



Caldwell County
North Carolina
Board of Commissioners Meeting

March 13, 2023 at 6:00 PM
City-County Chambers
905 West Avenue NW, Lenoir

MINUTES

Attendance:

Randy Church, Chairman
Mike LaBrose, Vice Chairman
Jeff Branch, Commissioner
Donnie Potter, Commissioner
Robbie Wilkie, Commissioner
David Lackey, County Attorney
Donald Duncan, County Manager
Abby Rich, County Clerk

Call to Order

Chairman Church called the March 13th, 2023, Board of Commissioners meeting to order at 6:02 PM.

Public Comment Period

There were no individuals signed up for public comment.

Invocation

Brayden Frasure, a student with Caldwell County Schools, provided the invocation for the meeting.

Pledge of Allegiance

Commissioner Robbie Wilkie led the Pledge of Allegiance for those in attendance.

Agenda Amendments from the Board, Manager & Public

There were no amendments made to the agenda.

Vice Chairman LaBrose made the motion to adopt the agenda as presented by the County Manager and Clerk.

Agenda Items

1. Moving Mountains Award

Chairman Church stepped down to the podium to present the Moving Mountains award to Brayden Frasure. The Chairman stated that he was impressed with the prayer Brayden led for a young girl in the community who had a medical concern. Chairman Church continued by saying that the invitation to lead the invocation began developing into the creation of an award for individuals who lead by example within our community. Brayden currently operates a donation-based food truck that helps to feed those who are homeless. In addition to this, Brayden has also appeared on a number of television and other broadcast shows. The Chairman told Brayden that his accomplishments have led him to be a shining star in the community and that he would be the first recipient of the Moving Mountains Award for Caldwell County.

2. Recent Retirees

Susan Wilson was the first retiree recognized for her service with the Caldwell County Emergency Medical Services. Chairman Church

presented Ms. Wilson with a clock, recognizing her seven years of service. The Chairman thanked Ms. Wilson for her service to the County and its citizens. Ms. Wilson thanked the Board for the opportunity she was given that allowed her to serve citizens working in various positions with EMS, the last of those being the Coordinator for R.E.S.T.A.R.T.

Joseph Hicks was the second retiree recognized for his service with Caldwell County Telecommunications. The Board thanked Mr. Hicks for his service to the County and its citizens.

3. **Request for Public Hearing for Road Name Change from Yount Pl. to Wilcox Way** GIS Administrator, Micah Kelly, came before the Board to request a public hearing for a road name change. The road with the proposed name change is currently named Yount Pl. and the new requested name is Wilcox Way.

Commissioner Potter made the motion to schedule the public hearing for the road name change from Yount Pl. to Wilcox Way at April's meeting. The motion carried unanimously.

4. **Communities in Schools**

Keith Hinman came to the podium to present on communities in schools. Hinman provided the number of schools and students that are served in Caldwell County. Hinman noted that the CIS program partners with businesses in the community and CCC&TI to introduce students to various career possibilities. One notable accomplishment is that of the Social Workers that work with the CIS students. So far this year, these Social Workers have completed 6,843 check-ins with students, 2,102 conferences with teachers/school personnel, 1,004 parent contacts, 566 calls or text messages, 80 field visits, and 503 home visits. The CIS Site-Coordinationators have completed 15,799 check-ins with students, spent 46 cumulative hours talking with student support team members, made 2,868 phone calls, 61 home visits, and sent 4,464 emails.

Thanked the Board for allowing him to speak. Commissioner Potter provided thanks to Mr. Hinman. Commissioner Wilkie provided that he currently serves on the CIS Board of Directors, and has learned a lot about the program and encourages others who are interested in becoming involved with the program.

5. **Animal Care Enforcement Annual Report**

Animal Care Enforcement Director Richard Gilliland came before the Board to present the 2022 Annual Report for Animal Care. Director Gilliland provided that ACE offered 2 free rabies clinics and hosted 4 educational presentations for local middle school students. Overall, there were 5 rabies cases in 2022 with 32 animals being tested for it. The adoption rate increased by 91% in 2022 growing from 198 adoptions in 2021 to 471 adoptions in 2022. Enforcement calls increased by 83.5% from 1,160 in 2021 to 2,129 in 2022. The euthanasia rate decreased from 31% in 2021 to 21% in 2022 while having a 28% increase in animal intakes. Director Gilliland told the Board that the team at Animal Care Enforcement have been working together to brainstorm ideas for animal rehoming and that they have also collaborated with their counterparts in other counties. Commissioner Potter told Director Gilliland that the Animal Care Division are doing a great job. Chairman Church returned the same sentiment adding that there has been good changes over the past year with Director Gilliland's leadership.

