

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, DECEMBER 15, 2014

The Lincoln County Board of County Commissioners met December 15, 2014 at the Citizens Center, Commissioners Room, 115 West Main Street, Lincolnton, North Carolina, at 6:30 P.M.

Commissioners Present:

Carrol Mitchem, Chairman
Bill Beam, Vice Chair
Martin Oakes
Cecelia A. Martin
Alex E. Patton

Others Present:

Kelly G. Atkins, County Manager
Wesley L. Deaton, County Attorney
Amy S. Atkins, Clerk to the Board

Call to Order: Chairman Mitchem called the December 15, 2014 meeting of the Lincoln County Board of Commissioners to order. Commissioner Patton gave the Invocation and led in the Pledge of Allegiance.

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

AGENDA
Lincoln County Board of Commissioners Meeting
Monday, December 15, 2014
6:30 PM

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

Call to Order

Invocation – Commissioner Patton

Pledge of Allegiance

1. Adoption of Agenda
2. Consent Agenda
 - Sponsored Group Status

- South Fork Baptist Association
- Maiden Rosenwald Community Development Corporation
- Approval of Minutes

3. Planning Board Recommendations - Randy Hawkins
 - 3a. Motion to approve merit increases for employees retroactive to July 1, 2014
4. Public Comments (15 minutes allowed per Rules of Procedure - 3 minutes per person)
5. Update on Lincoln County Home Health Agency - Maggie Dollar
6. Fair Housing Practices (Information only - no action needed) - Randy Williams
7. Public Transportation 5310 Program Resolution - Ron Rombs
8. Motion to Accept Library Service and Technology Act (LSTA) EZ Edge Technology Grant - Jennifer Sackett
9. Presentation on Catawba-Wateree River Basin Water Supply Master Plan - Barry Gullet and Keith Mosteller
- 9a. Update from Lake Norman Marine Commission
10. Approval to seek a proposal to design Water Treatment Plant expansion for review in the budget process (Kimley Horn Proposal)- Don Chamblee
11. Motion to Approve Employment Contract with Mr. Kelly G. Atkins
12. Finance Officer's Report
13. County Manager's Report
14. County Commissioners' Report
15. County Attorney's Report
16. Vacancies/Appointments
17. Calendar
18. Other Business
 - Register of Deeds Report
 - Property Tax Collection Report

Recess until December 16, 2014 at 8:30 AM in the Commissioners' Room for a Planning Retreat

UPON MOTION by Commissioner Beam, the Board voted unanimously to adopt the agenda as presented adding Item 2a - Recognition of East Lincoln Football Team.

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

- Sponsored Group Status
 - South Fork Baptist Association
 - Maiden Rosenwald Community Development Corporation
- Approval of Minutes
 - November 17, 2014
 - December 1, 2014

Items listed in the Consent Agenda are on file in the office of the Clerk to the Board and are hereby made a part of these minutes as though fully set forth herein.

Recognition of East Lincoln High School Football Team:

Commissioner Oakes stated that he would like to recognize that 2 of Lincoln County's High Schools went deep into the playoffs, Lincolnton and East Lincoln. East Lincoln went onto win the State Championship. He asked if signage could be put up at the county boundaries recognizing this. County Manager Atkins said he would check into this.

UPON MOTION by Commissioner Oakes, the Board voted unanimously to approve a Resolution and recognition of East Lincoln High School, asking the County Manager to check on placing signage at the county lines recognizing the football team.

Planning Board Recommendations:

ZMA #611 Robert Klinger, applicant (Parcel ID# 31890 and 75066) A request to rezone 4.0 acres from R-SF (Residential Single-Family) to B-N (Neighborhood Business). The property is located at 1853 N. NC 16 Hwy., on the west side of N.C. 16 Business at Woodhill Cove Lane, in Catawba Springs Township.

The Planning Board voted 9-0 to recommend approval.

UPON MOTION by Commissioner Oakes, the Board voted unanimously to approve Statement of Consistency of Reasonableness for ZMA #611.

