Caldwell County
North Carolina
Board of Commissioners Meeting

January 13, 2025 at 6:00 PM
City-County Chambers
905 West Avenue NW, Lenoir

MINUTES

Call to Order
Chairman Church called the January 13, 2025, Board of Commissioners Meeting to order at 6:01 PM.

Public Comment Period
There were no individuals signed up for public comment.

Invocation
Pastor Barber was unable to be in attendance. With his absence, Vice Chairman LaBrose provided the invocation for those in attendance.

Pledge of Allegiance
Commissioner Starnes provided the invocation for those in attendance.

Agenda Amendments from the Board, Manager & Public
The County Manager informed the Board there was one amendment to the agenda, to be titled "Item 11b". Item 11 would become Item 11a.

Chairman Church requested the addition of a Closed Session to consult with the Board's attorney concerning a personnel matter.
The Board were in agreement on the agenda.

Agenda Items

1. **Honoring Judge Robert "Bob" Brady**
   The County Manager provided remarks recognizing the accomplishments during the career of Judge Bob Brady.
   County Clerk, Abby Rich, read the Resolution honoring Judge Brady.

   Commissioner Potter made the motion to approve the resolution as read.
   The motion carried unanimously.

   Judge Brady came to the podium to speak and offer words of gratitute.

2. **Minimum Housing and Code Enforcement Abatement**

Caldwell County Code Enforcement Officer Curt Willis came to the podium to present. The Board requested to table Item 3 and Item 4 until after consulting with the County Attorney during the closed session.

Mr. Willis began his presentation, reviewed data for minimum housing, and reviewed recent code enforcement cases.

3. Ordinance to Demolish Property at 2969 Collettsville Rd

The Board tabled Item 3 until after the Closed Session.

4. Ordinance to Demolish 5119 Bloomfield Estates Dr.

The Board tabled Item 4 until after the Closed Session.

5. OC Spray Policy for Employees

The County Manager noted a request made by DSS employees to carry mace. The County consulted with its insurance provider on the policy prior to Board submittal. The Board asked if the County's legal team had also reviewed the policy. The County Manager said they had reviewed it and there were no issues with the policy.

Commissioner Branch made the motion to approve the policy.
The motion carried unanimously.

6. Shift Differential Policy for Employees

The County Manager showed the Board comparisons of the base pay for Telecommunicators for Caldwell County and surrounding counties. Caldwell County has the lowest base pay in the comparison. Mr. Duncan suggested that there be a $2.00 per hour differential pay for those working night shift.

Commissioner Starnes made the motion to approve the Shift Differential Policy.
The motion carried unanimously.

7. Lease Amendment with Enola Group for 609 Harper Avenue

The County Manager informed the Board that the tenant at the County-purchased property at 609 Harper Ave in Lenoir has requested an extension of their lease agreement. The tenant is making renovations at its new property, but Hurricane Helene caused unexpected delays. The Board discussed the length of time they would be willing to extend the lease for.

Commissioner Branch made the motion to approve a lease extension until June 30 of 2025.
The motion carried unanimously.

Consent

Chairman Church turned the meeting over to the County Manager to review the Consent Agenda.

8. Capital Project Ordinance for Hurricane Helene Mitigation

The Hurricane Helene mitigation will be a multi-year project. This project ordinance allows the County to keep all monetary needs for Hurricane Helene organized in one location. The total revision is $4,706,795.00. This includes the transferring of funds from the general fund into this project fund.

9. Wilson Creek Flood Sirens

This budget revision is in the amount of $181,924 to replace the siren system harmed during flooding. These funds are able to be reimbursed by FEMA.

10. Public Schools Building Repair and Renovations- Lottery Funds

This budget revision allows the school system to use NC Lottery Funds to improve water at Collettsville School. The amount of this revision is $281,296.

11. DSS- Hurricane Helene Relief Funds

11a. DSS was awarded State funding to assist with Hurricane Helene relief efforts. The amount of these funds is $405,152.

11b. DSS was awarded additional funding to assist low-income families with energy costs. The amount of these funds is $499,626.

12. CCHD- Small/Bad Debt Write Off

The Caldwell County Health Department is requesting to write off $27,308.05 in small/bad debt fees.

13. ACE- Animal Shelter Enclosure

This revision uses $40,000 in accrued interest to construct a shelter area for larger animals.

14. CCSO- Approval to Submit Exxon/Mobil Good Neighbor Grant

The CCSO is requesting to submit a grant application for the Exxon/Mobil Good Neighbors Grant.

15. Reappointment of Tara Swanson to Council on Aging

Tara Swanson is requesting reappointment to the Council on Aging.

