

**MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, SEPTEMBER 18, 2017**

The Lincoln County Board of County Commissioners met September 18, 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
Charlie Lane, for Wesley Deaton, County Attorney
Amanda Hallman, Assistant Clerk to the Board

Call to Order: Chairman Beam called the September 18, 2017 meeting of the Lincoln County Board of Commissioners to order. He called for a moment of silence, asking everyone to remember the Hurricane victims 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, September 18, 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. Consent Agenda
 1. Textile Appreciation Day Proclamation
 2. Tax Requests for Releases - July 16, 2017 thru August 15, 2017

3. Ordinances Declaring Christmas Parades to be a County Sponsored Event - Josh Grant
 - Cat Square Christmas Parade
 - Crouse Christmas Parade
 - Denver Christmas Parade
4. Planning Board Recommendations - Randy Hawkins
5. Revision to the Assistance Policy for the Essential Single Family Rehab Program - Andrew Bryant
6. Performance Guarantee Application Approval - Trilogy Lake Norman (Carolina Ridge) Parcel D Phase 2 - Jeremiah Combs
7. Library Board Report - Becky Reavis
8. Approval of Sole Source Purchase of 1 Inspired Inventors Mega Educator Pack for the total amount of \$4,206.00 - Jennifer Sackett
9. Approval of Sole Source Purchase of 1 Sphero Power Pack for the total amount of \$1,799.99 - Jennifer Sackett
10. Public Hearing - Solid Waste Ordinance - Don Chamblee
11. Public Comments (15 minutes allowed per Rules of Procedure - 3 minutes per person)
12. Finance Officer's Report - Deanna Rios
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

- 18a. Water/Sewer Utility Rate Study – Don Chamblee
- 18b. 2017-11 – Resolution to Encourage and to Support the North Carolina Department of Transportation's Project to Reconfigure the Intersection of NC 16 and Optimist Club Road (SR 1380).
- 18c. Closed Session – Water and Sewer
Adjourn

UPON MOTION by Commissioner Permenter, the Board voted unanimously to approve the agenda as amended, adding Items 18a, 18b, and 18c.

Consent Agenda: Kelly Atkins gave an overview of the Consent Agenda items:

Consent Agenda

1. Textile Appreciation Day Proclamation
2. Tax Requests for Releases - July 16, 2017 thru August 15, 2017

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

Ordinances Declaring Christmas Parades to be a County Sponsored Event - Cat Square, Crouse and Denver: Josh Grant presented the request for approval of the Ordinances Declaring the Christmas Parades for Cat Square, Crouse, and Denver to be county sponsored events.

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

Planning Board Recommendations - Randy Hawkins presented the following:

UDO Proposed Amendment #2017-4 Lincoln County Planning and Inspection Department, applicant. A proposal to amend Sections 9.3.7, 9.4.8 and 9.5.9 of the Lincoln County Unified Development Ordinance to conform with a new state law that requires a governing board, in approving a zoning amendment that is inconsistent with an adopted comprehensive plan, to adopt a statement declaring that the approval is also deemed an amendment to the plan and explaining the change in conditions that the board took into account in amending the plan.

The Planning Board voted 7-0 to recommend approval.

UPON MOTION by Commissioner Oakes, the Board voted unanimously to approve the Statement of Consistency and Reasonableness for UDO Proposed Amendment #2017-4 – Lincoln County Planning and Inspections Department, as submitted by the Planning Board.

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to approve UDO Proposed Amendment #2017-4 – Lincoln County Planning and Inspections Department, as recommended by the Planning Board.

UDO Proposed Amendment #2017-5 Lincoln County Planning and Inspections Department, applicant. A proposal to amend Section 9.11.8.E of the Lincoln County Unified Development Ordinance to add community facilities such as churches and schools as projects that are eligible for special nonresidential intensity allocations under the 10/70 option in water-supply watershed districts.

The Planning Board voted 7-0 to recommend approval.

UPON MOTION by Commissioner Oakes, the Board voted unanimously to approve the Statement of Consistency and Reasonableness for UDO Proposed Amendment #2017-5 – Lincoln County Planning and Inspections Department, as submitted by the Planning Board.

UPON MOTION by Commissioner Oakes, the Board voted unanimously to approve UDO Proposed Amendment #2017-5 – Lincoln County Planning and Inspections Department, as recommended by the Planning Board.

UDO Proposed Amendment #2017-6 Lincoln County Planning and Inspections

Department, applicant. A proposal to amend Sections 9.6.2, 9.6.6 and 5.6.1 of the Lincoln County Unified Development Ordinance to conform with a new state law that exempts certain divisions of land from local subdivision standards and establishes a new category of subdivisions that qualify for expedited review. The Planning Board voted 7-0 to recommend approval.