UPON MOTION by Commissioner Beam, the Board voted unanimously to approve Zoning Map Amendment #611 – Robert Klinger, applicant.

ZMA #612 JVP Fit Enterprises, LLC (Parcel ID# 74083 and 33425) A request to rezone 1.8 acres from I-G (General Industrial) and B-N (Neighborhood Business) to B-G (General Business). The property is located at 3273 N. NC 16 Hwy., on the south side of N.C. 16 Business about 300 east of Denver Drive, in Catawba Springs Township.

The Planning Board voted 9-0 to recommend approval.

UPON MOTION by Commissioner Patton, the Board voted unanimously to approve Statement of Consistency of Reasonableness.

UPON MOTION by Commissioner Oakes, the Board voted unanimously to approve Zoning Map Amendment #612 – JVP Fit Enterprises, LLC

PD #2010-2-A Baylor Properties Corp., applicant (Parcel ID# 34171) A request to modify a master plan for a mixed-use development. The approved master plan for the Cottonwood Village development calls for 252 multi-family dwelling units and 96,800 square feet of office/commercial space. The proposed new plan calls for 254 multi-family dwelling units, 60,000 square feet of office/commercial space, and a hotel. The request involves a 31-acre site located about 500 feet south of N.C. 73 and 700 feet west of N.C. 16 Business and bordering Advance Avenue, South Little Egypt Road and N.C. 16 Bypass, in Catawba Springs Township.

The Planning Board voted 9-0 to recommend approval.

UPON MOTION by Commissioner Oakes, the Board voted unanimously to approve the Statement of Consistency of Reasonableness for PD #2010-2-A.

UPON MOTION by Commissioner Martin, the Board voted unanimously to approve PD #2010-2-A Baylor Properties Corp, applicant.

Motion to Approve Merit Increases for Employees Retroactive to July 1, 2014:

UPON MOTION by Commissioner Patton, the Board voted unanimously to approve merit increase for employees retroactive to July 1, 2014.

Kelly Atkins, County Manager, stated that with the approval of this motion, the department heads will meet with Personnel this week. All employees should know the amount of their merit raise by the end of the week. This would go into effect January 15, 2015, going back to July 1, 2014 and would be a separate check.

Public Comments: Chairman Mitchem opened Public Comments.

Richard Permenter, 4509 Rustling Woods Drive, Denver, stated that later on the agenda there will be a report on the Catawba-Wateree River Basin Water Supply Master Plan. He urged the Board to not consider the resolution favorably that they are proposing.

Rudy Bauer, 8252 Blades Trail, thanked the Commissioners that voted for the C&D boxes to be placed back at the convenience sites. He asked about the schedule for cleaning the catch basins for Covington. He expressed concerns about children playing in these ponds.

Being no additional speakers, Chairman Patton closed public comments.

Update on Lincoln County Home Health Agency: Maggie Dollar presented the Board with an update on the Lincoln County Home Health Agency. She said it was a difficult year financially

last year for Home Health. She said they have been working closely with County Management and Finance Director making sure they are on target. She said their patient numbers are building back up and goal is to grow the patient load with a budget they could better meet since the county put in more money last year for Home Health. Ms. Dollar reported they are on target as she presented budget figures for the year.

Fair Housing Practices – Randy Williams: Randy Williams read the following statement

Under Title VIII of the Civil Rights Act of 1968, as amended, in most instances, it is against the law to discriminate against a person in the buying, renting or financing of houses or apartments because of race, color, religion, sex, national origin, family status or handicap. This law entitles any person who feels he or she has been discriminated against to file a compliant. The Lincoln County Planning & Inspections Department is available to assist residents by providing educational materials and in submitting complaints about housing discrimination. Interested persons should telephone or write the County Offices in care of:

Lincoln County

Randy Williams, AICP, Principal Planner

302 North Academy Street

Lincolnton, NC 28092

phone number: 1-704-736-8472

TDD: 1-800-735-2962

Or call the North Carolina Human Relation Commission 1-919-807-4420 or write:

North Carolina Human Relation Commission

116 W. Jones Street, Suite 2109

1318 Mail Service Center

Raleigh, North Carolina 27699-1318

Toll Free: 1-866-324-7474

TDD: 1-800-735-2962

Public Transportation 5310 Program Resolution – Ron Rombs: Ron Rombs presented the following:

North Carolina Department of Transportation (NCDOT) administers all state and federal funds applicable to providing public transportation.