16. Approval of Minutes from December 2, 2024, Meeting

The approval of minutes from the December 2, 2024, Board of Commissioners meeting is requested.

Vice Chairman LaBrose made the motion to adopt the Consent Agenda as presented.
The motion carried unanimously.

Chairman Church made a motion to enter closed session at 6:41 PM to discuss a personnel matter and the housing ordinance.
The motion carried unanimously.

Vice Chairman LaBrose made the motion to return to open session at 8:03 PM.
The motion carried unanimously.

Returned to Item 3.
Curt Willis provided background information regarding the property and outlined the process of notifying the property owner.

Returned to Item 4.
Curt Willis provided background information regarding the property.

Commissioner Potter made the motion to approve the ordinance to demolish property at 2969 Collettsville Rd. and 5119 Bloomfield Estates Dr. pending the attorney's review.
The motion carried unanimously.

Commissioner Branch made the motion to accept County Manager Donald Duncan's resignation.

Commissioner Potter thanked Mr. Duncan for his service, time, and hard work. Commissioner Potter continued by saying the County Manager has done a great job building the team and commended him for hard work during Hurricane Helene. Vice Chairman LaBrose wished to echo these sentiments and said when the County Manager came to Caldwell County it was a time of new leadership. The Vice Chairman said the County Manager did well with Hurricane Helene, improvements in employee salaries, and managing surplus. The Vice Chairman also said we are in great financial shape thanks to the County Manager. Chairman Church said he wishes Mr. Duncan well.
The motion carried unanimously.

Commissioner Starnes made the motion to appoint Wayne Rash as Assistant County Manager effective immediately, to become Interim County Manager effective March 1, 2025, and direct the County Manager to work closely with Mr. Rash and to keep Mr. Rash apprised of all day to-day activities of the County’s operations and to provide Mr. Rash information regarding all outstanding matters relating to the County.
The motion carried unanimously.

Adjourn

With there being no more business to attend to, Vice Chairman LaBrose made the motion to adjourn at 8:12 PM.
The motion carried unanimously.

CALDWELL COUNTY
RESOLUTION 01-25
RESOLUTION OF APPRECIATION
ROBERT "BOB" MONROE BRADY
50 YEARS OF SERVICE

WHEREAS; BOB BRADY HAS SERVED THE CITIZENS OF CALDWELL COUNTY FOR 50 YEARS. UPON ATTAINING A BACHELOR OF ARTS DEGREE FROM WAKE FOREST UNIVERSITY IN 1971 AND A SUBSEQUENT JURIS DOCTORATE FROM THE WAKE FOREST SCHOOL OF LAW IN 1974, BOB BEGAN A PRIVATE LEGAL PRACTICE IN CALDWELL COUNTY WITH HIS PARTNER CHARLES BREWER; AND

WHEREAS; BOB WAS APPOINTED CALDWELL COUNTY ATTORNEY ON NOVEMBER 16TH 1981, SERVING UNTIL NOVEMBER 19TH 1990. BOB BROUGHT STABILITY TO THE OFFICE OF COUNTY ATTORNEY IN HIS NINE YEARS OF SERVICE, TAKING THE MANTLE OF AN OFFICE THAT HAD CHANGED HANDS MANY TIMES IN PRIOR YEARS. HE WAS DEDICATED TO HIS POSITION AS COUNTY ATTORNEY PROVIDING LEGAL SERVICES REGARDING CHILD PROTECTIVE SERVICES, ADULT PROTECTIVE SERVICES, JUVENILE JUSTICE, TAX FORECLOSURES, LAND CLOSINGS, THE SHERIFF'S OFFICE, ALL COUNTY EMERGENCY SERVICES, COUNSEL TO THE BOARD OF COMMISSIONERS; AND

WHEREAS; BOB LEAD INNOVATIONS IN THE ORDINANCES AND LEGAL OPERATIONS OF CALDWELL COUNTY. HE DEVELOPED THE FIRST ANIMAL CONTROL ORDINANCE, FIRST NOISE CONTROL ORDINANCE, FIRST RACETRACK ORDINANCE, AND ACCOMPLISHED ESSENTIAL WORK REGARDING THE COUNTY LANDFILL; AND

WHEREAS; BOB WAS ELECTED 25TH JUDICIAL DISTRICT COURT JUDGE ON DECEMBER 3RD 1990 AND WAS REELECTED, UNOPPOSED, TO FIVE MORE TERMS. HE WAS APPOINTED CHIEF DISTRICT COURT JUDGE IN 2001, SUPERVISING A STAFF OF ROUGHLY 40 COURT OFFICIALS. HIS 34 YEARS AS JUDGE MARKS HIM AS THE LONGEST SERVING JUDGE IN THE HISTORY OF CALDWELL COUNTY; AND

