Caldwell County
North Carolina
Board of Commissioners Meeting

October 14, 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 Nicky Waters, Poovey's Chapel Baptist Church***

Pledge of Allegiance ***Commissioner, Robbie Wilkie***

Agenda Amendments from the Board, Manager & Public

Agenda Items

1.	Presentation	Recognition of Retirees
2.	Presentation *Jason Powell*	RESTART Testimony and Updates
3.	Presentation *Ben Willis*	Homelessness Response Team
4.	Resolution	Celebrating Veteran's Day
5.	Items for Decision *Shelley Stevens*	Blackberry Homestead Subdivision – Phase 2, Final Plat
6.	Items for Decision *Curt Willis*	Ordinance for Nuisance Abatement- 2969 Collettsville Road
7.	Public Hearing *Josh Angle*	Tax Reval 2025
8.	Presentation *Ashley Bolick*	Cajah's Mountain Interlocal Agreement
9.	Resolution *Richard Gilliland*	Conveyance of Surplus Property to Cherokee County

Consent

10.	Budget Revisions	Occupancy Tax Flow Through for Chamber of Commerce
11.	Budget Revisions	Scanner Purchase for Scanning Department

12.	Budget Revisions	Code Enforcement Abatement Funding
13.	Budget Revisions	Library Grant Funding
14.	Budget Revisions	GFMS Project Interest Earnings- Closeout
15.	Items for Decision	Reappointment of Ronn Abernathy to JCPC
16.	Items for Decision	Appointment of Nicole Huffman to JCPC
17.	Items for Decision	Approval of Fireworks Application for Town of Sawmills

Adjourn

Board of Commissioners Meeting
Agenda Item Summary

MEETING DATE	DEPARTMENT	PREPARED BY
October 14, 2024	Administration	

AGENDA ITEM # 1

Recognition of Retirees

BACKGROUND

RECOMMENDED MOTION

BUDGET IMPACT

APPROVED FOR BUDGET YEAR

No

ATTACHMENTS

None

Board of Commissioners Meeting
Agenda Item Summary

MEETING DATE	DEPARTMENT	PREPARED BY
October 14, 2024	Emergency Services	Jason Powell

AGENDA ITEM # 2

RESTART Testimony and Updates

BACKGROUND

RECOMMENDED MOTION

BUDGET IMPACT

APPROVED FOR BUDGET YEAR

No

ATTACHMENTS

None

Board of Commissioners Meeting
Agenda Item Summary

MEETING DATE	DEPARTMENT	PREPARED BY
October 14, 2024	Administration	Ben Willis

AGENDA ITEM # 3

Homelessness Response Team

BACKGROUND

RECOMMENDED MOTION

BUDGET IMPACT

APPROVED FOR BUDGET YEAR

No

ATTACHMENTS

None

Board of Commissioners Meeting
Agenda Item Summary

MEETING DATE	DEPARTMENT	PREPARED BY
October 14, 2024	Administration	

AGENDA ITEM # 4

Celebrating Veteran's Day

BACKGROUND

RECOMMENDED MOTION

BUDGET IMPACT

APPROVED FOR BUDGET YEAR

No

ATTACHMENTS

1. Resolution 17-24 Veteran's Day 2024

RESOLUTION

17-2024

WHEREAS, on November 11th each year, our nation honors the bravery and sacrifice of the men and women who have served in the armed forces; and

WHEREAS, these veterans have dedicated their lives to the protection of our freedoms, security, and the values we hold dear; and

WHEREAS, we recognize the courage, commitment, and selflessness exhibited by those who have answered the call to serve, often at great personal sacrifice; and

WHEREAS, it is our duty as a community to acknowledge and express gratitude for the sacrifices made by veterans and their families; and

WHEREAS, the citizens of Caldwell County are encouraged to come together in remembrance and appreciation for our veterans, both past and present; and

WHEREAS, we reaffirm our commitment to support and honor our veterans through various programs and initiatives that foster their well-being and integration into our community;

NOW, THEREFORE, BE IT RESOLVED, that the Caldwell County Board of Commissioners, do hereby recognize November 11th as Veteran's Day in and encourage all residents to observe this day with appropriate ceremonies, activities, and moments of silence in honor of our courageous veterans.

Adopted this the 14th day of October, 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
October 14, 2024	Planning	Shelley Stevens

AGENDA ITEM # 5

Blackberry Homestead Subdivision – Phase 2, Final Plat

BACKGROUND

Final Plat Request

Applicant: J. Patrick Warren, PE; Development Manager – Blue Ridge Mtn Club
Developer: J. Patrick Warren, PE; Development Manager – Blue Ridge Mtn Club
Property Owner: Muscoxx NC, LLC
NCPIN: 2827015823
Location: North of Blackberry Rd, in Caldwell and Watauga Counties
Site Conditions: Currently wooded with no floodplain or Watershed Area
Acreage: 14.02 acres in Caldwell, 6.22 acres in Watauga (Phase 2 total 20.24 acres; Phase 1, 4.35 acres; whole subdivision total 24.59 acres); 12 lots in Phase 2; minimum lot size, ~ .75 acres (.754 acres), maximum lot size, 2.42 acres; another portion of phase 2 will be approved by Watauga County.
Zoning: RA-20 in the Caldwell County/relevant section; no zoning in the Watauga section that we do not review
Surrounding Zoning: RA-20 to the south, east and west
Request: Final plat approval

Request
J. Patrick Warren is requesting approval of a preliminary plat for Phase 2 (13 acres, according to GIS of Blackberry Homestead Subdivision located north of Blackberry Road and just south of the Watauga County line. The other portion of this subdivision will be approved through Watauga County's Planning Department.

Staff Comments
I reviewed the plat and supplementary documents required by the Subdivision Ordinance and provided the applicant with comments and revisions based on what is needed according to the Subdivision Ordinance.
I asked that he point out or add the following per the ordinance before BOC approval:
Address and telephone number of owner and telephone number of all responsible parties
Indication that DOT standards are being used and typical street cross-section shown as well as a statement that the subdivision adheres to adopted transportation plan(s)
Utility easements and sizes labeled
Area of entire tract to be divided and linear feet of streets
Topo map/contours

Street bond (per estimate submitted)
$250 + $5 per lot = $310 for subdivision review

It is not expected that this small subdivision will have a substantial projected impact on area schools. According to Taylor Dellinger with the Western Piedmont Council of Governments who runs a School Growth Estimation Model for the region, the subdivision will most likely have mostly seasonal or retiree housing, so student impacts on the school system will be minimal. It is anticipated that, at most, the subdivision would generate two additional students at Happy Valley Elementary School and one student at Hibriten High.
Water is unavailable to this subdivision (per the definition of availability in the Subdivision Ordinance). And Caldwell County (like many counties) does not provide sewer, so the lots will have septic systems.
The applicant has stated that the developers have completed all improvements before final plat submittal, other than the street, which is bonded and certified by a third-party engineer and is to be built to DOT standards, per our Subdivision Ordinance requirements. The subdivision will not be gated.

RECOMMENDED MOTION

Planning Board Recommendation: Approval of preliminary plat, contingent upon addition of missing items.

BUDGET IMPACT

$310 added to budget - subdivision fee

APPROVED FOR BUDGET YEAR

Yes

ATTACHMENTS

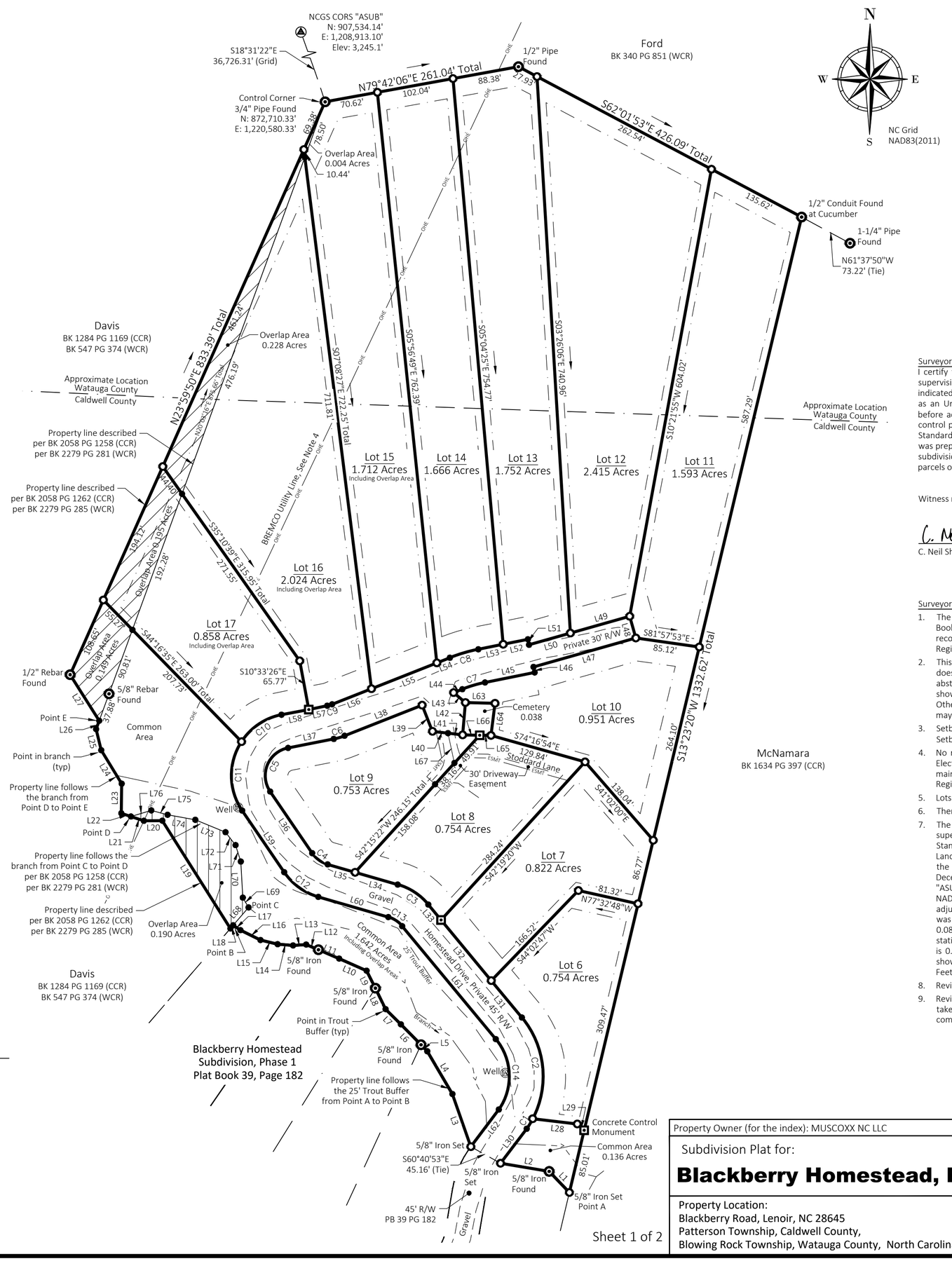
1. Blackberry Homestead Phase 2, Sheet 1
2. Blackberry Homestead Phase 2, Sheet 2 Revised
3. Blackberry Homestead Bond Package 24 1003

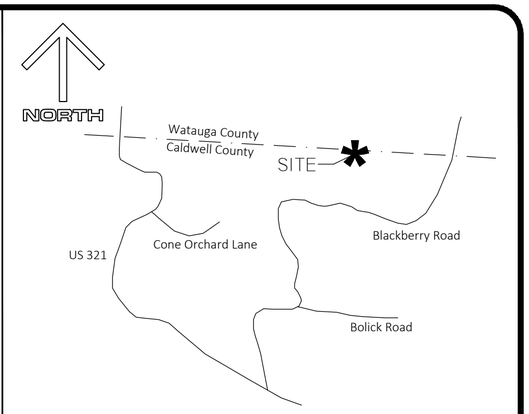
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Curve Table				
Curve #	Length	Radius	Chord Bearing	Chord Length
C1	15.57'	122.50'	N30° 51' 13"E	15.56'
C2	143.29'	122.50'	N06° 06' 38"W	135.26'
C3	49.35'	82.50'	N56° 46' 56"W	48.62'
C4	25.96'	37.50'	S54° 05' 26"E	25.44'
C5	74.04'	37.50'	S22° 18' 11"W	62.59'
C6	15.04'	82.50'	N73° 38' 39"E	15.02'
C7	31.47'	177.50'	S73° 30' 03"W	31.43'
C8	39.45'	222.50'	S73° 30' 03"W	39.40'
C9	6.84'	37.50'	N73° 38' 39"E	6.83'
C10	65.81'	82.50'	S56° 01' 00"W	64.07'
C11	97.09'	82.50'	S00° 32' 51"E	91.58'
C12	57.11'	82.50'	S54° 05' 26"E	55.97'
C13	22.38'	37.50'	N56° 44' 19"W	22.05'
C14	100.53'	77.50'	N02° 29' 05"W	93.63'

Line Table		
Line #	Length	Direction
L1	38.79	N43° 50' 07"W
L2	65.59	N80° 28' 49"W
L3	74.11	N19° 17' 50"W
L4	65.94	N30° 31' 39"W
L5	11.94	N43° 41' 42"W
L6	38.17	N44° 32' 33"W
L7	28.68	N45° 07' 12"W
L8	30.87	N25° 58' 01"W
L9	26.04	N26° 43' 06"W
L10	39.92	N66° 08' 38"W
L11	29.91	N66° 56' 49"W
L12	17.68	N67° 08' 24"W
L13	17.48	S86° 11' 06"W
L14	20.62	N85° 28' 48"W
L15	23.44	N76° 13' 54"W
L16	29.72	N63° 50' 37"W
L17	11.57	N55° 40' 14"W
L18	5.61	S40° 46' 29"W
L19	169.45	N32° 16' 48"W
L20	24.60	S89° 36' 19"W
L21	18.08	N71° 31' 16"W
L22	13.43	N71° 31' 56"W
L23	39.44	N00° 39' 59"E
L24	52.06	N31° 29' 09"W
L25	28.77	N13° 39' 22"W
L26	11.96	N20° 05' 23"E
L27	72.39	N32° 16' 48"W
L28	59.74	N83° 17' 50"W
L29	12.37	N47° 30' 08"W
L30	57.56	N37° 12' 02"E
L31	63.74	N39° 38' 39"W
L32	104.58	N39° 38' 39"W
L33	26.63	N39° 38' 39"W
L34	58.84	N73° 55' 13"W
L35	37.97	N73° 55' 13"W
L36	99.11	N34° 15' 40"W
L37	61.89	N78° 52' 03"E
L38	110.79	N68° 25' 16"E

