Caldwell County
North Carolina
Board of Commissioners Meeting

December 1, 2025 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 Nicky Waters, Poovey's Chapel Baptist Church***

Pledge of Allegiance ***Commissioner, Donnie Potter***

Agenda Amendments from the Board, Manager & Public

Agenda Items

1.	Recognition	Swearing in Shane Fox as County Manager
2.	Items for Decision	Organizational Meeting
3.	Items for Decision	Adoption of 2026 Meeting Calendar
4.	Items for Decision *Jesse Trivette*	Authorization to Apply for USDA REDLG Loan

Consent

5.	Consent Agenda	Acknowledgment of Reviewal of Bonds
6.	Consent Agenda	NC Community Foundation Grant Application
7.	Items for Decision	Acceptance of the North Carolina Railroad Micro-Grant
8.	Items for Decision	Health Department Small Debt Write-Off
9.	Budget Revisions	Budget Revision - Health
10.	Items for Decision	DEQ Grant
11.	Items for Decision	Approval of contractual services with GovTax for Personal Property Auditing

12.	Items for Decision	Reduction of Interim Manager's salary to return to budgeted ROD salary.
13.	Items for Decision	Approval of Minutes from November 3, 2025, Board of Commissioners Meeting

Closed Session Pursuant to NCGS 143-318.11(a)(4)

Adjourn

Board of Commissioners Meeting
Agenda Item Summary

MEETING DATE	DEPARTMENT	PREPARED BY
December 1, 2025	Administration	

AGENDA ITEM # 1

Swearing in Shane Fox as County Manager

BACKGROUND

RECOMMENDED MOTION

BUDGET IMPACT

APPROVED FOR BUDGET YEAR

No

ATTACHMENTS

None

Board of Commissioners Meeting
Agenda Item Summary

MEETING DATE	DEPARTMENT	PREPARED BY
December 1, 2025	Administration	

AGENDA ITEM # 2

Organizational Meeting

BACKGROUND

RECOMMENDED MOTION

BUDGET IMPACT

APPROVED FOR BUDGET YEAR

No

ATTACHMENTS

None

Board of Commissioners Meeting
Agenda Item Summary

MEETING DATE	DEPARTMENT	PREPARED BY
December 1, 2025	Administration	

AGENDA ITEM # 3

Adoption of 2026 Meeting Calendar

BACKGROUND

RECOMMENDED MOTION

BUDGET IMPACT

APPROVED FOR BUDGET YEAR

No

ATTACHMENTS

1. BOC 2026 Calendar

Calendar Year 2026

Caldwell County Commissioner Meeting Schedule

City-County Chambers
905 West Ave. NW
Lenoir, NC 28645

Date	Day	Time	Meeting
January 26, 2026	Monday	6:00 p.m.	Regular
February 23, 2026	Monday	6:00 p.m.	Regular
March 23, 2026	Monday	6:00 p.m.	Regular
April 27, 2026	Monday	6:00 p.m.	Regular
May 18, 2026	Monday	6:00 p.m.	Regular
June 22, 2026	Monday	6:00 p.m.	Regular
July 27, 2026	Monday	6:00 p.m.	Regular
August 24, 2026	Monday	6:00 p.m.	Regular
September 28, 2026	Monday	6:00 p.m.	Regular
October 26, 2026	Monday	6:00 p.m.	Regular
November 9, 2026	Monday	6:00 p.m.	Regular
December 7, 2026	Monday	6:00 p.m.	Regular

Adopted by the Caldwell County Board of Commissioners during a duly held meeting on the 1st day of December 2025.

*All meetings will air live on the Caldwell County Government TV channel (Spectrum Channel 190) and may also be viewed anytime by visiting www.caldwellcountync.org

ATTEST:

_____ _____

Iris Whitt, Interim/Deputy County Clerk Randy T. Church, Chairman

Board of Commissioners Meeting
Agenda Item Summary

MEETING DATE	DEPARTMENT	PREPARED BY
December 1, 2025	Economic Development	Jesse Trivette

AGENDA ITEM # 4

Authorization to Apply for USDA REDLG Loan

BACKGROUND

Under this program, Blue Ridge Energy would apply for up to $1 million in loan funds on behalf of Caldwell County, with the requirement that the funds be used for the construction of the first shell building at Evergreene Industrial Park.

RECOMMENDED MOTION

Approval for staff to proceed with preparing and submitting an application for a USDA REDLG loan in partnership with Blue Ridge Energy.

BUDGET IMPACT

None

APPROVED FOR BUDGET YEAR

No

ATTACHMENTS

None

Board of Commissioners Meeting
Agenda Item Summary

MEETING DATE	DEPARTMENT	PREPARED BY
December 1, 2025	Administration	

AGENDA ITEM # 5

Acknowledgment of Reviewal of Bonds

BACKGROUND

The review of bonds is required each year by General Statute. This is to acknowledge there are no issues to be corrected with the bonds.

RECOMMENDED MOTION

BUDGET IMPACT

APPROVED FOR BUDGET YEAR

No

ATTACHMENTS

None

Board of Commissioners Meeting
Agenda Item Summary

MEETING DATE	DEPARTMENT	PREPARED BY
December 1, 2025	Sheriff's Office	

AGENDA ITEM # 6

NC Community Foundation Grant Application

BACKGROUND

The grant application is for two enclosed trailers and equipment related to search and rescue and natural disaster response for the Sheriff's Office.

RECOMMENDED MOTION

Approval to submit application

BUDGET IMPACT

There is no budget impact for this project. This is a zero match grant and if not received, no items will be purchased.

APPROVED FOR BUDGET YEAR

No

ATTACHMENTS

None

Board of Commissioners Meeting
Agenda Item Summary

MEETING DATE	DEPARTMENT	PREPARED BY
December 1, 2025	Economic Development	

AGENDA ITEM # 7

Acceptance of the North Carolina Railroad Micro-Grant

BACKGROUND

NCRR will give $50,000.00 to pay for the preliminary engineering report to run sewer from Lenoir to Airport.

RECOMMENDED MOTION

BUDGET IMPACT

APPROVED FOR BUDGET YEAR

No

ATTACHMENTS

1. NCRR - Micro-Grant Agreement - Caldwell Couny

NORTH CAROLINA

CALDWELL COUNTY

NORTH CAROLINA RAILROAD COMPANY

AND

CALDWELL COUNTY

MICRO-GRANT AGREEMENT

This MICRO-GRANT GRANT AGREEMENT ("Agreement") is made as of the **__th day of _____ 202_**, by and between **Caldwell County** (hereinafter "Recipient") and the **North Carolina Railroad Company** (hereinafter "NCRR"). Recipient and NCRR are collectively referred to as the "Parties".

RECITALS

WHEREAS, Recipient desires to stimulate and develop the local economy of its region, alleviate the problems of unemployment and underemployment by creating and/or retaining jobs for its citizens, and develop its local tax base.

