

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, MARCH 21, 2016

The Lincoln County Board of County Commissioners met March 21, 2016 at the Citizens Center, Commissioners Room, 115 West Main Street, Lincolnton, North Carolina, at 6:30 P.M.

Commissioners Present:

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

Commissioners Absent:

Alex E. Patton

Others Present:

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

Call to Order: Chair Martin called the March 21, 2016 meeting of the Lincoln County Board of Commissioners to order. She called for a moment of silence and led in the Pledge of Allegiance.

Adoption of Agenda: Chair Martin presented the agenda for the Board's approval.

AGENDA
Lincoln County Board of Commissioners Meeting
Monday, March 21, 2016
6:30 PM

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

Call to Order - Chair Cecelia Martin

Moment of Silence

Pledge of Allegiance

1. Adoption of Agenda
2. Consent Agenda
 - Sponsored Group Fees
 - Lincoln County Concert Association

3. Planning Board Recommendations - Randy Hawkins
4. Proposed Modifications in Rivercross Phasing Plan - Randy Hawkins
5. Public Comments (15 minutes allowed per Rules of Procedure - 3 minutes per person)
6. Vet Services and Spay/Neuter Bids - John Henry
7. Declaration of 874 Startown Road as Surplus and Discussion of Sale Options - John Henry
8. Request to approve exemption from the RFQ process NCGS 143-64.31 for Medical Arts Building Roof - John Henry
9. Approval of Bid Award and Construction Contract for repairs at Citizens Center to Strickland Waterproofing - John Henry
10. Update from Animal Services - David Workman
11. Finance Officer's Report
12. County Manager's Report
13. County Commissioners' Report
14. County Attorney's Report
15. Vacancies/Appointments
- Appointments to Animal Services Advisory Board and Reappointment to DSS
16. Calendar
17. Other Business

Information Only - No Action Needed

- Register of Deeds Report
- Property Tax Collection Report

18. Closed Session - Pursuant to NCGS § 143-318.11. Closed sessions (a)(4) To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations (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 and (6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee

Recess to March 31, 2016 at 8:30 a.m. in the Commissioners Room for a budget work session

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

Consent Agenda: **UPON MOTION** by Commissioner Oakes, the Board voted unanimously to adopt the consent agenda as presented.

Sponsored Group Fees - Lincoln County Concert Association

*All items listed in the consent agenda are hereby incorporated by reference and are on file in the Clerk's office.

Planning Board Recommendations: Randy Hawkins presented the following recommendations from the Planning Board.

PD #2016-1 Queen City Land, applicant A request to rezone 70 acres from R-SF (Residential Single-Family) to PD-R (Planned Development Residential) to permit a subdivision with up to 200 lots for single-family homes. The property is located on the east side of N.C. 16 Business about 1,800 feet south of Webbs Road in Catawba Springs Township.

The Planning Board voted 9-0 to recommend approval.

Mr. Hawkins presented a revised applicant report for PD #2016-1 (Queen City Land, applicant), The proposed Newton Crossing subdivision, in conjunction with which the developer has agreed to donate an adjacent 17 acres for a school site. In the previous version of the report, the developer reserved the right to develop the 17 acres for residential purposes in the event the county elects not to use the site for a school, with no time frame specified for the donation of the land or for how long the county would have to make a decision on using it for a school. In the revised report, the developer agrees to deed the 17 acres upon the recordation of the plat for Phase 1 of the development and stipulates that ownership of the land would revert back in the event that a permit for the construction of a school is not obtained within five years. He said that as far as the school is concerned, a new traffic impact study will need to be done when it is time to construct the school, for the school site.

Commissioner Mitchem said he plans to vote against this since the school is adjacent to a 200 acre subdivision with unanswered questions about entrances and exits to the school.

UPON MOTION by Commissioner Oakes, the Board voted 3 – 1 (Mitchem against) to approve the Statement of Consistency and Reasonableness.

UPON MOTION by Commissioner Beam, The Board voted unanimously to approve PD #2016-1 – Queen City Land, applicant.

Andrew Bryant presented the following and passed around the correct findings of fact:

PA #37 Patriot Land, LLC, applicant (Parcel ID# 23431) A request for preliminary plat approval of a 19-lot subdivision. The 17-acre tract is located on the north side of Ivey Church Road about 3,000 feet east of Buffalo Shoals Road in Ironton Township.

The Planning Board voted 9-0 to recommend approval.

UPON MOTION by Commissioner Beam, the Board voted to approve PA #37 – Patriot Land, LLC, applicant, based on the findings of fact presented by the Planning Board with the revised Planning Board minutes.

Proposed Modifications in Rivercross Phasing Plan:

Rivercross is a 116-acre site that was rezoned in February 2015 to Planned Development Mixed Use (PD-MU) to permit up to 220 single-family homes, 200 apartments, 40 townhomes, and 100,000 square feet of commercial space. Following the rezoning, the property was subdivided into three tracts – the single-family area, the apartment area, and the commercial and townhome area – but no development has started. The single-family and apartment areas have been sold to different entities, which are planning to develop the areas independently of each other.

