

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, MARCH 17, 2014

The Lincoln County Board of County Commissioners met March 17, 2014 at the Citizens Center, Commissioners Room, 115 West Main Street, Lincolnton, North Carolina, at 6:30 P.M.

Commissioners Present:

Alex E. Patton, Chairman
Carl E. Robinson, Jr., Vice Chair
James A. Klein
Carrol D. Mitchem
Cecelia A. Martin

Others Present:

W. Tracy Jackson, County Manager
Martha W. Lide, Assistant County Manager
Wesley L. Deaton, County Attorney
Amy S. Atkins, Clerk to the Board

Call to Order: Chairman Patton called the March 17, 2014 meeting of the Lincoln County Board of Commissioners to order and led in an Invocation.

Adoption of Agenda: Chairman Patton presented the agenda for the Board's approval.

AGENDA
Lincoln County Board of Commissioners Meeting
Monday, March 17, 2014
6:30 PM

James W. Warren Citizens Center
115 West Main Street
Lincolnton, North Carolina

Call to Order

Invocation – Chairman Patton

Pledge of Allegiance

1. Adoption of Agenda
2. Consent Agenda
 - Approval of Minutes
 - Tax Requests for Refunds - Over \$100

- February 3 - 16, 2014
- Budget Ordinance Amendment #7
- Capital Project Ordinance Amendment #7
- Updated Lease with Vietnam Veterans for the former Howards Creek Elementary School Building
- Resolutions #

3. Presentation to Eagle Scouts
4. Planning Board Recommendations - Randy Hawkins

CZ #2014-2 Xiaopei Guo, applicant (Parcel ID# 02379)
 ZMA #608 Lincoln County, applicant (Parcel ID# 31784, 59097 and 02876)
 WSCUP #17 C4 Development, LLC, applicant (Parcel ID# 26943)

5. Annual Report from the Nursing and Adult Care Home Community Advisory Committee - Cindy Englert
6. Public Comments (15 minutes allowed per Rules of Procedure - 3 minutes per person)
7. Motion to apply for Library Services and Technology Act (LSTA) EZ Innovation Grant - Jennifer Sackett
8. Motion to adopt Naming Policy for Parks and Recreation facilities and programs- Erma Deen Hoyle
9. Discussion and possible motion concerning the expansion of the East Lincoln Community Center - Don Chamblee, Erma Deen Hoyle
10. Motion to approve purchase of equipment only through NPP Government for the West Lincoln Splash Pad Equipment - Don Chamblee, Erma Deen Hoyle
11. Award of contract for Installation of West Lincoln Splash Pad Equipment - Erma Deen Hoyle
12. Motion to approve ABI as sole source provider for the Rascal Field Conditioner - Erma Deen Hoyle
13. Motion to approve awarding the bid to the apparent low bidder, Allied Roofing Company, Inc. for the re-roofing of the Jonas Library - Don Chamblee
14. Motion to approve engineering services to design an eastbound turn lane on Optimist Club at Airlie Park - Don Chamblee
15. Motion to approve Change Order to Phase 2 of Airlie Business Park's Roadway Contract in the amount of \$82,868.88, to extend the original contract deadline and to allow for additional work as set out in McGill Associates letter dated March 5, 2014 and in Work Directive Order #1 - Don Chamblee
16. Motion to award bid to the apparent low bidder and the sole bidder, Southern Municipal Equipment, as the vendor for the purchase of a sewer camera and trailer - Don Chamblee
17. Motion to approve Change Order No. 3 for maintenance, safety and operational charges to the existing construction contract with Gilbert Engineering Company for maintenance and improvements to the water treatment plant - Don Chamblee

18. Agreement to Approve a Fleet Services Maintenance Contract Between Lincoln County and Lincoln County Schools - Tracy Jackson
 19. Finance Officer's Report - Deanna Rios
 20. County Manager's Report
 21. County Commissioners' Report
 22. County Attorney's Report
 23. Vacancies/Appointments
 24. Calendar
 25. Other Business
 - Register of Deeds Report
 - Property Tax Collection Report
- Adjourn

UPON MOTION by Commissioner Martin, the Board voted unanimously to adopt the agenda as presented.