WHEREAS, NCRR created this program to provide funding to communities in order to help eliminate site development barriers and create a pipeline of investment in new industrial-sites in North Carolina;

WHEREAS, NCRR's Micro-Grant program provides funding for development site evaluations, such as environmental site assessments, wetland/stream delineations, boundary and other surveys, geotechnical reports, and title opinions; thereby increasing the number of industrial sites that are ready for development in North Carolina;

WHEREAS, Recipient has identified a site located in 3566 Morganton Lenoir Airport Avenue in Morganton in Caldwell County ("the Site") that requires certain environmental studies ("Studies") to determine whether it could be developed and marketed to potential industrial customers.

WHEREAS, Recipient has applied to NCRR's Micro-Grant program for funding assistance with the cost of the Studies; and

WHEREAS, NCRR has agreed to award Recipient a micro-grant of $50,000 for the costs of the Studies; and

WHEREAS, Recipient and NCRR now desire to enter into this Agreement setting forth the business terms and conditions for the foregoing NCRR micro-grant.

NOW THEREFORE, the Parties hereto, each in consideration of the promises and undertakings of the other as herein provided, do hereby covenant and agree, each with the other, as follows:

1. **TERM**. The term of this Agreement shall begin on the date this Agreement is executed (hereinafter the "Agreement Date") and shall end ("Expiration Date") two (2) years from the Agreement Date, unless otherwise extended as set forth in Section 4 herein.

2. **DESCRIPTION OF THE STUDIES.** The Studies will consist of a preliminary engineering report.

3. **DEVELOPMENT OF THE SITE.** Upon completion of the Studies, and if the Studies indicate the Site may be suitable for development, Recipient will undertake additional reasonable efforts to market and develop the Site for industrial uses for a period of five (5) years from the Agreement Date (the "Marketing Period").

4. **MAINTENANCE, OPERATION, LIABILITY AND INSURANCE.** At all times prior to the Expiration Date, parties other than NCRR shall be responsible for the maintenance, operation, liability and insurance for the Site and the activities associated with the Studies.

5. **STUDY REPORTS**. Upon completion, any reports from the Studies will be provided at no charge to NCRR upon request.

6. **TERMINATION AND MODIFICATIONS.**

A. Failure on the part of Recipient to comply substantially with any of the material provisions of this Agreement will be grounds for NCRR to terminate this Agreement and the grant awarded herein. Upon termination of this Agreement under this provision, Recipient must repay 100% of the NCRR grant.

B. If, within three (3) years of the Agreement Date, the Studies are not completed and NCRR is not provided with any reports from the Studies (if requested), this Agreement terminates automatically and Recipient must repay 100% of the NCRR grant.

C. The completion of the Studies covered by this Agreement shall be pursued as expeditiously as possible. If the Studies are unable to be completed due to a condition of *force majeure* or other conditions beyond the reasonable control of Recipient, then Recipient will diligently pursue completion of the Studies once

said condition or conditions are no longer in effect, and the parties may agree in writing to extend the term of this Agreement.

7. **NOTICES.**

Any notice, request, or other communication among the Parties shall be delivered in writing, sent by first-class mail, overnight courier, and/or electronic transmission and shall be deemed given upon actual receipt by the addressee. Notice shall be addressed as follows:

If to Recipient, use:

Caldwell County
1909 Hickory Blvd
Lenoir, North Carolina 28645

If to NCRR, use:

North Carolina Railroad Company
2809 Highwoods Boulevard
Raleigh, North Carolina 27604-1640
ATTN: NCRR Economic Development Department

8. **MISCELLANEOUS.**

A. Failure of Recipient or NCRR at any time to require performance of any term or provision of this Agreement shall in no manner affect the rights of Recipient or NCRR at a later date to enforce the same or to enforce any future compliance with or performance of any of the terms or provisions herein.

B. This Agreement constitutes a legally enforceable contract and shall be governed and construed in accordance with the laws of the State of North Carolina. The Parties agree and submit, solely for matters concerning this Agreement, to the exclusive jurisdiction of the courts of North Carolina and agree that the only venue for any legal proceedings shall be Wake County, North Carolina.

IN WITNESS WHEREOF, this Agreement has been executed, in duplicate, the day and year heretofore set out, on the part of Recipient and NCRR by authority duly given.

RECIPIENT

Sign: _____

Print: _____

Title: _____

NORTH CAROLINA RAILROAD COMPANY

By: _____

Print: _____

Title: _____

Board of Commissioners Meeting

Agenda Item Summary

MEETING DATE	DEPARTMENT	PREPARED BY
December 1, 2025	Health	

AGENDA ITEM # 8

Health Department Small Debt Write-Off

BACKGROUND

In an effort to update our account receivables, at the Caldwell County Board of Health Meeting, the Board approved the submission of 124 accounts totaling $5,186.45 to the Board of Commissioners for write-off.

RECOMMENDED MOTION

Approve Write-Off

BUDGET IMPACT

None

APPROVED FOR BUDGET YEAR

No

ATTACHMENTS

1. Health Department Small Debt Write-Off

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

Memorandum

To: Caldwell County Board of Commissioners
Wayne Rash, Interim County Manager

From: Anna Cook, MPH
Health Director

Subject: Small Debt Write-off

Date: November 19, 2025

In the efforts to update our account receivables, at Caldwell County Board of Health Meeting, the Board approved the submission of **124** accounts totaling **$5,186.45** to the BOC for write-off.

- CCHD participates in the NC Debt Set-off program. This program is a way the department collects outstanding debts. An outstanding account is transferred over to the NC Debt Set-off program when the balance totals $50 or more and there have been no payments made to the account in the past 90 days.

- CCHD also follows the Aging Financial Accounts and Write-Off policy which was revised in December 2015. This policy states that if an account is inactive for 3 years and has a balance under $50, that balance can be written off.

- Reasons for not being able to collect upon outstanding debt include the following:
  - Over $50 but not eligible for DSO due no valid SSN of responsible party: 10 accounts totaling $1,521.39
  - Under $50, so not eligible for DSO but account has been inactive for 3 or more years: 600 accounts totaling $3,665.06

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
December 1, 2025	Health	

AGENDA ITEM # 9

Budget Revision - Health

BACKGROUND

See attached

RECOMMENDED MOTION

Approve Budget Revision

BUDGET IMPACT

100% grant funds

APPROVED FOR BUDGET YEAR

No

ATTACHMENTS

1. Health_0001

Budget Revision # _____

Item No. _____

Board Action Date _____

Caldwell County Board of Commissioners

BUDGET REVISION

Board Meeting _____

Subject: CCPN Quality & Shared Savings

Background and explanation for the Budget Revision:

CCPN began offering Prospective Quality Payments to qualifying practices for a portion of their 2024 Medicaid PHP bonuses earned during the 2024 performance period. Prospective Quality Payments were calculated at 50 percent of your earned 2023 Quality bonus amounts. Prospective Quality Payments were designed to give CCPN practices a reliable, ongoing, monthly funding stream to support your performance efforts, rather than waiting for retrospective lump sum payment from PHPs 15 months or more after the end of the performance year.

