.	Budget Revisions	Inter-Basin Transfer Opposition Funds
17.	Budget Revisions	Animal Care and Enforcement- Donated Funds
18.	Budget Revisions	Sheriff's Office- Replacement Vehicle
19.	Budget Revisions	Health Department Agreement Addendum
20.	Items for Decision	SUP 2024-2 Findings of Fact
21.	Items for Decision	Application for National Police Association Grant
22.	Items for Decision	Application for NRA Foundation Teach Freedom Grant
23.	Items for Decision	Application for Catawba Valley Community Foundation Grant
24.	Items for Decision	Application for Guardian Angel Safety Grant
25.	Items for Decision	Application for Dickey Foundation Grant
26.	Items for Decision	Interim Lease for Office Space with NCEM
27.	Items for Decision	Rail Road Assessment- Stone Consulting and WPCOG
28.	Items for Decision	Approval of Minutes from August 12, 2024, Meeting

Adjourn

Board of Commissioners Meeting

Agenda Item Summary

MEETING DATE	DEPARTMENT	PREPARED BY
September 9, 2024	Administration	

AGENDA ITEM # 1

Commemorating September 11, 2001

BACKGROUND

RECOMMENDED MOTION

BUDGET IMPACT

APPROVED FOR BUDGET YEAR

No

ATTACHMENTS

1. Resolution 16-24 Patriots Day 2024

RESOLUTION

16-24

PATRIOT DAY COMMEMORATION
SEPTEMBER 11, 2024

WHEREAS, on Tuesday, September 11, 2001, the United States of America fell victim to a terrorist attack that claimed the lives of 2,996 individuals, and

WHEREAS, as an initiative to remember the lives of those lost during this terrorist attack, Patriot Day was drafted by a joint resolution of the United States Congress on December 18, 2001; and

WHEREAS, Patriot Day honors those who perished as a result of an attack on the World Trade Center in New York City, and those who perished attempting to rescue individuals trapped under debris and on high floors of those buildings; and

WHEREAS, Patriot Day also honors those who perished as a result of the attacks on the Pentagon in Virginia, and the lives that were lost on United Airlines Flight 93 in Pennsylvania; and

WHEREAS, Caldwell County honors those who selflessly risked their lives to rescue others, and recognize those individuals as heroes; and

WHEREAS, each year on September 11, citizens across the United States of America are reminded how precious our freedom and safety truly are, and are encouraged to pay tribute to those whose lives were tragically lost that day; and

NOW THEREFORE BE IT RESOLVED, the Caldwell County Board of Commissioners, on behalf of Caldwell County, commemorate Patriot Day on September 11, 2023, and express our deepest condolences for those lives lost in the 2001 terrorist attacks against our nation, as well as our highest gratitude for those who endeavor to preserve our liberties and our safety.

Adopted this 9 day of September, 2024.

_____
Randy T. Church, Chairman

_____
Abigail Rich, County Clerk

Board of Commissioners Meeting
Agenda Item Summary

MEETING DATE	DEPARTMENT	PREPARED BY
September 9, 2024	Sheriff's Office	Irving Eurto

AGENDA ITEM # 2

Deputy of the Year

BACKGROUND

The Deputy of the Year will be announced.

RECOMMENDED MOTION

BUDGET IMPACT

APPROVED FOR BUDGET YEAR

No

ATTACHMENTS

None

Board of Commissioners Meeting
Agenda Item Summary

MEETING DATE	DEPARTMENT	PREPARED BY
September 9, 2024	Emergency Services	Irving Eurto

AGENDA ITEM # 3

EMT of the Year

BACKGROUND

The EMT of the Year will be announced.

RECOMMENDED MOTION

BUDGET IMPACT

APPROVED FOR BUDGET YEAR

No

ATTACHMENTS

None

Board of Commissioners Meeting

Agenda Item Summary

MEETING DATE	DEPARTMENT	PREPARED BY
September 9, 2024	Administration	Sheriff Bean

AGENDA ITEM # 4

Life Saving Valor Awards

BACKGROUND

Three individuals are being recognized for their lifesaving efforts during an incident that occurred at Wilson Creek.

RECOMMENDED MOTION

BUDGET IMPACT

APPROVED FOR BUDGET YEAR

No

ATTACHMENTS

1. Kiger Commendation
2. Ethridge Commendation
3. Hannah Commendation

Caldwell County, North Carolina

Commendation

honoring

Master Officer Jonathan R. Kiger

WHEREAS, *Caldwell County believes in the recognition of law enforcement officers for their heroic actions and outstanding efforts in service to the community. In keeping with this belief, Caldwell County is honoring NCWRC Master Officer Jonathan R. Kiger for his valor and lifesaving efforts; and*

WHEREAS, *On July 20, 2024, Master Officer Jonathan R. Kiger was patrolling the Wilson Creek Wild and Scenic River Wilderness Area and responded to a child in the roadway saying his parents were in the water drowning; and*

WHEREAS, *Master Officer Jonathan R. Kiger ran down to the river and selflessly entered the water to pull the first victim to the shore where he began lifesaving efforts with the assistance of Lieutenant Isaac Hannah and Sergeant Dustin Ethridge; and*

WHEREAS, *Master Officer Jonathan R. Kiger upon being made aware of a second infant victim downstream, reentered the water with Sergeant Dustin Ethridge and together swam the infant to the shore where lifesaving efforts were started; and*

WHEREAS, *Master Officer Jonathan R. Kiger reentered the water a third time to rescue a man who was trapped in a recirculating current against a steep slippery rock face; and*

WHEREAS, *Master Officer Jonathan R Kiger prevented the loss of an additional life during this tragic incident by swimming this person to the safety of the shore where they were both pulled from the river by Sergeant Dustin Ethridge.*

NOW, THEREFORE, I, *Randy T. Church, Chairman of the Caldwell County Board of Commissioners, North Carolina, on behalf of the Board of Commissioners and the citizens of Caldwell County, do hereby commend NCWRC Master Officer Jonathan R. Kiger for his great courage and disregard for his own safety and present him with the law enforcement awards for Valor and Life Saving.*

IN TESTIMONY WHEREOF, *I have hereunto set my hand and caused this seal of the County of Caldwell to be affixed this twelfth day of August, in the year of our Lord, two thousand and twenty-four.*

Caldwell County, North Carolina

Commendation

honoring

Sergeant Dustin Ethridge

WHEREAS, *Caldwell County believes in the recognition of law enforcement officers for their heroic actions and outstanding efforts in service to the community. In keeping with this belief, Caldwell County is honoring NCWRC Sergeant Dustin Ethridge for his valor and lifesaving efforts; and*

WHEREAS, *On July 20, 2024, Sergeant Dustin Ethridge was patrolling the Wilson Creek Wild and Scenic River Wilderness Area and responded to a child in the roadway saying his parents were in the water drowning; and*

WHEREAS, *Sergeant Dustin Ethridge ran down to the river to assist Master Officer Jonathan Kiger and Lieutenant Isaac Hannah. Upon arriving he found Master Officer Kiger performing CPR on a drowning victim that he had pulled from the water. Sergeant Ethridge ran back to the vehicles to gather throw bags and a life jacket that would later be instrumental in saving lives; and*

WHEREAS, *Sergeant Dustin Ethridge upon his return to the river was being made aware of a second infant victim downstream, when he selflessly entered the water with Master Officer Jonathan Kiger, who together swam the infant to the shore where lifesaving efforts were started; and*

WHEREAS, *Sergeant Dustin Ethridge was performing CPR when Master Officer Kiger reentered the water to rescue a man who was trapped in a recirculating current against a steep slippery rock face; and*

WHEREAS, *Sergeant Dustin Ethridge prevented the loss of an additional life during this tragic incident by dragging both the victim and Master Officer Kiger to the safety of the shore with the life saving equipment he retrieved earlier in response to the drownings.*

NOW, THEREFORE, I, *Randy T. Church, Chairman of the Caldwell County Board of Commissioners, North Carolina, on behalf of the Board of Commissioners and the citizens of Caldwell County, do hereby commend NCWRC Sergeant Dustin Ethridge for his great courage and disregard for his own safety and present him with the law enforcement awards for Valor and Life Saving.*

IN TESTIMONY WHEREOF, *I have hereunto set my hand and caused this seal of Caldwell County to be affixed this twelfth day of August, in the year of our Lord, two thousand and twenty-four.*

Caldwell County, North Carolina

Commendation

honoring

Lieutenant Isaac Hannah

WHEREAS, *Caldwell County believes in the recognition of law enforcement officers for their heroic actions and outstanding efforts in service to the community. In keeping with this belief, Caldwell County is honoring NCWRC Lieutenant Isaac Hannah for his valor and lifesaving efforts; and*

WHEREAS, *On July 20, 2024, Lieutenant Isaac Hannah was patrolling the Wilson Creek Wild and Scenic River Wilderness Area and responded to a child in the roadway saying his parents were in the water drowning; and*

WHEREAS, *Lieutenant Isaac Hannah ran down to the river to assist Master Officer Jonathan Kiger and Sergeant Dustin Ethridge. Upon arriving he found Master Officer Kiger performing CPR on a drowning victim that he had pulled from the water. Lieutenant Hannah yelled out to a man in the water asking if there was anyone else and this is when he was made aware of an infant victim downstream; and*

WHEREAS, *Lieutenant Isaac Hannah pointed out the location of the infant and threw his life saving equipment to Master Officer Jonathan Kiger and Sergeant Ethridge who swam into the river for the child, as he continued the lifesaving efforts on the first victim; and*

WHEREAS, *Lieutenant Isaac Hannah while performing CPR observed that the third person in the water was in distress and trapped in a recirculating current against a steep slippery rock face; and*

WHEREAS, *Lieutenant Isaac Hannah prevented the loss of an additional life during this tragic incident by maintaining his situational awareness and redirecting the rescue efforts to pull the distressed man safely from the water.*

NOW, THEREFORE, I, *Randy T. Church, Chairman of the Caldwell County Board of Commissioners, North Carolina, on behalf of the Board of Commissioners and the citizens of Caldwell County, do hereby commend NCWRC Lieutenant Isaac Hannah for his great courage and quick response in recognition to the severity of the situation and present him with the law enforcement awards for Valor and Life Saving.*

IN TESTIMONY WHEREOF, *I have hereunto set my hand and caused this seal of Caldwell County to be affixed this twelfth day of August, in the year of our Lord, two thousand and twenty-four.*

Board of Commissioners Meeting
Agenda Item Summary

MEETING DATE	DEPARTMENT	PREPARED BY
September 9, 2024	Administration	Richard Gilliland

AGENDA ITEM # 5

Life Saving Award- Animal Care

BACKGROUND

Two individuals are being recognized for their lifesaving efforts during a dog attack.

RECOMMENDED MOTION

BUDGET IMPACT

APPROVED FOR BUDGET YEAR

No

ATTACHMENTS

1. Resolution for Life Saving- ACE

RESOLUTION

17-2024

WHEREAS, On July 25th a citizen was walking on the sidewalk on Highland Avenue in Granite Falls near Brockford Inn when the citizen was a victim of an unprovoked attack by four pit bull dogs; and

WHEREAS, During the attack, all four dogs left their property and ran across the roadway to the sidewalk where the citizen was, surrounding the citizen; and

WHEREAS, Despite the citizen's efforts to try to run away, the dogs knocked him to the ground and started biting him. The citizen got back up and once again attempted to run away but was knocked down to the ground six more times all while the dogs continued biting him; and

WHEREAS, Tabitha Vinson and Samantha Dias-Hernandez had just got off work at Brockford Inn when they observed the attack occur and upon hearing the citizen yell for help, both individuals rushed to the citizen's side. Samantha and Tabitha kicked the dogs off the citizen and took him to a staircase at the side of the building. There, Tabitha called 911 to get the citizen help for his injuries; and

WHEREAS, Samantha and Tabitha demonstrated a selfless and courageous act of rendering aid in a sudden and unexpected situation which resulted in the preservation of a life; and

NOW THEREFORE, BE IT RESOLVED, that the Caldwell County Commissioners honor Tabitha Vinson and Samantha Dias-Hernandez for their selfless display of heroic and life-saving efforts.