The fiscal year 2016 CTP application was approved at the November 17, 2014 BOC meeting.

I request the Board of Commissioners approve the attached PUBLIC TRANSPORTATION 5310 PROGRAM RESOLUTION which moves the original capital funding for replacement vehicle to the Rural Transit Program.

There are no changes in the dollar amount or the county match requirement, only the grant funding program.

Total NC DOT Budget	Lincoln County Matching Funds
Capital \$282,500	10% match \$28,250
TOTAL \$282,500	Match \$28,250

Capital cost will cover the replacement of five wheelchair vans for TLC.

PUBLIC TRANSPORTATION 5310 PROGRAM RESOLUTION

WHEREAS, Article 2B of Chapter 136 of the North Carolina General Status and the Governor of North Carolina have designated the North Carolina Department of Transportation (NCDOT) as the agency responsible for administering federal and state public transportation funds; and

WHEREAS, the North Carolina Department of Transportation will apply for a grant from the US Department of Transportation, Federal Transit Administration and receives funds from the North Carolina General Assembly to provide assistance for public transportation projects; and

WHEREAS, the purpose of the Section 5310 program is to enhance mobility for seniors and individuals with disabilities throughout the country, by removing barriers to transportation services and expanding the transportation mobility options available. Toward this goal, FTA provides financial assistance for transportation services planned, designed, and carried out to meet the special transportation needs of seniors and individuals with disabilities in all area.

WHEREAS, NCDOT has been designated as the State agency with principle authority and responsibility for administering the Section 5310 Program for small urbanized and rural areas; and

WHEREAS, (Legal Name of Applicant) Lincoln County hereby assures and certifies that it will comply with the federal and state statutes, regulations, executive orders, and all small administrative requirements related to the applications made to and grants received from the Federal Transit Administration, as well as the provisions of Section 1001 of Title 18, U.S.C.

NOW, THEREFORE, be it resolved that the (Authorized Official's Title)* County Manager of (Name of Applicant's Governing Body) Lincoln County is hereby authorized to submit a grant for federal and state funding, provide the required local match, make the necessary assurances and certifications and be empowered to enter into an agreement with the NCDOT to provide public transportation services.

I Amy S. Atkins, Clerk to the Board do hereby certify that the above is true and correct copy of an excerpt from the minutes of a meeting of the Lincoln County Board of Commissioners duly held on the 15th day of December, 2014 .

Signature of Certifying Official

Date

***Note that the authorized official, certifying official, and notary public should be three separate individuals.**

Seal Subscribed and sworn to me (date) _____

Notary Public Signature_____

Printed Name and Address

My commission expires (date) _____

UPON MOTION by Commissioner Beam, the Board voted unanimously to approve the Public Transportation 5310 Program Resolution..

Motion to Accept Library Service and Technology Act (LSTA) EZ Edge Technology

Grant: Jennifer Sackett presented the following:

The Lincoln County Public Library has been awarded a \$5,000 LSTA EZ Edge Technology Grant to purchase equipment and software that supports multimedia content creation and wireless printing at all three libraries. This project will assist the library in meeting technology standards outlined for public libraries through the Edge Initiative and supported by the State Library of North Carolina.

The Edge initiative helps libraries assess their operations and plan for the future by using benchmarks to evaluate themselves. It includes tools to build capacity and improve services. The goal of the EZ Edge Technology Program is to help public libraries meet the public access technology needs of their communities. The State Library of North Carolina is offering a pilot reimbursement program with LSTA funds to assist public libraries that have identified areas of improvement using the Edge assessment and have developed an Action Plan based on that assessment.

The Lincoln County Public Library completed both the Edge Assessment and the Action Plan in 2014.

