

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, SEPTEMBER 8, 2014

The Lincoln County Board of County Commissioners met September 8, 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:

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 September 8, 2014 meeting of the Lincoln County Board of Commissioners to order. Commissioner Robinson gave the Invocation and led in the Pledge of Allegiance.

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

AGENDA
Lincoln County Board of Commissioners Meeting
Monday, September 8, 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
 - Tax Requests for Releases - Over \$100
 - July 16 - August 15, 2014
 - CDBG Monthly Status Update
 - Minutes for Approval
 - July 21, 2014
 - August 4, 2014
 - August 18, 2014
 - Motor Vehicle Refunds Over \$100 - July 2014
 - 2014 Industry Appreciation Month Proclamation
 - Health Provider Contract Extension for Detention Center
 - Resolution #2014-20: Resolution to Amend the Lincoln County Personnel Policy
 - Resolution #2014-21: Resolution to Amend the Classification and Compensation Plan
3. Zoning Public Hearings - Randy Hawkins

CUP #339 Melissa Lefler, applicant (Parcel ID# 58764) A request for a conditional use permit to operate a boarding kennel in the I-G (General Industrial) district. The proposed 0.7-acre site is located at 896 Dove Ct., on the east side of Dove Court about 300 feet north of Townsend Drive, in Catawba Springs Township.

UDO Proposed Amendments #2014-2 Lincoln County Planning and Inspections Department, applicant. A proposed to amend the Lincoln County Unified Development Ordinance as follows:

- Amend Section 12.3.2 to add a definition for solar farm.
- Amend Section 2.3.3 to specify that the use group “Major Utility” does not include a solar farm.
- Amend Section 2.2.1 to add “solar farm” as a conditional use in the R-R, R-T, B-G, B-C, I-L and I-G districts.
- Amend Section 2.5.1.F to add “solar farm” as a conditional use in the Eastern Lincoln Development District
- Amend Section 4.3 to add standards for a solar farm.

4. Public Comments (15 minutes allowed per Rules of Procedure – 3 minutes per person)
5. Motion to Approve Proposed Agreement with City of Lincolnton for the Purchase of Water - Tracy Jackson
6. Presentation of Schedule of Values - Kep Kepley
7. Partners Behavioral Health Presentation - Paul Caldwell
8. Acceptance of Transfer of Lincoln Lifesaving Crew Building to Lincoln County - Martha Lide
9. Declaration of Official Intent to Reimburse - Deanna Rios

10. Approval of Agreement with Wirth and Associates for design of the Carolina Thread Trail (Optimist Club Trail)- Randy Williams
11. Other Business

Adjourn

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

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

- Tax Requests for Releases - Over \$100
 - July 16 - August 15, 2014
- CDBG Monthly Status Update
- Minutes for Approval
 - July 21, 2014
 - August 4, 2014
 - August 18, 2014
- Motor Vehicle Refunds Over \$100 - July 2014
- 2014 Industry Appreciation Month Proclamation
- Health Provider Contract Extension for Detention Center
- Resolution #2014-20: Resolution to Amend the Lincoln County Personnel Policy
- Resolution #2014-21: Resolution to Amend the Classification and Compensation Plan

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.

Zoning Public Hearings: Randy Hawkins presented the following:

CUP# 339 – Melissa Lefler, applicant:

The applicant is requesting a conditional use permit to operate a boarding kennel in the I-G (General Industrial) district. A kennel is a conditional use in the I-G district. The proposed kennel would be operated in conjunction with a dog grooming service (a permitted use by right in the I-G district), utilizing an existing commercial building.

SITE AREA AND DESCRIPTION

The 0.7-acre parcel is located at 896 Cove Court, on the east side of Dove Court about 300 feet north of Townsend Drive. This property is part of Triangle Business Park. It is adjoined by property zoned I-G and B-N (Neighborhood Business). Land uses in this area include industrial, business and residential. This property is part of an idea designated by the Land Use Plan as industrial.