Consent Agenda: **UPON MOTION** by Commissioner Robinson, the Board voted unanimously to approve the Consent Agenda.

- Approval of Minutes
- Tax Requests for Refunds - Over \$100
 - February 3 - 16, 2014
- Budget Ordinance Amendment #7
- Capital Project Ordinance Amendment #7
- Updated Lease with Vietnam Veterans for the former Howards Creek Elementary School Building
- Resolutions for Eagle Scouts

Presentation to Eagle Scouts:

The Board presented Resolutions to Eagle Scouts Frank Patrick Rohr, Benjamin Keller Newman, John Howard Rohr and Robert Allen Perryman.

Recommendations from Planning Board:

Randy Hawkins presented the following recommendations:

CZ #2014-2 Xiaopei Guo, applicant (Parcel ID# 02379) A request to amend a conditional zoning district (CZ B-N) to permit an 8,160-square-foot retail sales facility with upper-story offices. The 0.69-acre parcel is located on the north side of N.C. 16 Business about 300 feet east of Burnwood Trail in Catawba Springs Township.

The Planning Board voted 8-0 to recommend approval.

UPON MOTION by Commissioner Robinson, the Board voted unanimously to approve the Statement of Consistency and Reasonableness for CZ #2014-2.

UPON MOTION by Commissioner Robinson, the Board voted unanimously to approve CZ #2014-2 as presented.

ZMA #608 Lincoln County, applicant (Parcel ID# 31784, 59097 and 02876) A proposal to rezone 10.8 acres from R-S (Residential Suburban) to B-G (General Business). The property is located on the north side of Optimist Club Road and the east side of a railroad right-of-way in Catawba Springs Township.

The Planning Board voted 8-0 to recommend approval.

UPON MOTION by Commissioner Martin, the Board voted unanimously to approve the Statement of Consistency and Reasonableness for ZMA #608.

UPON MOTION by Commissioner Martin, the Board voted unanimously to approve ZMA #608 as presented.

WSCUP #17 C4 Development, LLC, applicant (Parcel ID# 26943) A request for a conditional use permit to exceed 36% impervious surface area in the Hoyle Creek WS-IV Protected Area as a special nonresidential intensity allocation. The applicant is proposing to develop 2.2 acres, including 1.5 acres within the watershed district with 55% impervious surface area, for a Family Dollar store. The property is located on the northeast corner of N.C. 27 and Randleman Road in Ironton Township.

The Planning Board voted 8-0 to recommend approval.

UPON MOTION by Commissioner Klein, the Board voted unanimously to approve the Finding of Fact and recommendation of the Planning Board with respect to WSCUP #17 – C4 Development, LLC.

Annual Report from the Nursing and Adult Care Home Community Advisory Committee:

Cindy Englert presented the Annual Report emphasizing their need for new members on the Committee. She expressed their need for full participation from members and thanked the Board for their support for the Resident's Right Celebration and asked for \$500 for this year's celebration.

The Board thanked the Committee for their hard work.

Public Comments: Chairman Patton opened public comments.

Rudy Bauer, 8252 Blades Trail, Denver, spoke about Burton Creek, now known as Covington of Lake Norman. He said the developer is doing a tremendous job keeping the erosion from coming over, but 4wheelers and dirt bikes are riding over there and tearing it up. He said he would like the Sheriff's office to send someone to come there and watch. He said the lady who cleans the streets mentioned an ordinance to get newspapers to stop throwing them out and also phone books. He said this is an eyesore and a good way to know houses are empty for burglars.

Robert Avery, 4466 Hwy. 182, Crouse, spoke concerning a survey being sent out to the county residents.

Being no additional speakers, Chairman Patton closed public comments.

Motion to Apply for Library Services and Technology Act (LSTA) EZ Innovation Grant – Jennifer Sackett: Jennifer Sackett presented the following:

The Lincoln County Public Library is requesting approval to apply for a \$17,750 LSTA EZ Innovation Grant to help develop a database of local organizations, agencies, and resources with information about their services, locations, and events. This project is designed to assist the library in fulfilling its mission by accomplishing a key initiative (*Know Your Community: Community Resources and Services*) outlined in the library's 2014-2017 Strategic Plan.