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

SUPPLEMENTAL APPROPRIATION

Revenues: Increase / Decrease (Circle One)			**Expenditures: Increase / Decrease (Circle One)**		
Line Item #	Title	Amount	Line Item #	Title	Amount
10.5110.345504	CCPN Quality & Share	41,487.37	10.5110.429906	CCPN Quality & Sha	41,487.37
Total		**41,487.37**	**Total**		**41,487.37**

Attachments (Yes or 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
Connie Cook	11/19/25		11/19/25		

Board of Commissioners Meeting
Agenda Item Summary

MEETING DATE	DEPARTMENT	PREPARED BY
December 1, 2025	Administration	

AGENDA ITEM # 10

DEQ Grant

BACKGROUND

This funding opportunity would support much-needed upgrades to the convenience sites, purchase of equipment for roadside cleanup, and other related tasks.

RECOMMENDED MOTION

BUDGET IMPACT

APPROVED FOR BUDGET YEAR

No

ATTACHMENTS

1. DEQ Grant Info

North Carolina Helene Recovery Recycling Infrastructure Grant

REQUEST FOR PROPOSALS
N.C. Department of Environmental Quality
Division of Environmental Assistance and Customer Service

The purpose of this grant program is to assist Hurricane Helene-impacted local governments with the implementation, expansion, recovery, and improvement of waste reduction programs in western North Carolina. The Division of Environmental Assistance and Customer Service (DEACS) administers the Helene Recovery Recycling Infrastructure (HRRI) grant program through funding from the United States Environmental Protection Agency (EPA), Grant D1-05D52025, Hazardous Waste Management State Program Support (66.801) through the American Relief Act of 2025. Successful applicants to the Helene Recovery Recycling Infrastructure grant program will enter into contracts with NCDEQ (the pass-through entity) to become subrecipients of the EPA grant. This Request for Proposal (RFP) and the resultant grant contract include applicable federal requirements that pass down to the grantee as a subrecipient of EPA funding, as outlined at https://www.epa.gov/grants/epa-subaward-cross-cutter-requirements.

With the release of this RFP, DEACS is seeking proposals that help western North Carolina communities build lasting capacity to divert materials from the waste stream and improve the resiliency of the region's waste reduction infrastructure. Applicants should carefully read this entire RFP prior to submitting a proposal.

Grant Funding:	Up to $5,000,000
Match:	None required
Phase 1 Application Period:	Open through January 30, 2026
Project Period:	Up to 3 years
Contact:	Matt James at matt.james@deq.nc.gov or 919-707-8142 Sandy Skolochenko at sandy.skolochenko@deq.nc.gov or 919-707-8147

What Types of Projects are Eligible?

DEACS seeks viable, well-planned proposals from North Carolina local governments impacted by Hurricane Helene (eligible counties found on page 3) for projects that will expand, rebuild, or improve waste reduction, composting, and recycling programs. Grant money may be used to build infrastructure and facilities, purchase equipment, and conduct related feasibility studies or engineering designs to divert materials from the waste stream.

Examples of HRRI grant projects include but are not limited to:

- Construct, improve, or repair a transfer station or material recovery facility for the handling, sortation, and marketing of recyclable materials;
- Build a new or enhance an existing hub and spoke model for the collection and aggregation of recyclables in bulk;
- Construct, improve, relocate, or repair convenience center infrastructure to more efficiently collect household recyclables or special recyclables (e.g., electronics, batteries, motor oil, antifreeze, white goods);
- Build a new or enhance an existing household hazardous waste (HHW) program;

- Implement a new or expand an existing composting program for yard waste, food scraps, or biosolids;
- Build an aerated static pile, windrow, or other composting system to enhance food waste diversion efforts; or
- Purchase collection infrastructure such as trucks, containers, and carts to improve residential or commercial recycling programs.

Eligible and Ineligible Expenses

Approved uses of HRRI grant funds include infrastructure improvements, construction of new facilities to handle recyclable materials, reconstruction of recycling facilities damaged by Hurricane Helene, site development costs, related feasibility studies or engineering designs, equipment or vehicle purchases, equipment installation costs, and educational materials such as signs, mailers, handouts, or brochures.

Grant funds *may not be used* for employee salaries, administrative expenses such as overhead, utility costs, contracted collection costs, and / or payment for other contracted recycling services such as payment to a vendor for operating a household hazardous waste collection event.

How Grant Funds Work

All HRRI grant funds are distributed on a reimbursement basis. Purchases must be made during the grant contract period and requests for reimbursement can be made after the grantee has completed and paid for grant purchases. State and local sales taxes are not reimbursable and should be excluded from grant expenditure totals. DEACS will continue to reimburse grantees until 90% of the award amount has been expended, withholding 10% of funds until receipt of an approved final report.

Available Funding

Applicants may request any amount of grant funding up to a maximum of **$5,000,000** per project. The total available funding for the HRRI grant program is $25,000,000, and DEACS will accept proposals in phases until funding is depleted, or until March 1, 2029.

Cash Match

HRRI grants do not require a cash match, but the grantee is responsible for covering any project costs that exceed the awarded grant amount or fall outside the list of eligible expenses.

Contract Period:

Successful grant applicants will be required to enter a grant contract with NCDEQ and will become a subrecipient of the EPA funding. The contract period may be one, two, or three years depending on the scope and timeline of the proposed project. All projects *must be completed no later than June 30, 2030*. Grantees must expend funds within the contract period unless the grant contract end date is extended by written agreement between the applicant and NCDEQ. Extensions are possible but not guaranteed and may not extend beyond June 30, 2030. All purchases must be made within the grant contract period. *Any purchases made prior to the start of the grant contract or after the end date of the grant contract will not be reimbursed.*

Who is Eligible?

Local governments, defined as counties, municipalities, councils of governments and solid waste authorities, with a Tropical Storm Helene FEMA disaster declaration (D-4827) are eligible to apply for funding from the HRRI grant program. These counties include:

Alexander County	Gaston County	Nash County
Alleghany County	Graham County	Polk County

Ashe County	Haywood County	Rowan County
Avery County	Henderson County	Rutherford County
Buncombe County	Iredell County	Stanly County
Burke County	Jackson County	Surry County
Cabarrus County	Lee County	Swain County
Caldwell County	Lincoln County	Transylvania County
Catawba County	Macon County	Union County
Cherokee County	Madison County	Watauga County
Clay County	McDowell County	Wilkes County
Cleveland County	Mecklenburg County	Yadkin County
Forsyth County	Mitchell County	Yancey County

Communities outside the counties listed above *are not eligible for funding* through this grant program. Federal and state agencies, universities and colleges, and non-profit organizations *are not eligible for funding* through this grant program.

Conditions on Submittals

- *At this time, only one proposal per eligible entity will be accepted.* Applicants may combine funding requests for multiple types of projects into one proposal. Available funding limits still apply.
- Joint proposals, in which multiple local governments partner on a project, are encouraged. For instance, two bordering counties may establish a hub and spoke model collection in which drop-off sites supply recyclables to a central transfer station for aggregation. Any local government participating in a joint project may not submit additional proposals at this time.