UPON MOTION by Commissioner Patton, the Board voted unanimously to accept the Library Service and Technology Act (SLTA) EZ Edge Technology Grant.

Jennifer Sackett congratulated Rebecca Powell, Library Board Chair, for being recognized as State Library Trustee of the Year for 2014.

Presentation on Catawba-Wateree River Basin Water Supply Master Plan – Barry Gulle

and Kevin Mosteller: Kevin Mosteller, Project Manager with HDR, shared a video concerning the Catawba-Wateree River Basin Water Supply Master Plan.

Mr. Mosteller said that in 2006 Water Supply Study found maximum capacity of Catawba River Basin for water supply could be reached mid-century. Catawba-Wateree Water Management Group incorporated in December of 2007. The Water Supply Master Plan was commissioned in 2010. The purpose of the Master Plan is to find ways to extend the time before the capacity of the Basin is reached.

The Catawba-Wateree River Basin is 4,750 square miles and supports nearly two million people with water for drinking, power generation, industrial processes, crop and livestock production, recreation, irrigation and more.

The elements of the Master Plan are as follows: Supplemental funding, stakeholder input, water use projections, refinement of hydrologic model, climate change impacts, develop and evaluate options, action plan and schedule, publish report, implementation, on-going public input, and periodic future updates.

The purpose of the Master Supply Plan is to anticipate what is likely to happen and to ensure there is water supply for those interests.

Mr. Mosteller reviewed with the Board how the study was created.

Update from Lake Norman Marine Commission: Mr. Ron Shoultz, Executive Director of the Lake Norman Marine Commission, presented the following:

Mr. Chairman, Lincoln County Commissioners, ladies and gentlemen of the audience, the LNMC thanks you for the opportunity to speak here this evening.

My name is Ron Shoultz and I am the Exec. Dir. of the LNMC. One of the responsibilities of the LNMC and of the Exec Dir. is to participate in various meetings, boards and advisory groups regarding matters concerning Lake Norman. Myself & Bob Elliot, Asst. Director of the LNMC, have represented the LNMC, residents and users of LN, as members of the Stakeholders Advisory Team to the Catawba-Wateree Water Management Group for over the past two years.

The LNMC appreciates and applauds the efforts of the Water Mgmt. Group and agrees that the need for a Water Supply Plan exists, and that the development of a plan is difficult at best and most certainly complicated (as exemplified by the Water Mgmt. Groups' Plan & Exec. Summary which is nearly 1000 pages) ... However, the LNMC does not endorse the plan as it presently exists and as being presented. Please allow me to explain why the LNMC does not endorse the plan and our concerns with the plan as it currently sits...

From onset of the LNMC's participation on the CWWMG SAT, our concern has been with the effect of projected water withdrawals on lake levels and the impacts lower lake levels have on the economic interest of recreation and property value.

The Catawba River is consistently cited by various environmental and ecologic groups as an endangered river, one of only two east of the Mississippi. The Catawba finds itself being listed as endangered due to the

demands put on the river for energy production. The production of energy is the single largest consumer of water. The Water Supply Plan does not acknowledge the endangered status of the Catawba, nor makes recommendations to savings regarding power production as recommended by a 2013 resolution of the National Association of Regulatory Utility Commissioners which urged States and federal authorities to take a variety of steps to recognize the role of water in the U.S. power supply and reduce electricity-related water risks, including reducing the water-intensity of power generation. Electric utilities should be required to retrofit facilities with low-water cooling technologies.

The plan does not recommend any savings by power production facilities, and as a matter of fact endorses the addition of two new power production facilities on the Catawba-Wateree basin. The plan calls for more than doubling the withdrawal of water from the basin, and a more than doubling of the water withdrawal for energy production. The plan is for 50 years, which coincidentally is the length of time of the license agreement between Duke Energy and the Federal Regulatory Commission (FERC) to manage the Catawba-Wateree basin with regard to Duke's production of energy. The difficulties with a 50 year pro-forma plan are inherent, i.e. changes in population growth, climate and technology to name a few.