Line Table		
Line #	Length	Direction
L39	37.50	S21° 34' 44"E
L40	20.75	S83° 18' 30"E
L41	19.56	S83° 18' 30"E
L42	43.18	N04° 52' 04"E
L43	20.40	N50° 04' 05"W
L44	12.47	N68° 25' 16"E
L45	67.29	N78° 34' 49"E
L46	7.45	N11° 25' 11"W
L47	141.33	N74° 10' 35"E
L48	30.00	N15° 49' 25"W
L49	81.91	S74° 10' 35"W
L50	57.11	S74° 10' 35"W
L51	7.46	N11° 25' 11"W
L52	33.51	S78° 34' 49"W
L53	33.78	S78° 34' 49"W
L54	18.57	S68° 25' 16"W
L55	93.46	S68° 25' 16"W
L56	56.23	S68° 25' 16"W
L57	24.96	S78° 23' 44"W
L58	36.94	S79° 11' 10"W
L59	99.11	S34° 15' 40"E
L60	96.87	S73° 55' 13"E
L61	194.95	S39° 38' 39"E
L62	61.77	S36° 59' 40"W
L63	39.40	S88° 28' 28"E
L64	43.03	S07° 05' 48"W
L65	15.08	S88° 53' 52"E
L66	22.66	S88° 53' 52"E
L67	40.56	S12° 07' 17"E
L68	31.25	N40° 44' 51"E
L69	15.13	N30° 25' 21"W
L70	48.02	N03° 09' 03"W
L71	22.96	N17° 39' 44"W
L72	21.76	N37° 58' 32"W
L73	43.33	N67° 42' 22"W
L74	37.50	N79° 38' 18"W
L75	22.31	N74° 57' 58"W
L76	28.30	S73° 23' 21"W





Vicinity Map

LEGEND

- Property Line (surveyed)
- Tie Line (surveyed)
- Adjoiner Line (not surveyed)
- Easement
- Overhead Electric
- Right-of-Way
- Building Setback Line
- Trout Buffer Line
- (CCR) Caldwell County Registry
- (WCR) Watauga County Registry
- Computed Point
- 5/8" Iron Set
- Iron Found (as noted)
- Concrete Control Monument

Surveyor's Certification

I certify that this plat was drawn under my supervision from an actual survey made under my supervision (see description and/or deed references below); that the boundaries not surveyed are indicated as drawn from the information noted on this plat of survey; that this survey is classified as an Urban Land Survey (Class A) having a calculated ratio of precision better than 1:10,000 before adjustments, and/or neither axis of the 95 percent confidence level error ellipse for any control point or property corner exceeds 0.10 feet; that this plat meets the requirements of The Standards of Practice for Land Surveying in North Carolina (21 NCAC 56.1603); and that this plat was prepared in accordance with G.S. 47-30 as amended. I further certify that this survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land.

Witness my signature, seal and date.

C. Neil Shepherd 7/3/2024

C. Neil Shepherd, PLS #L-4746

NORTH CAROLINA PROFESSIONAL SEAL L-4746 LAND SURVEYOR C. NEIL SHEPHERD

Surveyor's Notes:

1. The property which is the subject of this survey is a portion of the land described in Deed Book 2058, Page 1262, shown in Plat Book 38, Page 99, Caldwell County Registry, and also recorded in Deed Book 2279, Page 285, shown in Plat Book 28, Page 500, Watauga County Registry. The property owner shown in the deed at the time of survey was: MUSCOXX NC LLC.
2. This plat reflects information discovered by the surveyor in the normal course of work and does not necessarily show every possible condition affecting the property. A complete title abstract was not performed by Survey Pros. Underground utilities may exist which are not shown. This property may be subject to easements and/or rights-of-way of record not shown. Other easements, rights-of-way, building ordinances, zoning, and other legal encumbrances may also exist. Adjoining property owner information was obtained from the local GIS.
3. Setbacks shown hereon taken from plans prepared by Warren Consulting & Design PLLC. Setbacks shown on plans are 30' Front, 10' Side, 25' Rear, and 15' Side abutting R/W.
4. No recorded easement found for existing overhead power lines shown hereon. Blue Ridge Electric Membership Corporation (BREMCO) claims an easement by prescription for maintained limits per email dated 4-20-2022. See Plat Book 39, Page 99, Caldwell County Registry; and Plat Book 28, Page 500, Watauga County Registry.
5. Lots shown hereon are zoned RA-20 according to Caldwell County planning department.
6. There is a 10' underground utility easement along all lot lines.
7. The grid tie shown on this map was taken from an actual GPS survey made under my supervision. The GPS portion of this survey meets the classification requirements of The Standards of Practice for Land Surveying in North Carolina (21 NCAC 56.1607) for an Urban Land Survey (Class A) such that neither axis of the 95 percent confidence level error ellipse for the project control point(s) exceeds 0.10 feet. The static GPS survey was performed on December 5, 2021 with Trimble R8s receivers. National Geodetic Survey (NGS) CORS station "ASUB" was used as the fixed control station having published NC Grid coordinates NAD83(2011) and orthometric height (elevation) NAVD 88 as shown hereon. Vectors were adjusted utilizing Trimble Geomatics Office Business Solutions software. The geoid model used was GEOID18. The horizontal positional accuracy relative to the remote control station was 0.08 feet prior to adjustment. The vertical positional accuracy relative to the remote control station was 0.2 feet prior to adjustment. The combined grid factor at the project control point is 0.9998668942. All bearings shown are relative to NC Grid, NAD 83(2011). All elevations shown are relative to NAVD 88. All distances shown are horizontal distances in U.S. Survey Feet unless otherwise noted. All areas shown were computed by coordinate computation.
8. Revised on 3-20-2024 to show well locations.
9. Revised on 7-3-2024 to show road names, additional drive easement, site design information taken from plan designed by Warren Consulting & Design, PLLC, and planning department comments.

Scale: 1 inch
0 100'

Property Owner (for the index): MUSCOXX NC LLC

Subdivision Plat for:

Blackberry Homestead, Phase 2

Property Location:
Blackberry Road, Lenoir, NC 28645
Patterson Township, Caldwell County,
Blowing Rock Township, Watauga County, North Carolina

www.NCSurveyPros.com

SurveyPros
(336) 667-5533

Survey Pros, PLLC
924 Main Street, Suite 300
North Wilkesboro, NC 28659

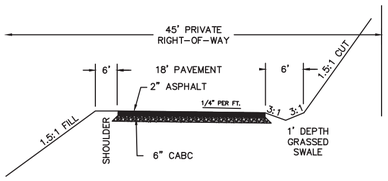
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File Number: 21-031
Date: 12-12-2023

Sheet 1 of 2

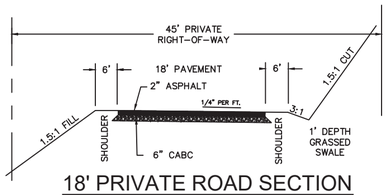
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Information per Caldwell County Planning Department comments

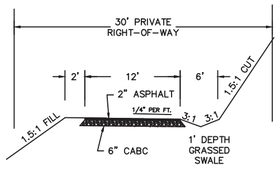
Information per design plan by Warren Consulting & Design, PLLC



18' PRIVATE ROAD SECTION
CROSS SLOPE > 30%
NOT TO SCALE

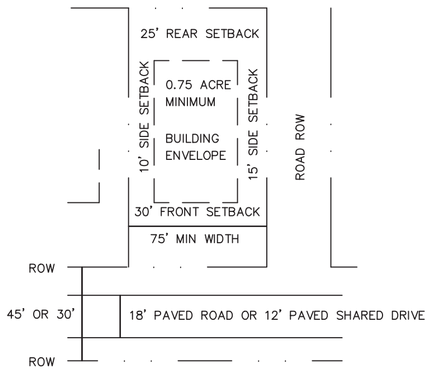


18' PRIVATE ROAD SECTION
CROSS SLOPE < 30%
NOT TO SCALE

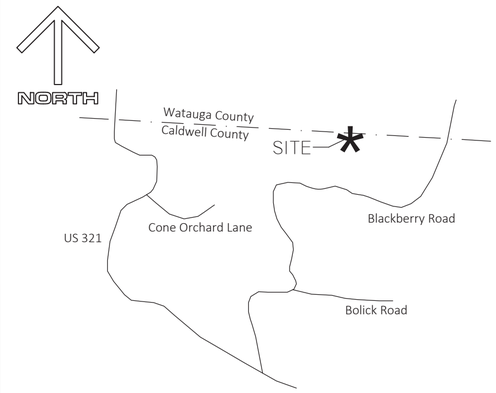


12' PRIVATE SHARED DRIVE SECTION
NOT TO SCALE

Information per design plan by Warren Consulting & Design, PLLC



TYPICAL LOT



Vicinity Map

OWNER / CONSULTANTS :

OWNER :
Muscoxx NC, LLC
P.O. Box 1374
Blowing Rock, NC 28605

DEVELOPER :
Muscoxx NC, LLC
P.O. Box 1374
Blowing Rock, NC 28605

ENGINEER :
WARREN CONSULTING & DESIGN, PLLC
J. PATRICK WARREN, PE NC #19380
850 9TH AVE NW
HICKORY, NC 28601
TELE. 828-493-6988

SURVEYOR :
SURVEY PROS, PLLC
C. NEIL SHEPERD, PLS NC #L-4746
924 MAIN ST, SUITE 300
NORTH WILKESBORO, NC 28659
TELE. 336-667-5533

ENVIRONMENTAL :
INTERFACE ENVIRONMENTAL CONSULTING, PLLC
CARRIE CAVINESS, PhD
476 HIDDEN POND RD
BOONE, NC 28607
TELE. 919.656.4543

SOILS :
LAND RESOURCE MANAGEMENT
WALKER FERGUSON, RSS
PO BOX 9251
ASHEVILLE, NC 28815
TELE. 828-900-8700

SITE INFORMATION :

1. **PROPERTY IS ZONED RA-20.**
2. **PROPERTY ID# 2827017692 & 2827015823.**
3. **TOTAL TRACT AREA = 24.59 ACRES.**
4. **TOTAL 17 LOTS. PHASE 1 - 5, PHASE 2 - 12.**
5. **MINIMUM LOT SIZE = 0.75 AC OR 32,670 SQ FT. MAXIMUM LOT SIZE IS 2.4 ACRES (LOT 12)**
6. **BOUNDARY SURVEY, CREEK & TROUT BUFFER LOCATION SURVEY BY SURVEY PROS, PLLC AND INTERFACE ENVIRONMENTAL CONSULTING, PLLC.**
7. **Total Length of Road & Shared Drive = 1,621 lft**

Certificate of Final Approval of a Minor Subdivision

We, the undersigned hereby certify that the subdivision entitled Blackberry Homestead, Phase 2 fully meets the minimum requirements of the Caldwell County Subdivision Regulations, however before any lot can be built upon, an improvement permit must be obtained from the Caldwell County Health Department to allow a septic tank disposal system to be located thereon and to approve the placement of any well thereon. The approval of the Caldwell County Planning Department not the recordation of this map in any way guarantees that any lot shown hereon can or will be permitted for a septic tank or for placement of a well.

_____
Caldwell County Planning Department Date

Review Officer Certification

State of North Carolina
County of Caldwell

I, _____, Review Officer of Caldwell County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

_____
Review Officer Date

Certificate of Ownership and Dedication

I (We) hereby certify that (I am)(we are) the owner(s) of the property shown and described hereon and that I (we) hereby adopt this plan of subdivision with my (our) free consent, establish minimum building lines, and dedicate all roads, alleys, walks, parks, and other sites to public or private use as noted.Further, I (we) certify the land as shown hereon is within the platting jurisdiction of Caldwell County.

_____
Owner or Authorized Agency Date

Review Officer Certification

State of North Carolina
County of Watauga

I, _____, Review Officer of Watauga County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

_____
Review Officer Date

NORTH CAROLINA PROFESSIONAL SEAL L-4746 LAND SURVEYOR C. NEIL SHEPHERD

C. Neil Shepherd
7/3/2024

*See Certification on Sheet 1

Sheet 2 of 2

Property Owner (for the index): MUSCOXX NC LLC

Subdivision Plat for:

Blackberry Homestead, Phase 2

Property Location:
Blackberry Road, Lenoir, NC 28645
Patterson Township, Caldwell County,
Blowing Rock Township, Watauga County, North Carolina

www.NCSurveyPros.com

SurveyPros
(336) 667-5533

Survey Pros, PLLC
924 Main Street, Suite 300
North Wilkesboro, NC 28659

Firm Number: P-2218
File Number: 21-031
Date: 12-12-2023

Bond No. 810019296

SUBDIVISION BOND

KNOW ALL MEN BY THESE PRESENTS, That we,

Muscoxx NC, LLC, as Principal, and

Atlantic Specialty Insurance Company, as Surety, are held and firmly bound unto

Caldwell County, North Carolina, hereinafter called the

Obligee, in the penal sum of One Hundred Sixty-six Thousand Ten and 00/100

Dollars ($ 166,010.00) lawful money of the United States of America to be paid to said Obligee, for which payment well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

WHEREAS the Muscoxx NC, LLC, Principal, has made application to Caldwell County, North Carolina which plans include provision for site improvements at

NC Pin 2827-01-7692 & 2827-01-5823

as required by all applicable ordinances, rules, regulations, standards, and specifications of

Land Subdivision Ordinance of Caldwell County, North Carolina, all as described on Exhibit A.

WHEREAS, said plat shows thereon, among other things, a tract or parcel of land named

Blackberry Homestead and Whereas, the above bounden Principal and Surety Company has agreed to and with the Obligee, said plat to be completed in a manner acceptable to and approved by the County for

Caldwell County, North Carolina, Obligee.