Adopted this the 9th day of September 2024.

_____
Randy Church, Chairman of the Board
Caldwell County Board of Commissioners

ATTEST:

_____
Abby Rich, NCCCC
County Clerk

Board of Commissioners Meeting
Agenda Item Summary

MEETING DATE	DEPARTMENT	PREPARED BY
September 9, 2024	Economic Development	Brent Brinkley

AGENDA ITEM # 6

Foothills Regional Airport Presentation

BACKGROUND

The Foothills Regional Airport Authority is comprised of both elected officials and non-elected citizens from the cities of Morganton and Lenoir, and the counties of Burke and Caldwell. Commissioner Jeff Branch, serves as the Vice-Chairman of the Foothills Regional Airport Authority Board. Each of the participating governments help fund the airport. Airport Manager, Brent Brinkley, will provide a brief update to the commissioners on airport operations and future plans.

RECOMMENDED MOTION

None. For informational purposes only.

BUDGET IMPACT

None.

APPROVED FOR BUDGET YEAR

No

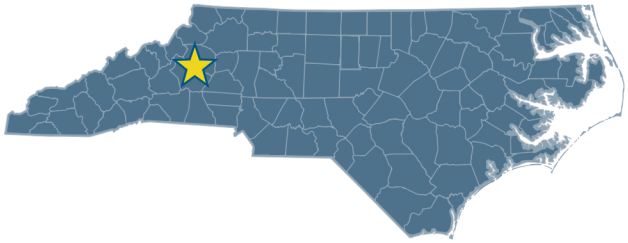
ATTACHMENTS

1. FoothillsAirportCCBPacket09092024

2023 ECONOMIC IMPACT OF:

Foothills Regional Airport (MRN)

3566 Morganton-Lenoir Airport Avenue
Morganton, NC 28655
828-757-0099



100
JOBS SUPPORTED

$1.02 MILLION
IN TAX REVENUE

$6.69 MILLION
IN PERSONAL INCOME

$22 MILLION
ECONOMIC IMPACT

180,100
N.C. POPULATION WITHIN 30 MINUTES OF AIRPORT

17,000
OPERATIONS (ANNUAL)

65
BASED AIRCRAFT

Based on 2021 data

DIVISION OF AVIATION
NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

TRANSPORTATION IMPROVEMENT PROGRAM

PARTIAL PARALLEL TAXIWAY (RUNWAY 3 END)

TERMINAL AREA EXPANSION-PHASE 1

NEW TERMINAL BUILDING

NEW LOCALIZER/DME

NEW T-HANGARS AND SITE IMPROVEMENTS

APPROACH LIGHTS - RUNWAY 3

HANGAR TAXILANE REHABILITATION AND ACCESS ROAD

LAND ACQUISITION-RW 3 APPROACH

UPGRADE AIRFIELD ELECTRICAL SYSTEMS DUE TO LIGHTNING

400' 200' 0 400' 800' 1,200'

SCALE IN FEET

1" = 400'

TALBERT, BRIGHT & ELLINGTON

ENGINEERING & PLANNING CONSULTANTS

3525 WHITEHALL PARK DRIVE, SUITE 210

CHARLOTTE, NORTH CAROLINA 28273

PHONE: 704-525-4070 FAX: 704-525-6080

NC LICENSE NO. C-1163

www.talbertandbright.com

REV. NO.	DESCRIPTION	DATE
	REVISIONS	

TRANSPORTATION IMPROVEMENT PROGRAM

PROJECT LIST

FOOTHILLS REGIONAL AIRPORT

PRELIMINARY
NOT RELEASED
FOR CONSTRUCTION

Designed	PRS
Date	JAN 2020
Scale	AS SHOWN
Drawn	PRS
Checked	JAS
Project No.	
Sheet No.	1

OF 1

MRN_2019-3205_TIP_EXHIBIT.DWG

Board of Commissioners Meeting
Agenda Item Summary

MEETING DATE	DEPARTMENT	PREPARED BY
September 9, 2024	GIS	Micah Kelly

AGENDA ITEM # 7

Wing N Biddy Way

BACKGROUND

RECOMMENDED MOTION

BUDGET IMPACT

APPROVED FOR BUDGET YEAR

No

ATTACHMENTS

1. Public Hearing Notice- Wing N Biddy Way

Caldwell County
NORTH CAROLINA
PO Box 2200 • Lenoir, NC 28645
828-757-1300 • CaldwellCountyNC.org

PUBLIC HEARING NOTICE

The Caldwell County Board of Commissioners will conduct a public hearing at 6:00 p.m. on Monday, September 9, 2024, to consider the naming of a road in Granite Falls, NC. The road is currently unnamed, and the proposed road name is “WING N BIDDY WAY”. The hearing will be held in the City-County Chambers of the Alden E. Starnes County Office Plaza: 905 West Avenue NW, Lenoir, NC 28645. Individuals requiring special accommodation should contact the Clerk to the Board at 828.757.1301, at least 48 hours in advance of the meeting.

Abigail Rich, County Clerk

Commissioners: Randy T. Church, *Chairman* • Michael W. LaBrose, *Vice Chairman*
Jeff Branch • Donnie Potter • Robbie Wilkie • Donald Duncan, County Manager

Board of Commissioners Meeting
Agenda Item Summary

MEETING DATE	DEPARTMENT	PREPARED BY
September 9, 2024	Planning	Shelley Stevens

AGENDA ITEM # 8

TXT 2024-1 Text Amendment Request

BACKGROUND

Request: Discussion of Potential Text Amendments

Staff Comments
Terry Taylor would like to request a text amendment to the Zoning Ordinance. The amendment would remove setback requirements where party walls are utilized in the General Business District. This means that if a building crosses a side or rear/front property line, in that district, multiple tenants may still occupy the building.

Proposed Zoning Ordinance edits:
Section 80 J.3 (f): “The side and rear yard setbacks stated above shall not apply when party walls are utilized in multi-tenant buildings.”

RECOMMENDED MOTION

Planning Board Recommendation: Approval of consistency statement followed by approval of text amendment.

Consistency and Reasonableness Statement:
“Approval of this request is reasonable and in the public interest because the amendment is consistent with the County’s Comprehensive Plan which recommends best practices such as adding updates that allow for more flexible service to citizens and keeping ordinances in alignment with health, safety and welfare of the community within the context of the North Carolina General Statutes.”

“Motion to approve the text amendment.”

BUDGET IMPACT

$560 added to budget - text amendment request fee

APPROVED FOR BUDGET YEAR

Yes

ATTACHMENTS

1. Alt Consistency Statement - Denial - txt 2024-1

Alternate Consistency Statement:

“Approval of this request is not reasonable and in the public interest because the amendment is inconsistent with the County’s Comprehensive Plan because of ____ and ____. The Comprehensive Plan recommends keeping ordinances in alignment with health, safety and welfare of the community within the context of the North Carolina General Statutes.”

“Motion to approve the text amendment.”

Board of Commissioners Meeting
Agenda Item Summary

MEETING DATE	DEPARTMENT	PREPARED BY
September 9, 2024	Planning	Shelley Stevens

AGENDA ITEM # 9

RZ 2024-4 R-20 and RA-20 to GB - 2525 Blowing Rock Blvd

BACKGROUND

Rezoning Request

Applicant: Reginald Ford
Property Owners: Reginald Ford
NCPIN: 2831996482
Location: 2519 and 2525 Blowing Rock Blvd (321), Lenoir, NC
Site Conditions: Field adjacent road and wooded in back; not in Watershed Protected Area of the county; not in a flood zone (Special Flood Hazard Area)
Acreage: 8.31 acres (according to GIS)
Zoning: Low-Density Residential (R-20) and Residential Agricultural (RA-20)
Elevation: 1,325 - 1,375' (per GIS)
Surrounding Zoning: R-20 (Low-Density Residential) and RA-20 (Residential-Agricultural) to the north, south, east and west
Request: Rezoning from R-20 and RA-20 to GB

Request
Reginald Ford is requesting a rezoning from Low-Density Residential and Residential Agricultural zoning to General Business, according to the application submitted. This site is located on an 8.31-acre lot off Blowing Rock Blvd.

The annual average daily traffic count from DOT just south of Warrior Road and NC 268 on Blowing Rock Blvd, which is the closest count to this site was 16,000 as of 2022; this is just north (approximately .5 mile) of the rezoning site.

Water is available to the site (per GIS). Per the applicant, natural gas is also available and is existing on the same side of the road as the property, along Blowing Rock Blvd. Phase 3 power is located on the back side of the property.

Rezoning hearings are not for considering a particular use itself but the property and all potential future uses allowed within the proposed district (in this case, General Business).
The assessment of reasonableness and potential impact of a proposed rezoning is for that district rather than a particular use within the district, per state law.

Staff Comments

The site is located in an area identified in the Comprehensive Plan's Future Land Use Map with a Commercial Corridor designation. This designation suggests rezonings to General Business are appropriate for this area.

Public water is available to the site.

Please review the rezoning application's consistency with the following:

- The Caldwell County Comprehensive Plan
- Caldwell County Zoning Ordinance
- Reasonableness and public health, safety and general welfare

No evidence has been presented to the Planning Board or Planning Staff at this time that indicates that this rezoning request would negatively impact the health, safety or welfare of the community.

RECOMMENDED MOTION

Planning Board Recommendation: Approval of consistency and reasonableness statement [GS 160D-605 (a-b)] followed by approval of map amendment (rezoning).

Consistency and Reasonableness Statement:
"Approval of this request is reasonable and in the public interest because the amendment is consistent with the County's Comprehensive Plan which contains a future land use map that aligns with the request by suggesting General Business zoning for this area (via the suggested 321 Commercial Overlay). There is no evidence that the rezoning would negatively impact the surrounding neighborhood and adjacent properties, and it can promote public health, safety and welfare by allowing a retailer or other business to provide goods or services to the public."

"Motion to approve the rezoning request."

BUDGET IMPACT

$650 added to the budget - rezoning fee

APPROVED FOR BUDGET YEAR

Yes

ATTACHMENTS

1. RZ 2024-4 Application
2. Alt Consistency Statement RZ 2024-4

Caldwell County
NORTH CAROLINA
Planning Department
2345 MORGANTON BLVD. LENOIR, NC 28645
WWW.CALDWELLCOUNTYNC.ORG

REZONING APPLICATION

For questions about this application or approval process, please contact the Planning Department at 828.757.6855 or 828.426.8354 to schedule a pre-application meeting. The public will be notified of this request and invited to attend and/or participate in the Planning Board and County Commission meetings.

Submittal Checklist:

- [x] Application Form
- [x] Application Fee ($650 – cash, check or credit card) (MAKE CHECKS PAYABLE TO CALDWELL COUNTY)
- [x] Site Plan (if applicable)
- [ ] Other Information Requested by the Planning Department: _____

Property Information:

Current Zoning District(s): R-20 + RA20 Requested Zoning District: GB

Current Use of the Property: Vacant

Property Address (location): _____

NCPIN: 2831996482 Deed Book: 2102 Page: 807

Contact Information:

Reginald Ford Applicant Name	Reginald Ford Property Owner Name
P.O. Box 481 Applicant Street Address	-same- Property Owner Street Address
Patterson NC 28661 City State Zip	-same- City State Zip
828-493-1368 Applicant Contact Phone Number(s)	-same- Property Owner Contact Phone Number(s)
fordsfeedandseed@gmail.com Applicant E-Mail	-same- Property Owner E-Mail
Reginald K. Ford Applicant Signature	Reginald K. Ford Property Owner Signature

I certify that I have full authority to act on behalf of the owner and that all of the information presented by me in this application is accurate to the best of my knowledge, information, and belief.

By signing, I authorize Reginald K. Ford (Applicant) as my representative to request the land development approval on the real property listed in this application, and give full and complete permission for the Applicant to act on my behalf.

OFFICIAL USE ONLY:

Date Received: _____ PB Meeting Date: _____ Comm Meeting Date: _____

Advertised On: _____ and _____ Property Posted: _____ Final Action: _____

Alternate Consistency and Reasonableness Statement:

Consistency and Reasonableness Statement:

“Approval of this request is not reasonable and in the public interest because the amendment is inconsistent with the County’s Comprehensive Plan which contains a future land use map that aligns with the request by suggesting General Business zoning for this area (via the suggested 321 Commercial Overlay), but there is evidence that the rezoning would negatively impact the surrounding neighborhood and adjacent properties by ___ and ___.”