This grant will purchase the software and a part time temporary, one year employee, who will be the liaison for this project, to go out and work with the nonprofits.

There is no match for this grant.

UPON MOTION by Commissioner Robinson, the Board voted unanimously to approve the Library Services and Technology Act EZ Innovation Grant as presented.

Motion to adopt Naming Policy for Parks and Recreation facilities and programs: Erma Deen Hoyle presented the following:

Parks and Recreation has received inquiries and requests to name and/or rename facilities for individuals. No formal policy had been established. Historically, the Parks and Recreation Commission had chosen not to name or rename a facility after an individual, but rather to dedicate the facility in memory or honor of the individual. This policy is the compilation of various policies used by other parks and recreation departments and the policy of the Lincoln County Board of Education.

**Policy and Procedures for the Naming of Parks and Recreation
Properties, Facilities and Programs**

PURPOSE:

The purpose of this policy is to establish a set of standard procedures and guidelines for the naming and renaming of parks, recreational areas, programs and facilities owned and/or operated by Lincoln County. The responsibility for naming these facilities or programs ultimately lies with the Lincoln County Board of Commissioners; however, the Board of Commissioners will rely on the Lincoln County Parks and Recreation Commission for input and recommendation for the naming of county parks, recreational areas and facilities.

OBJECTIVES:

The naming of parks, recreational areas, programs and facilities

- Enhances the sense of community within areas of the county
- Ensures that parks and facilities are easily identified and located
- Ensures that names are consistent with the values and characteristics of Lincoln County and the physical attributes of the location and type of facility
- Assures the quality of the title/name, so that it will serve the County in a permanent manner
- Encourages public participation and input to fully represent the best interest of the area
- Encourages and recognizes the dedication of lands or the donations by individuals, businesses or groups.

CRITERIA:

- Geographical location of the facility including descriptive names
- Outstanding feature of the facility or area (river, mountain, vegetation, etc.)
- Historical significance of an event, group, culture, person (non-living) or place
- Person (non-living) or group who significantly contributed to acquisition or development of the park/facility
- Individual (non-living) who provided exceptional service to the park/recreation system or for the community as a whole
- A person whose contribution or significant gift is of extraordinary nature
- Naming may be considered based on the provision of significant funding of the cost of construction and/or renovation of park/recreational facilities in the county. This funding may include monetary gifts, grants, or complete donation of land.
- Parks and recreational facilities that are donated to the County can be named by deed restriction by the donor. The naming and acceptance of land is subject to approval by the Board of County Commissioners.
- Naming may not conflict with public grant funding policies established by federal, state and/or local grant funding programs.
- Naming for a living person is discouraged, except when a significant gift or donation of land and/or financial contribution is made and the donor stipulates naming the facility as a condition of the gift(s). Name would be revoked should any criminal or unethical conduct come to light after such naming.

- Renaming of an existing facility is strongly discouraged. Renaming would carry a greater burden as it would likely impact community identity and traditions.
- Preference to dedicate a park or facility (or portion or feature) to a living individual, as opposed to naming or renaming in honor of the individual. This dedication would be permanently recognized at the facility with a plaque and/or other signage.
- Name should not duplicate, or be too closely related, or pronounced similarly, to any other name within the Lincoln County Parks system so as to eliminate any/all confusion to the general public.
- Lincoln County Parks and Recreation Commission may recommend names for any facility when no suggestions or no appropriate suggestions have been made for a new park, area or facility.