Consequently, the plan calls for it to be reviewed every 10 years to be updated and modified and thusly calls itself a living document. The LNMC recommends for the plan to be a truly living document, it should be reviewed at least every 5 years.

Also, the plan does not include a procedure to make changes and/or modifications. The LNMC recommends a change procedure be added to the plan.

The plan endorses an increase of water withdrawal for Inter Basin Transfers (IBT) than is currently being withdrawn from the basin. IBTs are of a major concern for many parties and the subject of much debate. As it relates to the Water Supply Plan, instead of openly representing the IBT withdrawals, IBT usage is in-boarded into the consumer usage category of the plan without identification as an IBT. The LNMC recommends that IBT usage be broken out as its own category in the plan for clarity and transparency with regard to this hot button issue. The LNMC also recommends that the WMG recognize the discrepancy of the amount of withdrawal permitted for IBTs and the amount actually being used for IBTs with an endorsement to the State legislature to review the permitted amounts to make the appropriate reductions.

The LNMC has always endorsed that a DRAFT of the plan be released to the public and with various groups for review and input... that education to the issues and a primer on how the basin works be a part of the mission of the WMG. Instead, the plan was released, without SAT endorsement, and is now being submitted to various bodies for endorsement which is what is on the table here this evening.

Interestingly, at the Catawba-Wateree Relicensing Coalition Water Issues Conference on Oct. 28th, the plan was presented and discussed. At the conclusion of the conference, those present were asked to gather in small groups to summarize our takeaway of the plan. The comments made by the group who are intimate with the issues were re-iterated by my presentation to you, concerns about the data base, IBTs, public education, FERC's involvement and role in the plan (which by the way FERC was not at the table during the development of the plan) and why the plan was not reviewed by groups such as these prior to its final release for input.

It has been stated by the WMG that if the recommendations in the plan were implemented that water levels would be enhanced or even higher even during drought conditions... while more than doubling the current

withdrawals which the LNMC questioned the logic in that statement. To which the WMG offered last spring to run the data of the last Drought of Record (2007-09) into the model developed to prove their point. To date, the LNMC has not been provided with the results of that model run. In our last correspondence in October with the WMG, the group asked to make a presentation at a LNMC meeting concerning the plan, we invited the WMG to make a presentation with limits to discussion of the issues the LNMC had presented to the WMG... to date we have not heard back from the WMG to make the presentation.

Of the nearly 1000 pages of the plan and executive summary, here are the 3 primary action points of the plan:

- 1) Change the response time of action required by in Low Inflow Protocol (LIP) - Drought conditions- as mandated in the FERC license to 1 day instead of 7 days. The LNMC believes this will require a change to the License. Agreement with Duke Energy and FERC.
- 2) Raise the target lake elevation levels by 6". Also possibly needing FERC approval and raises concerns about possible flooding at some of the lakes in the system.
- 3) Lower the water intakes of the various water withdrawal entities by 5'. To which the LNMC has asked why the intakes need to be lowered if the plan as previously stated by the WMG will enhance lake levels. If the intakes are lowered and the lake drops 12' below full pond which the LNMC believes will occur with the consumption of water as endorsed by the existing plan, virtually all of the dock and marinas and boat launch areas will be unusable, thus eliminating all the use of the lake, a major impact to the economy of the area. A 2nd and larger concern will be to the value of property on the lake, and the erosion of the tax base that each of the counties on the lake will feel the effect of. Ultimately, county taxes will need to be increased due the loss of revenue from reduced lake property value.

The LNMC has been in contact with each of the 4 counties surrounding LN, explaining the position of the LNMC and have expressed our opposition to the plan. We have also met with or had correspondence with a number of State legislators, and other interested groups regarding our concerns which we are currently pursuing.

This issue as stated previously is huge and complex, and we have only given a limited re-cap of the issues the LNMC believes are involved here.

The LNMC thanks you for the opportunity to make this presentation and hope this information and explanation for our concerns has been a benefit to you.