WHEREAS; BOB WAS AN INNOVATOR IN THE LEGAL AND JUDICIAL FIELDS. HE CREATED THE "JUDGES IN SCHOOLS" PROGRAM WHERE HE LEFT A LASTING POSITIVE IMPACT ON THE STUDENTS OF HIS DISTRICT. HE ALSO WAS ONE OF THE FIRST JUDGES IN NORTH CAROLINA TO BE CERTIFIED IN JUVENILE JUSTICE. HE COMPLETED GROUNDBREAKING WORK ON THE "TRUTH IN SCHEDULING" PRINCIPAL WHICH ENSURED THAT LITIGANTS IN FAMILY COURT RECEIVED INFORMATION ON THEIR NEXT APPEARANCE BEFORE LEAVING COURT; AND

WHEREAS; BOB WAS ADMITTED TO THE NORTH CAROLINA STATE BAR AND THE UNITED STATES DISTRICT COURT OF WESTERN NORTH CAROLINA BAR. HE ALSO BELONGS TO A NUMBER OF PROFESSIONAL ASSOCIATIONS INCLUDING THE NORTH CAROLINA ASSOCIATION OF DISTRICT COURT JUDGES, NORTH CAROLINA BAR ASSOCIATION, AND THE 36TH JUDICIAL DISTRICT BAR ASSOCIATION OF NORTH CAROLINA; AND

WHEREAS; BOB SERVED ON THE CALDWELL COMMUNITY COLLEGE AND TECHNICAL INSTITUTE BOARD OF TRUSTEES, AND SERVED AS SECRETARY, TREASURER, VICE-PRESIDENT AND PRESIDENT OF THE NORTH CAROLINA DISTRICT JUDGES ASSOCIATION. MOST NOTABLY HE SERVED ON AND CHAIRED NUMEROUS BOARDS AND COMMITTEES FOCUSED ON IMPROVING THE COMMUNITY WELFARE AND JUDICIAL SYSTEM, ESPECIALLY IN SUPPORT OF CHILDREN. IN RECOGNITION OF BOB'S SERVICE TO THE OLD NORTH STATE, GOVERNOR MCCRORY BESTOWED UPON HIM THE ORDER OF THE LONG LEAF PINE; AND

WHEREAS; IN RECOGNITION OF HIS SERVICE TO JUVENILE COURTS, FAMILY LAW, AND UPON COMPLETION OF THE NEW COURTHOUSE. THE COMMISSIONERS SHALL DEDICATE THE FAMILY LAW COURT AND ASSOCIATED OFFICES, IN HONOR OF ROBERT MONROE BRADY.

NOW, THEREFORE BE IT RESOLVED, ON BEHALF OF THE CITIZENS OF CALDWELL COUNTY, THE COUNTY COMMISSIONERS PUBLICLY COMMEND **ROBERT MONROE BRADY** FOR HIS **50** YEARS OF FAITHFUL SERVICE TO THE CITIZENS OF CALDWELL COUNTY.

Adopted this the 13th, day of January, 2025.

Randy T. Church, Chairman

Michael W. LaBrose, Vice Chairman

Donnie Potter, Commissioner

Jeff Branch, Commissioner

Patrick Starnes, Commissioner

Purpose:

To establish guidelines and procedures for non-law enforcement County employees regarding the possession, use, and storage of both personal and County-issued pepper spray by employees to ensure safety and compliance with legal standards.

Scope:

This regulation applies to all employees, except those employed by the Caldwell County Sheriff's Office.

Policy:

Employees with work assignments or duties that include working in isolated or potentially threatening areas or working in proximity to potentially dangerous animals, may request to use County issued pepper spray for self-defense purposes in the course of County employment. Only employees who have received explicit approval and proper training are permitted to carry pepper spray while on duty. Human Resources will issue pepper spray to employees who have received authorization and completed required training.

Employees are permitted to carry and use personal pepper spray for self-defense.

Procedure:

1. Approval

1.1. County-Issued Pepper Spray:

1.1.1. Employees who request County issued pepper spray must first obtain written approval from their department. The department director's review will consider the nature of the work, alternative self-defense methods available, and the need for protection.

1.1.2. Approval to carry pepper spray will be documented with the Pepper Spray Authorization and Acknowledgement form signed by the director acknowledging the authorization and the employee's acceptance of responsibilities related to the use of the approved pepper spray.