PROCEDURE:

1. A request for naming of a park, recreational area, program or facility shall be submitted in writing to Lincoln County Parks and Recreation.
2. Written request should demonstrate how the proposed name is consistent with the criteria stated in this policy. The application should describe the contributions to the County by an individual or group and/or describe the significance of any name based on geographic or historic association.
3. When naming after a person or persons, written documentation of approval by next of kin (if available/possible) is required.
4. County staff will review the proposal for adherence to the stated criteria and policy, as well as the authentication of statements relative to contributions of an individual or group before forwarding to the Parks and Recreation Commission. If the request is incomplete, staff will contact the applicant, in writing, and provide them with the opportunity to resubmit a revised request or provide the missing information.
5. All complete requests will be submitted to the Parks and Recreation Commission for consideration.
6. The Parks and Recreation Commission will offer the opportunity for public input on the proposed naming at a public community involvement meeting – either at a regularly scheduled Parks and Recreation Commission meeting or a special, called meeting.
7. The Parks and Recreation Commission shall make a recommendation to approve or disapprove the request at a second meeting – not more than 90 days following the first public meeting.
8. The Commission shall forward their recommendation to the Board of County Commissioners for final decision.
9. The Parks and Recreation Commission may initiate the naming process whenever deemed necessary and/or in the best interest of the County.
10. Renaming carries a greater burden of process and merit compared to initial naming. Traditions, continuity of name, community identification and cost of name changes are factors to be considered before renaming a facility or program. Renaming would most

often be considered following significant contribution during renovation or rehabilitation of a facility.

11. Request for renaming would follow the same procedures outlined above.

FACILITY/PROGRAM SPECIFICS:

The following guidelines are established to further aid the Parks and Recreation Commission in making decisions regarding naming/renaming of facilities or programs.

1. **FACILITIES** (i.e. parks, recreation centers, etc.) – donation or contract pledge (maximum 5 year term) equal to at least 25 % of the initial project/program total cost.
2. **PORTION OF A FACILITY OR ELEMENT** (i.e. – shelter, playground, etc.) – donation of at least 50% of the cost of the portion or element.
3. **PARK AMENITIES** (i.e. – tables, benches, trashcans, fountains, etc.) – donation of 100% of cost of item, including installation. Items will be approved and/or selected by Lincoln County Parks and Recreation, and installed under the direction of department staff.
4. **PROGRAMS** (i.e. - camps, special events, etc.) – a minimum initial donation of at least \$5,000, and annual donation of the total estimated cost of producing/conducting the program.

RECOGNITION OF VOLUNTEERS AND EMPLOYEES:

Volunteers and/or employees may be recognized for significant contributions to Lincoln County Parks and Recreation. This recognition to be accomplished by posting their name, the facility or program they were involved with and their years of service on a plaque or sign at the Parks and Recreation Office or at another appropriate recreational facility or park.

The following criteria must be met:

1. Employees – employed by Lincoln County Parks and Recreation for a minimum of 10 years
2. Volunteer – must have been a volunteer for a minimum of 5 years and/or 1000 hours
3. Lincoln County Parks and Recreation staff retains the right to review each request or submission

NOTE: Lincoln County Parks and Recreation staff will be responsible for the design, size, installation, etc. for all recognition plaques for all Lincoln County Parks and Recreation facilities and amenities.

UPON MOTION by Commissioner Klein, the Board voted unanimously to adopt the Naming Policy for Parks and Recreation facilities and programs.

Discussion and possible motion concerning the expansion of the East Lincoln Community Center: Don Chamblee presented the following:

Construction bids for the expansion and renovation of East Lincoln Community Center were received on December 19, 2013. Seven bids were submitted ranging from \$1,309,000 to \$1,047,767.00. The lowest responsible bid was submitted by Eagle Wood, Inc. It is recommended and requested that based on the bid received Eagle Wood, Inc. be awarded the contract.

Staff recommends and requests the Board's approval to award the contract for the expansion and renovation of East Lincoln Community Center to the lowest responsible bidder, Eagle Wood, Inc. in the amount of \$1,047,767 with an additional contingency of \$50,000.

The project will be funded from the Lincoln County Parks and Recreation CIP fund.

Don Chamblee said bid bonds expire in a few days for this project.

Commissioner Klein asked if it has been discussed with the architect what could be done to get us at or below budget.

Don Chamblee said they worked on this to get it to this point. Things have been taken out to get it to where it is now.