How to Submit Proposals:

One electronic copy of the proposal must be submitted by email to matt.james@deq.nc.gov. Please submit Microsoft Word (preferred) or Adobe (PDF) files. Receipt of all acceptable proposals will be acknowledged by email. *If you do not receive a confirmation, contact Matt James at 919-707-8142 as soon as possible.* It is the responsibility of anyone submitting a proposal to contact DEACS if they do not receive a confirmation. Please contact Matt James if submittal of an electronic version of a grant proposal presents a hardship.

Proposal Due Date:
DEACS will accept proposals in phases. Proposals may be submitted to DEACS at any time within the first phase of the grant application period ending January 30, 2026, at 5:00 p.m. DEACS may award grant funding to successful proposals prior to the first phase cutoff date. Subsequent phases will be announced after evaluation of the first phase is complete, depending on funding availability.

Word of Advice for Grant Writing:
Funding is limited, and it is anticipated that the HRRI grant proposals will be highly competitive. For this reason, it is important that projects are well-planned and that applicants provide all information as outlined in the Required Proposal Format section. **Applicants are strongly encouraged to contact Matt James** (matt.james@deq.nc.gov, 919-707-8142) **or Sandy Skolochenko** (sandy.skolochenko@deq.nc.gov, 919-707-8147) **to discuss potential grant projects prior to submitting a proposal.**

Required Proposal Format:

The following outline indicates what applicants ***must*** include in their proposal for it to be considered complete. Proposals that fail to provide all the required information or that fail to follow this format may not compete well and may not be considered for funding.

- Project Title
- Applicant Contact Information to include:
  - ✓ Name and title of main contact
  - ✓ Organization
  - ✓ Address
  - ✓ Phone number
  - ✓ Email address
- Date of Proposal Submittal
- Project Description
  Provide responses to each of the following prompts below. Applicants are encouraged to provide a clear project description and consider the award criteria as they describe the project elements.
  (Relevant award criteria listed below; see page 8 for award criteria description and point values)

  1. Describe the proposed project and identify specifically what items (and how many) you intend to purchase with grant funds. If the project will implement a new recycling/composting program or improve an existing recycling/composting program, provide a list of the materials that will be accepted and indicate where will they be taken for processing or marketing. If the proposed project will replace or repair equipment and/or infrastructure lost or damaged during Hurricane Helene, describe how the new equipment and/or infrastructure will improve the community's waste reduction system.
     (Planning)
  2. Describe how the project will ensure the long-term resiliency of the region's waste diversion system. What is the anticipated service life for the items or materials to be purchased with grant funds? Estimate how long the project will continue to serve the community and how you will financially and operationally sustain the project after the grant ends.
     (Planning; Efficiency/Cost Effectiveness)
  3. How was the community's recycling or compost-related infrastructure impacted by Hurricane Helene? How does the proposed project address a specific recycling or waste reduction need for the community? Will the grant project create a new service or enhance or expand an existing service?
     (Demonstration of Need)
  4. How many households or businesses will be impacted by or have access to the recycling/composting services associated with the proposed project?
     (Demonstration of Need; Efficiency/Cost Effectiveness)
  5. Estimate the number of tons of waste expected to be reduced annually as a result of the proposed project. Explain how you came up with the estimate.
     (Waste Reduction Impact)
  6. Describe any partnerships associated with the proposed project. Please include documentation of support from any partner entities.
     (Joint Effort)

- Special Requirements: Construction projects and electronics recycling projects must include additional information as stipulated in the Special Requirements section below.
- Project Term: Indicate the preferred contract term of the project: one-year, two-year, or three-year.

- Timeline: Provide a simple bulleted list showing approximate dates for major project milestones. The timeline must show milestones over the course of the proposed project term and include quarterly status reports and a comprehensive final report. Please follow the example below:
  - ✓ July 1, 2026: Contract start date.
  - ✓ September 1, 2026: Collection truck and carts ordered.
  - ✓ October 1, 2026: Submit quarterly report to DEACS.
  - ✓ November 1, 2026: Collection truck, carts and educational materials purchased, and recycling program launched.
  - ✓ January 1, 2026: Submit quarterly report to DEACS.
  - ✓ April 1, 2026: Submit quarterly report to DEACS.
  - ✓ May 31, 2026: Submit all invoices and draft Final Report to DEACS.
  - ✓ June 30, 2026: Contract end date. Submit Final Report to DEACS.
- Project Budget: Please submit a table following the example below. The project budget table should include an itemized list of intended expenditures and estimated costs. Total row should reflect the total grant project cost and indicate if additional funds will be provided by the applicant.

Project Elements	**Requested Grant Funds***	**Additional Funds Covered by Grantee**	**Total Grant Project**
Recycling Carts for Residential Recycling Program	$ 600,000		$ 600,000
Labels for Carts and Signs for Recycling Sites	$ 10,000		$ 10,000
Automatic Side Load Truck for Recycling Collection	$ 300,000	$ 35,000	$ 335,000
Program Brochures (Printing)	$ 5,000		$ 5,000
Yearly salary for recycling truck driver**		$ 50,000	$ 50,000
Total Grant Project Budget	**$ 915,000**	**$ 85,000**	**$ 1,000,000**

** State and local sales taxes are not reimbursable expenditures and should not be included as part of proposed grant budgets.*
***Salaries are not eligible grant expenditures and must be covered by the grantee.*

- Certification: Include the following certification in accordance with 2 CFR 200.415(b):
"I certify to the best of my knowledge and belief that the information provided herein is true, complete, and accurate. I am aware that the provision of false, fictitious, or fraudulent information, or the omission of any material fact, may subject me to criminal, civil, or administrative consequences including, but not limited to violations of U.S. Code Title 18, Sections 2, 1001, 1343 and Title 31, Sections 3729-3730 and 3801-3812."

Special Requirements for Electronics Recycling Projects

Any community seeking grant funds to support an electronics recycling program must use an R2 or e-Stewards certified recycler and make themselves eligible to receive funds distributed from the state's Electronics Management Program. More information available at: https://www.deq.nc.gov/about/divisions/waste-management/solid-waste-section/special-wastes-and-alternative-handling/electronics-management/electronics-information-nc-local-governments.

Applicants should indicate if they are already eligible and have received Electronics Management Fund distributions in the past. If not, explain how the community will make themselves eligible to receive funds in the future.

Note: municipal applicants may decide whether or not to request Electronics Management Funds directly or allow the county to receive funds. If the county will be receiving funds, please explain the electronics recycling partnership with the county government.