NOW, THEREFORE, the condition of this obligation is such that, if the above plat is finally approved by the County for Caldwell County, North Carolina, Obligee, and if the said Principal shall in all things do and perform the completion of the said plat in the manner specified, and shall fully and faithfully do and perform each and every matter and thing to be performed by the said Principal for the benefit of the Obligee according to the terms and conditions of this bond, shall comply with all the requirements of the laws of ordinances of the Caldwell County, North Carolina Subdivision Regulations, then this obligation shall be null and void, otherwise to remain in full force and effect.

IN WITNESS WHEREOF, the Principal and the Surety has hereunto set their hands and seals this 1st day of August, 2024.

ATLANTIC SPECIALTY INSURANCE COMPANY CORPORATE SEAL 1986 NEW YORK

Muscoxx NC, LLC

Principal

By:

Atlantic Specialty Insurance Company

By:

Mary Langley, Attorney-In-Fact

intact INSURANCE

Power of Attorney

KNOW ALL MEN BY THESE PRESENTS, that ATLANTIC SPECIALTY INSURANCE COMPANY, a New York corporation with its principal office in Plymouth, Minnesota, does hereby constitute and appoint: **Albert Melendez, Christina Rogers, Erik Johansson, Frederic M. Archerd Jr., Mary Langley, Melissa Lopez, Richard P. Russo Jr., Tanya L. Russo**, each individually if there be more than one named, its true and lawful Attorney-in-Fact, to make, execute, seal and deliver, for and on its behalf as surety, any and all bonds, recognizances, contracts of indemnity, and all other writings obligatory in the nature thereof; provided that no bond or undertaking executed under this authority shall exceed in amount the sum of: **unlimited** and the execution of such bonds, recognizances, contracts of indemnity, and all other writings obligatory in the nature thereof in pursuance of these presents, shall be as binding upon said Company as if they had been fully signed by an authorized officer of the Company and sealed with the Company seal. This Power of Attorney is made and executed by authority of the following resolutions adopted by the Board of Directors of ATLANTIC SPECIALTY INSURANCE COMPANY on the twenty-fifth day of September, 2012:

Resolved: That the President, any Senior Vice President or Vice-President (each an "Authorized Officer") may execute for and in behalf of the Company any and all bonds, recognizances, contracts of indemnity, and all other writings obligatory in the nature thereof, and affix the seal of the Company thereto; and that the Authorized Officer may appoint and authorize an Attorney-in-Fact to execute on behalf of the Company any and all such instruments and to affix the Company seal thereto; and that the Authorized Officer may at any time remove any such Attorney-in-Fact and revoke all power and authority given to any such Attorney-in-Fact.

Resolved: That the Attorney-in-Fact may be given full power and authority to execute for and in the name and on behalf of the Company any and all bonds, recognizances, contracts of indemnity, and all other writings obligatory in the nature thereof, and any such instrument executed by any such Attorney-in-Fact shall be as binding upon the Company as if signed and sealed by an Authorized Officer and, further, the Attorney-in-Fact is hereby authorized to verify any affidavit required to be attached to bonds, recognizances, contracts of indemnity, and all other writings obligatory in the nature thereof.

This power of attorney is signed and sealed by facsimile under the authority of the following Resolution adopted by the Board of Directors of ATLANTIC SPECIALTY INSURANCE COMPANY on the twenty-fifth day of September, 2012:

Resolved: That the signature of an Authorized Officer, the signature of the Secretary or the Assistant Secretary, and the Company seal may be affixed by facsimile to any power of attorney or to any certificate relating thereto appointing an Attorney-in-Fact for purposes only of executing and sealing any bond, undertaking, recognizance or other written obligation in the nature thereof, and any such signature and seal where so used, being hereby adopted by the Company as the original signature of such officer and the original seal of the Company, to be valid and binding upon the Company with the same force and effect as though manually affixed.

IN WITNESS WHEREOF, ATLANTIC SPECIALTY INSURANCE COMPANY has caused these presents to be signed by an Authorized Officer and the seal of the Company to be affixed this first day of January, 2023.

ATLANTIC SPECIALTY INSURANCE COMPANY CORPORATE SEAL 1986 NEW YORK

By _____
Sarah A. Kolar, Vice President and General Counsel

STATE OF MINNESOTA
HENNEPIN COUNTY

On this first day of January, 2023, before me personally came Sarah A. Kolar, Vice President and General Counsel of ATLANTIC SPECIALTY INSURANCE COMPANY, to me personally known to be the individual and officer described in and who executed the preceding instrument, and she acknowledged the execution of the same, and being by me duly sworn, that she is the said officer of the Company aforesaid, and that the seal affixed to the preceding instrument is the seal of said Company and that the said seal and the signature as such officer was duly affixed and subscribed to the said instrument by the authority and at the direction of the Company.

ALISON DWAN NASH-TROUT
NOTARY PUBLIC - MINNESOTA
My Commission Expires
January 31, 2025

_____
Notary Public

I, the undersigned, Secretary of ATLANTIC SPECIALTY INSURANCE COMPANY, a New York Corporation, do hereby certify that the foregoing power of attorney is in full force and has not been revoked, and the resolutions set forth above are now in force.

Signed and sealed. Dated 1st day of August, 2024

ATLANTIC SPECIALTY INSURANCE COMPANY CORPORATE SEAL 1986 NEW YORK

This Power of Attorney expires
January 31, 2025

_____
Kara L.B. Barrow, Secretary

Please direct bond verifications to surety@intactinsurance.com

Shatley Investments

515 Clarence Lyall Road
West Jefferson, NC 28694
336-877-8824
Fax: 336-877-8821
E-Mail: chrisyoung@shatleyconstruction.com

May 14, 2024
Reggie Bray
Blackberry Rd.

Setup and Pave Phase 2 Road - 1,621 l.ft.

Setup 3463 square yard area with 6" of ABC Stone, watered and compacted (1205-ton allowance). Pave 3463 square yard area with 2" of RS9.5C Surface Mix Asphalt. This includes a 257'x12' section to run from the cemetery area to tie into the road between lots 8 and 9.

Total $132,808.00

The above prices, specifications and conditions are satisfactory and are hereby accepted. Shatley Paving is authorized to do the work as specified. Payment is due and payable in full at job completion. This proposal is based off the NC DOT Asphalt Index of $610 per ton for July 2023. This proposal is subject to change due to the changes in liquid asphalt pricing from the suppliers.

Signature Reggie Bray **Date** 5/14/24

L^2

L SQUARED ENGINEERING, PLLC
828-335-2878

September 27, 2024
Patrick Warren, PE
Warren Consulting & Design, PLLC
850 9th Ave NW
Hickory NC 28601

Re: Paving
Blackberry Homestead Subdivision Phase 2
Caldwell County. NC

Dear Mr. Warren:
In accordance with your request and authorization the undersigned engineer from L Squared Engineering (LSE) provides commentary on a cost proposal to do asphalt paving, including aggregate base course (ABC) at the referenced site. As reported approximately 3,463 square yards of 6" ABC and 2" of asphalt were placed.

Costs for similar work for other projects have been provided and reviewed. On a pro rata basis the fee of $132,808 for the referenced project is certified as commensurate with pricing for other projects.

If you have any questions or comments regarding this correspondence, or require any further information, please contact me at your earliest opportunity.

Sincerely,
L Squared Engineering
Laurence F. Lindsey, P.E.

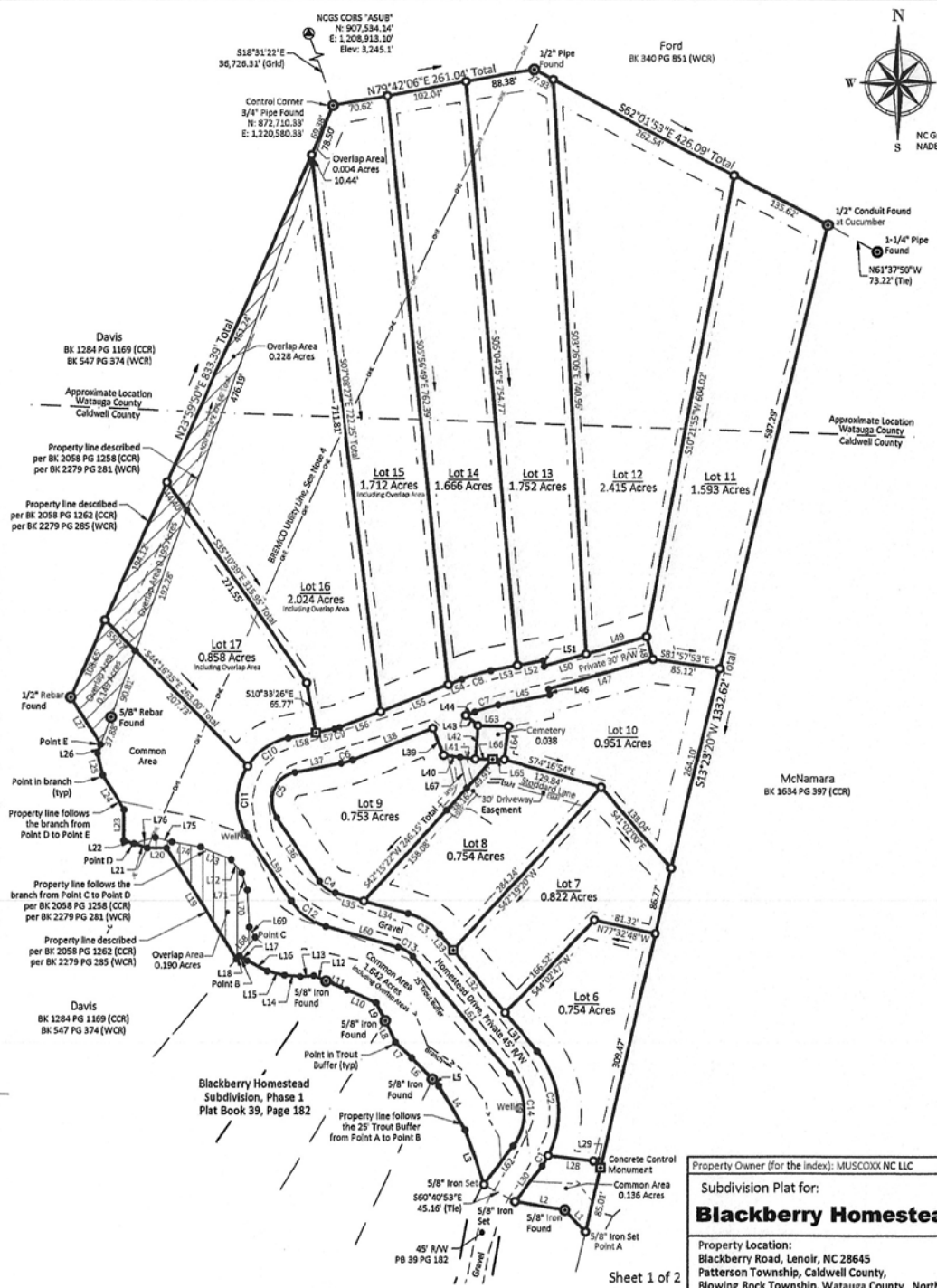
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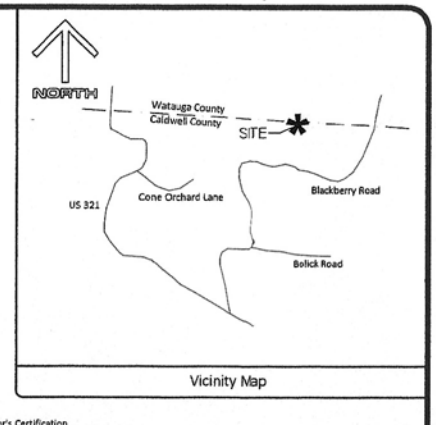
EXHIBIT A

Curve Table				
Curve #	Length	Radius	Chord Bearing	Chord Length
C1	15.57'	122.50'	N30° 51' 13"E	15.56'
C2	143.29'	122.50'	N06° 06' 38"W	135.26'
C3	49.35'	82.50'	N56° 46' 56"W	48.62'
C4	25.96'	37.50'	S54° 05' 26"E	25.44'
C5	74.04'	37.50'	S22° 18' 11"W	62.59'
C6	15.04'	82.50'	N73° 38' 39"E	15.02'
C7	31.47'	177.50'	S73° 30' 03"W	31.43'
C8	39.45'	222.50'	S73° 30' 03"W	39.40'
C9	6.84'	37.50'	N73° 38' 39"E	6.83'
C10	65.81'	82.50'	S56° 01' 00"W	64.07'
C11	97.09'	82.50'	S00° 32' 51"E	91.58'
C12	57.11'	82.50'	S54° 05' 26"E	55.97'
C13	22.38'	37.50'	N56° 44' 19"W	22.05'
C14	100.53'	77.50'	N02° 29' 05"W	93.63'

Line Table		
Line #	Length	Direction
L1	38.79	N43° 50' 07"W
L2	65.59	N80° 28' 49"W
L3	74.11	N19° 17' 50"W
L4	65.94	N30° 31' 39"W
L5	11.94	N43° 41' 42"W
L6	38.17	N44° 32' 33"W
L7	28.68	N45° 07' 12"W
L8	30.87	N25° 58' 01"W
L9	26.04	N26° 43' 06"W
L10	39.92	N66° 08' 38"W
L11	29.91	N66° 56' 49"W
L12	17.68	N67° 08' 24"W
L13	17.48	S86° 11' 06"W
L14	20.62	N85° 28' 48"W
L15	23.44	N76° 13' 54"W
L16	29.72	N63° 50' 37"W
L17	11.57	N55° 40' 14"W
L18	5.61	S40° 46' 29"W
L19	169.45	N32° 16' 48"W
L20	24.60	S89° 36' 19"W
L21	18.08	N71° 31' 16"W
L22	13.43	N71° 31' 56"W
L23	39.44	N00° 39' 59"E
L24	52.06	N31° 29' 09"W
L25	28.77	N13° 39' 22"W
L26	11.96	N20° 05' 23"E
L27	72.39	N32° 16' 48"W
L28	59.74	N83° 17' 50"W
L29	12.37	N47° 30' 08"W
L30	57.56	N37° 12' 02"E
L31	63.74	N39° 38' 39"W
L32	104.58	N39° 38' 39"W
L33	26.63	N39° 38' 39"W
L34	58.84	N73° 55' 13"W
L35	37.97	N73° 55' 13"W
L36	99.11	N34° 15' 40"W
L37	61.89	N78° 52' 03"E
L38	110.79	N68° 25' 16"E