Chairman Patton opened the public hearing for CUP #339 – Melissa Lefler, applicant.

Yates Gilbert spoke in opposition saying he has 9 residential homes very close to this property and does not feel like he will have any tenants left with barking dogs here.

Lauren Goldsmith said she moved here from Nashville, TN and was able to take her dog to a doggy daycare there. She said she welcomes this business and has nothing bad to say about them. She asked for the Board's approval.

Linda Collier stated that she brings her dog to Puppy Planet for several months. She said they provide excellent care.

Rudy Bauer said he is not against dogs, but is wondering who will win out, dog care centers or used car lots.

Melissa Lefler, owner of Puppy Planet, said she was here a few years ago and is now back to expand her business. She said they have a great record. She asked the Board to check out their Facebook page to see the dogs happily playing in a safe environment.

Keith Johnson asked about parking.

Linda Farron said she has known Melissa since she opened. She said she's never heard an overabundance of noise from the facility

Reginald Ballard said he has worked with Melissa the past few years. He presented letters from clients who were unable to be here tonight supporting the project. He said no one on the outside should be able to hear any dog noise.

Elaine Hults said she recently purchased a dog who had not been socialized and Puppy Planet was wonderful with him. She said you could not ask for a better place to leave your pets and she has never heard noise there.

Jackie Colucci said she and her husband board their dogs there and is there often. She said she never hears noise when she is there.

Judy Hicks stated that everything is clean, neat and nice at Puppy Planet. She said the animals are all very happy being there.

Dorthy Nathansohn said it is always quiet when she is at Puppy Planet, so she doesn't feel like there is anything to worry about. She said it is always clean and would do Denver well to have the application approved.

Yates Gilbert said dogs bark and he has tenants who sleep during the day.

Commissioner Robinson asked what uses could go on this property. He said there are a lot of things that could go in that building without any zoning changes that would make a lot more noise than dogs.

Melissa Lefler said they have a marina across from them and you can hear it during the day. She said if Mr. Gilbert will let her know when they are sleeping, she will make sure to keep the dogs inside during that time. She said when it is hot, they do not go outside for long periods. She said she will work with the neighbors.

Being no additional speakers, Chairman Patton closed the public hearing.

UDO Proposed Amendments #2014-2 – Planning and Inspections Department,
applicant: Randy Hawkins presented the following:

This is a proposal to amend the Lincoln County Unified Development Ordinance as follows:

- Amend Section 12.3.2 to add a definition for solar farm.
- Amend Section 2.3.3 to specify that the use group "Major Utility" does not include a solar farm.
- Amend Section 2.2.1 to add "solar farm" as a conditional use in the R-R, R-T, BG, B-C, I-L and I-G districts. - Amend Section 2.5.1.F to add "solar farm" as a conditional use in the Eastern Lincoln Development District
- Amend Section 4.3 to add standards for a solar farm.

In drafting the proposed amendments, staff reviewed regulations adopted by other counties and an ordinance template developed by a stakeholders group that included solar industry representatives, local planners and other governmental officials.

This proposal comes amid continued interest in the possible establishment of solar farms in

Lincoln County. The proposed amendments address issues that arose with previous applications for conditional use permits for such projects.

This proposal would:

- Create a separate classification in the Use Table for solar farms. Currently, a solar farm falls under the definition of “Major Utility,” a classification that is listed as a conditional use in all zoning districts
- Limit the zoning districts in which a solar farm is listed as a conditional use, meaning a solar farm would not be permitted in certain districts, including the R-SF district.
- Establish a uniform 50-foot minimum setback from road right-of-ways and property lines for structures and fencing. Currently, the minimum setback is typically less than 50 feet and varies depending on the zoning district and which side of a property is involved.
- Establish a standard for screening a site where it abuts a public road or a residential use. Currently, a Class A buffer, a relatively minimal landscaping standard, is required where a site abuts an arterial or collector road. No buffer is required otherwise.
- Require applicants to submit information concerning potential glare to the Federal Aviation Administration if the proposed site is within five miles of a FAA-regulated airport.
- Require applicants to submit and record a plan for removing equipment and restoring a site after a solar farm ceases to generate electricity.
- Require a solar farm to be decommissioned within 12 months after it’s deemed defunct.