“Motion to deny the rezoning request.”

Board of Commissioners Meeting
Agenda Item Summary

MEETING DATE	DEPARTMENT	PREPARED BY
September 9, 2024	Tax	Josh Angle

AGENDA ITEM # 10

Revaluation-Schedule of Values

BACKGROUND

Schedule of Values will be presented by the Tax Administrator.

RECOMMENDED MOTION

BUDGET IMPACT

APPROVED FOR BUDGET YEAR

No

ATTACHMENTS

None

Board of Commissioners Meeting
Agenda Item Summary

MEETING DATE	DEPARTMENT	PREPARED BY
September 9, 2024	Tax	Josh Angle

AGENDA ITEM # 11

2014 Tax Release

BACKGROUND

The 2014 Tax Release will be requested by the Tax Administrator.

RECOMMENDED MOTION

BUDGET IMPACT

APPROVED FOR BUDGET YEAR

No

ATTACHMENTS

1. Release 2014 Tax

Josh Angle, Tax Administrator
PO Box 2200
Lenoir, NC 28645
Phone (828) 757-1340
Fax: (828) 757-1315
www.caldwellcountynctax.com

Caldwell County
NORTH CAROLINA
Tax Department



MEMORANDUM

THRU: Donald E. Duncan, Jr., County Manager

TO: Board of County Commissioners

FROM: Josh Angle, Tax Administrator

DATE: August 30, 2024

REQUIRES BOARD ACTION

Each year we request release of 10-year-old delinquent property taxes, which are no longer collectible using enforced collection methods per NCGS 105-378(a).

Every effort has been made to collect these delinquent taxes.

Request release of the following tax amounts as indicated:

Real & personal property taxes for 2014 - $ 88,805.00

c.c. Candace McLean
Margaret Lester

Board of Commissioners Meeting
Agenda Item Summary

MEETING DATE	DEPARTMENT	PREPARED BY
September 9, 2024	Health	Anna Martin

AGENDA ITEM # 12

Health Department Organizational Chart Revision

BACKGROUND

RECOMMENDED MOTION

BUDGET IMPACT

APPROVED FOR BUDGET YEAR

No

ATTACHMENTS

1. Memo Ref: Health Department Organizational Chart
2. Health Department Organizational Chart 2024

CALDWELL COUNTY
HEALTH DEPARTMENT

Health Director
Anna Cook, MPH

2345 Morganton Blvd. SW, Suite B • (828) 426-8400 • FAX (828)426-8577 • www.caldwellcountync.org
Mission: To Promote, Protect, and Improve the Health of Our Community

Memo

To: Donald Duncan
From: Anna Cook, Health Director
cc: Beth Brown, HR; Jimmy Harrison, Deputy County Manager; Jill Gragg, DON
Date: 8/19/2024
Re: Updated Position

Due to recent changes within the state and the need for nurses within our maternity clinic, I need to restructure our Organizational Chart.

Currently, our maternity clinic has two nurses down, which is burdening our schedule. However, we have had one nurse vacancy in maternity for over a year. Likewise, our CMARC positions in child health have been down by one nurse for the same time frame.

At the state level, in 2026, CMARC and CMHRP may be transferred to the Health Plans, meaning we would no longer provide those services; however, this is not guaranteed.

At this time, we would like to move the two nurses from CMARC into our maternity clinic, complete ½ half-time CMARC ½ maternity clinic, and change the currently vacant position from a nurse to a social worker for CMARC.

If any health department dissolves a service or if staff leave, the LHD is still responsible for completing services per our consolidated agreement.

We want to find a social worker before contracting services. Therefore, the current two supervisors in the department will be consolidated into a lead under the director of maternity, listed under DON. Since we are moving the nurses with no disciplinary action, the nurses will move with no change in pay.

Caldwell County does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or the provision of services.



Revised Sept 2024

Board of Commissioners Meeting

Agenda Item Summary

MEETING DATE	DEPARTMENT	PREPARED BY
September 9, 2024	Administration	Sheriff Bean

AGENDA ITEM # 13

Sheriff's Office Organizational Chart Revision

BACKGROUND

RECOMMENDED MOTION

BUDGET IMPACT

APPROVED FOR BUDGET YEAR

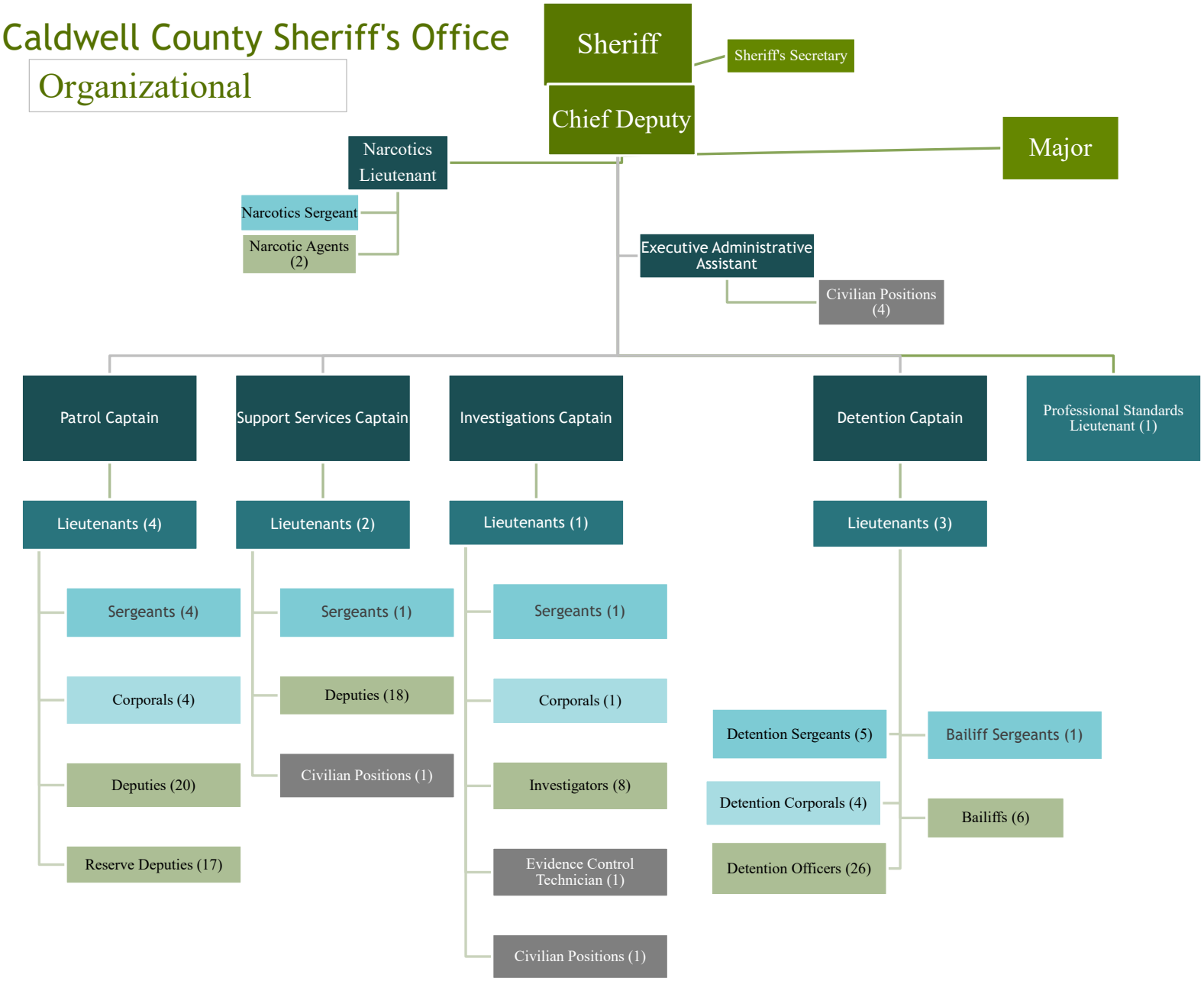
No

ATTACHMENTS

1. CCSO Organizational Chart

Caldwell County Sheriff's Office

Organizational



Board of Commissioners Meeting
Agenda Item Summary

MEETING DATE	DEPARTMENT	PREPARED BY
September 9, 2024	Soil and Water Conservation	

AGENDA ITEM # 14

Soil & Water- Strap Grant Funding 2024

BACKGROUND

This budget revision allows the county to spend $500,000 in Strap Grant funds. The funds will be spent on stream bank repair along the Yadkin River in Happy Valley near the greenway.

RECOMMENDED MOTION

Approve Budget Revision

BUDGET IMPACT

100% grant funded with no local match

APPROVED FOR BUDGET YEAR

No

ATTACHMENTS

1. Budget Revision Strap Grant 2024

Budget Revision # _____

Item No. _____

Date: _____

Caldwell County Board of Commissioners

BUDGET REVISION

Subject:

Background and explanation for the Budget Revision:
This budget revision allows a new Strap Grant to flow through the county's books. This one totals $500,000 and it is going to be used to repair the stream bank of the Yadkin River near the greenway.

The Budget Ordinance is hereby amended by making a Supplemental Appropriation with appropriations and revenues being adjusted as follows:

SUPPLEMENTAL APPROPRIATION

Line Item #	Title	I/D		Amount
10.4960.330000.10198	Other Grants	I	$	500,000.00
Total				**500,000.00**

Line Item #	Title	I/D		Amount
10.4960.429000.10198	Grant Expenditures	I	$	500,000.00
Total				**500,000.00**

Attachments (Yes or No): No
Public Hearing (Yes or No):

Distribution:
Original - Finance Office
Duplicate - Clerk to the Board
Triplicate - Department Head

Staff Recommendation:

Board Action:

Department Head	Date	Finance Director	Date	County Manager	Date
			08/14/24		

Board of Commissioners Meeting
Agenda Item Summary

MEETING DATE	DEPARTMENT	PREPARED BY
September 9, 2024	Finance	

AGENDA ITEM # 15

Departmental Fund Transfer to Economic Development

BACKGROUND

This budget revision moves funds from the Sheriff's Office budget to the EDC budget.

RECOMMENDED MOTION

Approve Budget Revision

BUDGET IMPACT

Moves previously approved funds in the budget from one department to another.

APPROVED FOR BUDGET YEAR

No

ATTACHMENTS

1. Budget Revision Fund Transfer to Economic Development

Budget Revision # _____

Item No. _____

Date: _____

Caldwell County Board of Commissioners

BUDGET REVISION

Subject:

Background and explanation for the Budget Revision:
This budget revision moves funds from the sheriff's offfice budget to the EDC budget.

The Budget Ordinance is hereby amended by making a Supplemental Appropriation with appropriations and revenues being adjusted as follows:

SUPPLEMENTAL APPROPRIATION

Line Item #	Title	I/D		Amount	Line Item #	Title	I/D		Amount
10.4317.441200	Building Lease	D	$	72,000.00	10.4970.441200	Building Lease	I	$	72,000.00
Total				**72,000.00**	**Total**				**72,000.00**

Attachments (Yes or No): No
Public Hearing (Yes or No):

Distribution:
Original - Finance Office
Duplicate - Clerk to the Board
Triplicate - Department Head

Staff Recommendation:

Board Action:

Department Head	Date	Finance Director	Date	County Manager	Date
			08/16/24		

Board of Commissioners Meeting
Agenda Item Summary

MEETING DATE	DEPARTMENT	PREPARED BY
September 9, 2024	Water	

AGENDA ITEM # 16

Inter-Basin Transfer Opposition Funds

BACKGROUND

This budget revision appropriates $60,000 from the water fund's fund balance to be used to oppose the inter-basin transfer (IBT) proposed by Charlotte.

RECOMMENDED MOTION

Approve Budget Revision

BUDGET IMPACT

Uses water fund, fund balance.