6. **Acceptance of Bid on County Owned Property and Advertisement of Upset Bid- 596 Central Street, Hudson, NC 28638**

EDC Director, Ashley Bolick, came before the Board to provide a bid on a county- owned property located at 596 Central Street, Hudson, NC 28638. Caldwell County has received an offer to purchase the property in an amount of \$405,000 for two adjoining parcels located at the Central Street

address. An earnest money deposit in the amount of \$20,250 has been made. Director Bolick continued by telling the Board that if they choose to conditionally accept this offer, notice of the sale of the County property and solicitation of upset bid will be posted. At anytime within 10 days after the date of the notice is published any person may make an upset bid of not less than 10% more than the first \$1,000 of the current offer, plus 5% more than the remainder of the current offer. Director Bolick said that the minimum upset bid would have to be \$425,300 and all upset bids must be accompanied by a deposit in the amount of 5% of that bid and must be delivered to the Clerk of the Caldwell County Board of Commissioners within the 10 days of the 10 day upset bid period.

Commissioner Potter made the motion to accept the bid on the county-owned as provided by the EDC director.

The County Manager added that due to the circulation of the local paper, the bid will be advertised on Thursday, March 16th.

Commissioner Branch added that he would like the bid advertised wherever possible to draw in as much attention as possible.

The motion carried unanimously.

7. Approval of Economic Advisory Committee Bylaws

EDC Director Ashley Bolick provided that the Economic Development Bylaws had been updated in 2013. Director Bolick asked that the Board approve the proposed bylaws as presented with an effective date of April 1st, 2023. Chairman Church asked the Board if there were any comments or questions for Director Bolick. Commissioner Branch said that in his opinion, 21 people are too many people to serve on the Economic Development Board. Commissioner Branch continued by saying that now is the time to make changes to the Board with it transitioning to being a County department. Director Bolick said that keeping the original board members allowed for continuity, and adding representatives from the local municipalities and the County would provide a well-rounded approach to economic development for the entire County. Commissioner Potter asked if the current serving members, plus the representatives from the local municipalities would add up to 21 members. Director Bolick said that what the EDC is suggesting tonight is the 10 original EDC Board members, 7 representatives from the local municipalities and 1 from the County Government. Director Bolick continued by saying that they are proposing 18 members at this date, but the bylaws do read up to 21 members. The additional 3 positions include a representative from the school system, a workforce development representative, and an agricultural representative. Commissioner Branch expressed concerns about how the membership numbers would decrease if the bylaws allow for 21 members. There was brief discussion about the attendance of board members and if their residency is in Caldwell County. Director Bolick explained that she had not yet met with this group and was unaware of any issues with attendance. As far as the residency question, Director Bolick provided that she has not heard of any member living outside of the State, but the current bylaws say that the member must reside or work within Caldwell County. There was more discussion about the number of members and whether or not to make the number smaller. Vice-Chairman LaBrose provided that he is okay with the number as long as it allows for attrition. The Vice-Chairman continued by saying that this is a big change because three boards are merging into one. The Vice-Chairman also stated that if the Board made the decision in good faith to allow the members to serve, then they should be able to serve. Commissioner Potter asked if the current members were aware of the changes. Director Bolick said that the EDC board members have been spoken to and were informed that there were changes being made, subject to the Commissioners' approval. The County Manager stated that between all of the Boards that are coming together there are currently 40-41 members between them all and that number would decrease to 18. The Chairman asked for additional clarification about which boards are combining together. The County Manager provided that the Sales Tax Reinvestment group would merge in with the EDC and would no longer need to meet separately from the EDC board. The merging of the boards

would also eliminate the need to meet with the 2020 review board, which is the company that the EDC contracted with prior to becoming a County department. There was more discussion about the number of members on the EDC Board and how to cycle the members off through attrition.

Director Bolick pointed out that in section 2 of the proposed bylaws it states that the Commissioners will appoint and maintain a minimum of 9 and a maximum of 21.