Commissioner Klein asked if they considered moving forward with first floor and not the second.

Mr. Chamblee said it is interval and that a lot of the expense is building all the foundation for the second floor.

Commissioner Klein asked if there is a recommendation.

Mr. Jackson said it's a tough decision. He said to come up with the extra money, the Board has some options and could finance it, or pull from other projects that are under budget. He said it is a substantial amount of money that was not budgeted since it was over budget.

Commissioner Klein asked the total delta amount. Mr. Chamblee said it was around \$300,000 including contingency.

Commissioner Klein said it seems that this and the Rescue Squad park are tied together and it would make more sense for the Board to make the decision on this difference and the Rescue Squad at the same time.

Commissioner Robinson said his idea would be to try and find the money to complete this.

Commissioner Klein made a motion to table this, like the Rescue Park, until the County Manager can get his budget numbers together and see what his CIP recommendation is and debate that question. He said that by tabling, the bid may expire and go back on the shelf.

Vote: 2 – 3 AYES: Klein, Martin
 NOES: Patton, Robinson, Mitchem

A MOTION by Commissioner Robinson to move ahead with the East Lincoln Community Center as presented with the County Manager finding the additional funds.

VOTE: 3 – 2 AYES: Patton, Robinson, Mitchem
 NOES: Klein, Martin

Motion to approve purchase of equipment only through NPP Government for the West Lincoln Splash Pad Equipment: Don Chamblee presented the following:

The purchase and installation of equipment for the West Lincoln Splash Pad were approved by the Board at the February 3, 2014 meeting. Due to North Carolina General Statutes regarding construction contracting the County will only purchase the equipment through NPP Government and will submit an RFB for construction.

UPON MOTION by Commissioner Robinson, the Board voted unanimously to approve the purchase of equipment only through NPP Government for the West Lincoln Splash Pad Equipment.

Award of contract for installation of West Lincoln Splash Pad Equipment: Don Chamblee presented the following:

An RFB advertisement was issued on February 27, 2014 for the installation and construction of the splash pad in West Lincoln. A copy of the RFB advertisement was sent to the only bidding general contractor from the previous bid for this project. All other contractors who requested plans the last time this was bid, were notified of this bid.

Mr. Chamblee recommended that the Board award the building and installation contract to Connor Construction, the apparent low bidder, for \$175,000, with an alternate for a brick seating wall for \$7418, for a total project of \$292,418. He said the total project is over budget and they can suggest available funding from Rock Springs Park CIP to make up the difference on this project.

UPON MOTION by Commissioner Robinson, the Board voted unanimously to award the building and installation contract to Connor Construction, the apparent low bidder, for \$175,000, with an alternate for a brick seating wall for \$7418, for a total project of \$292,418.

Motion to approve ABI as sole source provider for the Rascal Field Conditioner: Erma Deen Hoyle presented the following:

ABI Inc., is the manufacturer and sole provider of this equipment. This piece of equipment is used for maintain the infields on ballfields as well as it can be used for gravel parking lots. It is a field conditioner and would be used in place of a field drag. This is not available through local or area field equipment representatives. Cost of equipment is included in current budget allocation for Parks and Recreation.

UPON MOTION by Commissioner Martin, the Board voted unanimously to approve ABI as the sole source provider for the Rascal Field Conditioner.

Motion to approve awarding the bid to the apparent low bidder, Allied Roofing Company, Inc. for the re-roofing of the Jonas Library: Don Chamblee presented the following:

Lincoln County Public Works is requesting approval to award the bid to the apparent low bidder, Allied Roofing Company, Inc. for the re-roofing of the Jonas Library. Allied Roofing Company, Inc. was the apparent low bidder in the amount of \$106,675.00, with the contingency allowance of \$5,000.00 for a total contract price of \$111,675.00, which is under budget.

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to approve awarding the bid to the apparent low bidder, Allied Roofing Company,

Motion to approve engineering services to design an eastbound turn lane on Optimist Club at Airlie Park: Don Chamblee presented the following:

Lincoln County Public Works is seeking approval of Engineering Services to design an Eastbound Turn lane on Optimist Club at Airlie Parkway. Optimist Club widening is part of the Eaglewood contract for Airlie Phase II. The County has a contract for the property across from Airlie for a proposed Solid Waste Convenience Site.