APPROVED FOR BUDGET YEAR

No

ATTACHMENTS

1. Budget Revision IBT opposition

Budget Revision # _____

Item No. _____

Date: _____

Caldwell County Board of Commissioners

BUDGET REVISION

Subject:

Background and explanation for the Budget Revision:

This revision appropriates $60,000 from the Water Fund's fund balance to be used to fight the proposed Inter Basin Transfer (IBT)

The Budget Ordinance is hereby amended by making a Supplemental Appropriation with appropriations and revenues being adjusted as follows:

SUPPLEMENTAL APPROPRIATION

Line Item #	Title	I/D		Amount
60.3000.397000	Fund Balance App	I	$	60,000.00
Total				**60,000.00**

Line Item #	Title	I/D		Amount
60.7120.419200	Professional Fees	I	$	60,000.00
Total				**60,000.00**

Attachments (Yes or No): No

Public Hearing (Yes or No):

Distribution:
Original - Finance Office
Duplicate - Clerk to the Board
Triplicate - Department Head

Staff Recommendation:

Board Action:

Department Head	Date	Finance Director	Date	County Manager	Date
			08/20/24		

Board of Commissioners Meeting
Agenda Item Summary

MEETING DATE	DEPARTMENT	PREPARED BY
September 9, 2024	Animal Care Enforcement	

AGENDA ITEM # 17

Animal Care and Enforcement- Donated Funds

BACKGROUND

This budget revision allows Animal Care and Enforcement to spend donated funds on its upcoming free rabies vaccine clinic

RECOMMENDED MOTION

Approve Budget Revision

BUDGET IMPACT

Uses donated funds

APPROVED FOR BUDGET YEAR

No

ATTACHMENTS

1. Budget Revision Animal Care and Enforcement Donations

Budget Revision # _____

Item No. _____

Caldwell County Board of Commissioners

BUDGET REVISION

Subject: Use of Donated Funds

Background and explanation for the Budget Revision:

This revision allows Animal Care and Enforcement to use $1,500.00 in donated funds to purchase rabies vaccines and syringes for the Free Rabies Vaccine Event. It will also allow the animal shelter to replace the rest of the plastic frame dogs beds with aluminum frame dog beds.

The Budget Ordinance is hereby amended by making a Supplemental Appropriation with appropriations and revenues being adjusted as follows:

SUPPLEMENTAL APPROPRIATION

Line Item #	Title	I/D	Amount
10.5200.364501	Donated Funds		$3,500.00
Total			**3,500.00**

Line Item #	Title	I/D	Amount
10.5200.432900	Expense of Donated Funds		$3,500.00
Total			**3,500.00**

Attachments (Yes or No): no

Public Hearing (Yes or No):

Distribution:
Original - Finance Office
Duplicate - Clerk to the Board
Triplicate - Department Head

Staff Recommendation:

Board Action:

Department Head	Date	Finance Director	Date	County Manager	Date
			08/21/24		

Board of Commissioners Meeting
Agenda Item Summary

MEETING DATE	DEPARTMENT	PREPARED BY
September 9, 2024	Sheriff's Office	

AGENDA ITEM # 18

Sheriff's Office- Replacement Vehicle

BACKGROUND

This budget revision allows the sheriff's department to trade in an existing vehicle for a new one with the cost difference coming from investigative funds. This is an undercover vehicle so discretion is necessary.

RECOMMENDED MOTION

Approve Budget Revision

BUDGET IMPACT

Funded with investigative funds, not tax dollars.

APPROVED FOR BUDGET YEAR

No

ATTACHMENTS

1. Budget Revision Sheriff Replacement Vehicle

ic

Budget Revision # _____

Item No. _____

Caldwell County Board of Commissioners

BUDGET REVISION

Board Meeting: SEPT 9TH, 2024

Subject: Undercover Vehicle

Background and explanation for the Budget Revision:
To cover the purchase of an uncover vehcile for trade that has been compromised
This request requires no local funds

The Budget Ordinance is hereby amended by making a Supplemental Appropriation with appropriations and revenues being adjusted as follows:

SUPPLEMENTAL APPROPRIATION

Revenue	Increase		**Expenditures:**	Increase	
Line Item #	Title	Amount	Line Item #	Title	Amount
104314-331100	Asset Seizre Funds	$ 14,300.00	104314-451001	Vehicles	$ 14,300.00
Total		**14,300.00**	**Total**		**14,300.00**

Attachments (Yes or No): YES
Public Hearing (Yes or No):

Distribution:
Original - Finance Office
Duplicate - Clerk to the Board
Triplicate - Department Head

Staff Recommendation:

Board Action: No Local Funds

Department Head	Finance Director	Date	County Manager	Date
Kevin H. Bean 8/26/2024				

Caldwell County

AGENDA ITEM SUMMARY

Submitter: **Sheriff Kevin Bean** **Meeting Date: 9/9/2024**

Agenda Section: **Department: Sheriff**

Suggested Motion(s):

SUMMARY: **To cover the cost of an Under Cover Vehicle for Narcotics**

Budget Impact: **No Budget Impact**

Is this expenditure approved in the current fiscal year budget? No

If no, describe how it will be funded.

This request requires no local funds as the Assets Seizure funds (104314-331100) will cover the cost of a undercover vehicle used by the narcotics division. The total cost for the camera is $14,300.00

ATTACHMENTS: **See Attached Request**

CALDWELL COUNTY SHERIFF'S OFFICE

** SHERIFF KEVIN H. BEAN **

2351 MORGANTON BLVD. SW * LENOIR, NC 28645

PHONE: 828-758-2324 * FAX: 828-759-3490

Date: August 29th, 2024

To: Donald Duncan

RE: Narcotics Vehicle

At this time our office would like to request that we be able to use $14300.00 from the Federal Asset Seizure Fund to cover the purchase of a new Narcotics Under Cover Vehicle. This vehicle will replace an undercover vehicle that has been compromised in an undercover capacity. It is imperative that these vehicles be updated every so often for Officer Safety Purposes. Should you need any further information please contact Sheriff Kevin Bean @ 828-759-1542.

Sincerely,

Brandy Ellis

Brandy Ellis
Administrative Officer

CALDWELL COUNTY DOES NOT DISCRIMINATE ON THE BASIS OF RACE, COLOR, NATIONAL ORIGIN, SEX, RELIGION AGE OR DISABILITY IN EMPLOYMENT OR THE PROVISION OF SERVICES.

Board of Commissioners Meeting
Agenda Item Summary

MEETING DATE	DEPARTMENT	PREPARED BY
September 9, 2024	Health	

AGENDA ITEM # 19

Health Department Agreement Addendum

BACKGROUND

The health department has been approved for an additional $98,277 to use for retention and training of employees. This budget revision allows those funds to be spent.

RECOMMENDED MOTION

BUDGET IMPACT

100% grant funds with no local match

APPROVED FOR BUDGET YEAR

No

ATTACHMENTS

1. Budget Revision Health Dept Agreement Addendum

Budget Revision # _____
Item No. _____
Board Action Date _____

Caldwell County Board of Commissioners

BUDGET REVISION

Board Meeting _____

Subject: 117 Admin Retention

Background and explanation for the Budget Revision:

The Caldwell County Health Department received an Agreement Addendum in the amount of $98,277. This Agreement Addendum allows for the LHD to use the funds for retention and training for CCHD employees.

The Budget Ordinance is hereby amended by making a Supplemental Appropriation with appropriations and revenues being

SUPPLEMENTAL APPROPRIATION

Revenues: Increase / Decrease (Circle One)		
Line Item #	Title	Amount
10.5110.310500	Health Support Misc	98,277.00
Total		**98,277.00**

Expenditures: Increase / Decrease (Circle One)		
Line Item #	Title	Amount
10.5110.412100	Admin Salary	9,000.00
10.5110.444100	Contractual	10,000.00
10.5110.431200	Training	4,900.00
10.5110.426000	Supplies	50,377.00
10.5111.412100	EH Salary	3,000.00
10.5115.412100	Dental Salary	3,000.00
10.5116.412100	Clinic Salary	12,000.00
10.5167.412100	WIC Salary	6,000.00
Total		**98,277.00**

Distribution:
Original - Finance Office
Duplicate - Clerk to the Board
Triplicate - Department Head

Attachments (Yes or No):
Public Hearing (Yes or No):

Staff Recommendation:

Board Action:

Department Head	Date	Finance Director	Date	County Manager	Date
Donna Cook	8/22/24				

Board of Commissioners Meeting
Agenda Item Summary

MEETING DATE	DEPARTMENT	PREPARED BY
September 9, 2024	Planning	

AGENDA ITEM # 20

SUP 2024-2 Findings of Fact

BACKGROUND

SUP 2024-2 Findings of Fact for 4548 Grace Chapel Rd. Cell Tower

RECOMMENDED MOTION

Approval

BUDGET IMPACT

$425 SUP fee - added to budget

APPROVED FOR BUDGET YEAR

Yes

ATTACHMENTS

1. Caldwell County SUP - 2024-02

Commissioners

Randy T. Church, Chairman
Michael W. LaBrose, Vice Chairman
Jeff Branch
Donnie Potter
Robbie Wilkie

Donald Duncan, County Manager

County of Caldwell

PO Box 2200
Lenoir, NC 28645
Phone (828) 757-1300
Fax (828) 757- 1295
www.caldwellcountync.org

SPECIAL USE PERMIT

Caldwell County, North Carolina

Findings of Fact

SUP: 2024-02

Owner: Grace Chapel Volunteer Fire Department

The Caldwell County Board of Commissioners ("***Board***") met in regular session on August 12, 2024, to consider an application ("***Application***") for a Special Use Permit ("***SUP***") for a Wireless Telecommunications Facility ("***proposed Tower***") filed by Thomas H. Johnson, Jr. ("***Applicant***") for Towerco 2013 LLC ("***TowerCo***") for the proposed Tower to be located on the property located at 4548 Grace Chapel Road, Granite Falls, NC 28630, Parcel ID: 08-107-2-2-A, PIN: 2795-99-0822.

Having heard all the evidence and arguments presented at the hearing, the Board makes the following Findings of Fact based upon substantial evidence presented.

Findings of Fact

1. The Application was duly filed and complete. All materials required have been submitted to the Board and have been reviewed or are pending. Applicant is aware that the SUP will not be issued if all ordinance requirements are not met.
2. The Application is for the construction of a one hundred ninety-five foot (195') monopole-design communications tower to be located on a tract owned by the Grace Chapel Volunteer Fire Department.
3. Notice of the request was properly mailed to all adjoining property owners, and the public hearing was properly advertised.
4. At the public hearing, all witnesses were under oath and both sides were given opportunities to present evidence and to cross-examine witnesses. No parties appeared in opposition.
5. The Board finds that the application meets all of the standards in the Caldwell County Zoning Ordinance required for issuance of an SUP. This evidence was not overcome by other testimony and evidence presented at the hearing.

6. The Board finds that the proposed Tower will promote the public health, safety and general welfare of Caldwell County if located where proposed and operated according to the plans as submitted because cell towers do not produce chemicals or other toxins that would threaten public health or ground water. The proposed Tower will be built according to all applicable building codes and electrical code standards.
7. The Board finds that the proposed Tower will maintain or enhance the value of contiguous property.
8. There was no evidence before the Board that a cell tower at this location will prevent uses allowed on adjoining properties from occurring in their normal course, nor was there evidence that the construction of a cell tower at this location would impede the normal development and improvement of surrounding properties for all allowed uses.
9. The Board finds that the proposed Tower would be in compliance with the general plans for the development of the county as embodied in the Zoning Ordinance regulations and the Comprehensive Plan.
10. Based upon the foregoing Findings of Fact, the Board makes the following Conclusions of Law:

Conclusions of Law

1. The Applicant has presented competent, material and substantial evidence that their application complies with all standards and requirements in the Caldwell County Zoning Ordinance required for issuance of an SUP to construct the proposed Tower.
2. TowerCo, based upon these findings, is entitled to an SUP and its application is therefore approved.

SPECIAL USE PERMIT
[Signature Page]

Now, therefore, it is ordered that the SUP be and the same is hereby issued to the Applicant. Ordered this __ day of _____, 2024, and signed and filed after adoption by the Board on the ___day of ____, 2024.