A traffic impact analysis (TIA) was submitted as part of the rezoning application. It identified road improvements that are needed to mitigate the impact of the traffic generated by the overall development. Under the phasing plan that was approved as part of the master plan for the development, most of the road improvements were assigned to be completed as part of Phase 1 of the single-family area. Hawthorne Development Group is now proposing to start developing the apartment area prior to the start of development of the single-family and commercial areas. A TIA phasing analysis was recently conducted to determine the road improvements that are needed to handle the traffic generated by the apartments only.

The Rivercross master plan calls for three ways to access the development: via a main boulevard off N.C. 16 Business, via a second new road off South Triangle Circle, and via a connection to a future phase of Airlie Business Park. (The master plan requires the developer to contribute \$75,000 toward the cost of extending the main boulevard into the future phase by 2020 or prior to the issuance of permits for the commercial section, whichever comes first.) The plan also calls for a connector road between the access ways off South Triangle Circle and N.C. 16 Business to be constructed at the beginning of the commercial or apartment phase, whichever comes first.

Hawthorne Development Group is requesting the following modifications to the master plan:

- 1) That the road improvements identified in the TIA phasing plan dated Feb. 5, 2016, be completed as part of the apartment phase. (The remaining improvements identified in the original TIA would be completed as part of Phase I of the single-family area.)
- 2) That the construction of the connector road be deferred until the main boulevard is constructed, with Hawthorne Development Group providing a financial security to guarantee the construction of the connector road.

The improvements identified in the apartment phasing plan involve the site entrance

on South Triangle Circle and the Triangle Circle/Optimist Road intersection. The site entrance improvements are the same as those identified in the original TIA for the overall development. A table on the following page compares the improvements identified in the original TIA and the apartment phasing plan at the Triangle/Optimist intersection.

Recommendation

Staff recommends the Board of Commissioners approve the requested modifications to the Rivercross master plan to allow the development of the apartment area to start first. The apartments will provide a housing option that is in short supply in eastern Lincoln County. The TIA phasing plan dated Feb. 5, 2016, identifies the specific improvements that are needed to mitigate the impact of the traffic generated by the apartments. It is reasonable for the construction of the connector road to be deferred until the main boulevard is constructed. A bond will be provided to guarantee that funds will be available to construct the connector road. The remaining road improvements will be completed once development starts on the single-family area.

UPON MOTION by Commissioner Oakes, the Board voted unanimously to approve the requested modifications to the Rivercross master plan to allow the development of the apartment area to start first as presented.

Public Comments: Chair Martin opened Public Comments.

Robert Avery asked the Board to put a park with restrooms in the Crouse/Howard's Creek area.

Rudy Bauer said the Board just approved another housing development with a 17 acre school site thrown in to sweeten the pot. He said there are already 3 charter schools on this road. Mr. Bauer said the Board is not following the recommendations for Business 16. He said it's time to try and solve the traffic problem, not add more to it.

Being no additional speakers, Chair Martin closed public comments.

Vet Services and Spay/Neuter Bids: John Henry presented the following:

Two bids were received on February 9, 2016, but one was deemed nonresponsive due to the fact that they did not submit information requested.

Dr. Mitchell from Maiden Small Animal Hospital is requesting \$3000 per month with additional diagnostic services at 20% off and meds and bulk products at cost plus 30%. Staff recommends approval of the bid as received.

Commissioner Beam said Dr. Mitchell is an excellent veterinarian and is doing Lincoln County a service by even bidding on this. He said there is probably not another veterinarian that will bid on work for Lincoln County again because of the way they have been treated by the press and letters to the editor. He said being called names does not bother him, because he asked for this job, but for her to be called names such as the butcher and Dr. Death, is unfair. He said an

anonymous person has been allowed to call the veterinarian these names in the newspaper and he feels bad that the veterinarian that has helped Lincoln County so much has been put through this.

Commissioner Oakes added that today's article in the Lincoln Times News looked like something that would be seen in the National Enquirer.

Commissioner Mitchem added that anybody that makes comments and does not have the guts to put their name to it, does not have the right to say anything. He said as a news reporter, if someone does not put their name, it should not be printed.

Mr. Henry said Dr. Mitchell is currently reviewing the contract and once she returns it, Mr. Atkins will sign it. No Board action is required.

Mr. Henry said bids came back on the same day for spay/neuter. He said there were a total of four vets that bid and they were initially going to award the bid to West Shore Animal Hospital, because they had the overall lowest price. West Shore can only handle 40 animals per week for spay/neuter and Mr. Workman said at peak times, they adopt out 60 animals per week. Due to this, they will split the award between 3 vets, one west, one central and one east so citizens can take the pet to the vet closest to their home.

Commissioner Beam said it seems to be a problem that a lot of animals have left the shelter without being spayed or neutered and this needs to stop.