UPON MOTION by Commissioner Oakes, the Board voted unanimously to approve the Statement of Consistency and Reasonableness for UDO Proposed Amendment #2017-6 – Lincoln County Planning and Inspections Department, as submitted by the Planning Board.

UPON MOTION by Commissioner McCall, the Board voted unanimously to approve UDO Proposed Amendment #2017-6 – Lincoln County Planning and Inspections Department, as recommended by the Planning Board.

Revision to the Assistance Policy for the Essential Single Family Rehab Program: Andrew Bryant presented a revision to the Assistance Policy for the Essential Single Family Rehab Program to update it with 2017 HOME Income Limits. This will be a yearly revision while the program is active. The original policy was approved prior to the release of the 2017 HOME income limits.

These funds can be used for essential repairs on home with the hope of keep people in their homes. The grant targets seniors, the disabled and veterans. Repairs per unit can be a maximum of \$25,000.

UPON MOTION by Commissioner Oakes, the Board voted unanimously to approve the Revision to the Assistance Policy for the Essential Single Family Rehab Program.

Performance Guarantee Application Approval for Trilogy Lake Norman (Carolina Ridge) Parcel D Phase: Andrew Bryant presented the following:

Performance Guarantees are required to ensure the completion of infrastructure including Utility Lines, Roadways, Sidewalks, etc. Performance Guarantees must be in the amount of not less than 1.25 times the estimated cost of construction of the improvements. Requirement of 5.10 of Lincoln County UDO.

UPON MOTION by Commissioner McCall, the Board voted unanimously to approve the Performance Guarantee Application for Trilogy Lake Norman (Carolina Ridge).

Library Board Report: Dr. Becky Reavis presented the Library Board's Facility Priorities.

West Lincoln

This facility should be at least 14,000 square feet to meet the current and future needs of the area. Our priorities are

- Meeting space with a minimum 100 seat-capacity
- Teen space, given the proximity to West Lincoln Middle and West Lincoln High Schools AND the lack of areas for teens to congregate in West Lincoln
 - Must have movable furniture
 - Must be somewhat separate from the rest of the library so that noise is not an issue
 - Must have a charging station for personal devices and strong WiFi
- Children's space
 - We recommend this area include a family bathroom and be somewhat separate from the main flow of traffic so that noise is not an issue
 - Must have
 - Kid-sized movable furniture; floor pillows to provide a space for our programs
 - Computers, iPads, and other forms of child-appropriate technology
- Tutoring area / study space
- Technology center - computers, iPads, etc.; standard desks, stand-up desks, wheelchair accessible desks, movable furniture
 - Must include a charging station for personal devices
 - Excellent WiFi service

Lincolnton

Bolan and Associates recommended an expansion of 10,000 square feet. Our board recommends a new location with multiple floors and a parking deck so that the facility can be built on a smaller lot. The facility should be in the downtown area, and we encourage the county and city to collaborate to locate an appropriate space. Our additional priorities are

- Space for ALL administrative staff including adequate storage space. Typically, having administrative staff in a separate location decreases user satisfaction. Centralizing admin staff will improve communication and productivity.
- Teen space
- Tutor / study space
- Large programming spaces - our dedicated staff provide a great deal of programming (see attached)
- Technology center

East Lincoln

Given the difficulty of expansion at Shanklin, an additional location is recommended in the vicinity of East Lincoln High School, St. James, and Catawba Springs. We are proposing a minimum of a 16,000 square foot building with room for expansion including all of the recommended features listed in the West Lincoln section above.

Shanklin will need cosmetic updates in the next ten years. Our board recommends revamping the circulation desk in particular.

Timeline and funding

As noted above, we recommend securing a location for a new Lincolnton branch as soon as possible. Given the growth in East Lincoln, it will be important to find a location there also.

We respectfully ask that our funding requests fall under a bond referendum. Our goal is to have all of the facilities completed by 2025, the library system's 100-year anniversary.

Approval of Sole Source Purchase of 1 Inspired Inventors Mega Educator Pack for the total amount of \$4,206.00: Jennifer Sackett presented a request for approval of a sole source purchase of 1 Inspired Inventors Mega Educator Pack for the total amount of \$4,206.00, with funds awarded from the Lincoln County Community Fund Grant. The purpose of this grant

award is to expand the libraries hands-on STEAM (Science, Technology, Engineering, Arts and Math)

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to approve the Sole Source Purchase of 1 Inspired Investors Mega Educator Pack for the total amount of \$4,206.00.