Special Requirements for Construction Projects:

The HRRI grant is funded by EPA and all awarded contracts involving construction are subject to applicable federal requirements. Applicants seeking funding for projects involving construction must acknowledge the following:

- Build America, Buy America: All construction work or contracted construction work shall comply with all applicable provisions of the Build America, Buy America (BABA) Act. Materials including iron, steel, manufactured products, and construction materials must be produced in the United States, consistent with BABA provisions. Subrecipient will ensure appropriate documentation and certification of compliance is obtained.
- Davis-Bacon Related Acts: By accepting an offered award, subrecipient acknowledges and agrees to the terms and conditions provided in the Davis-Bacon Related Acts requirements for EPA subrecipients (see additional information below).
- National Environmental Policy Act: The subrecipient will identify and comply with all requirements related to the National Environmental Policy Act (see additional information below).
- Accessibility: All new facilities or altercations to existing facilities must be designed and constructed to be readily accessible and useable by persons with disabilities or will provide documentation for a regulatory exemption per 40 CFR 7.70.
- Public or Media Events: The subrecipient agrees to notify the DEACS Grant Manager, who will notify the EPA Project Officer, of public or media events publicizing the accomplishment of significant events related to construction projects as a result of this agreement and provide the opportunity for attendance and participation by federal representatives with at least twenty (20) working days' notice.
- Signage Requirements: The subrecipient agrees to place a sign at construction sites supported under this award displaying the EPA and NCDEQ logos in a manner that informs the public that the project is funded in part or wholly by the EPA and supported by NCDEQ (see additional information below).

Davis-Bacon and Related Acts:

Davis-Bacon and Related Acts (DBRA) is a collection of labor standards provisions administered by the Department of Labor, that are applicable to grants involving construction. These labor standards include the:

- Davis-Bacon Act, which requires payment of prevailing wage rates for laborers and mechanics on construction contracts of $2,000 or more;
- Copeland "Anti-Kickback" Act, which prohibits a contractor or subcontractor from inducing an employee into giving up any part of the compensation to which he or she is entitled; and
- Contract Work Hours and Safety Standards Act, which requires overtime wages to be paid for over 40 hours of work per week, under contracts in excess of $100,000

When entering into and managing contracts:

- Solicitation and Contract Requirements:
    - Include the Correct Wage Determinations in Bid Solicitations and Contracts: Subrecipients are responsible for complying with the procedures provided in 29 CFR 1.6 when soliciting bids and awarding contracts.
    - Include DBRA Requirements in All Contracts: Include the following text on all contracts under this grant:
      "By accepting this contract, the contractor acknowledges and agrees to the terms provided in the DBRA Requirements for Contractors and Subcontractors Under EPA Grants."
- After Award of Contract:
    - Approve and Submit Requests for Additional Wages Rates: Work with contractors to request additional wage rates if required for contracts under this grant, as provided in 29 CFR 5.5(a)(1)(iii).
    - Provide Oversight of Contractors to Ensure Compliance with DBRA Provisions: Ensure contractor compliance with the terms of the contract, as required by 29 CFR 5.6.

National Environmental Policy Act:

- Environmental Standards: The subrecipient agrees to identify all impacts this award may have on the quality of the human environment and provide help to comply with the National Environmental Policy Act (NEPA, at 42 U.S.C. 4321, et. seq.) and to prepare Environmental Impact Statements or other required environmental documentation. In such cases, the subrecipient agrees to take no action that will have an adverse environmental impact (e.g., physical disturbance of a site such as breaking of ground) until receiving written notification of compliance with the environmental impact analysis process.
- Endangered Species Act: The subrecipient agrees to comply with applicable provisions of the following national policies concerning live organisms:
    - Rules of the Departments of Interior (50 CFR Parts 10-24) and Commerce (50 CFR Parts 217-227) implementing laws and conventions on the taking, possession, transport, purchase, sale, export, or import of wildlife and plants, including the: Endangered Species Act of 1973 (16 U.S.C. 1531-1543);
    - Marine Mammal Protection Act (16 U.S.C. 1361-1384); Lacey Act (18 U.S.C. 42); and
    - Convention on International Trade in Endangered Species of Wild Fauna and Flora.
- National Historic Preservation: The subrecipient agrees to identify all property listed or eligible for listing on the National Register of Historic Places that will be affected by this award, and to provide help to comply with the requirements of 16 USC 470f.
- Native American Graves Protection and Repatriation: The subrecipient agrees that it will comply with the following general national policy requirements: 25 USC 3001-3013.

Signage Requirements

The subrecipient is required to place a sign at construction sites supported under this award displaying the EPA and NCDEQ logo(s) in a manner that informs the public that the project is funded in part or wholly by the EPA and supported by NCDEQ. The sign must be placed in a visible location that can be directly linked to the work taking place and must be maintained in good condition throughout the construction period.

Subrecipients are required to comply with the sign specifications provided by the EPA Office of Public Affairs (OPA) available at: https://www.epa.gov/grants/epa-logo-seal-specifications-signage-produced-epa-assistance-agreement-recipients. If the EPA logo is displayed along with the logos of other participating entities, the EPA logo must not be displayed in a manner that implies that EPA itself is conducting the project. Instead, the EPA logo must be accompanied with a statement indicating that the subrecipient received financial assistance from EPA for the project. As provided in the sign specifications from OPA, the EPA logo is the preferred identifier for assistance agreement projects and use of the EPA seal requires prior approval from the EPA. To obtain the appropriate EPA logo or seal graphic file, the recipient should send a

request directly to OPA and include the EPA Project Officer in the communication. Instructions for contacting OPA are available at: https://www.epa.gov/stylebook/using-epa-seal-and-logo.

State agencies and agencies of political subdivisions of states must comply with 2 CFR 200.323, Procurement of recovered materials when procuring signage for projects funded by EPA assistance agreement.

Signage costs are considered an allowable cost under this assistance agreement provided that the costs associated with signage are reasonable. Additionally, to increase public awareness of projects serving communities where English is not the predominant language, recipients are encouraged to translate the language on signs (excluding the EPA and NCDEQ logos) into the appropriate non-English language(s). The costs of such translation are allowable, provided the costs are reasonable.

How are Proposals Evaluated?

A selection committee will use the pre-established Award Criteria identified below to rank proposals and make award decisions. DEACS staff will review proposals upon submittal and anticipate notifying the applicant of the award decision within three months.

Award Criteria:

Applicants are encouraged to consider the following Award Criteria as they develop their grant proposals.

1. **Demonstration of Need (0-30 points):** Does the proposed project address a specific equipment or infrastructure need for the community? Will the project result in the long-term resiliency of waste reduction efforts in the region? Does the project replace or improve recycling or composting infrastructure related to the consequences of Hurricane Helene?
2. **Planning (0-25 points):** Did the Project Description include all necessary elements as outlined in the Required Proposal Format? Is the proposal accurately descriptive, well-researched, and backed by valid facts and assumptions? Is the project consistent with recycling or composting industry best management practices?
3. **Waste Reduction Impact (0-25 points):** Will the project contribute substantially toward reduction of the local waste stream, or will it substantially increase tonnage recovered through recycling or composting services? Will the project position the community with resilient waste diversion pathways to handle materials from future storm and weather events?
4. **Efficiency / Cost-effectiveness (0-15 points**): Does the project improve the long-term resiliency of the community's waste reduction program? Will the project improve the efficiency or cost-effectiveness of the local waste reduction, recycling, or composting program? Does the project reduce the operating cost of a current service, or does it adopt practices proven to be cost effective in other communities? Does the project make investments that will continue to serve the community for years to come?
5. **Joint Effort (0 or 5 points):** One-party proposals will receive zero (0) points; multi-party proposals will receive five (5) points.