_____[SEAL]
Name: _____

_____[SEAL]
Name: _____

Board of Commissioners Meeting
Agenda Item Summary

MEETING DATE	DEPARTMENT	PREPARED BY
September 9, 2024	Sheriff's Office	

AGENDA ITEM # 21

Application for National Police Association Grant

BACKGROUND

The National Police Association Grant would be for our Explorer program. This annual grant is for $1,000 and it will be utilized to provide educational materials, training, and resources to help instruct our explorers.

RECOMMENDED MOTION

Allow to proceed with applying for this grant.

BUDGET IMPACT

This is a no-match grant and will not have any impact on the budget.

APPROVED FOR BUDGET YEAR

No

ATTACHMENTS

None

Board of Commissioners Meeting
Agenda Item Summary

MEETING DATE	DEPARTMENT	PREPARED BY
September 9, 2024	Sheriff's Office	

AGENDA ITEM # 22

Application for NRA Foundation Teach Freedom Grant

BACKGROUND

The Experience for Explorer project aims to educate children and their families about the importance of firearm safety in preventing accidents and promoting responsible gun ownership. By providing educational materials, training, hands-on experience, and resources such as giving away gun locks, the project seeks to raise awareness about the safe handling and storage of firearms in households where children are present. We will do all this utilizing airsoft firearms to add another layer of protection for the children and staff of the Sheriff's Office.

The project will serve the public by equipping children with the knowledge and skills necessary to safely interact with firearms, thereby reducing the risk of unintentional injuries or fatalities. They can discuss and inform their parents what they have learned which will also open up a dialect between them. By promoting responsible gun ownership and safe storage practices, the project ultimately aims to benefit the community at large by fostering a culture of safety and mitigating the potential dangers associated with firearms in homes.

RECOMMENDED MOTION

Approval to submit application

BUDGET IMPACT

There will be no impact on the budget. This is a zero-match grant.

APPROVED FOR BUDGET YEAR

No

ATTACHMENTS

None

Board of Commissioners Meeting
Agenda Item Summary

MEETING DATE	DEPARTMENT	PREPARED BY
September 9, 2024	Sheriff's Office	

AGENDA ITEM # 23

Application for Catawba Valley Community Foundation Grant

BACKGROUND

The goal of this funding request is to support a summer kids' camp that aims to provide a safe, educational, and enjoyable environment for children. The camp will offer a variety of activities, including arts and crafts, sports, and educational workshops, designed to foster creativity, teamwork, and personal growth. The funding will be used to cover costs such as staffing, materials, and facilities, ensuring that the camp can be accessible to a broad range of families. By investing in this camp, we aim to enrich the lives of children, promote positive development, and strengthen community ties.

RECOMMENDED MOTION

Approval to proceed with the application.

BUDGET IMPACT

This is a zero-match grant, so there is no impact on the budget.

APPROVED FOR BUDGET YEAR

No

ATTACHMENTS

None

Board of Commissioners Meeting
Agenda Item Summary

MEETING DATE	DEPARTMENT	PREPARED BY
September 9, 2024	Sheriff's Office	

AGENDA ITEM # 24

Application for Guardian Angel Safety Grant

BACKGROUND

The Guardian Angel Safety Grant will provide small shoulder mount lights for officers. These lights have a white light and multicolored light that flash in an emergency. The devices offer hands-free lighting, ideal for area searches and writing citations. The 360° LED lights are visible over 5 miles, protecting you while working at traffic stops and crashes. The grant is for 32 of these units for the office.

RECOMMENDED MOTION

Approval to submit the application.

BUDGET IMPACT

The grant is for the amount of $3,600, but it is a zero-match grant. There will be no budget impact on this item.

APPROVED FOR BUDGET YEAR

No

ATTACHMENTS

None

Board of Commissioners Meeting
Agenda Item Summary

MEETING DATE	DEPARTMENT	PREPARED BY
September 9, 2024	Sheriff's Office	

AGENDA ITEM # 25

Application for Dickey Foundation Grant

BACKGROUND

The Dickey Foundation grant is made possible through Dickey's BBQ. This grant will be for Tactical Emergency Casuality Care for Canine training, vehicle canine first aid kits with resuscitators, and tactical canine field first aid kits for all the K9 handlers at the Sheriff's Office. The grant will cover 80% of the cost with the Sheriff's Office being responsible for the remaining 20%. The total cost of this project is in the amount of $6,750.

RECOMMENDED MOTION

Approval to Submit the application.

BUDGET IMPACT

The grant is a 20% match grant. The total amount the Sheriff's office will be responsible for if awarded will be in the amount of $1,350. This cost can be absorbed within the K9 budget.

APPROVED FOR BUDGET YEAR

No

ATTACHMENTS

None

Board of Commissioners Meeting

Agenda Item Summary

MEETING DATE	DEPARTMENT	PREPARED BY
September 9, 2024	Administration	

AGENDA ITEM # 26

Interim Lease for Office Space with NCEM

BACKGROUND

RECOMMENDED MOTION

BUDGET IMPACT

APPROVED FOR BUDGET YEAR

No

ATTACHMENTS

1. Interim Lease with Caldwell NCEMAugust82024Final

NORTH CAROLINA
CALDWELL COUNTY

INTERLOCAL AGREEMENT BY AND BETWEEN CALDWELL COUNTY AND THE NORTH CAROLINA DEPARTMENT OFPUBLIC SAETY, DIVISION OF EMERGENCY MANAGEMENT TO LEASE INTERIM OFFICE SPACE

This Agreement, to lease Interim Office Space at Caldwell County Department of Health and Human Services ("CCDHHS") Building ("this Agreement"), is made and entered into the __ day of _____, 2024, by and between the County of Caldwell, a body politic and a political subdivision of the State of North Carolina, located at 905 West Ave SW, and PO Box 2200 Lenoir, NC 28645 (“County”) and the North Carolina Department of Public Safety, Emergency Management Division ("NCEM"), located at 1636 Gold Star Drive, Raleigh, NC collectively referred to as "the Parties."

WITNESSETH:

WHEREAS, pursuant to Chapter 166A of the North Carolina General Statutes, the NCEM is delegated authority from the Governor to cooperate and coordinate with the officers and agencies of local units of government in matters pertaining to the emergency management of the State and nation.

WHEREAS, the County, in conjunction with the State of North Carolina, is designing and planning a new regional Joint Operations and Communications Center. This center is intended to merge emergency communications for the City of Lenoir Police Department and all other agencies in the County. This facility will also house Caldwell Emergency Services Divisions; Emergency Management, Fire Marshal, Information Technology for County, and Emergency Medical Services.

WHEREAS, this facility is designed to accommodate representatives from NC Department of Insurance, NC Office of State Fire Marshal, NC State Highway Patrol-Technical Services Unit, NC Office of Emergency Medical Services, NC National Guard Cyber Security Response Force, and the North Carolina Emergency Management Western Regional Branch Office.

WHEREAS, the anticipated construction of this facility will not be completed until 2026, and the Western Branch Office of NCEM is in need of office space in the interim. The County has available space located at 2345 Morganton Blvd. on the third floor of the DHHS building (“Premises”)

WHEREAS, the space consists of four offices, a conference room and access to a work room. The offices range from 93 sq ft to 97 sq ft, and the conference room is over 200 sq ft. These spaces are shown on the attached Exhibit A, which is incorporated herein.

WHEREAS, this pod of offices shown on Exhibit A is currently unoccupied and available at no charge to NCEM, beginning on October 1, 2024, and until such time as the new Joint Operations and Communications Center is operational.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. THE PROPERTY. The leased property consists of those offices, a conference room, and access to the workroom described above and shown in the attached Exhibit A.

2. TERM. The term of this lease begins October 1, 2024, and continues until the new facility described above is ready for occupancy. Provided, however, if it is determined that the new facility is not going to be constructed or is not going to be constructed within a reasonable period of time after the end of 2026, either party may terminate this lease by giving the other party written notice no less than ninety (90) days before the effective date of termination.

3. RENT. There is no rent.

4. INSURANCE. NCEM will insure its furnishings, equipment, and all other personal property which it places in the leased property in such amount as it deems sufficient. NCEM agrees that the County shall have no liability for any damage to or loss of NCEM's personal property unless such damage or loss is intentionally or grossly negligently caused by agents or employees of the County.

5. CONDITION OF LEASED PREMISES. During its occupancy, NCEM shall maintain the leased property in clean and orderly condition. At the termination of the lease term, NCEM shall surrender the leased property in the same condition as at the beginning of the lease term, normal wear and tear excepted.

6. RIGHT OF ENTRY**.** The County, or any agent thereof, may also enter upon the Premises and inspect the same, making necessary repairs and alterations or for other purposes at any reasonable time during the Term. Such entry by The County shall not constitute an eviction of NCEM or a deprivation of any right of NCEM. It shall not alter the obligation of the County hereunder or create any right in NCEM adverse to the County. NCEM acknowledges that this Agreement is subordinate to all existing easements and rights of way encumbering the Premises, including any easements benefiting adjacent land owned by the County.

7**.** OTHER RESPONSIBILITIES OF THE PARTIES. In addition to the above and below-referenced responsibilities the Parties shall also be responsible for the following:

a) Costs. The County shall continue to provide water, electricity, phone, and internet consistent with the County's IT information guidelines and regulations, and other utilities required to operate the Premises, at no cost to NCEM. The County shall also maintain fire insurance for all buildings on the Premises.

b) Maintenance and Repair. County shall maintain the Premises in thorough repair and in good and safe condition, excluding reasonable wear and tear. For avoidance of doubt, this provision requires County to complete only those repairs identified by the County as necessary; it shall not require the County to provide repairs for purely cosmetic issues nor shall this provision require the County to provide maintenance or repair to NCEM personal property, trade fixtures, or equipment. The County shall continue to conduct any audits or inspections required by law. The County shall also consider any safety concerns identified by NCDPS safety inspectors and shall make any repairs requiring alteration to the Premises that are identified by the County as necessary.

c) Groundskeeping. County shall continue to be responsible for the maintenance and repair of the grounds forming, and adjacent to, the Premises.

d) Alterations to the Premises. In the event NCEM desires to alter the Premises in any way, NCEM shall consult with and obtain prior written approval from the County for all plans, including engineering and architectural drawings, developed for NCEM to improve or develop the Premises. The County shall not unreasonably withhold its approval. Notwithstanding, the decision to approve or deny any improvement or development of the property shall be at the sole discretion of the County. Any approved improvement or development on the Premises must be funded entirely by NCEM and meet any applicable federal, State, and local law, rule, or other requirement for construction on the property. NCEM shall bear the cost of any requested or proposed alteration to the Premises that has been approved by the County.

e) Remittal. Any other improvement or development of the Premises by NCEM shall become the property of the County upon termination of this Agreement at no cost.

f) Keys. County shall provide NCEM with the keys necessary to access the spaces identified in Exhibit A, at no cost to NCEM, except that NCEM shall be responsible for any costs incurred to replace keys that are lost or damaged by its agents, contractors, or employees. All keys provided to NCEM shall remain the property of the County and shall be returned to the County after the termination of this Agreement.

8. LIABILITY AND WORKERS' COMPENSATION.

a) Liability for Negligent Acts or Omissions.

1) NCEM shall be liable for the negligent acts or omissions of its agents, contractors or employees, which may arise or be claimed to have arisen as a result of such agents', contractors', or employees' use or operation of the Premises. NCEM acknowledges and agrees that NCEM shall bear responsibility for liabilities associated with its employees, trainees, or staff, including but not limited to workers' compensation insurance.

2) County shall be liable for the negligent acts or omissions of its agents, contractors or employees, which may arise or be claimed to have arisen as a result of such agents', contractors', or employees' use or operation of the Premises.

3) Any claim or dispute arising against a State agency, including but not limited to County and NCEM, shall be governed by N.C. Gen. Stat. §§ 143-291 *et seq.* Nothing herein shall be construed as an admission of liability or a waiver of the Parties' available defenses (including but not limited to sovereign immunity) regarding tort claims or workers' compensation claims, which may arise out of this Agreement or the operation and maintenance of the Premises.

b) Damage to Premises. NCEM shall also be responsible for any necessary repair or renovation to the Premises, if any such property or facility, or a substantial part thereof, is damaged by NCEM or its agents, contractors, or employees.