Declaration of 874 Startown Road as Surplus and Discussion of Sale Options: Mr. Henry presented the following information:

The Grounds Department vacated 874 Startown Road on February 12, moving operations to the Field Operations Center on Salem Church Road. He asked the Board to declare 874 Startown Road as surplus so it can be sold.

UPON MOTION by Commissioner Beam, the Board voted unanimously to declare the property surplus and authorize purchasing to receive sealed bids starting at \$190,000.

Request to approve exemption from the RFQ process NCGS 143-64.31 for Medical Arts Building Roof: Mr. Henry presented the following information:

This is a requested exemption from the RFQ process pursuant to NCGS 143-64.31. The roof on the Medical Arts Building requires replacement and was budgeted for FY17. County Administration is looking at including this cost in financing and needs firm project costs to present to the LGC in June. This exemption approval will allow Purchasing to receive bids the week of May 23 and have them available for presentation in June.

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to adopt Resolution 2016-2: Resolution Exempting the Medical Arts Roof Engineering from G.S. 143-64.31.

Approval of Bid Award and Construction Contract for repairs at Citizens Center for repairs to Strickland Waterproofing: Mr. Henry presented the following information:

Terracon performed an evaluation of the Citizens Center cladding late last year. The findings were presented to the Board and it was requested and approved to enter the bid process. Bids were opened on February 24, 2016 and Strickland Waterproofing was the low bidder.

UPON MOTION by Commissioner Oakes, the Board voted unanimously to approve the bid award to Strickland Waterproofing for repairs to the Citizens Center.

Update from Animal Services: David Workman presented findings from the community meetings, strategies for success, priorities and proposed changes. These changes include:

- #1 LCAS officers will no longer respond out to pick up owner surrender animals.
- #2 Through managed intake, LCAS will only receive owner surrender animals Monday – Saturday during the hours of 1:00 pm to 3:00 pm
- #3 LCAS will no longer accept Owner Surrender Euthanasia request animals

Commissioner Beam asked about trap, neuter and release programs. Mr. Workman said there are not to his knowledge currently any municipal groups doing this program. He said the state does have some problems with the trap, neuter, release, which include: possible abandonment of animals, care of the animals and the yearly vaccinations. Mr. Atkins said they are trying to work through some of these problems with the State and this will be a task of the Animal Services Advisory Board to determine if the TNR can and will work in Lincoln County.

Commissioner Beam said he would like to see all animals spayed/neutered before they leave the shelter.

Commissioner Mitchem asked what plan is in place to prevent going over the number of animals allowed by the Department of Agriculture. Mr. Workman said they will send out rescue pleas, lists of animals sent to rescue groups, to try and get the animals out.

Commissioner Mitchem asked if the Department Agriculture will come get the animals if a problem occurs with numbers. Mr. Workman said that is an option.

Commissioner Beam said it was a huge error to not pass the Department of Agriculture's inspection. He asked if the facility could pass an inspection today. Mr. Workman said the shelter has been reinspected, which was a surprise visit, and passed with no inadequacies.

UPON MOTION by Commissioner Beam, the Board voted unanimously to adopt the changes as presented.

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

County Manager's Report: Mr. Atkins said he is currently setting up interviews for Director of Animal Services and hopes to have new Director named in the next week or so.

County Attorney's Report: Wesley Deaton presented information concerning a previous employee, who stole gas after being terminated. Mr. Deaton said civil charges have also be filed.

Mr. Atkins said measures are in place now to hopefully prevent this from ever happening again.

County Commissioners' Report: Commissioner Oakes presented the Environmental Study for the Airport Business Park, which cost \$230,000, and is a requirement.

Vacancies/Appointments: **UPON MOTION** by Commissioner Oakes, the Board voted unanimously to make the following appointments to the Animal Services Advisory Board:

Animal Services Advisory Board

- | | |
|----------------------|------------------------------------|
| 1. Ashley Oliphant | Rural Area Member (unincorporated) |
| 2. Dr. Karen Miller | Veterinarian |
| 3. Robin Franklin | Board of Health nominee |
| 4. Danielle Rudisill | Hunter |
| 5. Mark Connolly | Law Enforcement Officer |
| 6. Dianne Leatherman | Urban Area (Lincolnton City65) |
| 7. Doug Woods | Member at Large |

1 – 3 will serve 1 year terms, which will end on June 30, 2017

4 – 7 will serve 2 year terms, which will end on June 30, 2018

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to reappoint JV Allen to the DSS Board.

Closed Session: **UPON MOTION** by Commissioner Oakes, the Board voted unanimously to enter Closed Session - Pursuant to NCGS § 143-318.11. Closed sessions (a)(6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee for the purpose of evaluating the County Manager.

Chair Martin announced that the Board conducted an evaluation of the County Manager in Closed Session.

Recess: **UPON MOTION** by Commissioner Oakes, the Board voted unanimously to recess to 8:30 AM on March 31, 2016 in the Commissioners Room for a budget work session.

Amy S. Atkins, Clerk
Board of Commissioners

Cecelia Martin, Chair
Board of Commissioners