Line Table		
Line #	Length	Direction
L39	37.50	S21° 34' 44"E
L40	20.75	S83° 18' 30"E
L41	19.56	S83° 18' 30"E
L42	43.18	N04° 52' 04"E
L43	20.40	N50° 04' 05"W
L44	12.47	N68° 25' 16"E
L45	67.29	N78° 34' 49"E
L46	7.45	N11° 25' 11"W
L47	141.33	N74° 10' 35"E
L48	30.00	N15° 49' 25"W
L49	81.91	S74° 10' 35"W
L50	57.11	S74° 10' 35"W
L51	7.46	N11° 25' 11"W
L52	33.51	S78° 34' 49"W
L53	33.78	S78° 34' 49"W
L54	18.57	S68° 25' 16"W
L55	93.46	S68° 25' 16"W
L56	56.23	S68° 25' 16"W
L57	24.96	S78° 23' 44"W
L58	86.94	S79° 11' 10"W
L59	99.11	S34° 15' 40"E
L60	96.87	S73° 55' 13"E
L61	194.95	S39° 38' 39"E
L62	61.77	S36° 59' 40"W
L63	39.40	S88° 28' 28"E
L64	43.03	S07° 05' 48"W
L65	15.08	S88° 53' 52"E
L66	22.66	S88° 53' 52"E
L67	40.56	S12° 07' 17"E
L68	31.25	N40° 44' 51"E
L69	15.13	N30° 25' 21"W
L70	48.02	N03° 09' 03"W
L71	22.96	N17° 39' 44"W
L72	21.76	N37° 58' 32"W
L73	43.33	N67° 42' 22"W
L74	37.50	N79° 38' 18"W
L75	22.31	N74° 57' 58"W
L76	28.80	S73° 23' 21"W





Vicinity Map

Surveyor's Certification

I certify that this plat was drawn under my supervision from an actual survey made under my supervision (see description and/or deed references below); that the boundaries not surveyed are indicated as drawn from the information noted on this plat of survey; that this survey is classified as an Urban Land Survey (Class A) having a calculated ratio of precision better than 1:10,000 before adjustments, and/or neither axis of the 95 percent confidence level error ellipse for any control point or property corner exceeds 0.10 feet; that this plat meets the requirements of The Standards of Practice for Land Surveying in North Carolina (21 NCAC 56.1603); and that this plat was prepared in accordance with G.S. 47-30 as amended. I further certify that this survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land.

Witness my signature, seal and date.

C. Neil Shepherd 7/3/2024

C. Neil Shepherd, PLS #L-4746

NORTH CAROLINA PROFESSIONAL SEAL L-4746 LAND SURVEYOR C. NEIL SHEPHERD

Surveyor's Notes:

1. The property which is the subject of this survey is a portion of the land described in Deed Book 2058, Page 1262, shown in Plat Book 38, Page 99, Caldwell County Registry, and also recorded in Deed Book 2279, Page 285, shown in Plat Book 28, Page 500, Watauga County Registry. The property owner shown in the deed at the time of survey was: MUSCOXX NC LLC.
2. This plat reflects information discovered by the surveyor in the normal course of work and does not necessarily show every possible condition affecting the property. A complete title abstract was not performed by Survey Pros. Underground utilities may exist which are not shown. This property may be subject to easements and/or rights-of-way of record not shown. Other easements, rights-of-way, building ordinances, zoning, and other legal encumbrances may also exist. Adjoining property owner information was obtained from the local GIS.
3. Setbacks shown hereon taken from plans prepared by Warren Consulting & Design PLLC. Setbacks shown on plans are 30' Front, 10' Side, 25' Rear, and 15' Side abutting R/W.
4. No recorded easement found for existing overhead power lines shown hereon. Blue Ridge Electric Membership Corporation (BREMCO) claims an easement by prescription for maintained limits per email dated 4-20-2022. See Plat Book 39, Page 99, Caldwell County Registry; and Plat Book 28, Page 500, Watauga County Registry.
5. Lots shown hereon are zoned RA-20 according to Caldwell County planning department.
6. There is a 10' underground utility easement along all lot lines.
7. The grid tie shown on this map was taken from an actual GPS survey made under my supervision. The GPS portion of this survey meets the classification requirements of The Standards of Practice for Land Surveying in North Carolina (21 NCAC 56.1607) for an Urban Land Survey (Class A) such that neither axis of the 95 percent confidence level error ellipse for the project control point(s) exceeds 0.10 feet. The static GPS survey was performed on December 5, 2021 with Trimble R8s receivers. National Geodetic Survey (NGS) CORS station "ASUB" was used as the fixed control station having published NC Grid coordinates NAD83(2011) and orthometric height (elevation) NAVD 88 as shown hereon. Vectors were adjusted utilizing Trimble Geomatics Office Business Solutions software. The geoid model used was GEOID18. The horizontal positional accuracy relative to the remote control station was 0.08 feet prior to adjustment. The vertical positional accuracy relative to the remote control station was 0.2 feet prior to adjustment. The combined grid factor at the project control point is 0.9998668942. All bearings shown are relative to NC Grid, NAD 83(2011). All elevations shown are relative to NAVD 88. All distances shown are horizontal distances in U.S. Survey Feet unless otherwise noted. All areas shown were computed by coordinate computation.
8. Revised on 3-20-2024 to show well locations.
9. Revised on 7-3-2024 to show road names, additional drive easement, site design information taken from plan designed by Warren Consulting & Design PLLC, and planning department comments.

LEGEND

- Property Line (surveyed)
- Tie Line (surveyed)
- Adjoiner Line (not surveyed)
- Easement
- Overhead Electric
- Right-of-Way
- Building Setback Line
- Trout Buffer Line
- (CCR) Caldwell County Registry
- (WCR) Watauga County Registry
- Computed Point
- 5/8" Iron Set
- Iron Found (as noted)
- Concrete Control Monument

Scale: 1 inch = 100'

www.NCSurveyPros.com

Property Owner (for the Index): MUSCOXX NC LLC

Subdivision Plat for:

Blackberry Homestead, Phase 2

Property Location:
Blackberry Road, Lenoir, NC 28645
Patterson Township, Caldwell County,
Blowing Rock Township, Watauga County, North Carolina

SurveyPros
(336) 667-5533

Survey Pros, PLLC
924 Main Street, Suite 300
North Wilkesboro, NC 28659

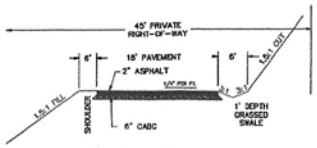
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File Number: 21-031
Date: 12-12-2023

Sheet 1 of 2

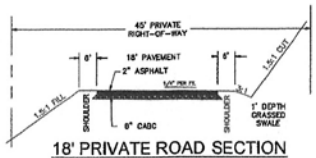
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Information per Caldwell County Planning Department comments

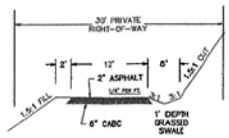
Information per design plan by Warren Consulting & Design, PLLC



18' PRIVATE ROAD SECTION
CROSS SLOPE > 30%
NOT TO SCALE

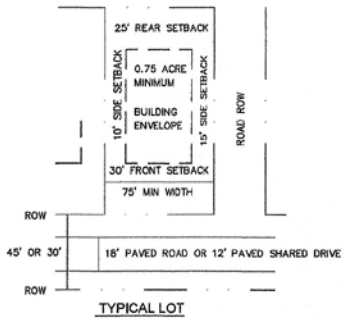


18' PRIVATE ROAD SECTION
CROSS SLOPE < 30%
NOT TO SCALE

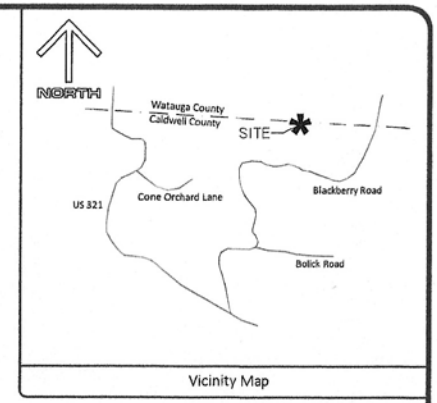


12' PRIVATE SHARED DRIVE SECTION
NOT TO SCALE

Information per design plan by Warren Consulting & Design, PLLC



TYPICAL LOT



Vicinity Map

OWNER / CONSULTANTS :

OWNER :
Muscoxx NC, LLC
P.O. Box 1374
Blowing Rock, NC 28605

DEVELOPER :
Muscoxx NC, LLC
P.O. Box 1374
Blowing Rock, NC 28605

ENGINEER :
WARREN CONSULTING & DESIGN, PLLC
J. PATRICK WARREN, PE NC #19380
850 9TH AVE NW
HICKORY, NC 28601
TELE. 828-493-6988

SURVEYOR :
SURVEY PROS, PLLC
C. NEIL SHEPERD, PLS NC #L-4746
924 MAIN ST, SUITE 300
NORTH WILKESBORO, NC 28659
TELE. 336-667-5533

ENVIRONMENTAL :
INTERFACE ENVIRONMENTAL CONSULTING, PLLC
CARRIE CAVINESS, PhD
476 HIDDEN POND RD
BOONE, NC 28607
TELE. 919.656.4543

SOILS :
LAND RESOURCE MANAGEMENT
WALKER FERGUSON, RSS
PO BOX 9251
ASHEVILLE, NC 28815
TELE. 828-900-6700

SITE INFORMATION :

1. **PROPERTY IS ZONED RA-20.**
2. **PROPERTY ID# 2827017692 & 2827015823.**
3. **TOTAL TRACT AREA = 24.59 ACRES.**
4. **TOTAL 17 LOTS. PHASE 1 - 5, PHASE 2 - 12.**
5. **MINIMUM LOT SIZE = 0.75 AC OR 32,670 SQ FT. MAXIMUM LOT SIZE IS 2.4 ACRES (LOT 12)**
6. **BOUNDARY SURVEY, CREEK & TROUT BUFFER LOCATION SURVEY BY SURVEY PROS, PLLC AND INTERFACE ENVIRONMENTAL CONSULTING, PLLC.**
7. **Total Length of Road & Shared Drive = 1,621 lft**

Certificate of Final Approval of a Minor Subdivision

We, the undersigned hereby certify that the subdivision entitled Blackberry Homestead, Phase 2 fully meets the minimum requirements of the Caldwell County Subdivision Regulations, however before any lot can be built upon, an improvement permit must be obtained from the Caldwell County Health Department to allow a septic tank disposal system to be located thereon and to approve the placement of any well thereon. The approval of the Caldwell County Planning Department not the recordation of this map in any way guarantees that any lot shown hereon can or will be permitted for a septic tank or for placement of a well.

Caldwell County Planning Department — Date

Review Officer Certification

State of North Carolina
County of Caldwell

I, _____, Review Officer of Caldwell County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Review Officer — Date

Certificate of Ownership and Dedication

I (We) hereby certify that (I am)(we are) the owner(s) of the property shown and described hereon and that I (we) hereby adopt this plan of subdivision with my (our) free consent, establish minimum building lines, and dedicate all roads, alleys, walks, parks, and other sites to public or private use as noted.Further, I (we) certify the land as shown hereon is within the platting jurisdiction of Caldwell County.

Owner or Authorized Agency — Date

Review Officer Certification

State of North Carolina
County of Watauga

I, _____, Review Officer of Watauga County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Review Officer — Date

NORTH CAROLINA PROFESSIONAL SEAL L-4746 LAND SURVEYOR C. NEIL SHEPHERD

C. Nil Shepherd
7/3/2024

*See Certification on Sheet 1

Sheet 2 of 2

Property Owner (for the Index): MUSCOXX NC LLC

Subdivision Plat for:

Blackberry Homestead, Phase 2

Property Location:
Blackberry Road, Lenoir, NC 28645
Patterson Township, Caldwell County,
Blowing Rock Township, Watauga County, North Carolina

www.NCSurveyPros.com

SurveyPros
(336) 667-5533

Survey Pros, PLLC
924 Main Street, Suite 300
North Wilkesboro, NC 28659

Firm Number: P-2218
File Number: 21-031
Date: 12-12-2023

Board of Commissioners Meeting

Agenda Item Summary

MEETING DATE	DEPARTMENT	PREPARED BY
October 14, 2024	Administration	Curt Willis

AGENDA ITEM # 6

Ordinance for Nuisance Abatement- 2969 Collettsville Road

BACKGROUND

RECOMMENDED MOTION

BUDGET IMPACT

APPROVED FOR BUDGET YEAR

No

ATTACHMENTS

None

Board of Commissioners Meeting

Agenda Item Summary

MEETING DATE	DEPARTMENT	PREPARED BY
October 14, 2024	Administration	Josh Angle

AGENDA ITEM # 7

Tax Reval 2025

BACKGROUND

RECOMMENDED MOTION

BUDGET IMPACT

APPROVED FOR BUDGET YEAR

No

ATTACHMENTS

None

Board of Commissioners Meeting
Agenda Item Summary

MEETING DATE	DEPARTMENT	PREPARED BY
October 14, 2024	Economic Development	Ashley Bolick

AGENDA ITEM # 8

Cajah's Mountain Interlocal Agreement

BACKGROUND

On April 10th, 2023, the Caldwell County Board of Commissioners held a public hearing, pursuant to N.C.G.S. 158-7.1, to purchase property for economic development purposes to create additional housing behind the emergency services base. The same night, Caldwell County approved an interlocal agreement with the Town of Cajah's Mountain to construct a new emergency services base. Now that the county has conducted a request for qualifications process to find interested developers to build the desired housing, staff suggests an update to the April 10th, 2023, interlocal agreement. This updated interlocal agreement sets forth mutual covenants and conditions. This agreement takes the place of the agreement dated April 10th, 2023. A copy of the April 10th and October 14th agreements has been attached for your review.