Chairman Patton opened the public hearing concerning UDO Proposed Amendments #2014-2.

Carl Gerber thanked the Board for updated the Ordinance in this manner. He requested updating the Ordinance to not allow solar farms in residential areas.

Richard Permenter said he supports the amendment to the UDO with regards to solar farms as it is written. He thanked the Board for their objective consideration.

Timothy Mauney thanked the Board for their time and commitment with this issue. He said he feels this amendment will help in future cases.

Being no additional speakers, Chairman Patton closed the public hearing.

Public Comments (15 minutes allowed per Rules of Procedure – 3 minutes per person): Chairman Patton opened public comments.

Rudy Bauer says the County Manager isn't giving all the information needed as far as the landfill fees are concerned.

Robert Avery said it's time to look at the Schedule of Values because the taxpayers deserve better.

Being no additional speakers, Chairman Patton declared public comments closed.

Motion to Approve Proposed Agreement with the City of Lincolnton for the Purchase of Water: Mr. Jackson presented the Agreement with the City of Lincolnton for the Board's approval.

Mr. Jackson said staff is seeking approval of the Agreement for the purchase of water. (Copy attached and incorporated herein by reference).

UPON MOTION by Commissioner Klein, the Board voted unanimously to approve the Agreement with the City of Lincolnton.

Chairman Patton thanked Commissioners Klein and Robinson who served on a committee concerning this.

Presentation of Schedule of Values: Kep Kepley presented the Schedule of Values and asked the Board to set a public hearing at the next meeting

Partners Behavioral Health Presentation: Paul Caldwell gave a presentation on behavioral health access. Partners Behavioral Health Management wants to focus resources and efforts to that health care services – mental health, physical health, or substance abuse, are readily available to all citizens who need them, when needed, and where they are convenient. A HUB will be opening in Lincoln County with same day service available.

Acceptance of Transfer of Lincoln Lifesaving Crew Building to Lincoln County: Martha Lide presented the following:

The Lincoln Life Saving Building, located at 322 North Academy Street, directly behind the Building which houses Planning and Inspections and Environmental Health, has several large bays which we estimate to be able to house seven of our trailers/ emergency response units. It also has storage areas in an upstairs area and in a portion of the first floor. The property (.769 acres) is valued at \$50,181, and the building is valued at \$148,125, making the total value of land and improvements \$198,306.

Building Maintenance has evaluated the building and found it to be in good condition. It has a new roof. It does need some minor repair to the rear door. It should be noted a

portion of the Planning and Inspection parking lot is actually on the Lincoln Life Saving Club property. The only added cost we anticipate is the utilities which should be about \$2,000 per year and will be funded through the existing Emergency Management budget and can be paid for through the annual allocation from McGuire.

Mr. Bill Summers presented the following:

We would like to house the following trailers and equipment at the facility.

- Five trailers which are loaded and ready to respond if there is a McGuire Nuclear incident. All of the equipment in these trailers has been funded by McGuire. Much of this equipment is expensive and sensitive to the heat and would be better kept in a more controlled and secure environment to ensure that it is operational in an emergency.
- Three of the trailers contain all of the equipment necessary to open a shelter and register individuals should an evacuation of the 10 mile zone around McGuire be required. The trailers house:
 - Personal protective equipment for our first responders
 - Portal monitors (approximate value of 4 monitors \$64,000), equipment for detecting radiation contamination on vehicles, and handheld instruments used to measure radiation contamination on individuals (approximate value of 30 instruments \$25,500).
 - A supply of personal hygiene items such as tooth paste, deodorant, shampoo, shaving cream and bath lotion which would be necessary should the need for a shelter exist.
- Two of the trailers contain items such as monitors and computers, used to track contaminated autos and individuals, and a computerized identification and tracking system used to identify people in the shelters .
- The Incident Command Unit which will contain both mobile and handheld radios, several computers, video equipment and numerous wall mounted monitors.
- Two large generators, which we would like to store in the building to keep them out of the weather and keep them more dependable.
- The Medical Rehab Trailer which is being purchased this year. It will contain medical gear and electronics used for emergency workers during disasters, emergencies and nuclear events at McGuire. The trailer will also be used if there is a surge on the Emergency Department at CMC Lincoln. .

