

**MINUTES**  
**LINCOLN COUNTY BOARD OF COMMISSIONERS**  
**MONDAY, FEBRUARY 20, 2017**

The Lincoln County Board of County Commissioners met February 20, 2017 at the Citizens Center, Commissioners Room, 115 West Main Street, Lincolnton, North Carolina, at 6:30 P.M.

**Commissioners Present:**

Bill Beam, Chair  
Martin Oakes, Vice Chair  
Carrol Mitchem  
Richard Permenter  
Anita McCall

**Others Present:**

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

**Call to Order:** Chairman Beam called the February 20, 2017 meeting of the Lincoln County Board of Commissioners to order. He called for a moment of silence and led in the Pledge of Allegiance.

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

**AGENDA**  
**Lincoln County Board of Commissioners Meeting**  
**Monday, February 20, 2017**  
**6:30 PM**

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

Call to Order - Chairman Bill Beam

Moment of Silence

Pledge of Allegiance

1. Adoption of Agenda
2. Approval of Minutes  
- February 6, 2017
3. Planning Board Recommendations - Randy Hawkins

4. Public Comments (15 minutes allowed per Rules of Procedure - 3 minutes per person)
5. Performance Guarantee Application Approval - Old Village - Andrew Bryant
6. Performance Guarantee Application Approval - Trilogy Lake Norman (Carolina Ridge) Parcel BC - Hemlock Bluff Ct - Andrew Bryant
7. Request for Lease Extension for Gentiva Home Health - Kristy Linder
8. Annual report from the Lincoln County Community Child Protection Team/Lincoln County Child Fatality Prevention Team - Sherry Reinhardt
9. Consideration of 2017-2018 Health Insurance and Plan Options - Candy Burgin
10. Request to Collect Delinquent Taxes and Approval of Resolution #2017-2: A Resolution Ordering the Advertising of Delinquent Real Estate Property Tax Liens - Susan Sain
11. Tax Refunds more than \$100 - December 5 - 25, 2016 - Susan Sain  
Tax Releases more than \$100 - December 16, 2016 - January 15, 2017
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

Information Only - No Action Needed

- Register of Deeds Report
- Property Tax Collection Report

Recess to February 27, 2017 at 6:30 PM for a Public Hearing concerning a Lincoln County Moratorium Ordinance

**UPON MOTION** by Commissioner Oakes, the Board voted unanimously to adopt the agenda as amended with Item 16A – Animal Services Ad Hoc Committee.

**Approval of Minutes** February 6, 2017

**UPON MOTION** by Commissioner Permenter, the Board voted unanimously to approve the minutes of the February 6, 2017 meeting.

**Planning Board recommendations:** Randy Hawkins presented the following:

**PA #42 NC Prime Properties, LLC, applicant** (Parcel ID# 28471) A request for sketch plan approval for a proposed 13-lot subdivision with approximately 1,300 linear feet of new roadway off Buffalo Shoals Road. The 16.6-acre site is located on the south side of Buffalo Shoals Road

about 400 feet west of Ivey Church Road in Ironton Township.

**The Planning Board voted 9-0 to recommend approval.**

**UPON MOTION** by Commissioner Oakes, the Board voted unanimously to approve the findings of fact for PA#42 as submitted by the Planning Board.

**UPON MOTION** by Commissioner Oakes, the Board voted unanimously to approve PA#42 as recommended by the Planning Board.

**PA #43 Matthews Heathers Land Corporation**, applicant (Parcel ID# 32674, 78671 and 78672) A request for sketch plan approval for a proposed 20-lot subdivision with new internal roads to serve the lots. The 20.6-acre site is located on the west side of N.C. 16 Bypass about 200 feet southeast of Lowesville Lane and about 400 feet southwest of Sifford Road 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 findings of fact for PA#43 as submitted by the Planning Board.

**UPON MOTION** by Commissioner Oakes, the Board voted unanimously to approve PA #43 as recommended by the Planning Board.

**PD #2011-2-A Jerry Reese, applicant** (Parcel ID# 32044 and 79143) A request to amend a master plan for a planned residential development to permit 10 single-family detached houses and 25 zero-lot-line houses. The 11.7-acre site is located on the north side of Graham Road at Captains Way in Catawba Springs Township.