RECOMMENDED MOTION

I move to approve the updated interlocal agreement with the Town of Cajah's Mountain for the development of 1901 Connelly Springs Road as presented.

BUDGET IMPACT

None.

APPROVED FOR BUDGET YEAR

Yes

ATTACHMENTS

1. Interlocal Agreement April 10, 2023
2. Interlocal Agreement October 14, 2024

NORTH CAROLINA
CALDWELL COUNTY

CALDWELL COUNTY INTERLOCAL AGREEMENT FOR EMERGENCY MEDICAL SERVICES BASE WITHIN THE TOWN OF CAJAH'S MOUNTAIN

This Agreement for an Emergency Medical Services (EMS) Base ("Agreement"), made and entered into the ___ day of _____, _____ (the "Effective Date"), 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 Town of Cajah's Mountain ("Town"), a municipal corporation of the State of North Carolina, located at 1800 Connelly Springs Road, Lenoir, North Carolina 28645, collectively referred to as "the Parties."

WITNESS ETH:

WHEREAS, Caldwell County through its Emergency Services Department currently operates Emergency Medical Services (EMS) throughout Caldwell County; and

WHEREAS, the County desires to locate an Emergency Services Base at 1901 Connelly Springs Rd. Lenoir, NC 28645, to better serve the residents in southwestern Caldwell County; and

WHEREAS, The County intends to remodel, and improve the former UNC Health medical office of approximately 10,000 square feet to provide an EMS Base and training center for Emergency Services;

NOW, THEREFORE, in consideration of the above and the mutual covenants and conditions hereafter set forth, the Parties agree as follows:

1. Term of the Agreement. The term of this Agreement shall begin on the Effective Date and shall remain in effect for thirty-five (35) years (420 months) after the Certificate of Occupancy for the EMS base is issued.
2. Scope of Agreement. County shall construct and provide space designed and approved in conjunction with the County's Emergency Services Department to be used as an Emergency Medical Service Base and training center.
3. Within thirty (30) days after the issuance of the Certificate of Occupancy, Town shall pay to County Five Hundred Thousand Dollars ($500,000.00) in one lump sum in consideration of County locating, and agreeing to maintain and operate, the EMS base at this location for the term of this Agreement.
4. Improvements. Alterations, additions, or improvements to the EMS base shall be made by the County in consultation with the Town.
5. This Agreement is contingent upon County acquiring the former UNC Health medical office property located at 1901 Connelly Springs Road upon terms and conditions

acceptable to County. The property will be owned by the County.

6. County shall have the right to unilaterally terminate this Agreement if County determines, in its sole discretion, that for any reason it is not feasible or desirable to remodel and improve the former medical office for the purpose of an EMS base.
7. This Agreement is entered into pursuant to G.S. 160A Art. 20, Part 1.
8. This Agreement has been ratified by resolutions of the governing boards of County and Town, respectively.

COUNTY OF CALDWELL

ATTEST:

_____ By: _____

Clerk to the Board of Commissioners Chairman, Board of Commissioners

Dated: _____, 2023

TOWN OF CAJAH'S MOUNTAIN

ATTEST:

_____ By: _____

Town Clerk Mayor

Dated: _____, 2023

[Town of Cajah's Mountain to affix pre-audit certificate if payment to be made within current fiscal year.]

NORTH CAROLINA
CALDWELL COUNTY

CALDWELL COUNTY AND TOWN OF CAJAH'S MOUNTAIN INTERLOCAL AGREEMENT FOR DEVELOPMENT OF 1901 CONNELLY SPRINGS RD.

This Agreement for the transfer of real property, made and entered into the ____ day of _____, _____ (the "Effective Date"), 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 Town of Cajah's Mountain ("Town"), a municipal corporation of the State of North Carolina, located at 1800 Connelly Springs Road, Lenoir, North Carolina 28645, collectively referred to as "the Parties."

WITNESSETH:

WHEREAS, Caldwell County through its Emergency Services Department currently operates Emergency Medical Services (EMS) throughout Caldwell County; and

WHEREAS, the County desires to locate an Emergency Services base at 1901 Connelly Springs Rd. Lenoir, NC 28645, to better serve the residents in southwestern Caldwell County; and

WHEREAS, The County intends to remodel, and improve the former UNC Health medical office of approximately 10,000 square feet to provide an EMS Base and training center for Emergency Services; and

WHEREAS, on April 10, 2023, Caldwell County held a public hearing, pursuant to N.C.G.S. 158-7.1, in order to purchase the property for economic development purposes, with the goal of creating additional housing behind the Emergency Services base; and

WHEREAS, Caldwell County and the Town of Cajah's Mountain entered into an interlocal agreement for the construction of a new Emergency Services base in the town on April 10, 2023; and

WHEREAS, the County conducted a Request for Qualifications (RFQ) process to find qualified and interested developers to build additional housing behind the Emergency Services base. This RFQ was initially released to the public on February 14, 2024 and submissions were accepted until March 15, 2024; and

WHEREAS, organizations who submitted were vetted by a selection committee comprised of Caldwell County staff and representatives from the Town of Cajah's Mountain and the Western Piedmont Council of Governments; and

WHEREAS, both organizations were given the opportunity to be interviewed and asked questions by the selection committee; and

WHEREAS, after this process, the selection committee chose Moss-Marlow Building Company to partner with on this project and have continued to coordinate and hold meetings to align priorities and determining the process for completing this project; and

NOW, THEREFORE, in consideration of the above and the mutual covenants and conditions hereafter set forth, the Parties agree as follows

1. Scope of Agreement: County shall construct and provide space designed and approved in conjunction with the County's Emergency Services Department to be used as an Emergency Medical Service Base and training center.
2. Alterations, Additions, or Improvements to the EMS base shall be made by the County in consultation with the Town, in accordance with an approved site plan, included as Exhibit A,
3. The County shall provide Rights-of-Way to any housing units located behind the EMS Base, including all necessary utilities
4. Within thirty (30) days after the Effective Date, Town shall pay to County Five Hundred Thousand Dollars ($500,000.00) in one lump sum in consideration of County locating, and agreeing to maintain and operate, the EMS base at this location for the term of this Agreement,
5. Development of the remainder of the parcel should generally be based on the draft site plan, as provided by Moss-Marlow Building Company, as shown in Exhibit B,
6. The Town will contract with Moss-Marlow Building Company to design and construct any necessary utility improvements necessary for a housing development,
7. The Town will contract with Moss-Marlow Building Company to have the remainder of the property surveyed to determine the new property line and the rights of way for utilities and accesses to the new housing development,
8. Within one hundred and eighty (180) days after the Effective Date, County shall transfer ownership of the remainder of the parcel located at 1901 Connelly Springs Rd. Lenoir, NC 28645, as designated in the site plan attached as Exhibit A, to Town, pursuant to N.C.G.S.160A-279, in consideration of Town coordinating with Moss-Marlow Building Company to construct housing on this property, 20% of which is reserved for public service workers.
9. This Agreement is entered into pursuant to G.S. 160A Art. 20, Part 1.
10. This Agreement has been ratified by resolutions of the governing boards of County and Town, respectively.
11. The Previous Agreement ("Caldwell County Interlocal Agreement for Emergency Medical Services Base withing the Town of Cajah's Mountain"), dated April 10, 2023, is made null and void by this Agreement.

CALDWELL COUNTY AND TOWN OFCAJAH'S MOUNTAIN
INTERLOCAL AGREEMENT FOR DEVELOPMENT OF 1901
CONNELLY SPRINGS RD.
EXHIBIT A

Utility Legend

M.H._____Manhole (Sanitary)
F.H._____Fire Hydrant
V.P._____Vent Pipe
G.V._____Gas Valve
W.M._____Water Meter
H.H._____Hose House
P.P._____Power Pole
L.P._____Lamp Pole
C.B._____Catch Basin
W.V._____Water Valve
T.P._____Telephone Pole
T.B._____Telephone Box
C.O._____Clean Out
S.P._____Service Pole
E.M._____Electrical Meter
G.M._____Gas Meter
M.W._____Monitor Well
R.C.P._____Reinforced Concrete Pipe
C.M.P._____Corrugated Metal Pipe
F.O.C._____Fiber Optic Cable
C.P.P._____Corrugated Plastic Pipe

Line Table

Property Line:
Deed/Adjoiner Line:
Flood Line:
Power Line (Aerial):
Power Line (Underground):
Telephone (Underground):
Natural Gas Line:
Water Line:
Sewer Line:
Right Of Way Line:
Centerline:
Fiber Optic Line:
Fence (Type As Noted):

POB is located:
S 44°40'31"E 4,191.56' from NCGS "Walker".
NCGS Grid Co-ords: (NAD 83/2011 – Feet)
POB:
N= 771,371.72 E= 1,247,215.47
NCGS Walker:
N= 774,352.34 E= 1,244,268.43
NCGS Brook:
N= 774,486.24 E= 1,242,921.58
Combined factor = 0.99987137 & is applied to grid tie only.

GRAPHIC SCALE
1" = 40'
0 20' 40' 80'

Carol A. Gragg Whisnant
Deed Book 1554 Page 1821

Luther D. Greene
Deed Book 890 Page 27

Howard E. Lowman
Deed Book 1123 Page 1008

Garland L. Lee, III
Deed Book 2067 Page 1557

Coy L. Lewis
Deed Book 724 Page 493

Marsha N. Kirby
Deed Book 1312 Page 971

Brian K. Crump
Deed Book 1912 Page 1381

14.650 Acres Gross
Deed Book 1024 Page 844

James F. Prestwood, et al
Deed Book 1902 Page 1658

Connelly Springs Road – SR #1001
(No Recorded R/W Was Found – 60' Assumed)

Southern Bell Easement
(Now AT&T)
Deed Book 1040 Page 23

COURSE	BEARING	DISTANCE
L–1	N 35°37'33"W	10.32'
L–2	N 68°47'14"E	51.59'
L–3	N 21°12'46"W	10.00'
L–4	N 68°47'14"E	30.00'
L–5	S 21°12'46"E	20.00'

POB
1/2"EIR

TBM
Nail(S) in Power Pole
Elev.= 1326.24

TBM
Bolt(S) in Power Pole
Elev.= 1323.22

SSMH
Top= 1291.56
Inv= 1283.66

SSMH
Top= 1269.02
Inv= 1260.07

SSMH
Top= 1263.31
Inv 1255.41

Southern Sewer Line
No Recorded Easement

GRAPHIC SCALE – FEET
50 0 50 100 150

Legend

Existing Iron Pipe	●	EIP	
New Iron Pipe	⊙	NIP	
P.K. Nail	△	PK	
Concrete Monument	⊡	CM	
New Iron Rod	○	NIR	
Existing Iron Rod	●	EIR	
Point	•	Pt.	
Railroad Spike	⊠	RRS	
Feno Monument	⊠	FM	
Temporary Bench Mark	⊕	TBM	
MAG Nail	△	MN	
Found		(F)	
Set		(S)	

I, R. Curtis Gaines, PLS, Certify That The Map Shown Hereon Was Drawn Under My Super–Vision From An Actual Topographic Survey Made Under My Supervision; That The Survey Was Performed To Class A Specifications.

This The 14th Day Of June 20 23.

(PLS NO. L– 4868)

1 SITE LAYOUT- FOR PLANNING
SCALE: 1" = 40'

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Atriax 20 YEARS GROUP
Planning, Design, Construction and Related Services
Atriax, PLLC
PO Box 1629, Hickory, NC 28603
T: 828.315.9962
F: 828.315.9964
www.atriaxgroup.com
NC Engineering License No: P-0214
NC Architectural License No: 51254

SEAL:

PRELIMINARY NOT FOR CONSTRUCTION

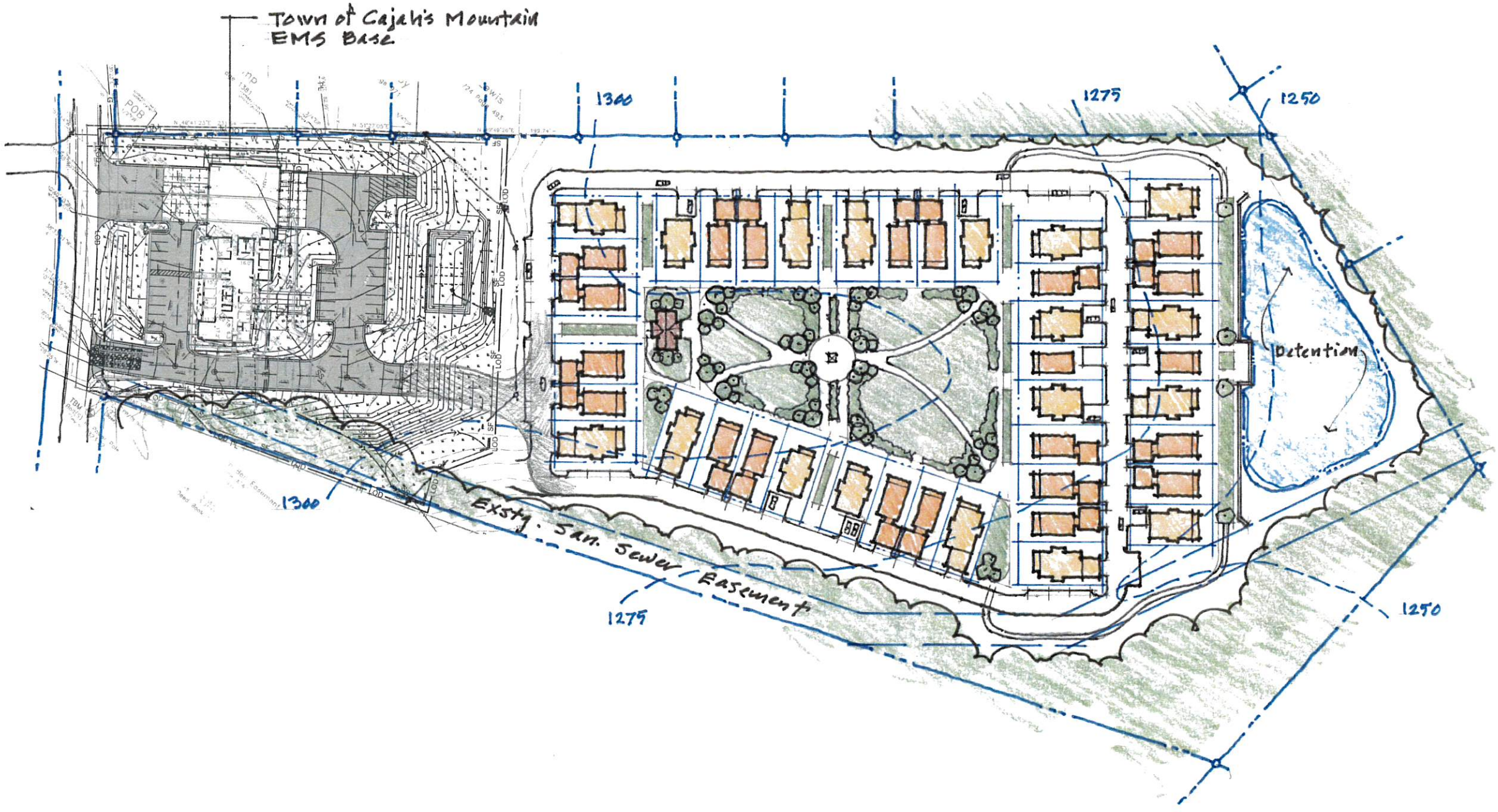
CONSULTANT:

No	DESCRIPTION	DATE

Cajah's Mountain EMS Base
Caldwell County
1901 Connelly Springs Road, Lenoir, NC

SITE LAYOUT - FOR PLANNING

DRAWN BY: JTK
CHECKED BY: HJM
SHEET NUMBER: C-001
ISSUE DATE: 08/07/24
ATRIAX PROJECT NO.: 23-031-41



Moss Marlow

1901 CONNELLY SPRINGS RD.

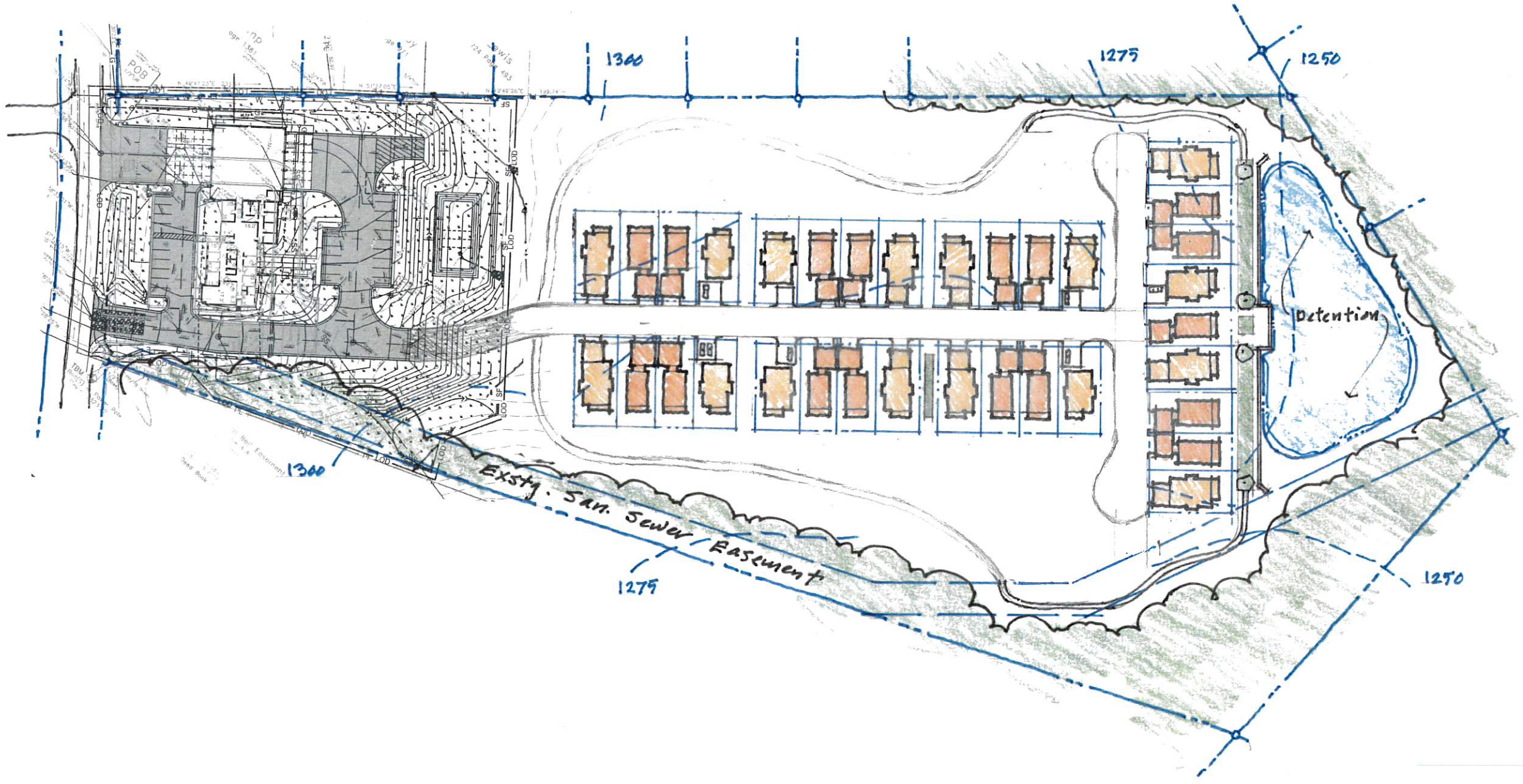
Caldwell County, NC

4.15.2024

0 50 100 200

cline

CALDWELL COUNTY AND TOWN OF CAJAH'S MOUNTAIN
INTERLOCAL AGREEMENT FOR DEVELOPMENT OF 1901
CONNELLY SPRINGS RD.
EXHIBIT B



cline

Moss Marlow

1901 CONNELLY SPRINGS RD.

Caldwell County, NC

4.15.2024

0 50 100 200

Board of Commissioners Meeting
Agenda Item Summary

MEETING DATE	DEPARTMENT	PREPARED BY
October 14, 2024	Administration	Richard Gilliland

AGENDA ITEM # 9

Conveyance of Surplus Property to Cherokee County

BACKGROUND

RECOMMENDED MOTION

BUDGET IMPACT

APPROVED FOR BUDGET YEAR

No

ATTACHMENTS

1. Resolution for Surplus Property to Cherokee County

RESOLUTION

18-2024

RESOLUTION APPROVING CONVEYANCE OF PROPERTY TO A NONPROFIT ORGANIZATION PURSUANT TO G.S. 160A-279

WHEREAS, the Caldwell County owns personal property in the form of automobiles

A. 2009, Ford Ranger, VIN # 1FTZR45EX9PA29714
B. 2011 Ford F-150, VIN # 1FTEX1EM3BFC07128

WHEREAS, these vehicles are currently utilized by the Caldwell County Animal Care Enforcement Division, but will soon be taken out of service; and

WHEREAS, the vehicles will have Caldwell County removed from the striping, but will retain the dog boxes that are currently installed in the back of the vehicles; and

WHEREAS, North Carolina General Statute §160A-279 authorizes a county to convey real or personal property by private sale to a nonprofit corporation if the city or county is authorized by law to appropriate money to the corporation; and

WHEREAS, Caldwell County agrees to convey these personal properties for the sum of $1.00 each to Cherokee County Government, for the intended public use of this property in the service of all Cherokee County citizens; and

WHEREAS, if these personal property items are to be sold or otherwise disposed of, all proceeds are remitted back to Caldwell County, or the vehicle may be returned and disposed of by the County.

NOW THEREFORE, THE BOARD OF COMMISSONERS RESOLVE THAT:

1. The County Manager is authorized to execute all documents necessary to convey title to aforementioned personal property, with the caveat that any proceeds generated from sale be returned.
2. The County Clerk shall publish a notice summarizing the contents of this resolution.

Adopted this the 14th, day of October 2024.

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

_____
Chair
Cherokee County Government

ATTEST:

_____
Abby Rich, NCCCC
County Clerk

Board of Commissioners Meeting
Agenda Item Summary

MEETING DATE	DEPARTMENT	PREPARED BY
October 14, 2024	Economic Development	

AGENDA ITEM # 10

Occupancy Tax Flow Through for Chamber of Commerce

BACKGROUND

This budget revision increases the revenue and expense line items that allow occupancy tax money to flow through the county's books to the Chamber of Commerce.

RECOMMENDED MOTION

Approve Budget Revision

BUDGET IMPACT

100% flow thru money, no impact on bottom line.

APPROVED FOR BUDGET YEAR

No

ATTACHMENTS

1. Budget Revision Occupancy Tax

Budget Revision # _____

Item No. _____

Date: _____

Caldwell County Board of Commissioners

BUDGET REVISION

Subject:

Background and explanation for the Budget Revision:

This increases the line items for revenue and expense for Occupancy tax to reflect larger amounts of money from this source flowing through the county's books. This is a flow through and has no impact on the bottom line.

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
10.6574.318003.5003	Occupancy Tax Revneue	I	$	150,000.00	10.6574.461100.5003	Occupancy Tax Exp	I	$	150,000.00
Total				**150,000.00**	**Total**				**150,000.00**

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
			09/24/24		

Board of Commissioners Meeting
Agenda Item Summary

MEETING DATE	DEPARTMENT	PREPARED BY
October 14, 2024	Information Technology	

AGENDA ITEM # 11

Scanner Purchase for Scanning Department

BACKGROUND

This budget transfer uses savings from the existing budget for the scanning department to replace a scanner that is worn out.

RECOMMENDED MOTION

Approve Budget Transfer

BUDGET IMPACT

Uses funds already appropriated. Board approval needed since it is to purchase a capital asset.

APPROVED FOR BUDGET YEAR

No

ATTACHMENTS

1. Budget Revision for Scanner Purchase

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
10.41634445	Service Contracts Software	7,400.00	10.9000.451000.4163	Equipment	7,400.00
Total		**7,400.00**	Total		**7,400.00**

Explanation and Justification for the Budget Revision:

This budget transfer allows the scanning department to purchase a new scanner with savings identified within its existing budget

DEPARTMENT HEAD		Finance Director	
	9/16/2024		9/16/2024

Systel Business Equipment
Corporate Headquarters
2604 Fort Bragg Rd | Fayetteville, NC 28303
O: 910.321.7700
systeloa.com

SALES ORDER FORM

ORDER / INVOICE NO.

ORDER DATE:	REQUIRED DATE:
9/16/2024	

Purchase Order #: _____

NEW CUSTOMER: No

SHIP TO	Customer #:	605521
Caldwell County DSS		
2345 Morganton Blvd SW		
Lenoir	NC	28645
Shipping Contact:	Eric Hollar	
Phone # : (828) 757-8625	Fax # :	

BILL TO	Customer #:	605521
Caldwell County		
PO Box 2200		
Lenoir	NC	28645
Billing Contact:	Chris Austin	
Phone # : 828-757-8625	Fax # :	

Payment Terms:			
Delivery	☑	Pickup	☐

Shipping Branch		Sales Rep Name	Derrick Earls
Selling Branch		Sales Rep #	60SA53

PRODUCT#	MAKE / MODEL	DESCRIPTION	SERIAL #	UNIT PRICE	TOTAL PRICE
PA03740-B005	Fujitsu FI-7700	Flatbed Scanner		$7,383.84	$7,383.84
		SURGE PROTECTOR			

METER IN: **METER OUT:** **BUYOUT AMOUNT**

WARRANTY EXPIRATION DATE _____

GUARANTEED MAINTENANCE AGREEMENT ☐ Yes ☑ No

TAX EXEMPT NO. AND CODE (attach copy)

COMMENTS:

Subtotal	$7,383.84
Connectivity Charges	
Delivery/Installation	$ -
Sales Tax	$ 498.41
TOTAL AMOUNT	$7,882.25
Less Payment (Check #____)	
AMOUNT DUE	

Our credit terms are Net 10 Days from date of invoice. Customer agrees to pay a late charge of 1.5% per month or 18% annually on payments after due date. If purchaser is in default of any of the above payment obligations, Systel Business Equipment Co., Inc

CUSTOMER ACCEPTANCE			SYSTEL REPRESENTATIVE	
[redacted]	Chris Austin CIO	[redacted]		
Authorized Signature	Print Name/Title	Date	Signature	Date

Board of Commissioners Meeting
Agenda Item Summary

MEETING DATE	DEPARTMENT	PREPARED BY
October 14, 2024	Planning	

AGENDA ITEM # 12

Code Enforcement Abatement Funding

BACKGROUND

This revision appropriates $5,000 for code enforcement activities including abatement of problem areas.

RECOMMENDED MOTION

Approve Budget Revision

BUDGET IMPACT

Funded via fund balance appropriation

APPROVED FOR BUDGET YEAR

No

ATTACHMENTS

1. Budget Revision Code Enforcement

Budget Revision # _____

Item No. _____

Date: _____

Caldwell County Board of Commissioners

BUDGET REVISION

Subject:

Background and explanation for the Budget Revision:
This budget revision appropriates funds for code enforcement abatement efforts.

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
10.9800.397000	Fund Balance App	I	$	5,000.00	10.4910.444112	Code Enforcement	I	$	5,000.00
Total				**5,000.00**	**Total**				**5,000.00**

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
			09/26/24		

Board of Commissioners Meeting
Agenda Item Summary

MEETING DATE	DEPARTMENT	PREPARED BY
October 14, 2024	Public Library	

AGENDA ITEM # 13

Library Grant Funding

BACKGROUND

This budget revision increases the current year budget for library grant funds by $6,024 to reflect increased funding to be provided by the state. It also rolls forward $79,330 received in the old fiscal year but not spent.