Approval of Sole Source Purchase of 1 Sphero Power Pack:

Jennifer Sacket presented the following:

The Lincoln County Public Library is requesting permission to make a sole source purchase of 1 Sphero Power Pack with funds awarded from the Lincoln County Community Fund Grant. The purpose of this grant award is to expand the libraries hand-on STEAM (Science, Technology, Engineering, Arts and Math) programming.

UPON MOTION by Commissioner McCall, the Board voted unanimously to approve the Sole Source Purchase of 1 Shpero Power Pack for \$1,799.99

Public Hearing – Lincoln Solid Waste Ordinance:

Public Works is requesting that the Board of Commissioners adopt a resolution to amend the Lincoln County Solid Waste Ordinance. The amendment updates the previous ordinance, which was enacted in 1996 and as amended. This amendment addresses several sections to reflect current operations in Lincoln County. This provides a revision to reflect new and current processes from prior Budget Ordinance and Board meetings.

A summary of changes include: Revising definitions to reflect current state and local enforcement and permitting requirements. Addition of new operations procedure manual to the ordinance will provide adaptability of managing daily operations of the Recycling and Convenience Sites as well updating recycling processes. The amendment includes eliminating the section 52.24 referencing a Solid Waste Advisory Board. The franchising, collection and transportation sections have been updated with the addition of 52.30(d) requiring in County disposition of municipal solid waste by franchised haulers. Some portions of the old ordinance eliminated because they are now covered by state laws and the UDO for regulating new and existing landfills. The Enforcement and Penalty sections were also updated to current standards and penalties.

The Board asked about C&D on Sunday at landfills and asked Mr. Chamblee to work toward making this happen.

Chairman Beam opened the public hearing.

Robert Avery said the landfill should be left open so people could dump C&D debris there any time.

Steve Isaac, 1996 Tin Mine Road, said his biggest concern is that the drivers are taking half empty loads up and down the roads all the time and they still run out of room on the weekends. He said the costs of this service need to be examined.

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

UPON MOTION by Commissioner Oakes, the Board voted unanimously to approve the Solid Waste Ordinance, modifying the section on C&D boxes, which is on page 6 to say that C&D boxes shall be open Monday to Saturday at Optimist and Car Farm sites and Monday to Sunday at all others.

Public Comments: Chairman Beam opened Public Comments.

Rudy Bauer, 8252 Blades Trail, spoke concerning cove at Burton Lane. He said there was a natural stream where the coves are, which were widened with bulldozers. He spoke about the buffer zone. He asked if anything has been done concerning measuring the coves.

Robert Avery spoke concerning the Board of Equalization and Review and his desire for more members from the West Lincoln area. Commissioner Oakes pointed out that there are 2 members on the 5 member board that are from West Lincoln.

Being no additional speakers, Chairman Beam closed Public Comments.

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

County Manager's Report: Mr. Kelly Atkins gave the Board copies of the budget calendar for their information. He said December 15, 2017 will be the first budget meeting.

County Attorney's Report: Nothing reported.

County Commissioners' Report: Nothing reported.

Vacancies/Appointments: **UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to make the following appointments:

Planning Board

- Appoint
 - o Milton Sigmon (At Large – Rhyne's unexpired term)

Jury Commission:

- Appoint Kristin Ricker

Board of Health

- Reappoint Cathy Barnette (1st full term 9/1/17 to 8/31/20)
- Reappoint Dr. Kim Hoyle (2nd full term 9/1/17 to 8/31/20)

- Appoint Dr. Laura Schrader (unexpired term ending 8/31/18)

Water/Sewer Utility Rate Study – Don Chamblee: Mr. Chamblee asked for the Board's approval to continue negotiating with Rafetelis for a rate study concerning capacity fees.

UPON MOTION by Commissioner Oakes, the Board voted unanimously to approve, saying the signing of this contract formally begins the process of adopting a new system development fee schedule as described in Session Law 2017-138.

Resolution #2017-11 – Resolution to Encourage and to Support the North Carolina Department of Transportation's Project to Reconfigure the Intersection of NC 16 and Optimist Club Road (SR 1380): Andrew Bryant presented the following Resolution for the Board's approval, which was requested by Representative Saine.

UPON MOTION by Commissioner McCall, the Board voted unanimously to approve Resolution #2017-11.

Closed Session: **UPON MOTION** by Commissioner Permenter, the Board entered Closed Session.

The Board returned to open session and Chairman Beam advised that no action was taken in Closed Session.

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

Amy S. Atkins, Clerk
Board of Commissioners

Bill Beam, Chairman
Board of Commissioners