If a Proposal is Selected for Funding

DEACS anticipates that applicants selected to receive grant funding will be notified within three months of proposal submission. Upon consideration of the proposals received, DEACS reserves the right to award grant amounts that are lower than the amount requested by an applicant.

DEACS will notify the applicant with a formal offer by e-mail. The applicant must accept or decline the offer. The following will occur once the offer of grant funding is accepted:

- DEACS may work with applicants to revise initially submitted proposals before entering into a grant contract. Any changes to initial proposals must be approved by DEACS and the applicant and the resultant final HRRI grant proposal will become an attachment to the grant contract.

- Successful applicants will be required to:
    - Provide their federal tax ID number.
    - Provide the federal Unique Entity Identifier. Applicants can register to obtain a Unique Entity Identifier from the System for Award Management site: https://sam.gov/
    - Register or confirm access to your government or organization's NCID account. For more information, visit: https://it.nc.gov/support/accounts.
    - Submit a Conflict of Interest Policy using the template available at the following link or submitting a copy of your organization's existing policy: https://www.deq.nc.gov/divisions/environmental-assistance-and-customer-service/recycling/programs-offered/grants-local-governments.
    - Submit a No Overdue Taxes Certification with notarized signature using the form available at: https://www.deq.nc.gov/divisions/environmental-assistance-and-customer-service/recycling/programs-offered/grants-local-governments.
    - Submit a Substitute W-9 form, if necessary, as required by the North Carolina Finance System: https://www.ncosc.gov/state-suppliers.
- All applicants selected for funding will undergo a risk assessment which evaluates factors such as prior experience in managing grants, previous audits, personnel, and policies or procedures for execution and oversight. Applicants will be required to complete a Risk Assessment Questionnaire to collect necessary information. The results of the risk assessment, along with the scope and complexity of the approved project, will determine the level of monitoring throughout the course of the project, subject to adjustments at the discretion of the DEACS grant manager.
- All applicants selected for funding will undergo a compliance review to ensure that they do not have an outstanding Notice of Violation (NOV) related to North Carolina solid waste statutes and rules. Any outstanding NOVs must be corrected to the satisfaction of the N.C. Division of Waste Management (DWM) prior to any grant being awarded. Applicants with outstanding NOVs are responsible for providing DEACS with information from DWM indicating that the community is in compliance and that the NOVs have been corrected before a grant contract can be initiated.
- DEACS will submit a request through the NCDEQ contract processing system for a grant contract. Grantees must act to execute the resultant grant contract without excessive delay.

Other General Terms and Conditions:

All grantees are subject to the following terms and conditions. Most of these terms and conditions will be outlined in the grant contract.

- **Project status updates and site visits:** grantees should expect frequent communication with their DEACS grant manager and site visits from DEACS and/or EPA staff. Grantees should be able to provide project status updates upon request.
- **Quarterly reports:** quarterly status reports will be required throughout the duration of the contract period. DEACS grant manager will provide a report template.
- **Final reports:** a comprehensive final report is required at the end of the project. A draft must be submitted to DEACS at least 30 days prior to the contract end date and a final report must be submitted by the contract end date. DEACS grant manager will provide a report template.
- **Certifications:** subrecipients must certify to DEACS whenever applying for funds, requesting payment, and submitting financial reports: "I certify to the best of my knowledge and belief that the information provided herein is true, complete, and accurate. I am aware that the provision of false, fictitious, or fraudulent information, or the omission of any material fact, may subject me to criminal, civil, or administrative consequences including, but not limited to violations of U.S. Code Title 18, Sections 2, 1001, 1343 and Title 31, Sections 3729-3730 and 3801-3812."
- **Reimbursement:** distribution of grant funds is on a reimbursement basis and instructions will be provided by the DEACS grant manager. Reimbursement requests must include copies of invoices and proof that the grantee has made payment. Proof of payment may include copies of canceled checks or other financial reports showing that funds were spent. State and local sales taxes are not reimbursable, may not be counted towards expenditure requirements, and should be excluded from

reimbursement requests. The amount of actual grant payments may be prorated for projects and / or project elements that come in under budget. *Purchases made before a grant contract is signed by both NCDEQ and the grant recipient will not be reimbursed.*

- **Final 10 Percent of Funds:** DEACS will continue to reimburse grantees until 90 percent of the grant award amount has been expended, withholding 10 percent of grant funds until receipt of an approved final report. The final report must be received and approved prior to the end date of the contract.
- **Publications:** all documents and publications associated with a grant contract should be sent to the DEACS grant manager for review and approval prior to printing or publishing and should be printed on recycled paper containing at least 30 percent post-consumer content.
- **Use of EPA and NCDEQ Logos:** If the EPA and/or NCDEQ logo(s) are appearing along with logos from other participating entities on websites, outreach materials, or reports, it must not be prominently displayed to imply that any of the subrecipient's activities are being conducted by the EPA and/or NCDEQ. Instead, the EPA and/or NCDEQ logo(s) should be accompanied with a statement indicating that the [Subrecipient NAME] received financial support from the EPA under a NCDEQ Assistance Agreement. More information is available at: https://www.epa.gov/stylebook/using-epa-seal-and-logo#policy
- **Extensions / Amendments:** no-cost time extensions are possible but not guaranteed for grant contracts. Grantees seeking no-cost time extensions should submit a request for a time extension at least sixty (60) days prior to the contract end date. *Extensions beyond June 30, 2030 are not possible.*

Board of Commissioners Meeting
Agenda Item Summary

MEETING DATE	DEPARTMENT	PREPARED BY
December 1, 2025	Tax	

AGENDA ITEM # 11

Approval of contractual services with GovTax for Personal Property Auditing

BACKGROUND

RECOMMENDED MOTION

Approve

BUDGET IMPACT

Already approved in the current budget.

APPROVED FOR BUDGET YEAR

No

ATTACHMENTS

None

Board of Commissioners Meeting
Agenda Item Summary

MEETING DATE	DEPARTMENT	PREPARED BY
December 1, 2025	Administration	

AGENDA ITEM # 12

Reduction of Interim Manager's salary to return to budgeted ROD salary.

BACKGROUND

RECOMMENDED MOTION

BUDGET IMPACT

APPROVED FOR BUDGET YEAR

No

ATTACHMENTS

None

Caldwell County
North Carolina
Board of Commissioners Meeting

November 3, 2025, at 6:00 PM
City-County Chambers
905 West Avenue NW, Lenoir

MINUTES

Attendance

Randy T. Church, Chairman
Mike LaBrose, Vice Chairman
Jeff Branch, Commissioner
Donnie Potter, Commissioner
Patrick Starnes, Commissioner
Wayne Rash, Interim County Manager
William Sparks, County Attorney
Iris Whitt, Interim County Clerk

Call to Order

Chairman Church called the November 3, 2025, Board of Commissioners Meeting to order at 6:00 PM.