RECOMMENDED MOTION

Approve Budget Revision

BUDGET IMPACT

Partially new grant funds and partially fund balane appropriation

APPROVED FOR BUDGET YEAR

No

ATTACHMENTS

1. LIbrary Grant Funds

Budget Revision # _____

Item No. _____

Date: _____

Caldwell County Board of Commissioners

BUDGET REVISION

Subject:

Background and explanation for the Budget Revision:

This budget revision rolls forwards unspent grant funds received in the prior year so they can be spent in the current year totaling $79,300. It also adjusts the current year budget to reflect an inrease in grant funds totaling $6,024.

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
10.9800.397000	Fund Balance App	I	$	79,330.00	10.6110.429000.10188	Grant Expenditures	I	$	85,354.00
10.6110.330000.1018	Grants Funds	I	$	6,024.00					
Total				**85,354.00**	**Total**				**85,354.00**

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:

Department Head	Date	Finance Director	Date	County Manager	Date
			10/01/24		

NON-STATE ENTITY AWARD AGREEMENT
For Award 247 State Aid to Public Libraries
2000057929
US Treasury Expenditure Category: 6.1 Revenue Replacement

AMENDMENT #1
Grant Contract

This Agreement amends the Grant Contract between the DEPARTMENT OF NATURAL AND CULTURAL RESOURCES ("AGENCY") and the Caldwell County Public Library (the Grantee") (referred to collectively as the "Parties").

As provided for under the terms of this Agreement, the Parties agree to amend the following provisions of the Grant Contract:

FIRST: The existing Scope of Work, Attachment A shall be deleted and replaced in its entirety with the following:

Project Plan/Scope of Work/Description of Services

Session Law 2021-180 appropriated funds to the Grantee. Public Libraries in North Carolina suffered adverse economic impacts due to the COVID-19 Pandemic. The Grantee will use the **$85,354** for materials, salaries, equipment, and operating costs, which are consistent with allowable uses outlined in 07 NCAC 02I .0202 State Aid Grants from the Aid to Public Library Fund.

SECOND: The existing Line Item Budget, Attachment B, shall be deleted and replaced with the following:

Attachment B Line-Item Budget

Revenue	
State Fiscal Recovery Funds Directed Grant	**$85,354**

Expenses	Project Cost
Aid to Libraries project costs such as materials, salaries, equipment, and operating costs	**$85,354**

All other terms and conditions as set forth in the original Grant Contract shall remain in effect for the duration of this Agreement.

[SIGNATURE PAGE TO FOLLOW]

In Witness whereof, the Grantee and the Agency have executed this Amendment in duplicate originals, with one original being retained by each Party.

Caldwell County Public Library

_____ _____
By Library Director: Date
Leslie Griffin, Library Director

The type of library and its governance determine the signature required on this document:
In addition to the library director:
County Library: Chair of County Commissioners
Regional Library: Chair of Regional Board of Trustees
Municipal Library: Chair of Town/City Council
Independent County Library: Chair of Board of Trustees

_____ _____
By Authorized Official: Date
Randy Church, Chair of Caldwell County Commissioners

FOR DNCR

_____ _____
By Authorized Representative: Date
Josh Davis, Chief Financial Officer

_____ _____
By Authorized Representative: Date
Michelle Underhill, State Librarian

_____ _____
By Authorized Representative: Date
Staci Meyer, Chief Deputy Secretary

NORTH CAROLINA DEPARTMENT OF NATURAL AND CULTURAL RESOURCES

North Carolina Source of Funds: Account Code: 215501 0000000

Board of Commissioners Meeting

Agenda Item Summary

MEETING DATE	DEPARTMENT	PREPARED BY
October 14, 2024	Finance	

AGENDA ITEM # 14

GFMS Project Interest Earnings- Closeout

BACKGROUND

RECOMMENDED MOTION

BUDGET IMPACT

APPROVED FOR BUDGET YEAR

No

ATTACHMENTS

1. Budget Revision GFMS interest earnings (1)

Budget Revision # _____

Item No. _____

Date: _____

Caldwell County Board of Commissioners

BUDGET REVISION

Subject:

Background and explanation for the Budget Revision:

This budget revision approves the interest earnings associated with the Granite Falls Middle School project to be spent. This will finish out this project.

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
74.5911.361100.30211	Interest Earnings	I	$ 25,418.17	74.5911.459600.30211	Construction	I	$ 25,418.17
Total			**25,418.17**	**Total**			**25,418.17**

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
			10/08/24		

Board of Commissioners Meeting
Agenda Item Summary

MEETING DATE	DEPARTMENT	PREPARED BY
October 14, 2024	Administration	

AGENDA ITEM # 15

Reappointment of Ronn Abernathy to JCPC

BACKGROUND

RECOMMENDED MOTION

BUDGET IMPACT

APPROVED FOR BUDGET YEAR

No

ATTACHMENTS

None

Board of Commissioners Meeting
Agenda Item Summary

MEETING DATE	DEPARTMENT	PREPARED BY
October 14, 2024	Administration	

AGENDA ITEM # 16

Appointment of Nicole Huffman to JCPC

BACKGROUND

RECOMMENDED MOTION

BUDGET IMPACT

APPROVED FOR BUDGET YEAR

No

ATTACHMENTS

None

Board of Commissioners Meeting
Agenda Item Summary

MEETING DATE	DEPARTMENT	PREPARED BY
October 14, 2024	Administration	

AGENDA ITEM # 17

Approval of Fireworks Application for Town of Sawmills

BACKGROUND

RECOMMENDED MOTION

BUDGET IMPACT

APPROVED FOR BUDGET YEAR

No

ATTACHMENTS

1. Sawmills Fall Festival Fire Works Application 2024_Redacted
2. Sawmills Fall Festival Fire Works Letter 2024

SKYWORKS
PYRO

Skyworks Pyro
195 Rodgers Ridge Rd
Newland, NC 28657
Ph. 828-260-2619
events@skyworkspyro.com

Today's Date: 09/24/2024

Attention: Caldwell County Fire Marshal

Re: application for fireworks permit

Please find the attached documents listed below in support of our request for a permit for an outdoor fireworks display.

- Application
- Shot list
- Certificate of insurance
- Mapped Site display
- Copy of operator license
- Contingency plan
- Copy of ATF license
- Emergency contact numbers

Date/time of show: Saturday, 10/19/24; approx. 9:00pm
Lead Operator: Eric Wright, ph. 828-260-2619
Sponsor & location: Town of Sawmills; 4077 Baird Dr, Hudson, NC 28638
Ignition system: hand-fired
Size of product: 1.3g

Please let me know if further information is needed.

Thank you,
Eric Wright

Eric Wright, President
Skyworks Pyro

Caldwell County Fire Marshal's Office

Phone (828)757-1277
Ricky K. Brown, Fire Marshal
2345 Morganton Blvd.
PO Box 2200
Lenoir NC, 28645
Fax (828)757-1182

APPLICATION FOR FIREWORKS DISPLAY PERMIT

- Name: Town of Sawmills (individual, group or organizational sponsor)
- Address: 4096 US Hwy 321-A Sawmills, NC 28630
- Location of Display: 4097 Baird Dr. Hudson, NC 28638 (Street Address)
- Name, Address and Phone number of fireworks display operator: Eric Wright [redacted]
- Date and Time of Fireworks Display: 10-19-24, 9:00 pm
- Proposed Rain/Wind date if event is postponed: N/A
- Provide a copy of approval for the fireworks display from the Caldwell County Commissioners or from the Municipality if authority has been transferred by the Board of Commissioners.
- Provide the qualifications of the operator which demonstrate experience with use of fireworks and knowledge of all safety precautions related to the storage, handling or use of fireworks. Operators **must have a Permit from the Office of State Fire Marshal** and provide a copy of permits of all personnel involved in the display to this office or provide documentation as required for assistants on site.
- Provide Evidence of Financial Responsibility by the sponsor of the event or the operator of the fireworks display. (Insurance Certificate) **Caldwell County is to be included in the Certificate Holder section.**
- Provide a "Procedure Plan for Failures" which establishes procedures to follow and actions to be taken in the event that a shell fails to ignite or other malfunctions.
- Provide a diagram (including distances) of the grounds on which the outdoor fireworks display is to be held showing the point at which the fireworks are to be discharged, the location of all buildings, highways and other lines of communication, the lines behind which the audience is to be restrained, and the location of other possible overhead obstructions.
- Provide information regarding the number and types of fireworks which will be discharged.
- Provide information regarding the manner and place of storage of such fireworks prior to delivery to the outdoor fireworks display site.

By signing this document, the applicant agrees that the operation of this outdoor fireworks display will conform to the terms of NFPA 1123 or NFPA 1126, and the General Statutes of North Carolina.

Eric Wright
(Signature of Applicant)

9-23-24
(Date)

rbrown@caldwellcountync.org

SKYWORKS
PYRO

Skyworks Pyro
195 Rodgers Ridge Rd
Newland, NC 28657
Ph. 828-260-2619
events@skyworkspyro.com

Shot List

Display Date: 10/19/2024

Show Sponsor:
Town of Sawmills
4077 Baird Dr.
Hudson, NC 28638

Location of Show:
Town of Sawmills
4077 Baird Dr.
Hudson, NC 28638

Shots to be fired:

Number of shots	Description
208	2.5" artillery shells
292	3" artillery shells
144	4" artillery shells
24	5" artillery shells

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 2/19/2024

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
Ryder Rosacker McCue & Huston (MGD by Hull & Company)
509 W Koenig St
Grand Island NE 68801

CONTACT NAME: Kristy Wolfe
PHONE (A/C, No, Ext): 308-382-2330 **FAX (A/C, No):** 308-382-7109
E-MAIL ADDRESS: kwolfe@ryderinsurance.com

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A : SCOTTSDALE INS CO	41297
INSURER B :	
INSURER C :	
INSURER D :	
INSURER E :	
INSURER F :	

INSURED
JECO Pyrotechnics Inc
195 Rogers Ridge Rd
Newland NC 28657

COVERAGES **CERTIFICATE NUMBER:** 1793442556 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	**GENERAL LIABILITY**			CPS4054488	10/25/2023	10/25/2024	EACH OCCURRENCE	$ 1,000,000
	[X] COMMERCIAL GENERAL LIABILITY						DAMAGE TO RENTED PREMISES (Ea occurrence)	$ 100,000
	[ ] CLAIMS-MADE [X] OCCUR						MED EXP (Any one person)	$ 5,000
							PERSONAL & ADV INJURY	$ 1,000,000
							GENERAL AGGREGATE	$ 2,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						PRODUCTS - COMP/OP AGG	$ 2,000,000
	[X] POLICY [ ] PRO-JECT [ ] LOC							$
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident)	$
	[ ] ANY AUTO						BODILY INJURY (Per person)	$
	[ ] ALL OWNED AUTOS [ ] SCHEDULED AUTOS						BODILY INJURY (Per accident)	$
	[ ] HIRED AUTOS [ ] NON-OWNED AUTOS						PROPERTY DAMAGE (Per accident)	$
								$
	[ ] **UMBRELLA LIAB** [ ] OCCUR						EACH OCCURRENCE	$
	[ ] **EXCESS LIAB** [ ] CLAIMS-MADE						AGGREGATE	$
	[ ] DED [ ] RETENTION $							$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY Y/N						[ ] WC STATU-TORY LIMITS [ ] OTH-ER	
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? [ ] **(Mandatory in NH)**	N/A					E.L. EACH ACCIDENT	$
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE	$
							E.L. DISEASE - POLICY LIMIT	$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
Regarding the General Liability coverage, Waiver of Subrogation applies to the entities listed below per attached form CG 24 04 when required by written agreement.
Regarding the General Liability coverage, Blanket Additional Insured applies to the entities listed below per attached form GLS-150s when required by written agreement.
Additional Insured: Town of Sawmills; Caldwell County, NC
Location of show: 4077 Baird Drive, Hudson NC, 28638
dates of display: 05/11/2024 & 10/19/2024

CERTIFICATE HOLDER

Town of Sawmills
4076 US Highway 321-A
Sawmills NC 28630

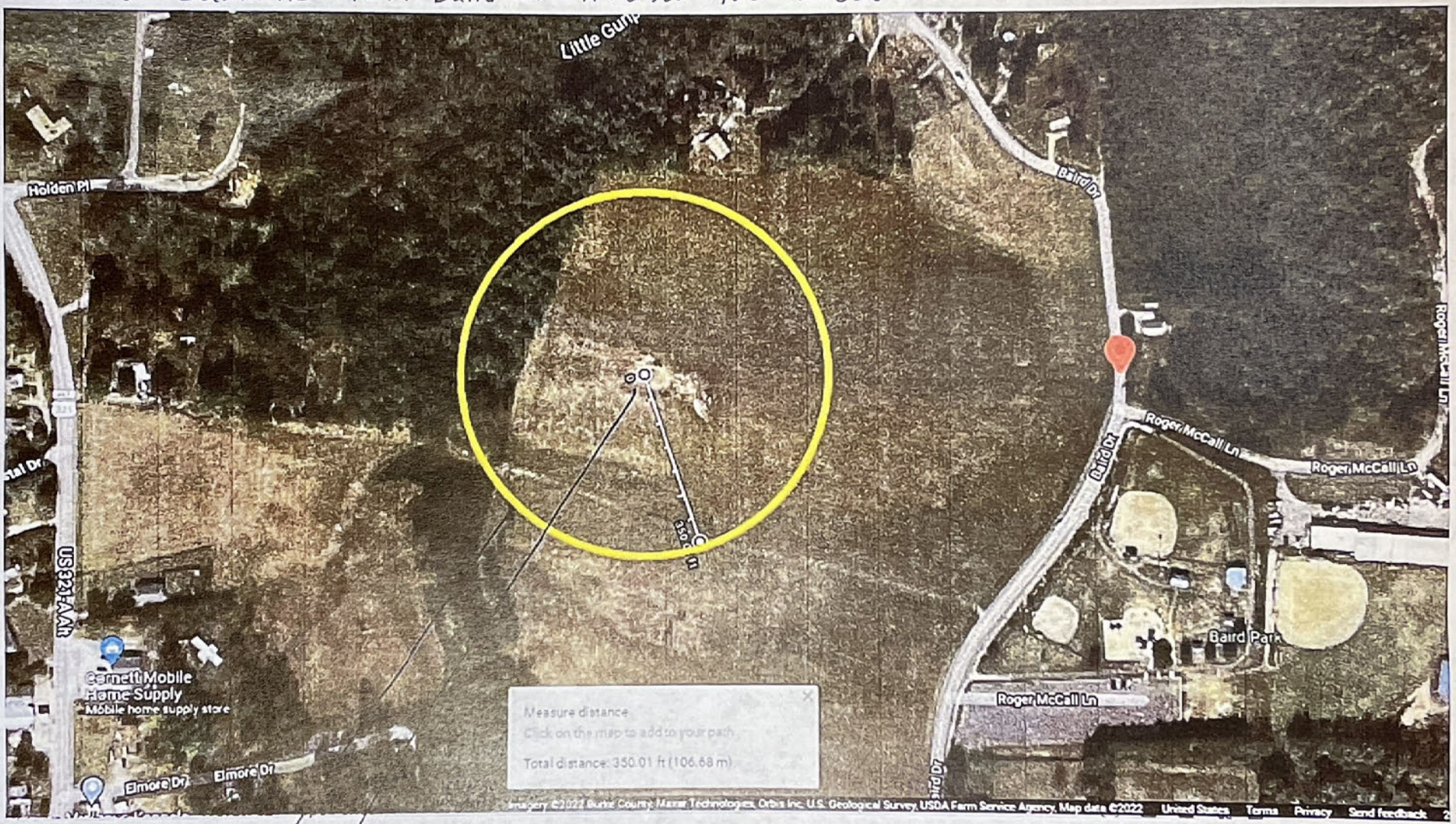
CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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Town of Sawmills 4077 Baird Dr Hudson NC 28638