**The Planning Board voted 8-1 to recommend approval.**

Since the public hearing, the plan has been revised to call for 10 single family detached homes and 19 zero-lot-line homes, or a total of 29 homes. Last week, the plan was changed for the buffer around the zero-lot-line sections and the other concerning stormwater, engineering to handle a 25 year storm.

**UPON MOTION** by Commissioner Oakes, the Board voted unanimously to table PD #2011-2-A – Jerry Reese, applicant, until the March 6 meeting due to the late change in the plan (received late this afternoon)

**ZMA #631 James Kennerly, applicant** (Parcel ID# 34050 and 34079) A request to rezone 1.75 acres from R-T (Transitional Residential) to R-SF (Residential Single-Family). The property is located at 6671 Pine Ridge Dr., on the north side of Pine Ridge Drive about 800 feet east of Campground Road, in Catawba Springs Township.

**The Planning Board voted 9-0 to recommend approval.**

**UPON MOTION** by Commissioner McCall, the Board voted unanimously to adopt the Statement of Consistency and Reasonableness as presented.

**UPON MOTION** by Commissioner McCall, the Board voted unanimously to approve ZMA #631 – James Kennerly, applicant.

**ZMA #632 Wyatt Dinken, applicant** (Parcel ID# 24576) A request to rezone a 0.58-acre lot from R-SF (Residential Single-Family) to R-S (Residential Suburban). The property is located on the west side of King Wilkinson Road about 800 feet south of N.C. 150 in Ironton Township.

**The Planning Board voted 9-0 to recommend approval.**

**UPON MOTION** by Commissioner Permenter, the Board voted unanimously to adopt the Statement of Consistency and Reasonableness as presented.

**UPON MOTION** by Commissioner Permenter, the Board voted unanimously to approve ZMA #632 – Wyatt Dinken, applicant.

**Public Comments: Public Comments:** Chairman Beam opened Public Comments.

Rudy Bauer, 8252 Blades Trail, Denver spoke concerning damaged silt fencing at Covington and speeding on Burton Lane.

Julia Roberts, 311 N. Oak Street, Lincolnton, addressed the Board and voiced concerns with different areas of county government and Commissioners.

Being no additional speakers, Chairman Beam closed Public Comments.

**Performance Guarantee Application Approval - Old Village:** **UPON MOTION** by Commissioner Oakes, the Board voted unanimously to approve the Performance Guarantee Application for Old Village.

**Performance Guarantee Application Approval - Trilogy Lake Norman (Carolina Ridge) Parcel BC - Hemlock Bluff Ct:** **UPON MOTION** by Commissioner McCall, the Board voted unanimously to approve the Performance Guarantee Application Approval - Trilogy Lake Norman (Carolina Ridge) Parcel BC - Hemlock Bluff Ct.

**Request for Lease Extension for Gentiva Home Health:** - Kristy Linder said their current lease expires on February 28, 2017. They have found a location and are requesting extension of their lease until April 30, 2017 at 206 Gamble Drive, Suite B. This will allow execution of a lease and up fit of the identified location at 308 S. Academy Street.

**UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to approve the request for Lease Extension for Gentiva Home Health.

**Annual report from the Lincoln County Community Child Protection Team/Lincoln County Child Fatality Prevention Team** - Sherry Reinhardt presented the annual report from the Lincoln County Community Child Protection Team/Lincoln County Child Fatality Prevention Team.

**Consideration of 2017-2018 Health Insurance and Plan Options** - Candy Burgin introduced Mark Browder, who presented the 2017-2018 Health Insurance and Plan Options for county employees.

Mark Browder reviewed the insurance plan for 2016-2017 and the claims report. Mr. Browder recommended Option 1 for renewal with BCBSNC. In order to avoid a premium increase, copays will increase for the PPO plan as follows: Primary Care visits \$40 (from \$35), Specialist visits \$80 (from \$70), increasing individual deductible to \$2,500 (from \$2,000), family deductible \$5000 (from \$4,000) and pharmacy copay \$150 deductible (\$10/\$55/\$70/25%) (from \$150 deductible \$10/\$45/\$60/25%). These changes result in no increase in funding and no increase in contributions from employees. Currently, there are about 259 employees in the HSA plan and 448 in the PPO plan.