Public Comment Period

Lisa Wallace was the first to come to the podium. She discussed her concerns with the racetrack. She stated that barriers were promised by the Board at the racetrack, but that never happened. She would hope to bring balance for citizens and the racetrack.

Keith Toney was the next individual to come to the podium. He spoke to the Board about an amendment to the Nuisance Ordinance. He has neighbors discharging firearms close to his residence. The current ordinance doesn't state a specific distance to shoot away from a residence. He would like the Board to consider changing the ordinance to create a safe zone to at least 600–800 feet from a residence.

Joel Whitworth was the next individual to come to the podium. He spoke about his studies that prove converters cause global warming. He left information about his research.

Invocation

Chairman Church resumed regular session at 6:13 PM.

Pastor James Wilfong with Highway to Hedges Ministry led the invocation for those in attendance.

Pledge of Allegiance
Commissioner Jeff Branch led the Pledge of Allegiance for those in attendance.

Agenda Amendments from the Board, Manager & Public
There were no amendments to the agenda.
Vice Chairman LaBrose made the motion to adopt the agenda as presented. The motion carried unanimously.

Agenda Items

1. **Approval of Golden LEAF Foundation Grant Acknowledgment and Agreement**

Ashley Bolick came to the podium to request the approval of the Golden LEAF Foundation Grant Acknowledgement and Agreement for site preparation at Evergreene Industrial Park. She gave some information about the Golden LEAF Foundation. On October 2, 2025, the Golden Leaf Board of Directors approved funding this project in the amount of $1,067,623.00, The total grant amount raised for this project is just over $1,600,000.00. She gave a rough preliminary design of Evergreene Park. She mentioned this is a non-matching fund grant. The awards funded will specifically be used for due diligence studies and site preparation of approximately 9-acres of the 34-acre park. The project is expected to result in the creation of full-time jobs with annual wages at or above the county's private sector wage, which today is $50,083.00. This project would also generate private capital investment. The grant term is 24 months, beginning October 2, 2025. Golden LEAF funds may not be used for real property acquisition or administrative costs. The only costs associated with this grant are administrative costs paid to the Western Piedmont Council of Governments. She said this is a consent agenda item in the amount of $50,839.00 which would be paid from the already budgeted sales tax reinvestment fund. The staff respectfully asks that you consider approving the enclosed Grantee Acknowledgement and Agreement with the Golden LEAF Foundation for this project. Chairman Church asked if construction had already started since the preliminary drawing was attached. She stated construction hadn't started-that was just a picture from the internet. Commissioner Branch made a motion to approve the Grantee Acknowledgement and Agreement with the Golden LEAF Foundation for the Evergreene Industrial Park grading project and authorize the county manager to execute the agreement and any related documents on behalf of Caldwell County. The motion carried unanimously.

2. **Amendment to Racetrack Ordinance**

Interim County Manager Wayne Rash provided background about the amendment to the Racetrack Ordinance. The racetrack has asked for some expanded ability to do some testing events. Interim Manager Rash stated they had gone back and forth. The racetrack has used a couple of their event provisions this year. The racetrack is getting a lot of requests from NASCAR teams like Toyota, and GM wanting to test at the track. Instead of having to come to the Board to use the special events times, the recommendation is that we approve some test and tune events that they would be able to use. The only change to the ordinance is to allow test and tune events during the months of regular operation of the racetrack. This would include the months of March through the first weekend in November. This would include up to six test and tune events per month on weekdays, Monday through Thursday, between the hours of 10:00 AM and 4:00 PM. Chairman Church stated after hearing the recommendation from Interim County Manager Wayne Rash-what is the pleasure of the Board? Commissioner Branch made a motion to adopt the ordinance as presented by

the Interim County Manager. Commissioner Potter stated he had received a couple calls over the weekend. He wasn't getting a lot of push back over the test and tunes. The concern was having it Monday through Thursday, and then you race on Fridays. This would allow race teams out there for a full week. The other concern was that starting in March was so early. Commissioner Potter wanted to share those concerns and feedback from citizens with the Board. Commissioner LaBrose clarified, it was six times a month. So, they could potentially use all their times in one week. Commissioner Potter stated that with this addition, they could run Monday through Saturday. The concerned citizens were asking for consideration on running for six straight days. Commissioner LaBrose stated his thoughts were that they could split them up and not use them consecutively. Commissioner LaBrose said his hope was they would not test on Wednesday, which is a church night. Commissioner Potter said to be fair and transparent, he didn't think any of them had thought about it potentially going Monday through Saturday. Commissioner Branch stated if you go six days in a row, you will have three weeks of nothing. County Attorney William Sparks advised the Board that this being the first reading, it would need to be a unanimous vote. If it's not a unanimous vote, the Board will have 100 days to vote again. Commissioner Potter asked the Board's thoughts on cutting some back during the week so they can't go that long at one time. Commissioner Branch stated he didn't see them going for a full week. Commissioner Church stated that a year ago they changed to four days. They didn't pull a weeklong in that time, and they could have. Chairman Church said they were just trying to reach a compromise and balance. Chairman Church stated the test and tune stops at 4:00 PM so not to interfere with church night. Commissioner Potter asked the Track Manager, Crate Payne, what their typical requests were for tests and tunes. Mr.Payne came to the podium. Mr. Payne stated it depends on the teams and what is best for them. Mr. Payne said the scenario of going six days a week would never happen. Chairman Church thanked Crate for being there. Commissioner Potter clarified that test and tunes would be Monday through Thursday and not allowed Friday through Saturday. Commissioner LaBrose suggested they put no more than two days a week to test and tune. This would potentially eliminate the problem of having it all week long. Commissioner Potter asked the attorney if this could be amended tonight or would it have to be taken to another meeting. Commissioner Branch stated there was already a motion on the floor. The County Attorney asked for clarification as to what the change would be. Commissioner LaBrose stated the change would be amended to say six tests and tunes with no more than two being used in any given week. Commissioner LaBrose asked the county attorney if that could be added as a friendly amendment to Commissioner Branch's motion. With the new county manager coming onboard, Commissioner Starnes suggested monitoring the test and tunes and if it becomes a problem, the Board can stop it. County Attorney William Sparks said to clarify that the Board can make an oral motion to adopt an amendment, but if it's not a unanimous vote, the Board would have to come back in 100 days. Commissioner Branch calls for a vote on his motion. This is six tests and tunes per month, Monday through Thursday from 10:00 AM to 4:00 PM. Chairman Church called to question all that was presented this evening. The vote carried unanimously.

Consent

3. **Approval of Agreement with WPCOG for Golden LEAF Grant Administration Services**

   The agreement with Western Piedmont Council of Governments for administrative assistance related to the Golden LEAF Foundation grant for the Evergreene Industrial Park Grading Project and authorizes the County Manager to execute the agreement on behalf of Caldwell County.