9. SURRENDER OF THE PREMISES**.** At the expiration of the Term or the earlier termination of this Agreement, NCEM shall promptly quit and surrender the Premises, and any improvements or developments to the County in good order, condition, and repair, except ordinary wear and tear. At the termination of this Agreement, NCEM shall remove any of its personal property, trade fixtures, and equipment from the Premises, unless specifically excepted herein or otherwise agreed in writing in a separate Agreement. All such personal property, trade fixtures, and equipment not so removed by NCEM and remaining on the Premises thirty (30) days after the termination of this Agreement shall, at the County's option, become the property of the County or County may have the property removed or stored, at the NCEM 's expense.

10. MISCELLANEOUS.

a) Binding Effect. This Agreement shall be binding upon and inure to the benefit of the Parties and their respective successors, assigns, and legal representatives, provided that neither Party may assign this Agreement without the prior written consent of the other Party.

b) No conflict; Severability. Nothing in this Agreement shall be construed or is intended to conflict with the current laws or regulations of the State of North Carolina. If a term of this Agreement is inconsistent with such authority, then that term shall be invalid, but the remaining terms and conditions of this Agreement shall remain in full force and effect.

c) Governing Law; Venue. This Agreement shall be interpreted using North Carolina law and any action related to the provisions of this Agreement may be adjudicated pursuant to N.C. Gen. § 1-82.

d) Entire Agreement. This Agreement, including such portions as are incorporated by reference herein, constitutes the entire agreement by and between the Parties, and such Parties acknowledge by their signature hereto that they do not rely upon any representations or undertaking by any person or party, past or future, not expressly set forth in the writing herein.

e) Access to Persons and Records. The State Auditor shall have access to persons and records related to this Agreement under the terms and conditions set forth in the N.C. Gen. Stat. § 147-64.7. The Parties shall retain all records related to this Agreement in accordance with State law.

f) Amendments. This Agreement may only be modified or amended by written agreement of the Parties herein. Any such amendment shall be incorporated as an addendum to this Agreement.

g) Signing and Execution. This Agreement may be signed and executed simultaneously in any number of counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same agreement.

h) Notices. Unless otherwise provided herein, all notices or other communications which may be or are required to be given or made by any party to the other under this Agreement shall be in writing addressed as follows:

IN WITNESS WHEREOF, the parties have executed this Agreement on the day and year first above written.

STATE OF NORTH CAROLINA
DEPARTMENT OF PUBLIC SAFETY
DIVISION OF EMERGENCY MANAGEMENT

By: _____
William Ray, Director & Deputy Homeland Security Advisor, NCEM

(SEAL)

Attest:

By: _____

COUNTY OF CALDWELL, NORTH CAROLINA By:

_____
Randy Church, Board Chair

(SEAL)
Attest:

By: _____
Abby Rich, Clerk to the Board

This agreement has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

_____

Anthony Helton, Chief Finance Officer
County of Caldwell, NC

EXHIBIT A

Use of four offices, a conference room, and access to a work room. See attached.

Caldwell County Health and Human Services Building
2345 Morganton Blvd. – Lenoir, NC

1. Use of Four (4) Offices
    a. Offices - B336, B337, B338 and B339

2. Use of One (1) Conference Room

    a. Conference Room - B345

3. Access to One (1) Work Room

    a. Work Room - B335

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Board of Commissioners Meeting
Agenda Item Summary

MEETING DATE	DEPARTMENT	PREPARED BY
September 9, 2024	Economic Development	

AGENDA ITEM # 27

Rail Road Assessment- Stone Consulting and WPCOG

BACKGROUND

In collaboration with Burke County, Catawba County and the City of Hickory, staff would like to retain an expert rail consultant. The assessed fee would total $19,233.91 and be paid from the already budgeted sales-tax fund. Fees have been assessed based on total miles of track in each jurisdiction.

Caldwell – 9,036.50
Rhodhiss – 179.08
Granite – 2,331.68
Sawmills – 2,300.81
Hudson – 1,953.77
Lenoir – 3,432.07
Total = 19,233.91

RECOMMENDED MOTION

BUDGET IMPACT

None. Money for various economic development projects has already been accounted for and budgeted.

APPROVED FOR BUDGET YEAR

Yes

ATTACHMENTS

1. Budget Transfer from Sales Tax 09032024 for Rail Project (1)

Caldwell County, North Carolina

Budget Transfer # _____

Date Approved _____

BUDGET TRANSFER

The following Appropriation Transfer(s) is required:

Transfer From:			**Transfer To:**		
Line Item #	Title	Amount	Line Item #	Title	Amount
20.4504.461900	Incentives	19,234.00	20.4504.444100	Contractual	19,234.00
Total		**19,234.00**	Total		**19,234.00**

Explanation and Justification for the Budget Revision:

This budget transfer moves funds originally approved for economic development incentives to the contractual line item in fund 20 (Sales Tax Reinvestment Fund) to be used to on the rail project

DEPARTMENT HEAD		Finance Director	
Ashley B. Bolick	9/3/2024		9/3/2024

Caldwell County
North Carolina
Board of Commissioners Meeting

August 12, 2024 at 6:00 PM
City-County Chambers
905 West Avenue NW, Lenoir

MINUTES

Attendance:
Randy Church, Chairman
Mike LaBrose, Vice Chairman
Jeff Branch, Commissioner
Donnie Potter, Commissioner
Destin Hall, County Attorney
Donald Duncan, County Manager
Abby Rich, County Clerk

Absent:
Robbie Wilkie, Commissioner

Call to Order
Chairman Church called the August 12, 2024, Board of Commissioners meeting to order at 6:00PM to begin the Public Comment Period.

The Chairman re-called the meeting to order at 6:04 PM after the Public Comment Period.

The Chairman thanked those watching in the audience and from home.

Public Comment Period
Jeffrey Cardwell came to the podium to represent Gamewell Fire Department. The fire department recently completed the Keith Owens Junior Fire Academy. There were approximately 60 students involved and there was also a boot camp held for others that could not attend the full academy. Mr. Caldwell said this was a great success and thanked all the departments and the schools involved. Mr. Caldwell noted his purpose of being in attendance was to thank everyone. He also indicated that he was very grateful to Chairman Church and Commissioner Potter for coming. In closing, Mr. Caldwell told the Board he was representing Chief Michael Brewer and Gamewell Fire Board President, Rusty Dellinger.

Invocation
Reverend Floyd Boston of Central Advent Christian Church came to the podium to provide the invocation for those in attendance.

Pledge of Allegiance
Commissioner Donnie Potter led the Pledge of Allegiance for those in attendance.

Agenda Amendments from the Board, Manager & Public

The County Manager informed the Board of one amendment to the agenda. This amendment would move Item 10 to Item 1.

Vice Chairman LaBrose made the motion to accept the agenda as the County Manager has presented with the moving of the resolution from 10 to 1.
The motion carried unanimously.

Agenda Items

1. Amendment to 2024-2025 Schedule of Fees for Animal Care Enforcement

Animal Care Director Richard Gilliland came to the podium to present a new item to be added to the Animal Care 2024-2025 Schedule of Fees. Director Gilliland showed an example of the new ID tags being offered to pet owners by Animal Care and explained how the tag works.

Commissioner Potter asked how the public would get a tag. Director Gilliland told Commissioner Potter the public can come to the Animal Care Shelter to purchase the ID tags. There was a brief discussion about the cost to adopt an animal and the services included with the adoption.

Commissioner Potter made the motion to approve the amendment to the 2024-2025 Animal Care Enforcement Schedule of Fees.

Commissioner Potter then told the Board that he wants to amend the fee schedule for EMS lift assists as well. This amendment would remove the $150.00 cost and make this service free.

Commissioner Potter amended his motion to include the changing of the cost of list assists from $150.00 to $0.00.

The motion carried unanimously.

2. VAYA Health Updates

Dustin Burleson of VAYA Health came to the podium to provide the Board with updates from VAYA Health. Mr. Burleson told the Board that the biggest thing that has happened since his last presentation to the Board was the launch of the Tailored Plan. Mr. Burleson provided a background of the Tailored Plan and highlighted areas of coverage for this plan.

Commissioner Potter commended VAYA Health for all of their hard work and support. Other members of the Board thanked Mr. Burleson as well.

3. Foothills Conservancy Grant Assistance Request

Shane Prisby came to the podium to present a Foothills Conservancy grant assistance request. Mr. Prisby provided that the parcel is 326 acres and Foothills Conservancy believes this land is a community asset. He then continued by telling the Board that Foothills Conservancy plans to explore placing trails on this property. The specific grant is the Great Trails State Program Grant. The local match for this grant is $50,000 and Foothills Conservancy is requesting to split this match cost with Caldwell County and the Town of Blowing Rock. Mr. Prisby indicated that Foothills Conservancy would be

the primary grant sponsor and would do most of the writing. Additionally, Foothills Conservancy would work with the contractors, etc., if the grant is awarded. The Board was informed this item requires a motion and the motion can be contingent upon support from the Town of Blowing Rock.

Commissioner Potter asked what the timeline would be for the project from start to finish, if the grant is awarded. Mr. Prisby said the process could take up to 3 years, mostly due to federal requirements. Mr. Prisby was then asked who would write the grant if Caldwell County decided to approve the request. Foothills Conservancy would be the grant writers. The County Manager recommended the Board's motion be contingent upon the support from the Town of Blowing Rock. There was then a brief discussion about who would be the lead for the project and which part of the County's budget the money would be taken from.- This funding would be pulled from the General Fund. The next discussion addressed the opportunity for hunting in the area and Commissioner Branch noted opposition due to concerns about the restrictions placed on hunters in this area.

Commissioner Branch made the motion not to apply for the grant.
The motion carried unanimously.

4. Call for Public Hearing for Naming of an Unnamed Road- Wing N Biddy Way

GIS Administrator Micah Kelly came to the podium to request a public hearing for Wing N Biddy Way. Biddy Nichols is requesting to name a road in the Sawmills area of Caldwell County. Mr. Kelly told the Board that the owner may subdivide in the future, but there is only one resident currently. Mr. Kelly continued by telling the Board the property owner has made this request for the purpose of having and E-911 address. Vice Chairman LaBrose asked if this unnamed road is along Helton Rd. Mr. Kelly was able to provide that the property is located along Helton Rd. Chairman Church stated that he wants to wait until there is a road in place before the Board permits the naming of it. The Board told Mr. Kelly they want proof that there is a road in place prior to approving the name.

Commissioner Branch made the motion to have a public hearing for the road naming at the next meeting.

The motion carried unanimously.

5. Recognizing the Retirement of Sheriff Alan C. Jones

Chairman Church read the resolution for those in attendance.

Chairman Church then made the motion to approve the resolution.

The motion carried unanimously.

Sheriff Jones came to the podium and said it's been an honor to serve Caldwell County. Sheriff Jones continued by saying it's a blessing and thanked everyone at the Sheriff's Office. He said he still sees great things coming from them and noted this Board of Commissioners has allowed the Sheriff's Office to get some of the best equipment available. Sheriff Jones thanked everyone again.

Commissioner Potter said it's been a true honor to have him as our Sheriff. The other Board members echoed those sentiments.

6. Disposal of County Owned Property by Private Sale

Chairman Church made the motion to dispose of this property by private sale of negotiated sale.

The motion carried unanimously.

7. Acceptance of Nominated Sheriff's Surety Bond

The County Manager provided an explanation for the Sheriff's bond.

Vice Chairman LaBrose made the motion to approve the bond.

The County Manager added that the bond would be recorded with the Register of Deeds and Clerk of Court's Office by the County Clerk.

The motion carried unanimously.

8. Quasi-Judicial Hearing SUP 2024-2 Cell Tower - 4548 Grace Chapel Rd

County Attorney, Destin Hall, opened the public hearing for an application for a special use permit to construct a cell tower/telecommunications tower at 4548 Grace Chapel Road, Granite Falls. Attorney Hall indicated there were three individuals who were signed up to speak on this matter. Those individuals were Tom Johnson, Shelley Stevens, and Michael Berkowitz. Attorney Hall asked the audience if there were any other individuals who wished to speak for or against the application; there were none. Mr. Johnson, Ms. Stevens, and Mr. Berkowitz were all sworn in by County Clerk, Abby Rich.