The Board asked the Lake Norman Marine Commission to get together with the Catawba-Wateree River Basin Group and come back with a recommendation.

Approval to seek a proposal to design Water Treatment Plan expansion for review in the budget process: Don Chamblee presented the following:

Lincoln County commissioned a study by Kimley-Horn and Associates, Inc. to identify the current and future water requirements and needs of the Lincoln County Water Treatment Plant. The study found that the average daily demand on the water treatment plant may exceed the NC

General Statutes regulation threshold of 80% of the plants' capacity by the summer of 2015 and exceed the threshold of 100% of the plant's capacity by the summer of 2016. Lincoln County Public Works has included the study conducted by Kimley-Horn and Associates as part of this request. Lincoln County Public Works has included the study conducted by Kimley-Horn and Associates as part of this request. Lincoln County Public Works requests to begin the process of selecting an engineering firm to proceed with the recommended expansion of the water treatment plant to 8.0 MGD from the current 3.99 MGD.

Mike Shelton, Engineer and Planner with Kimley-Horn presented the results of the Water Treatment Plant Study. They were hired in September to provide an unbiased study of the water treatment plant capacity and recommend future plans for the plant.

Current average day demand on the WTP is 2.61 Million Gallons per Day (mgd) based on the past year of treated water meter records and billing records. Peak day demand for the past 12-month period was 4.03 mgd and occurred on May 25, 2014. Based on historic demand data, billing records, and growth projected in the water distribution system service area, the WTP average day demand will exceed 3.2 mgd in summer of 2015. The average day demand is anticipated to exceed 3.6 mgd in summer of 2016.

The current capacity is 3.99 mgd. Current treatment capacity is limited by the firm capacity of the raw water pumps. Based on historic demand data, billing records, and growth projected in the water distribution system service area, the WTP will exceed the North Carolina General Statutes § 143-355 regulation threshold of eighty percent in summer of 2015. Demand does not currently exceed the 90% seasonal limit. The demand is anticipated to exceed WTP capacity in summer of 2016.

This report recommends implementation of Scenario 1 – Expansion to 8 mgd. The recommended scenario adds 4 mgd of capacity in a parallel train. The report provides an opinion of probable construction cost for a total of \$8.86 million for the recommended expansion, a preliminary project schedule, and permitting requirements. In addition to the expansion recommendation, this report recommends construction of a third pump at the raw water pump station prior to the next WTP upgrade; this report recommends replacement of existing tube settlers with stainless steel plate settlers; and this report recommends completion of the distribution system loop on NC 73.

He complimented the plant operator, Adam Jolicoeur, on running one of the best looking plants in this capacity range they have seen in their experience across several states. And we'd like to thank your staff, Mr. Chamblee and Mr. Henderson for their clear direction on this study. We work with a lot of different County and municipal staffs and it was great to work with highly qualified people, like your staff.

He recommended that the County:

1. pursue funding,
2. select a design engineering firm, and
3. begin design and permitting for the expansion.

UPON MOTION by Commissioner Patton, the Board voted unanimously to approve as requested.

Motion to Approve Employment Contract with Mr. Kelly G. Atkins: **UPON MOTION** by Commissioner Beam, the Board voted unanimously to approve an Employment Contract with Mr. Kelly Atkins as County Manager.

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

County Manager's Report: Mr. Atkins reminded the Board of the Planning Retreat scheduled for tomorrow morning at 8:30 a.m. He reported on convenience sites, saying he has met with all Convenience Site Attendants to go over customer service.

County Commissioners' Report:

County Attorney's Report: Mr. Deaton reported on the write-in candidate for Sheriff, who had some civil actions filed. Those have all been resolved satisfactorily.

County Commissioners' Report: Nothing reported.

Vacancies/Appointments: Nothing reported

Recess: **UPON MOTION** by Commissioner Oakes, the Board voted unanimously to recess until December 16, 2014 at 8:30 a.m. in the Commissioners' Room for a budget planning retreat..

Amy S. Atkins, Clerk
Board of Commissioners

Carrol Mitchem, Chairman
Board of Commissioners