Commissioner Wilkie stated that he thinks the hang up is on saying as many as 21. He continued by saying that he sees where someone could see a vacancy and view that as room for them to have a position on the board. The Commissioners asked the County Attorney if he had any suggestions on how to change the verbiage. The County Attorney told the board that it was up to them and that they would need to decide on a number of members. After discussion, the Commissioners felt comfortable amending the proposed bylaws to say that the Board of Commissioners will appoint and maintain a maximum of 18 member committee.

Vice-Chairman LaBrose made the motion to amend the bylaws to say "no more than a maximum of 18 members".

The motion carried by a vote of 4 to 1 with Commissioner Branch in opposition.

8. Appointment of Members to Economic Advisory Committee

EDC Director Ashely Bolick provided a list of members that would be appointed to the Economic Development Board. The EDC staff are requesting approval of these members with an effective date of April 1, 2023. Vice-Chairman LaBrose made the motion to accept the 18 candidates that the EDC director has presented to the Board.

Commissioner Potter asked for Director Bolick to read the names of the individuals.

Those are: Deputy County Manager- Jimmy Harrison, Cahah's Mountain Mayor- Ronnie Setzer, Town of Gamewell Administrator- Bonnie Caudle, Town of Granite Falls Manager- Jerry Church, Town of Hudson Manager- Jonathan Greer, City of Lenoir Manager- Scott Hildebran, Town of Rhodhiss Manager- Rick Justice, Town of Sawmills Manager- Chase Winebarger, CCC&TI President- Dr. Mark Poarch, Financial Services Representative- Mark Transou, Industry Representative- Alan Merck, Industry

Representative- Janet Aiken, Financial Services Representative- Jon Blair, Industry Representative- Richard Boyd, Industry Representative- Rick Coffey, Industry Representative- Max Dyer, Industry Representative- Deborah Wilkie, and Industry Representative- Ann Smith.

With the motion having previously been made, the Chairman asked for the pleasure of the Board. The motion carried by a vote of 4 to 1 with Commissioner Branch being in opposition.

Consent

9. Use of ARPA Funds to Cover Additional Costs Incurred for a Switch to Cloud- Based Capabilities for Munis

This funding will allow for an upgrade of the financial system that has not been done since 2014. It will cover the three-month overlap and will be plugged into the budget for future years on the budget calendar.

10. Merger of Capital Projects Funds for Animal Shelter Project

The County received a \$3.7 million dollar loan for the new animal shelter and then was awarded a \$3 million dollar grant from the State. The grant money will be used to subsidize the loan to keep the low interest rate and switch the funds to other future projects. This will save County taxpayers at least \$500,000 in interest rates.

11. **DSS Flow-through of Additional Low Income Home/Water Assistance Funds** These funds are federal funds that are passed to the State and then to the County. The amount is \$62,000. No local funds will be used.
12. **Use of ARPA Funds for Courthouse Wireless Upgrades**
The Courthouse administrative officers are upgrading the entire wireless network so there will be a secure private network as well as a public access network. The County's portion of the match is \$34,800 and if there are any issues with the network, the partnering company will fix them.
13. **Use of APRA funds for Collettsville Water Tank Capital Project**
This budget revision is taking \$3,000,000 of ARPA funds that is designated for water and then taking \$1,000,000 back out of the water fund to keep that in reserve to match the Great Grant funding.
14. **Approval of 2023 Edward Byrne Memorial JAG Grant Application Submission** This grant application is for the Sheriff's Department to install another 10 flock cameras.
15. **Annual Report on Granite Falls Middle School Grant**
This report must be accepted once a year based on the grant that was received for this project.
16. **Capital Purchase of Motorola Radio for Bearcat Vehicle**
The funds to purchase the radio are left over from existing line items and will cover the cost of the radio for the new Bearcat vehicle.
17. **Approval of 2023 STOP Grant for Domestic Violence Officer**
if received, this grant will allow for an additional domestic violence officer to be added to the Sheriff's Department.
18. **Additional WIC Funding Flow-through**
Additional WIC funds will flow through the budget from the State in the amount of \$8,000.
19. **Appointment of Jerrat Helton as an ETJ Member of the Hudson Planning Board and Board of Adjustment**
Jerrat Helton will be appointed as an ETJ member of the Hudson Planning Board and Board of Adjustment.
20. **Ratification of Extension of Project Einstein**
The extension for this project was approved and the Board will need to ratify the extension. The extension is effective through June 30th of 2023.
21. **Update of Resolution 01-23 Approving Conveyance of Property to a Nonprofit Organization**
This resolution needed to be updated to reflect corrected VIN numbers for the vehicles sold.
22. **ACE- Use of Donated Funds to Purchase Rabies Vaccines**
\$1,000 was donated by Friendship Ford and these funds will be used to purchase vaccines for the upcoming clinic.
23. **Supplemental Agreement for Additional Funds From Additional Settlements of Opioid Litigation**
This supplemental agreement provides that the County will receive an estimated amount of up to \$52,000 a year for up to 10 years.
24. **Approval of Minutes from February 13th Meeting**
Vice-Chairman made the motion to approve the consent agenda as presented by the County Manager.
The motion carried unanimously.