Commissioner Robinson said he always has a hard time taking on old buildings, which typically cost money to repair and maintain.

UPON MOTION by Commissioner Martin, the Board voted unanimously to accept the Transfer of Lincoln Lifesaving Crew Building to Lincoln County for the sole use of Emergency Management.

Declaration of Official Intent to Reimburse: Deanna Rios presented the following:

The Board needs to adopt the “Declaration of Official Intent to Reimburse” for the debt

financing for the Hospital Project. This declaration must be adopted in order to reimburse ourselves for any expenditures made prior to the issuance of the debt. If this is not adopted, we cannot reimburse ourselves per the Internal Revenue Service and the LGC.

COUNTY OF LINCOLN, NORTH CAROLINA
DECLARATION OF OFFICIAL INTENT TO REIMBURSE

This declaration (the "Declaration") is made pursuant to the requirements of the United States Treasury Regulations Section 1.150-2 and is intended to constitute a Declaration of Official Intent to Reimburse under such Treasury Regulations Section.

The undersigned is authorized to declare the official intent of the County of Lincoln, North Carolina (the "Issuer") with respect to the matters contained herein.

1. **Expenditures to be Incurred.** The Issuer anticipates incurring expenditures (the "Expenditures") for renovation of the Old Hospital (the "Project").
2. **Plan of Finance.** The Issuer intends to finance the costs of the Project with the proceeds of debt to be issued by the Issuer (the "Borrowing"), the interest on which is to be excluded from gross income for Federal income tax purposes.
3. **Maximum Principal Amount of Debt to be Issued.** The maximum principal amount of the Borrowing to be incurred by the Issuer to finance the Project is \$18,000,000.
4. **Declaration of Official Intent to Reimburse.** The Issuer hereby declares its official intent to reimburse itself with the proceeds of the Borrowing for any of the Expenditures incurred by it prior to the issuance of the Borrowing.

Adopted this 8th day of September, 2014.

SEAL

By: _____

Clerk
County of Lincoln, North Carolina

By: _____

Finance Director
County of Lincoln, North Carolina

UPON MOTION by Commissioner Robinson, the Board voted 4 – 1 (Klein against) to approve the Declaration of Official Intent to Reimburse.

Approval of Agreement with Wirth and Associates for the design of the Carolina Thread Trail (Optimist Club Trail): Randy Williams presented the following:

Lincoln County Planning Staff has been working on the development of a walking/biking trail from Sallys Y to the East Lincoln Community Center along Optimist Club Road. Trail location, preliminary design and land acquisition has been completed. The county was awarded a grant from the Carolina Thread Trail Foundation and the Board approved the acceptance of the grant to fund this project in February 2014. Staff has completed the RFQ process to select a consultant for this project and presents the agreement tonight for this phase of the project.

UPON MOTION by Commissioner Klein, the Board voted unanimously to approve the agreement with Wirth and Associates for the design of the Carolinas Thread Trail (Optimist Club Trail).

Other Business: Chairman Patton said the Board will need to adopt a new meeting schedule, changing the date of the 2nd September meeting to September 22.

UPON MOTION by Commissioner Klein, the Board voted unanimously to adopt the new meeting schedule.

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

Amy S. Atkins, Clerk
Board of Commissioners

Alex E. Patton, Chairman
Board of Commissioners