Attorney Hall asked Ms. Stevens to provide her name, information about her background, and to tell the Board what it needs to know about the application. Ms. Stevens provided that her name is Shelley Stevens and she is the Planning Director for Caldwell County. Ms. Stevens stated that she has worked for Caldwell County for almost ten years, she worked for two years as a planner with the Western Piedmont Council of Governments, and before that she worked a short time in the private sector for planning. Ms. Stevens continued by telling the Board she has a master's degree in urban planning and an undergraduate degree in public policy. Ms. Stevens then began her presentation by telling the Board this is the second special use permit request of the year. This application is for a cell tower and the applicant is Thomas Johnson Jr. who was in attendance for the meeting. Mr. Johnson is working on behalf of TowerCo, and they are hoping to create this tower for Verizon. The location for the application is at the Grace Chapel Fire Department. This property is owned by Grace Chapel Fire Department Inc. and the parcel is located at 4548 Grace Chapel Road, Granite Falls. Ms. Stevens provided the site conditions are a field with a fire department adjacent Grace Chapel Road. The parcel is 8 acres total and the applicant wants to use a 75-foot by 75-foot area totaling to a leased area of 5,625 sq. ft. There would be a 50-foot by 50-foot gravel area within this area that would be fenced and the cell tower would go within this area. The current zoning is RA-20 and the current elevation is 1,128.56 feet. Ms. Stevens told the Board that surrounding land uses included homes, fields, woods, and a solar farm. The surrounding zoning of the property is RA-20. Ms. Stevens told the Board that cell towers are allowed by right or by special use permit in every zoning jurisdiction that the County has in the unincorporated area. Continuing, Ms. Stevens displayed a map and stated that this property is located in the southeastern quadrant of Caldwell County. The next display was an aerial photograph

showing what the site looks like currently. Ms. Stevens indicated they will be using a 30-foot easement to lead to the tower. Ms. Stevens said they would use the existing pavement and then add 12 feet of gravel. There would be a 50 by 50 area with gravel where the equipment would be housed and this would be buffered by two rows of trees per ordinance requirement. Ms. Stevens said the tower itself would be 190 feet with a 5-foot lightning rod and room for three additional carriers possibly providing for better signal for other carriers as well. Additionally there would be an 8-foot fence with 3 rows of barbed wire to protect the equipment at the base of the tower. Ms. Stevens then referenced the Caldwell County Future Land Use Map and indicated that this tower would be a low density use and this area of the map does suggest low density uses such as this. Ms. Stevens reminded the Board that cell towers are allowed in every zoning district by special use permit. Ms. Stevens then told the Board that with a special use permit request, if the applicant can meet all of the requirements of the zoning ordinance, and any that are added by the County Commissioners, then they are supposed to be issued their special use permit. The applicant is using their application as their evidence along with any testimony provided during the hearing. Ms. Stevens told the Board that there were a few items listed in their packets that were still pending due to edits needed. Ms. Stevens stated that the applicant has turned all of these in and she reviewed them all against the ordinance requirements along with the County Attorney. Ms. Stevens then stated that they believe the applicant does meet the requirements of the zoning ordinance at this time. The only provision still pending is the maintenance and removal language in their lease. Ms. Stevens said this is a requirement, but the applicant did not have the right amount of time listed for clearing out the tower in the event there is a cessation of use. Ms. Stevens told the Board that the applicant does have these edits made and ready to be approved. Ms. Stevens then stated that the Planning Board's recommendation is approval contingent upon receipt of completed and correct required documents. Attorney Hall asked Ms. Stevens if in her opinion, other than the one exception, if the permit meets the requirements of the ordinance for a special use permit. Ms. Stevens replied yes it does. Attorney Hall asked the Board if they had any questions for Ms. Stevens. Vice Chairman LaBrose asked if all the property owners surrounding the property have been contacted. Ms. Stevens replied that they have. Vice Chairman LaBrose then asked if there were any concerns from these property owners. Ms. Stevens informed him that there were not. Ms. Stevens further elaborated that by law, they must send out notices to all of the adjacent property owners and the Planning Technician, Kim, goes step further and does so twice. The first notice is sent prior to the Planning Board meeting and the second notice is sent prior to the Board of Commissioners meeting. Ms. Stevens indicated that they had not received any calls or emails. Vice Chairman LaBrose said he has received one call from an adjoining property owner. The Vice Chairman said the property owners are the Flanders and the tower would border their property. The Vice Chairman then asked Ms. Stevens if there is some type of buffer. Ms. Stevens said the applicant is meeting the requirements of the buffering around the base. As an example, Ms. Stevens provided that the applicant would have two rows of plants similar to Leland Cyprus trees. The Vice Chairman then assisted Ms. Stevens in locating where the property is in reference to the tower, stating that the property is to the north and the left of the station. Ms. Stevens stated that the next presentation may answer this question better because the presenter has visuals from different locations. Attorney Hall asked Mr. Johnson if he had any questions for Ms. Stevens; he did not. Attorney Hall then acknowledged that Ms. Stevens presentation would be put into the record as an exhibit.

Mr. Johnson, having been sworn in by the County Clerk came to the podium next. Mr.

Johnson introduced himself as Tom Johnson, a lawyer with Williams Mullen at 301 Fayetteville Street, Suite 1700 in Raleigh. Mr. Johnson then indicated that he's been a lawyer for 39 years and has been doing towers for about 35 years. Mr. Johnson asked that the application and all associated materials that have been submitted to the Planning Department be admitted into evidence to support the request. Attorney Hall said all of these will be in the record if there are no objections from the Board members. With no objections from the Board, these items will be in the records. Mr. Johnson then acknowledged that Ms. Stevens is correct in saying that the firm has been through all of the conditions and the only thing outstanding was they had to go back to the Fire Department and their board had to approve their lease amendment. Mr. Johnson stated this was a minor thing to be done to comply with the County's Ordinance. Mr. Johnson then said it was his understanding that the Board had reviewed it with its attorney this morning, but he had not heard the result of their review. Mr. Johnson noted that it would take a day or two to get this back and signed. This was not something the applicants had anticipated, but they have it in process. Mr. Johnson said for all of the other conditions, they had worked with the County Attorney and gotten those resolved. Mr. Johnson then told the Board that Mr. Berkowitz was in attendance and he had completed the impact study that is in the record. Mr. Johnson told the Board that Mr. Berkowitz is an appraiser out of Charlotte and his qualifications are in the record. Mr. Johnson further stated that there would be no adverse financial impact on the joining properties. Next, Mr. Johnson informed the Board that this tower is for Verizon, to provide reliable service for health and safety. He said individuals can use the service to call Emergency Services and Emergency Services can use the network in order to provide services to the community. Mr. Johnson said this tower would be located where some first responders are located at Grace Chapel Fire Department. Mr. Johnson indicated that the Grace Chapel Fire Department would benefit from this tower as well because they will receive some income from the tower being there. Mr. Johnson then showed a photo to the Board that provided a comparison of current cellular coverage and future cellular coverage with the tower. Mr. Johnson said the goal is to have in-building coverage. Mr. Johnson stated that with this tower, the coverage will go from being spotty to well covered. Continuing, Mr. Johnson told the Board that the tower will not have to be lighted and there is approval from the FAA shown in the record. Next, Mr. Johnson showed the Board a picture of the site survey and told the Board that they would be using the existing driveway of the fire department that is paved. When the asphalt stops, a small amount of gravel will be placed for a turnaround and parking area. Mr. Johnson then showed the Board another depiction of the site survey and acknowledged the features of the cell tower site. Mr. Johnson told the Board that there would be two rows of Leland Cyprus surrounding the site as required by Caldwell County Ordinance. The next image showed a depiction of the cell tower and said there will be equipment cabinets on the site. Mr. Johnson said there will be fiber optic cable that will go up the tower to improve service and speed. Mr. Johnson displayed a map showing the locations where the photo simulations were taken. Mr. Johnson then showed the Board the photo simulations including the proposed tower in these photos. Mr. Johnson told the Board that this will improve health and safety of the community because it will provide access to wireless and help first responders. He further stated that this tower would not be detrimental to the public welfare or injurious to property or public improvements in the neighborhood as Mr. Berkowitz had submitted his impact study that showed no adverse impact on property values in the area. Mr. Johnson stated that they have met the requirements of the County's Ordinance. Mr. Johnson concluded that this permit would be contingent upon the completion of the lease agreement, as its supposed to be, and the next step will be going to building permit and then to construction. Attorney Hall asked if any Board

members had any questions. Commissioner Branch asked why this tower is not 195 feet and if it was to keep the light off of it. Mr. Johnson told Commissioner Branch that this height was to keep the light off as the light requirements are 199 feet. Above this, the FAA requires the tower to be lighted unless the tower is in close proximity to an airport. Commissioner Potter asked why this tower isn't lighted given its proximity to a helipad. Mr. Johnson told Commissioner Potter that they had gone through the FAA process and had received a FAA 7460. Mr. Johnson then told the Board that the only lighted pole that might be shorter than this one is near the motor speedway off of I-85. Mr. Johnson said the FAA would have made the determination that it needed to be lighted with the helipad if necessary, but they did not. Mr. Johnson said that pilots are used to anything below 200 feet because they are on the map and all of the aeronautical maps so they know its there. Mr. Johnson told the Board that it has to be registered through the FCC and the FAA and it's all registered. Attorney Hall asked if there were any other questions from Board members. Attorney Hall also said that Mr. Johnson's PowerPoint will be part of the record as well.

Having been sworn in by the County Clerk, Mr. Berkozwitz then came to the podium. Attorney Hall asked for Mr. Berkowitz to provide his professional background and his opinion on this application. Mr. Berkowitz provided that his name is Michael Berkowitz and his address is 1100 Sundance Drive, Concord, NC. Mr. Berkowitz said he has been an appraiser for over 20 years, he is a graduate of Duke University, and he has been living in North Carolina close to 30 years. Mr. Berkowitz told the Board that his study was about the impact of the cell tower from an appraisers perspective. Mr. Berkowitz said there were two ways to go about this, either qualitative or quantitative. Mr. Berkowitz further said that the data in Caldwell County is not accurate to do a full quantitative analysis, but he did provide several examples of home values with cell towers. Mr. Berkowitz told the Board that this tower being located on the grounds of a fire station is one of the most common and ideal places for a cell tower. Due to a tower already being located on the site, the incremental increase to provide service to a wider area from a qualitative standpoint does not impact the value of surrounding properties. Mr. Berkowitz said this finding is what impacted his conclusion. Attorney Hall asked the Board and Mr. Johnson if there were any questions for Mr. Berkowitz. There were no questions. Attorney Hall then asked for the record to reflect that Mr. Berkowtiz was sworn in prior to giving his testimony. Attorney Hall then asked the room if there was anyone else that wished to speak in regards to this application. Hearing none, Attorney Hall stated that the evidence that was brought before the Board both in the application, PowerPoints, and testimony will now be in the record without any objection from the Board. Attorney Hall then turned the meeting back to Chairman Church.

Commissioner Branch made the motion to approve the application for the new cell tower at Grace Chapel Fire Department. Attorney Hall recommended that the motion include subject to the maintenance and renewal language in the lease being corrected as Ms. Stevens and Mr. Johnson had mentioned. The motion was amended to include the contingency of the language amendments.

The motion carried unanimously.

9. RZ 2024-2 R-20 to GB - 2125 Wilkesboro Blvd

Planning Director Shelley Stevens came to the podium to present a rezoning request. This request is being made by Michael Hartley for James Oxygen and Supply Company. The property owner is Hartley Family Investments LLC. The property is located at 2125 Wilkesboro Blvd. Lenoir, NC. The property is currently zoned R-20 and

the applicant is requesting for the property to be rezoned to General Business. Ms. Stevens told the Board that part of the property lies within the City limits of Lenoir. This current request is only for the portion located within Caldwell County limits. The Comprehensive Land Use Map shows this area is defined as an area that has a future use for general business. Ms. Stevens said the Planning Board does recommend approval of this rezoning.