**UPON MOTION** by Commissioner McCall, the Board voted unanimously to approve Option 1 as presented.

**Request to Collect Delinquent Taxes and Approval of Resolution #2017-2: A Resolution Ordering the Advertising of Delinquent Real Estate Property Tax Liens** - Susan Sain presented the Request to Collect Delinquent Taxes and Approval of Resolution #2017-2: A Resolution Ordering the Advertising of Delinquent Real Estate Property Tax Liens.

Pursuant to NCGS 105.369(a), the amount of delinquent 2016 taxes which are a lien on real estate property is \$3,594,844.63. A complete listing of these delinquent taxes is on file at the Lincoln County Tax Department.

Upon receipt of this statement, the governing board must order advertising of the unpaid delinquencies. It is our recommendation that this advertisement appear one (1) time between March 1 and June 30, 2017, as required per NCGS 105.369(a), in the Lincoln Times News. This delinquent list will also be posted in the Lincoln County Courthouse upon approval by the board.

**Resolution #2017-2: A RESOLUTION ORDERING THE ADVERTISING OF DELINQUENT REAL ESTATE PROPERTY TAX LIENS**

THAT WHEREAS, NCGS 105.369(a) requires the Tax Administrator to report to the Board of Commissioners the delinquent tax liens on real property; and

WHEREAS, the same statute requires the Board of Commissioners to order that these liens be published one (1) time between March 1 and June 30; and

WHEREAS, the Tax Administrator has submitted said listing of the delinquent tax liens on real property;

NOW THEREFORE, BE IT RESOLVED by the Lincoln County Board of Commissioners that the Tax Administrator is hereby ordered to publish the list of delinquent tax liens on real property.

Passed and adopted this the 20<sup>th</sup> day of February, 2017.

BY: \_\_\_\_\_

Bill Beam, Chair  
Lincoln County Board of Commissioners

ATTEST:

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Amy S. Atkins, Clerk to the Board

**UPON MOTION** by Commissioner Permenter, the Board voted unanimously to approve Resolution #2017-2: A Resolution Ordering the Advertising of Delinquent Real Estate Property Tax Liens.

**Tax Refunds more than \$100 - December 5 - 25, 2016; Tax Releases more than \$100 - December 16, 2016 - January 15, 2017** – Susan Sain presented the Tax Refunds and Releases for the Board's approval.

**UPON MOTION** by Commissioner Permenter, the Board voted unanimously to approve Tax Refunds more than \$100 - December 5 - 25, 2016 and Tax Releases more than \$100 - December 16, 2016 - January 15, 2017 as presented.

**Finance Officers' Report:** Scott Cook presented the Finance Officer's Report.

**County Manager's Report:** Mr. Kelly Atkins reported budget meetings with department heads and elected officials are underway concerning their budget requests. He will be meeting with Davenport, financial consultants soon to discuss capital projects and financing options. Mr. Atkins reminded the Board to recess until Feb. 27, 2017 for the public hearing concerning a moratorium. He said the next budget workshop is March 31, 2017 at 9:00 AM.

**County Attorney's Report:** Wesley Deaton reported that Strata Solar will not be on the March agenda. The Attorney for Sailview has filed a motion in Superior Court to try and have this dismissed. That motion is set for hearing in April. It will not be remanded back to the Commissioners until they have ruled on that motion.

**County Commissioners' Report:** Nothing reported.

**Vacancies/Appointments:** Commissioner Mitchem presented the following appointments:

**UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to make the appointments:

Appointments:

Board of Animal Appeals

- Reappoint Doug Murray
- Reappoint Lester White
- Reappoint Robin Franklin

Board of Equalization and Review

- Appoint Donald Crump
- Appoint Gail Carpenter
- Appoint Steve Banner as Alternate
- Reappoint Mike Kolosowsky as Alternate
- Appoint Alex Brethauer as Chair

Council on Aging

- Remove Rick Barker and Jay Dellinger due to missing 3 unexcused meetings
- Appoint
  - o Becky Putnam
  - o Dean Bethae
- Reappoint
  - o Darnell Reinhardt
  - o Kristal Ford
  - o Earlynne Bartley
  - o John Davis

**UPON MOTION** by Commissioner McCall, the Board voted unanimously to approve formation, the scope and membership of the Ad Hoc Committee.