4. **Interdepartmental Transfer Policy**
   The Interdepartmental Transfer Policy would require County Manager approval prior to any interdepartmental transfer of personnel.

5. **Donation of Items to the 4H Program**
   The approval of the NRA Foundation State Fund Grant Program donating items to the 4H Program.

6. **Approval of Minutes from October 27, 2025, meeting.**
   The approval of October 27, 2025, meeting minutes were requested.

   Commissioner LaBrose made a motion to accept the consent agenda as presented. The motion carried unanimously.

Closed Session Pursuant to NCGS 143-318.11(a)(4)
Chairman Church made the motion to enter closed session pursuant to G.S. 143-318.11(a)(4) to discuss a matter related to economic development at 6:55 PM. The motion carried unanimously.

Adjourn
With there being no more business to attend to. Commissioner Potter made the motion to adjourn at 7:56 P.M. The motion carried unanimously.

BK 2149 PG 583 - 586 (4)
This document presented and filed:
11/05/2025 12:48:51 PM

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Caldwell County North Carolina
Wayne L. Rash, Register of Deeds

CHAPTER 12 RACETRACKS AND DRAG STRIPS

SECTION 1. AUTHORITY

Pursuant to NCGS Chapters 130A and 153A, Caldwell County hereby establishes this Ordinance.

SECTION 2. DEFINITIONS

The following words, terms, and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Chapter, except where the context clearly indicates a different meaning:

Board means the Caldwell County Board of Commissioners.

County means Caldwell County, North Carolina.

NCGS means the North Carolina General Statutes.

Person means any individual person, corporation, partnership, association, or legal entity.

Race Vehicle means any motorized vehicle, including but not limited to, cars, trucks, motorcycles, or go-carts, used for racing.

Racetrack means a track for racing Race Vehicles.

Drag Strip means a straight track or section of road for racing.

SECTION 3. LIMITED TIMES OF OPERATION

(a) Hours of Operation. It shall be unlawful for any Person to operate, or to permit or allow any other Person to operate, any Race Vehicle, whether or not the Race Vehicle is engaged in speed competition with any other Race Vehicle, and including testing, practicing or otherwise running the motor of any Race Vehicle designed to engage in racing or speed competition on the premises of any Racetrack or Drag Strip in the County, except during the following times:

1. The months of March, April, May, June, July, August, September, and October, and the first full weekend in November; and

2. Thursdays, Fridays, and Saturdays; provided, however, no Racetrack or Drag Strip may operate on more than 2 of the permitted days in any one week; and

3. Between the hours of 12:00 pm and 9:00 pm on one of the 2 permitted days of operation each week, and between the hours of 12:00 pm and 11:00 pm on the other permitted day of operation each week.

4. Test and Tune Events. "Test and Tune Event" means a race team bringing a car to the track, running laps, adjusting settings on the car, and then running more laps, with no racing, no crowd, and no money taken at the gate. The owner or operator of any raceway, racetrack, or drag strip may schedule and operate up to 6 (six) Test and Tune Events per month in the months of March, April, May, June, July, August, September, October, and up to the first full weekend in November. Any Test and Tune Event may only be scheduled and operated on weekdays Monday through Thursday, between the hours of 10:00 a.m. and 4:00 p.m.

(b) This Section is intended, and shall be construed, to apply only to commercial Racetracks and Drag Strips determined by engagement in one of more of the following practices: charging admission for spectators; awarding prizes to participants either by trophies, money or things of monetary value; selling food, drink, t-shirts, or other items; having seating for spectators; using the services of track officials; and/or intending to make money for the owner and/or operator of the Racetrack or Drag Strip. This Section is not intended, and shall not be construed, to apply to those venues constructed by, or for one or more individuals on their property consisting of circular tracks, jumps or mounds of dirt used for recreational activity such as 4-wheelers, off-road bikes and motorcycles, go carts, and other all-terrain vehicles which are used exclusively for any family members, neighbors and friends, and which do not engage in any of the activities described above.

SECTION 4. OPERATION AT TIMES NOT AUTHORIZED

The Board is authorized to grant, upon application, a permit to allow a Racetrack or Drag Strip to operate at specified date(s) and times not otherwise permitted by this Chapter, subject to the following limitations and considerations:

The application and permit must specify the date(s) and beginning and ending times of the event.

(a) Applications for all requested permits for any one year must be submitted to the Board at the same time.

(b) An application for a permit may include a requested rain date in case the event cannot be held on the primary requested date due to inclement weather.

(c) In determining whether to grant the permit, the Board may consider the following:

1. The nature of the proposed activity;

2. Previous experience with the applicant;

3. The time and duration of the proposed event;

4. Other activities in the specified geographical area at the same time as the proposed activity which could be disturbed by the proposed activity;The cultural or social benefit of the proposed activity;

5. The economic benefit to the community;

6. Any economic hardship on the applicant if the permit is denied or on others if it is allowed;

7. The effect of the activity on residential areas;

8. Any previous violations of this Chapter by the applicant; and

9. Any objections raised by neighbors potentially affected by the activity.

(d) Any violations of the conditions of an issued permit are a violation of this Chapter.

(e) Permits are subject to the following limitations:

1. No more than 4 permits will be issued in any calendar year for any Racetrack or Drag Strip.

2. 3 of the 4 permits shall be issued for 1 day only.

3. One of the 4 allowable permits may be issued to accommodate a special event for 3-4 consecutive days, as follows: It may be issued to allow practice on a Thursday and racing on Friday and Saturday. This permit may conditionally allow racing on Sunday, with no firing of engines, warm-up or racing to begin earlier than noon on Sunday, and only if all racing on either Friday or Saturday is canceled because of inclement weather.

SECTION 5. PENALTIES

(a) Criminal Penalties. Any Person(s) violating this Chapter, or any Section thereof, shall be guilty of a Class 3 misdemeanor and shall be fined not more than $500.00, or imprisoned for not more than 30 days, or both. Each occurrence of a violation shall be treated as a separate occurrence.

Civil Penalties. Any violation under the provisions of this Chapter subjects the offender to a civil penalty assessed by code enforcement. The penalty is in addition to the costs incurred by the County to correct violations of this Chapter. The penalty for a first violation of this Chapter shall be $250.00. The penalty for second and subsequent violations of this Chapter by the same Person shall be $500.00 per violation. Each occurrence of a violation shall be treated as a separate offense. Civil penalties must be paid in full within 10 days after service of the citation.

(b) Equitable Remedies. This Ordinance may be enforced by equitable remedies, including, but not limited to, those in accordance with NCGS 153A-123 and 153A-140.

The Caldwell County Board of Commissioners hereby adopts and enacts the preceding articles and sections of this Ordinance.

Adopted on the 3 day of November, 2025.

CALDWELL COUNTY 18 41 NORTH CAROLINA

Chairperson
Caldwell County Board of Commissioners

Interim/Deputy Clerk to the Board