Chairman Church declared the public hearing open, and noted that Ms. Stevens previous comments would be accepted as part of the public hearing. With no individuals being signed up to speak, the public hearing was declared closed.

Chairman Church made the motion that approval of this request is reasonable and in the public interest because the amendment is consistent with the County's Comprehensive Plan which contains a future land use map that aligns with the request by suggesting General Business zoning for this area (via the Industrial Center Node). There is no evidence that the rezoning would negatively impact the surrounding neighborhood and adjacent properties, and it can promote public health, safety, and welfare by allowing a retailer or other business to provide goods or services to the public.

The motion carried unanimously.

10. RZ 2024-3 RA-20 to GB - Connelly Springs Rd

Planning Director Shelley Stevens remained at the podium. Chairman Church declared the public hearing open. The applicant is Raymond Dollar and he is also the property owner. The property is located at 2881 Connelly Springs Rd. Granite Falls. The property is currently zoned RA-20 and the surrounding zoning varies with General Business and RA-20. The Comprehensive Land Use map suggests General Business as a future land use for this area. Ms. Stevens told the Board that the Planning Board recommends approval of the rezoning request. Chairman Church asked if there was anyone else that wished to speak. With there being none, the public hearing was closed.

Vice Chairman LaBrose read the consistency statement stating approval of this request is reasonable and in the public interest because the amendment is consistent with the County's Comprehensive Plan which contains a future land use map that aligns with the request by suggesting General Business zoning for this area (via the Commercial Corridor Node). There is no evidence that the rezoning would negatively impact the surrounding neighborhood and adjacent properties, and it can promote public health, safety, and welfare by allowing a retailer or other business to provide goods or services to the public, with a motion to approve this rezoning.

The motion carried unanimously.

11. Capital Project Ordinance for Courthouse

The County Manager told the Board that the County has received $16.5 million dollars from the State for the Courthouse project and this budget revision would bring the latest $10 million dollars into the County's budget. The County Manager then noted that the second action item for this would allow the County to spend up to $5.2 million dollars on a design for the future Courthouse.

The County Manager reviewed a PowerPoint noting the current courthouse design, and a proposed layout for the future courthouse.

Vice Chairman LaBrose noted the design money is already set aside, and no County money is being used at this time.

Commissioner Potter then noted that there is a sunset on the money received from the State and the funds have to be spent by October 3rd of 2025. There were no more questions or comments from the Board.

Vice Chairman LaBrose made the motion to approve this project ordinance and budget revision for the Courthouse.

The motion carried unanimously.

12. Capital Project Ordinance for Communications Center

The County Manager noted that this project has grown into a regional communications center. The County had $8.5 million dollars given by the State to build this facility and additional $14.5 million dollars added to this project for a total of $23 million dollars. This facility will house the Caldwell County Communications Center, Lenoir Police Department Communications, host the Western Branch of the North Carolina Emergency Management, SKIF, the North Carolina National Guard Cybersecurity Team, Office of the State Fire Marshal, Office of Department of Insurance, and North Carolina Viper.

This will be a regional project and Caldwell County would become the default communications center if there was a large disaster. This item will bring in the additional funds for the project.

Chairman Church made the motion to adopt this capital project ordinance for the communications center.

Commissioner Potter asked if there had been any more discussion with other counties. The County Manager provided that there has not been any recently.

The motion carried unanimously.

13. Approval of Capital Outlay Loan

The County Manager provided a list of the items this loan would assist with funding.

Commissioner Potter made the motion to approve the capital outlay loan as described by the County Manager.

The motion carried unanimously.

Consent

14. doTerra Grant

The Caldwell County Sheriff's Office is requesting approval to submit a grant to purchase evidence lockers.

15. Upgrading Ambulance Remount to New Unit

The County Manager provided that this would switch the remounting of an ambulance to a new ambulance unit. The amount of this revision is $360,753.00.

16. Health Department- Agreement Addendas for Communicable Disease Pandemic Recovery

This item includes two budget revisions for agreement addendas for the Health Department. The total of the first revision is $61,028.00 and the total of the second revision is $73,546.00.

17. Health Department- Agreement Addenda for Public Health

This item is a budget revision for agreement addenda for the Health Department. The total of this revision is $100,000.000.

18. Health Department- Upstream Grant Funding

The Health Department was awarded a grant from Upstream in the amount of $13,500.00.

19. Health Department- COVID-19 Funds

This budget revision allows additional funds to flow through the Health Department's budget. The amount of this revision is $322,532.00.

20. Gamewell Fire Tax Exemption Application

Gamewell Fire Department is asking for tax exemption on a piece of property they have purchased.

21. SUP 2024-1 Findings of Fact

This item includes the findings of fact from the special use permit approved at the July 8, 2024, Board of Commissioners meeting.

22. Wilson Creek Legal Fees

This budget revision will allocate $20,000 for additional funding for legal fees in reference to Wilson Creek studies for improvement.

23. Purchase Order Rollover from Fiscal Year 23-24

This budget revision allows for $1,228,540.63 to roll over from the previous fiscal year to the new fiscal year.

24. Amendment to Council on Aging Bylaws

The Council on Aging is requesting to change their meetings from monthly to quarterly.

25. Building Reuse Grant Application for Project Cola

Caldwell County Economic Development is requesting approval to submit a building reuse grant for Project Cola. The grant request is $140,000 with a $7,000 match from the County and a $7,000 match from the City of Lenoir.

26. Reappointment of JCPC Members

Courtney Covey, Jonel Brock, Beth Hinshaw, Chad Lackey, Denise Fleming, and Ed Richards are all requesting reappointment to the JCPC.

27. Reappointment of Members to the Voluntary Agricultural District

Chad Gragg, Olivia Ford, Ryan Higgs, and Stephen Watson are requesting reappointment to the Voluntary Agricultural District.

28. Reappointment of Cyndi Akins to Regional Aging Advisory Committee
Cyndi Akins is requesting reappointment to the RAAC.

29. Approval of Employee Agreement for Tax Administrator
An amendment was made to the Tax Administrator's Employee Agreement.

30. Evergreene Authorizing Resolution & Budget Ordinance
Acceptance of the grant awarded in the amount of $513,425.00 and authorizes the County's match amount of $513,425.00.

31. Surplus Property- Service Weapon for Adam Minor
This resolution authorizes the surplus of a service weapon used by Adam Minor.

32. Surplus Property- Service Weapon for Alan Jones
This resolution authorizes the surplus of a service weapon used by Alan Jones.

33. Approval of Minutes from July 10, 2024, Meeting
The approval of the July 10, 2024 Meeting Minutes is requested.

Vice Chairman LaBrose made the motion to approve the consent agenda as the County Manager had presented.

The motion carried unanimously.

Adjourn

With there being no more business to attend to, Commissioner Potter made the motion to adjourn at 7:58 PM.

The motion carried unanimously.

ESTABLISHMENT OF THE COMMUNICATIONS CENTER PHASE TWO PROJECT ORDINANCE

WHEREAS, the state of North Carolina has made funding available for this project.

WHEREAS, Caldwell County has a need to construct a new communications center.

NOW, THEREFORE, BE IT RESOLVED by the Caldwell County Board of Commissioners that:

Section 1. The governing board hereby creates a project fund for the purpose of administering the Grant for phase two of the construction of a new emergency communications center.

Funding Sources:	
Other Grants	$14,573,000.00
Expenditures:	
Construction	$14,573,000.00

Section 2. The fund will remain operational until completion of the project and the disbursement of all project funds.

Section 3. The project shall be effective August 12, 2024.

Adopted August 12, 2024.

ATTEST:

Abby Rich
Clerk to the Board

Randy Church
Chairman

CALDWELL COUNTY 18 41 NORTH CAROLINA

ESTABLISHMENT OF THE COURTHOUSE PHASE THREE PROJECT ORDINANCE

WHEREAS, the state of North Carolina has made funding available for this project.

WHEREAS, Caldwell County has a need for a new courthouse.

NOW, THEREFORE, BE IT RESOLVED by the Caldwell County Board of Commissioners that:

Section 1. The governing board hereby creates a project fund for the purpose of administering the Grant for phase three of design and construction of a new courthouse

Funding Sources:	
Other Grants	$10,000,000.00
Expenditures:	
Construction	$4,734,498.00
Design Fees	$5,265,502.00

Section 2. The fund will remain operational until completion of the project and the disbursement of all project funds.

Section 3. The project shall be effective August 12, 2024.

Adopted August 12, 2024.

ATTEST:

Abby Rich
Clerk to the Board

Randy Church
Chairman

CALDWELL COUNTY 18 41 NORTH CAROLINA

RESOLUTION

12-2024

DISPOSAL OF COUNTY OWNED PROPERTY BY PRIVATE SALE

WHEREAS, Caldwell County owns certain items of personal property that have become surplus for its current needs; and

WHEREAS, North Carolina General Statute 160A-266 permits the County to sell such property by private sale upon authorization by the Board of Commissioners at a regular meeting and notice to the public; and

WHEREAS, the Board of Commissioners is convened in a regular meeting;

NOW THEREFORE, BE IT RESOLVED the Caldwell County Board of Commissioners authorizes the negotiated sale of a 2010 Dodge Charger, VIN: 2B3AA4CT1AH128731, and the County Clerk shall publish a notice summarizing this resolution, and no sale may be executed pursuant to this resolution until at least 10 days after the day the notice is published.

Adopted this the 12 day of August, 2024.

Randy Church, Chairman of the Board
Caldwell County Board of Commissioners

ATTEST:

Abby Rich, NCCCC
County Clerk

RESOLUTION

13-2024

RESOLUTION AMENDING FY 2024-2025
ANIMAL CARE AND ENFORCEMENT FEES

WHEREAS, by resolution, the Caldwell County Board of Commissioners can amend the County's schedule of fees adopted each fiscal year; and

WHEREAS, Caldwell County Animal Care Enforcement has request to amend its schedule of fees to include a new fee of $5.00 for digital ID tags.

NOW, THEREFORE, BE IT RESOLVED, that the Caldwell County Board of Commissioners approves the requested amendments to be made to the Fiscal Year 2024-2025 Schedule of Fees.

Adopted this 12 day of August 2024.

Randy T. Church, Chairman

Abigail Rich, County Clerk

RESOLUTION

14-2024

AWARDING BADGE AND SERVICE WEAPON TO SHERIFF DEPUTY ADAM MINOR

WHEREAS, § 17F-20 provides that retiring members of county law enforcement agencies may receive, at the time of their retirement, the badge worn or carried by them during their service with the County, and

WHEREAS, § 17F-20 further provides that the governing body of the county law enforcement agency may, in its discretion, for a fee, award the service weapon used by a law enforcement officer to the officer upon the member's retirement, and

WHEREAS, Deputy Minor served as member of the Caldwell County Sheriff's Office for 10 years and has retired effective July 31, 2024; and

NOW THEREFORE, BE IT RESOLVED by the Caldwell County Board of Commissioners, that the badge and service weapon worn and carried by Deputy Minor be awarded to him upon his retirement.

Adopted this the 12 day of August 2024.

Randy Church, Chairman of the Board
Caldwell County Board of Commissioners

ATTEST:

Abby Rich, NCCCC
County Clerk

RESOLUTION

15-2024

AWARDING BADGE AND SERVICE WEAPOIN TO RETIRING SHERIFF ALAN C. JONES

WHEREAS, § 17F-20 provides that retiring members of county law enforcement agencies may receive, at the time of their retirement, the badge worn or carried by them during their service with the County, and

WHEREAS, § 17F-20 further provides that the governing body of the county law enforcement agency may, in its discretion, award the service weapon used by a law enforcement officer to the officer upon the member's retirement, and

WHEREAS, Sheriff Alan C. Jones served as member of the Caldwell County Sheriff's Office for 17 years and will retire effective August 29, 2024; and

NOW THEREFORE, BE IT RESOLVED by the Caldwell County Board of Commissioners, that the badge and service weapon worn and carried by Sheriff Alan C. Jones be awarded to him upon his retirement.

Adopted this the 12 day of August 2024.

Randy Church, Chairman of the Board
Caldwell County Board of Commissioners

ATTEST:

Abby Rich, NCCCC