

**MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, JUNE 8, 2015**

The Lincoln County Board of County Commissioners met June 8, 2015 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

Commissioners Absent:

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 June 8, 2015 meeting of the Lincoln County Board of Commissioners to order and led in the Pledge of Allegiance.

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

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

**AGENDA
Lincoln County Board of Commissioners Meeting
Monday, June 8, 2015
6:30 PM**

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

Call to Order

Invocation - Pastor JV Allen

Pledge of Allegiance

1. Adoption of Agenda
2. Consent Agenda
 - Release of Remainder of Dunkin' Donuts Stormwater Construction Bond
 - Denver Days Special Events Application and Fee Waiver Request
 - Vehicle Tax System Refunds
 - Approval of Minutes
 - Capital Project Ordinance Amendment #10
 - Approval of the Revised Lincoln County Work First Program Plan for FY 2016-2019
 - Resolution Honoring Eagle Scout
- 2a. Presentation of Resolution Honoring Eagle Scout Richard Pinckney
3. Public Hearing - North Carolina Department of Commerce - Commerce Fellows Grant
4. Planning Board Recommendations - Randy Hawkins
5. Public Comments (15 minutes allowed per Rules of Procedure - 3 minutes per person)
6. Request for Approval to Accept \$50,000 LSTA (Library Services and Technology Act) EZ Literacy and Lifelong Learning Grant to Support STEAM (Science, Technology, Engineering, Arts and Mathematics) programming at Library
7. Approval of Rescue Squad Playground Equipment Purchase - Don Chamblee
8. Approval of Equipment Resolution for the Killian Creek Wastewater Treatment Plant - Don Chamblee
9. Finance Officer's Report
10. County Manager's Report
11. County Commissioners' Report
12. County Attorney's Report
13. Calendar
14. Other Business
 - Information Only - No Action Needed
 - Register of Deeds Report

Adjourn

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

- Release of Remainder of Dunkin' Donuts Stormwater Construction Bond
- Denver Days Special Events Application and Fee Waiver Request

- Vehicle Tax System Refunds
- Approval of Minutes
- Capital Project Ordinance Amendment #10
- Approval of the Revised Lincoln County Work First Program Plan for FY 2016-2019
- Resolution Honoring Eagle Scout

Public Hearing – North Carolina Department of Commerce – Commerce Fellows Grant:

Josh Grant, Planner, presented the following information:

This item is a public hearing concerning the application for the Commerce Fellows/ Building Community through Capacity and Knowledge grant. The grant is awarded through the North Carolina Department of Commerce with funds from the US Department of Housing and Urban Development. The purpose of the grant is to fund local governments who would like to expand their knowledge base with regard to items such as CDBG grant writing, Economic Development, Budgeting/Finance for growth and development, and Leadership Development. The grant is awarded at a maximum of \$25,000 dollars and requires no match.

Chairman Mitchem opened the public hearing concerning the NC Department of Commerce – Commerce Fellows Grant. No speakers came forward and Chairman Mitchem closed the public hearing.

UPON MOTION by Commissioner Oakes, the Board voted unanimously to approve the NC Department of Commerce – Commerce Fellows Grant.

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

ZMA #618 Betty Socie, applicant: (Parcel ID# 33822) A request to rezone 0.7 acre from R-SF (Residential Single-Family) to B-N (Neighborhood Business). The property is located at 4360 N. NC 16 Hwy., on the east side of N.C. 16 Business about 250 feet south of Balsom Ridge Road, in Catawba Springs Township.

The Planning Board voted 8-0 to recommend approval.

UPON MOTION by Commissioner Oakes, the Board voted unanimously to approve the Statement of Consistency and Reasonableness for ZMA #618 – Betty Socie, applicant.

UPON MOTION by Commissioner Oakes, the Board voted unanimously to approve the rezoning request.

CUP #344 ATOOD, LLC: (Parcel ID# 31055, 83109, 84267 and 89986) A request for a conditional use permit to establish a solar farm in the R-T (Transitional Residential) and R-R (Rural Residential) districts. The proposed 129-acre site is located on the west side of Mariposa Road about 1.5 miles south of Old Plank Road in Catawba Springs Township.

The Planning Board voted 8-0 to recommend approval with the following conditions:

- 1) That any deed transferring ownership of the property contain a covenant stating that the owner will be subject to the cost of decommissioning.**
- 2) That the decommissioning plan be reviewed every 10 years and, if necessary, the decommissioning bond adjusted**

FINDINGS OF FACT

1. The use will not materially endanger the public health or safety if located where proposed and developed according to plan. YES 8-0 This will have to meet all the North Carolina building code requirements. It's designed such that it has to meet certain requirements so there's no danger of the panels blowing away. There will be a perimeter fence for safety and security. There are no moving parts to this particular system as proposed. Finding of Fact #1: No evidence was presented stating that negative health impacts would result from this type of project. All herbicides or cleaning products that would be used will be environmentally friendly and in compliance with NCDENR and all other applicable environmental regulations. A MOTION by Commissioner Oakes to approve this finding of fact. Unanimously approved.

2. The use meets all required conditions and specifications. YES 8-0 The specifications have been reviewed by staff. A solar farm is a conditional use in the R-R and R-T zoning districts. The screening requirements will be met. The FAA regulations as to the distance from the airport have been met. The decommissioning issue will be reviewed in 10 years. A MOTION by Commissioner Oakes to approve this finding of fact. Unanimously approved.

3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity. YES 8-0 The testimony from Richard Kirkland, a certified real estate appraiser, was that there would be no negative effect on property values. That is the only factual testimony that we have. The use is not a public necessity and was not claimed as a public necessity. A MOTION by Commissioner Oakes to approve this finding of fact. Unanimously approved.