Adjourn

With there being no more business to attend to, Commissioner Wilkie made the motion to adjourn at 7:03 PM.

The motion carried unanimously.

**RESOLUTION BY THE COUNTY OF CALDWELL
 AUTHORIZING EXECUTION OF OPIOID SETTLEMENTS AND APPROVING THE
 SUPPLEMENTAL AGREEMENT FOR ADDITIONAL FUNDS BETWEEN THE STATE OF
 NORTH CAROLINA AND LOCAL GOVERNMENTS ON PROCEEDS RELATING TO THE
 SETTLEMENT OF OPIOID LITIGATION
 03-23**

WHEREAS, the opioid overdose epidemic had taken the lives of more than 32,000 North Carolinians (2000-2021);

WHEREAS, the COVID-19 pandemic has compounded the opioid overdose crisis, increasing levels of drug misuse, addiction, and overdose death; and

WHEREAS, the Centers for Disease Control and Prevention estimates the total economic burden of prescription opioid misuse alone in the United States is \$78.5 billion a year, including the costs of healthcare, lost productivity, addiction treatment, and criminal justice involvement; and

WHEREAS, certain counties and municipalities in North Carolina joined with thousands of local governments across the country to file lawsuits against opioid manufacturers, pharmaceutical distribution companies, and chain drug stores to hold those companies accountable for their misconduct; and

WHEREAS, settlements have been reached in litigation against Walmart, Inc., Teva Pharmaceutical Industries Ltd., Allergan Finance, LLC, Allergan Limited, CVS Health Corporation, CVS Pharmacy, Inc., and Walgreen Co., as well as their subsidiaries, affiliates, officers, and directors named in the these Settlements; and

WHEREAS, representatives of local North Carolina governments, the North Carolina Association of County Commissioners, and the North Carolina Department of Justice have negotiated and prepared a Supplemental Agreement for Additional Funds (SAAF) to provide for the equitable distribution of the proceeds of these settlements; and

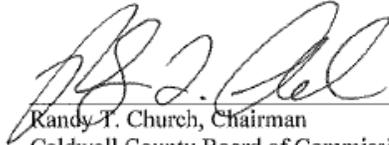
WHEREAS, by joining the settlements and approving the SAAF, the state and local governments maximize North Carolina's share of opioid settlement funds to ensure the needed resources reach communities, as quickly, effectively, and directly as possible; and

WHEREAS, it is advantageous to all North Carolinians for local governments, including Caldwell County and its residents, to sign onto the settlements and SAAF and demonstrate solidarity in response to the opioid overdose crisis, and to maximize the share of opioid settlement funds received both in the state and Caldwell County to help abate the harm; and

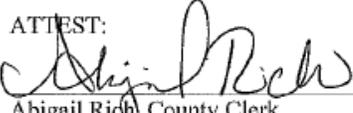
WHEREAS, the SAAF directs substantial resources over multiple years to local governments on the front lines of the opioid overdose epidemic while ensuring that these resources are used in an effective way to address the crisis;

NOW, THEREFORE BE IT RESOLVED, that the Board of Commissioners of Caldwell County hereby authorizes the County Manager to execute all documents necessary to enter into opioid settlement agreements with Walmart, Walgreens, CVS, Allergan, and Teva, to execute the SAAF, and to provide such documents to Rubris, the Implementation Administrator.

Adopted this the 13 day of March, 2023.



Randy T. Church, Chairman
Caldwell County Board of Commissioners

ATTEST:


Abigail Rich, County Clerk

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