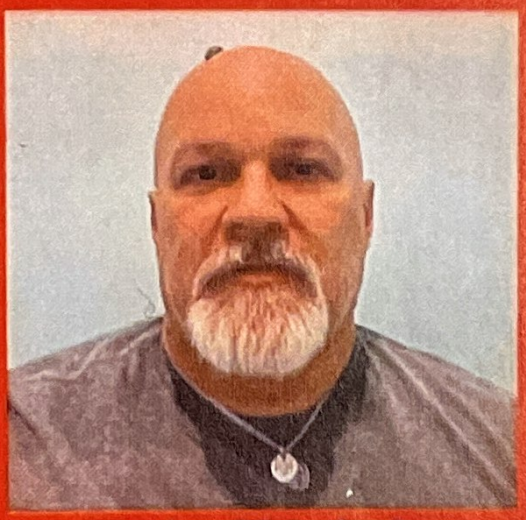
Display Site

Discharge Site

Outdoor Pyrotechnics
Display

OPERATORS LICENSE

JUN



2026

Eric Wright
License # 3822

SKYWORKS
PYRO

CONTINGENCY PLAN

1.3g & 1.4g Outdoor Pyrotechnic Display

In the instance of a catastrophe or malfunction during the firing of an outdoor fireworks display.

1) Immediately cease firing of all fireworks.
2) Ensure all pyrotechnic materials which have been ignited are doused with water and extinguished.
3) Assemble the full pyrotechnic crew in the previously designated area, and ensure the safety of all pyrotechnicians on site.
4) Ensure the safety of all spectators viewing the show.
5) Immediately contact and remain in continuous contact with the fire department and emergency management on site.
6) Contact the show sponsor to discuss the situation and verify the safety of all involved.
7) Once all of the above issues have been addressed, if safe to do so, continue discharge of the show.
8) If unsafe to continue, remove all live materials from the site and attend to immediate concerns.

Updated 01/04/2024

U.S. Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives

Federal Explosives License/Permit
(18 U.S.C. Chapter 40)

In accordance with the provisions of Title XI, Organized Crime Control Act of 1970, and the regulations issued thereunder (27 CFR Part 555), you may engage in the activity specified in this license or permit within the limitations of Chapter 40, Title 18, United States Code and the regulations issued thereunder, until the expiration date shown. THIS LICENSE IS NOT TRANSFERABLE UNDER 27 CFR 555.53. See "WARNINGS" and "NOTICES" on reverse.

Direct ATF Correspondence To	ATF - Chief, FELC 244 Needy Road Martinsburg, WV 25405-9431	License/Permit Number	**1-NC-011-54-6B-01040**
Chief, Federal Explosives Licensing Center (FELC)	Maria Howard	Expiration Date	**February 1, 2026**

Name
DBA: SKYWORKS PYRO

Premises Address (Changes? Notify the FELC at least 10 days before the move.)
195 RODGERS RIDGE RD
NEWLAND, NC 28657-

Type of License or Permit
54-USER OF EXPLOSIVES

Purchasing Certification Statement

The licensee or permittee named above shall use a copy of this license or permit to assist a transferor of explosives to verify the identity and the licensed status of the licensee or permittee as provided by 27 CFR Part 555. The signature on each copy must be an original signature. A faxed, scanned or e-mailed copy of the license or permit with a signature intended to be an original signature is acceptable. The signature must be that of the Federal Explosives Licensee (FEL) or a responsible person of the FEL. I certify that this is a true copy of a license or permit issued to the licensee or permittee named above to engage in the business or operations specified above under "Type of License or Permit."

Eric Wright — Licensee/Permittee Responsible Person Signature
President — Position/Title
Eric Wright — Printed Name
1-13-24 — Date

Mailing Address (Changes? Notify the FELC of any changes.)

JECO PYROTECHNICS LLC
DBA: SKYWORKS PYRO
195 RODGERS RIDGE RD
NEWLAND, NC 28657-

ATF Form 5400.14/5400.15 Part I
Revised September 2011

Previous Edition is Obsolete

JECO PYROTECHNICS LLC:195 RODGERS RIDGE RD:28657-1-NC-011-54-6B-01040:February 1, 2026:54-USER OF EXPLOSIVES

Federal Explosives License (FEL) Customer Service Information

Federal Explosives Licensing Center (FELC)
244 Needy Road
Martinsburg, WV 25405-9431

Toll-free Telephone Number: (877) 283-3352
Fax Number: (304) 616-4401
E-mail: FELC@atf.gov

ATF Homepage: www.atf.gov

Change of Address *(27 CFR 555.54(a)(1))*. Licensees or permittees may during the term of their current license or permit remove their business or operations to a new location at which they intend regularly to carry on such business or operations. The licensee or permittee is required to give notification of the new location of the business or operations not less than 10 days prior to such removal with the Chief, Federal Explosives Licensing Center. The license or permit will be valid for the remainder of the term of the original license or permit. **(The Chief, FELC, shall, if the licensee or permittee is not qualified, refer the request for amended license or permit to the Director of Industry Operations for denial in accordance with § 555.54.)**

Right of Succession *(27 CFR 555.59)*. (a) Certain persons other than the licensee or permittee may secure the right to carry on the same explosive materials business or operations at the same address shown on, and for the remainder of the term of, a current license or permit. Such persons are: (1) The surviving spouse or child, or executor, administrator, or other legal representative of a deceased licensee or permittee; and (2) A receiver or trustee in bankruptcy, or an assignee for benefit of creditors. (b) In order to secure the right provided by this section, the person or persons continuing the business or operations shall furnish the license or permit for for that business or operations for endorsement of such succession to the Chief, FELC, within 30 days from the date on which the successor begins to carry on the business or operations.

(Continued on reverse side)

Cut Here ✂

Federal Explosives License/Permit (FEL) Information Card

License/Permit Name: **JECO PYROTECHNICS LLC**

Business Name: **DBA: SKYWORKS PYRO**

License/Permit Number: **1-NC-011-54-6B-01040**

License/Permit Type: **54-USER OF EXPLOSIVES**

Expiration: **February 1, 2026**

Please Note: Not Valid for the Sale or Other Disposition of Explosives.

WARNINGS

1. As provided in Title XI of the Organized Crime Control Act of 1970 (U.S.C. § 842(i)), it is unlawful for any person who (1) is under indictment for, or has been convicted in any court of, a crime punishable by imprisonment for a term exceeding 1 year, (2) is a fugitive from justice, (3) is an unlawful user of, or addicted to any controlled substance *(as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802))*, (4) has been adjudicated as a mental defective or has been committed to a mental institution, to ship, transport, or receive any explosive materials in interstate or foreign commerce, (5) is an alien, other than an alien who is lawfully admitted for permanent residence *(as that term is defined in section 101(a)(20) of the Immigration and Naturalization Act)*, or meets any other exception under section 842(i)(5), (6) has been discharged from the armed forces under dishonorable conditions, or (7) having been a citizen of the United States, has renounced the citizenship of that person.
2. **Federal Regulation 27 CFR 555.53 - Licensees and permits issued under this part are not transferable to another person. In the event of the lease, sale, or other transfer of the business or operations covered by the license or permit, the successor must obtain the license or permit required by this part before commencing business or operations.**
3. **Alteration or Changes to the License or Permit. Alterations or changes in the original license or permit or in duplications thereof violates 18 U.S.C. 1001, an offense punishable by imprisonment for not more than 5 years and/or a fine of not more than $250,000.**

NOTICES

1. Any change in trade name or control of this business or operations MUST be reported within 30 days of the change to the Chief, Federal Explosives Licensing Center (FELC), 244 Needy Road, Martinsburg, WV 25405-9431. (27 CFR 555.56-555.57). A licensee or permittee who reports a Change of Control must, upon expiration of the license or permit, file an ATF Form 5400.13/5400.16.
2. Under § 555.46, Renewal of License/Permit, if a licensee or permittee intends to continue the business or operations described on a license or permit issued under this part during any portion of the ensuing year, the licensee or permittee shall, unless otherwise notified in writing by the Chief, FELC, execute and file with ATF prior to the expiration of the license or permit an application for a license or permit renewal, ATF Form 5400.14/5400.15 Part III, in accordance with the instructions on the form, and the required fee. In the event the licensee or permittee does not timely file an ATF Form 5400.14/5400.15 Part III, the licensee or permittee must file an ATF Form 5400.13/5400.16 as required by § 555.45, and obtain the required license or permit before continuing business or operations. A renewal application will automatically be mailed by ATF to the "mailing address" on the license or permit approximately 60 days prior to the expiration date of the license or permit. If the application is not received 30 days prior to the expiration date, the licensee or permittee should contact the FELC. **Note:** The user-limited permits are not renewable.
3. This license or permit is conditional upon compliance by you with the Clean Water Act (33 U.S.C. § 1341(a)).
4. THIS LICENSE OR PERMIT MUST BE POSTED AND KEPT AVAILABLE FOR INSPECTION (27 CFR 555.101).

ATF Form 5400.14/5400.15 Part I
Revised October 2011

Federal Explosives License (FEL) Customer Service Information

(Continued from front)

Discontinuance of Business *(27 CFR 555.61)(27 CFR 555.128)*. Where an explosives materials business or operations is succeeded by a new licensee or permittee, the records prescribed by this subpart shall appropriately reflect such facts and shall be delivered to the successor, or may be, within 30 days following business discontinuance, delivered to the ATF Out-of-Business Records Center, 244 Needy Road, Martinsburg, WV 25405, or to any ATF office in the division in which the business was located. Where discontinuance of the business is absolute, the records shall be delivered within 30 days following the business discontinuance to the ATF Out-of-Business Records Center, 244 Needy Road, Martinsburg, WV 25405, or to any ATF office in the division in which the business was located.

Explosive materials must be stored in conformance with requirements set forth in 27 CFR, Part 55. It is unlawful for any person to store any explosive materials in a manner not in conformity with these regulations.

TO REPORT LOST OR STOLEN EXPLOSIVES, YOU MUST IMMEDIATELY NOTIFY ATF:
CALL TOLL FREE - (888) ATF-BOMB

✂ Cut Here

Federal Explosives Licensing Center (FELC)
244 Needy Road
Martinsburg, WV 25405-9431

Toll-free number: (877) 283-3352
Fax number: (304) 616-4401
E-mail: FELC@atf.gov

ATF Hotline Numbers

Arson Hotline: 1-888-ATF-FIRE (1-888-283-3473)
Bomb Hotline: 1-888-ATF-BOMB (1-888-283-2662)
Report Illegal Firearms Activity: 1-800-ATF-GUNS (1-800-283-4867)
Firearms Theft Hotline: 1-888-930-9275
Report Stolen, Hijacked or Seized Cigarettes: 1-800-659-6242
Other Criminal Activity: 1-888-ATF-TIPS (1-888-283-8477)

SKYWORKS
PYRO

Emergency Contact and Response Form

1.3g & 1.4g fireworks

JECO Pyrotechnics LLC, DBA Skyworks Pyro
195 Rodgers Ridge Rd
Newland, NC 28657
Ph. 828-260-2619

Infotrac: 1-800-535-5053

Emergency response
(contract # 113891)

1st point of contact: Eric Wright, president/operator; Cell # 828-260-2619

2nd point of contact: Cody Greene, vice president/operator; Cell # 828-387-1473

3rd point of contact: Beth Wright, secretary/operator, cell # 828-260-4929

4th point of contact: Shane Cantrell, lead operator, cell # 828-467-9024

Last updated 1/01/2024

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

To: Mr. Duncan

From: Ricky K Brown

Ref: Fireworks Display

Date: September 24th, 2024

Due to some changes in the North Carolina law, fireworks displays are now required to be approved by the County Board of Commissioners. This change came in effect February 1, 2010, and the approval must be granted prior to a permit being issued by the Fire Marshal's Office. I have attached a copy of General Statute 14-413, and copies of one (1) application packet for fireworks display in Caldwell County. The date of the display is October 19th, 2024 and conducted by Skyworks Pyro for the Town of Sawmills Baird Park located at 4077 Baird Dr, Hudson NC 28638. The General Statute requires that the County ensures proof of insurance prior to providing approval. A copy of the insurance certificate is provided in the packet. I have required that the information be submitted by each applicant that is required by the North Carolina Fire Code and this office will conduct the necessary inspections of these sites prior to the display. I would respectfully request that this fireworks display be placed on the next agenda for consideration by the Board. It is my understanding that most Counties are placing these items on the consent agenda once the insurance certificate has been verified. As always, if I can be of any further assistance in this matter, please do not hesitate to contact me.

Cc: File

Ricky K. Brown
Caldwell County Fire Marshal
Phone# 828-757-1277
Email: rbrown@caldwellcountync.org