## SCOPE#

### LINCOLN COUNTY ANIMAL AD HOC COMMITTEE#

REACHING NO-KILL STATUS - 90% OR GREATER LIVE RELEASE RATE FOR 12 CONSECUTIVE MONTHS AND THEREAFTER MAINTAINING

In February 2017, an ad-hoc committee was formed consisting of representatives from Lincoln County to discuss the need for additional goals and objectives to expedite the county's desire to become the state's first government operated, open admission and No-Kill Shelter. The ad-hoc committee headed by Commissioner Anita McCall has secured citizens of Lincoln County who have agreed to serve on the ad-hoc committee to support the Board of Commissioners decision to work towards a No-Kill facility. While good strides have been made over the past two years, moving towards a 90 percent live release rate, it is imperative additional measures be considered to assist Lincoln County Animal Services achieve and maintain the goal.

Currently, Lincoln County operates one full service open admission animal shelter off Wilma Sigmon Road, Lincolnton near the Lincoln County Detention Center and Lincoln County Emergency Medical Services. The facility takes in approximately 3000 animals per year and serves a population of approximately 82,000 City and County residents. The physical location of the shelter is several miles for residents who reside in West and East Lincoln County, yet is the only shelter that serves the entire county. The current facility was constructed first in 2000; however the front portion of the building was completed in 2010. The total facility is approximately 10,000 sq. ft. and has a maximum capacity is 198 for cats and 176 for dogs, according to the 2017 shelter license with the North Carolina Department of Agriculture. Facility improvements at the shelter are needed; consequently, the Board of Commissioners agreed to provide \$100,000.00 for architectural services and some small repairs during FY 18. Once the renovation plans are drafted and approved, a budget for these improvements will be requested during FY 19.

Staffing is currently comprised of: one Shelter Director, one Shelter Supervisor, four Animal Services Officers, one Administrative Secretary, one Adoption Coordinator, one Vet-Tech, four full-time Animal Caretakers and two part-time Animal Caretakers. The

shelter also utilizes inmates from the Department of Corrections and several Volunteers. The Director has requested one Animal Services Supervisor, one lead Animal Caretaker and one Volunteer/Outreach Coordinator. It is believed the additional staffing will help Animal Services move closer to 90 percent or greater live release rate.

The ad-hoc committee will work cooperatively with the shelter director and the employees to achieve all goals and objective dates established in "2017-2018 Goals & Objectives" ending date March 31, 2018, approved by Commissioners. In addition, examine current policies, facility needs and staffing levels, the committee will review animal statistics, adoption procedures, fostering programs, volunteer processes, retention, outreach material, animal redemptions, off-site adoption events and owner surrender. The ad-hoc committee will work to formulate documentation addressing any deficiencies impairing LCAS from achieving the No-Kill status, share with LC Animal Advisory Board and obtain Commissioners approval for addressing the deficiencies.

The ad-hoc committee will meet monthly, beginning of March 7<sup>th</sup>, 2017 (all meetings thereafter will be second Tuesday of each month) - until No-Kill status is met (12-consecutive months of 90% or greater live release rate has been achieved).

As maintaining No-Kill status is imperative, if Lincoln County Animal Services fails to achieve and maintain the No-Kill status at any time, the ad-hoc committee will meet with the director of Animal Services. Once the issues are defined and solutions are discovered, steps will immediately be taken to ensure Lincoln County Animal Services regains the No-Kill status. All recommendations shall be taken to the Animal Advisory Board for their review and to the Board of Commissioners for their decision.

### **Ad-Hoc No-Kill Committee**

#### Members:

- 1- Commissioner Anita McCall
- 2- Hannah Beaver (LC Animal Services Director)
- 3- Jena Healy (No-Kill Advocate)
- 4- Karen Banker (No-Kill Advocate)
- 5- Ashley Oliphant (LC Animal Services Advisory Board Chair)
- 6- Matt Anderson (VP HATS)
- 7- Kim Phillips (Highly acclaimed No-Kill Shelter, Hamilton County Humane Society Animal Shelter Volunteer, Indiana)
- 8- Dr. Kim Mitchell (Lincoln County Contracted Veterinarian)

**Recess:** Chairman Beam recessed to February 27, 2017 at 6:30 PM for a Public Hearing concerning a Lincoln County Moratorium Ordinance.

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Amy S. Atkins, Clerk  
Board of Commissioners

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Bill Beam, Chairman  
Board of Commissioners