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to approve engineering services to design an eastbound turn lane on Optimist Club Road at Airlie Park.

Motion to approve Change Order to Phase 2 of Airlie Business Park's Roadway Contract in the amount of \$82,868.88, to extend the original contract deadline and to allow for additional work as set out in McGill Associates letter dated March 5, 2014 and in Work Directive Order #1: Don Chamblee presented the following:

Lincoln County Public Works is seeking approval of the change order to Phase 2 of Airlie Business Park's Roadway Contract the amount of \$82,868.88 and to extend the original contract deadline and to allow for additional work as set out in McGill Associates letter dated March 5, 2014 and in Work Directive Order #1.

The Board discussed this request and Mr. Deaton advised them that it would be appropriate to go into closed session to consult with him about this matter.

The Board moved this to the end of the agenda.

Motion to award bid to the apparent low bidder and the sole bidder, Southern Municipal Equipment, as the vendor for the purchase of a sewer camera and trailer - Don Chamblee presented the following:

Lincoln County Public Works is requesting approval to award the bid to the apparent low bidder and the sole bidder, Southern Municipal Equipment as the vendor for the purchase of a sewer camera and trailer. Southern Municipal Equipment was the apparent low bidder in the amount of \$84,000.00 with a trade in allowance of \$2,000.00 for a total contract price of \$82,000.00.

UPON MOTION by Commissioner Robinson, the Board voted unanimously to award bid to the apparent low bidder and the sole bidder, Southern Municipal Equipment, as the vendor for the purchase of a sewer camera and trailer.

Motion to approve Change Order No. 3 for maintenance, safety and operational changes to the existing construction contract with Gilbert Engineering Company for maintenance and improvements to the water treatment plant - Don Chamblee presented the following:

Lincoln County Public Works seeks approval of Change Order No. 3 for maintenance, safety and operational changes to the existing construction contract with Gilbert Engineering Company for maintenance and improvements to the water treatment plant.

UPON MOTION by Commissioner Martin, the Board voted unanimously to approve Change Order No. 3 for maintenance, safety and operational changes to the existing construction contract with Gilbert Engineering Company for maintenance and improvements to the water treatment plant.

Agreement to Approve a Fleet Services Maintenance Contract Between Lincoln County and Lincoln County Schools: Tracy Jackson presented the Board with an Agreement to approve a Fleet Services Maintenance Contract Between Lincoln County and Lincoln County Schools. The projected savings from this agreement for FY14 will be \$3776.32, which will be split between the county and schools. The Board discussed the advantages of this agreement and the cost savings.

UPON MOTION by Commissioner Robinson, the Board voted unanimously to table the agreement.

Finance Officer's Report: Deanna Rios presented the Finance Officer's Report.

County Manager's Report: Nothing reported.

County Attorney's Report: Nothing reported.

County Commissioners' Report: Nothing reported.

Vacancies/Appointments: Nothing reported.

Closed Session: **UPON MOTION** by Commissioner Martin, the Board voted unanimously to enter Closed Session pursuant to NCGS § 143-318.11 (a) (3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged.

The Board returned to open session and Chairman Patton announced that no action was taken in closed session.

The Board returned to Agenda item 15.

UPON MOTION by Commissioner Robinson, the Board voted unanimously to approve Change Order to Phase 2 of Airlie Business Park's Roadway Contract in the amount of \$82,868.88, to extend the original contract deadline and to allow for additional work as set out in McGill Associates letter dated March 5, 2014 and in Work Directive Order #1.

Officer Jeff Warlick, with the Lincoln County Sheriff's Office, gave the Board information relating to the Agreement Concerning Fleet Services Maintenance.

Adjourn: **UPON MOTION** by Commissioner Klein, the Board voted unanimously to adjourn.

Amy S. Atkins, Clerk
Board of Commissioners

Alex E. Patton, Chairman
Board of Commissioners