1.1.3. The department is responsible for all expenses associated with the issuance of pepper spray, including but not limited to the cost of the spray, training, replacement, and disposal.

2. Training

2.1. County-Issued Pepper Spray:

2.1.1. Employees who receive approval to carry pepper spray at work must participate in a mandatory safety training course provided by a County authorized trainer prior to carrying pepper spray while performing their duties. Recertification required every two years thereafter.

2.1.2. Documentation of training(s) will be placed in the employee's training record.

2.1.3. Training will be coordinated by Human Resource and shall include the following elements:

2.1.3.1. Instruction on the capabilities of pepper spray and its limitations.

2.1.3.2. How to correctly and safety administer the spray.

2.1.3.3. How and where the pepper spray must be stored and secured.

2.1.3.4. Steps to take once the spray has been administered.

2.1.3.5. Warning to employees about the possible adverse consequences of the improper use of pepper spray including disciplinary action, criminal charges (e.g. assault), and civil tort liability for damages.

3. Possession and Storage:

3.1. County-Issued Pepper Spray:

3.1.1. Employees who are issued pepper spray are also responsible for securing it at all times. County-issued pepper spray should be stored in a secure, designated location when not in use and must be returned to this location at the end of each shift or workday.

3.1.2. County issued pepper spray may not be carried or used for any private matter (non-County business).

4. Permissible Use:

4.1. County-Issued Pepper Spray:

4.1.1. The use of pepper spray is restricted to protecting oneself or others from immediate injury from person or animal. Use of pepper spray must comply with all applicable local, state, and federal laws.

4.1.2. At no time should an employee attempt to physically restrain a person who has been pepper sprayed unless left with no other choice. Employees should back off to a safe distance, contact Law enforcement and await assistance as only law enforcement officers are properly trained in control techniques and legally authorized to initiate restraint measures.

5. Reporting Use of Pepper Spray

5.1. County-Issued Pepper Spray:

5.1.1. Employees who use pepper spray in the course of County employment must report any use of the spray to the Sheriffs Office immediately so they can take any required action. After notifying the law enforcement, the staff member shall contact the County's Human Resources Department, and their own immediate supervisor.

5.1.2. Employees must also document the incident by completing a report of Discharge of Pepper Spray Form.

5.2. Compliance:

5.2.1. Employees must comply with all applicable local, state, and federal laws regarding the possession and use of pepper spray. This includes adhering to restrictions on where pepper spray can be carried and who can legally possess it.

6. Inspection, Replacement, and Disposal

6.1. County-Issued Pepper Spray:

6.1.1. Employees are responsible for following the manufacturer's instructions for care and storage of the pepper spray container. Pepper spray devices shall be maintained in an operational and charged state by authorized employees or the approved vendors.

6.1.2. Employees are responsible for requesting replacement and returning damaged, inoperable, or empty device by notifying their department and returning the item to Human Resources. If an employee loses their County issued device, it shall be reported to their department director immediately.

6.1.3. The Risk Manager or designee shall conduct an annual documented inspection of the issued device on an annual basis.

7. Liability:

7.1. County-Issued Pepper Spray:

7.1.1. The County assumes responsibility for the use of County-issued pepper spray when used in accordance with this policy and the associated training.

7.2. Personal Pepper Spray:

7.2.1. The County assumes no liability for the personal use of pepper spray by employees. Employees who carry and use personal pepper spray do so at their own risk and are personally responsible for any consequences of its use.

Definitions:

1. *"Pepper spray"* is a chemical compound in either an aerosol or gel formula that irritates the eyes and respiratory system, used for self-defense or to control individuals who pose a threat.

2. *"Immediately"* is the prompt notification to the local law enforcement department following the use of pepper spray, ideally within a few minutes of the incident, to ensure that law enforcement is aware of the situation, can provide any necessary support, and can take over any legal or investigative processes.

3. *"Immediate Physical Harm"* in the context of using pepper spray for self-defense refers to any bodily injury or impairment that occurs directly and instantaneously because of an attack or threatening situation, which justifies the use of pepper spray to prevent or mitigate further harm. This harm may include actions or threats that cause acute pain, temporary incapacitation, or pose an imminent danger to one's safety, necessitating the immediate use of pepper spray to protect oneself from serious injury or assault.

4. *"Outside Normal Business Hours"* refers to any time period that falls outside the County's established standard working hours, typically defined as Monday through Friday, from 8:00 AM to 5:00 PM. This includes evenings, nights, weekends, and public holidays when regular County services and offices are closed or operating on reduced hours.