4. The location and character of use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the Land Use Plan for the area in question. YES 8-0 This is a rural area. It's rolling property. There's a stream through the middle of it. The panels will be screened from the road and from adjoining properties. A MOTION by Commissioner Oakes to approve this finding of fact. Unanimously approved.

UPON MOTION by Commissioner Oakes, the Board voted 3 – 1 (Mitchem against) to approve CUP #344 based on the findings of fact and with the revised conditions as stated:

1) Any conveyance of property by deed, lease or memorandum of lease shall be recorded with the following restriction: this conveyance is made subject to the condition that the grantee or lease of the subject property shall be responsible for reviewing the solar farm decommissioning plan once every ten years from the date of recordation of this instrument with the Lincoln County Planning Department and updating the Surety as necessary during the decommissioning plan review and the grantee or leasee shall further be responsible for and shall pay the costs of the decommissioning at the time of decommissioning on the subject property. This restriction is for

the benefit of all adjacent property owners and the benefit of Lincoln County and shall be a burden on the subject property for the entire term of Conditional Use Permit #344 and 2) the decommissioning plan shall be reviewed every ten years and if necessary the decommissioning bond adjusted.

Presentation of Resolution Honoring Richard Pinckney, Eagle Scout: The Board presented a Resolution to Mr. Pinckney upon his attaining Eagle Scout.

Public Comments: Chairman Mitchem opened Public Comments.

Abbie Jane Royster presented the Board with petitions asking for a new West Lincoln Library.

Robert Avery asked the Board to look at what is public information and what is private information.

Being no additional speakers, Chairman Mitchem closed public comments.

Request for Approval to Accept \$50,000 LSTA EZ Literacy and Lifelong Learning Grant to Support STEAM (Science, Technology, Engineering, Arts and Mathematics) programming at Library: Jennifer Sackett presented the following:

The Lincoln County Public Library has been awarded a \$50,000 grant to purchase technology , equipment and supplies that will enable staff to further develop and expand Maker Programs which promote literacy, inspire creativity, and incorporate science, technology , engineering, arts, and mathematics (STEAM) components at all three libraries. The project includes the acquisition of additional Stop Motion stations, multimedia content creation technology and software as well as robotic modules from LEGO and littleBits electronic circuits. This project is part of the digital literacy effort that the library outlined in its long-range strategic plan in 2013. The goals include making technology and digital information readily available to the citizens of Lincoln County and assisting them with the effective use of both. It also expands the library's capacity to provide youth programming which was identified by the community as a priority in the Community Needs Assessment conducted in 2012.

The Lincoln County Public Library will be partnering with Lincoln County 4-H to provide robotic programs based on their junk drawer robotics curriculum. This partnership will reduce the required grant match from \$12,500 to \$5,000. The Library has the funds required to meet the match.

UPON MOTION by Commissioner Oakes, the Board voted unanimously to accept the \$50,000 LSTA EZ Literacy and Lifelong Learning Grant to Support STEAM programming at Library.

Approval of Rescue Squad Playground Equipment Purchase: - Don Chamblee presented the following information:

The Rescue Squad Park is being funded partially by the Denver Rotary Foundation, Lincoln County, and a grant from the Parks and Recreation Trust Fund (PARTF). A condition of the PARTF grant is that the park must include a playground feature with a value exceeding \$25,000. Description: Lincoln County Procurement has arranged for pricing through The Cooperative Purchasing Network (TCPN) as allowed by NC General Statutes. Denver Rotary Foundation will be funding the entirety of the playground. This will benefit Lincoln County by ensuring that construction at Rescue Squad Park adheres to the conditions of the PARTF grant. The final is being negotiated with an anticipated value of approximately \$75,000.

Action Requested: Approval to authorize the County Manager to execute and approve related change orders as funded by the Denver Rotary Foundation for the purchase of the playground equipment and mulch for the Rescue Squad Park when funded by the Denver Rotary Foundation.

UPON MOTION by Commissioner Oakes, the Board voted unanimously to approve authorizing the County Manager to execute and approve related change orders as funded by the Denver Rotary Foundation for the purchase of the playground equipment and mulch for the Rescue Squad Park when funded by the Denver Rotary Foundation.

Approval of Equipment Resolution for the Killian Creek Wastewater Treatment Plant:

Don Chamblee presented the following:

Currently, the Killian Creek Wastewater Treatment Plant (WWTP) is operating at a capacity of 1.68 million gallons per day (MGD). In August 2014, Lincoln County contracted with WK Dickson & Co, Inc to design the expansion of the WWTP from 1.68 MGD to 3.35 MGD. Bidding for construction on this project will be completed in July 2015.

The expansion at the Killian Creek Wastewater Treatment Plant requires the attached resolution to expand with matching equipment already in place at the plant, including: 1. ten retrievable aeration diffuser racks in existing Sequencing Batch Reactor Basins (SBR) 2. two positive displacement blowers for SBR and Aerobic Digesters 3. one ultraviolet disinfection system with two banks 4. one rotary lobe sludge transfer pump 5. two submersible pumps in Post Equalization Basin 6. one rotary filter press system with associated modifications to the existing dewatered solids conveyor system permitting distribution to two dumpsters. 7. one effluent disc filter 8. polymer dilution system for rotary press 9. SCADA controls In order to ensure the smoothest and most cost effective installation, operation, maintenance, and repair at the current time and in the future, the Department of Public Works requests that the equipment by specified to match the equipment currently in place. The new equipment will work seamlessly with the existing equipment, as well as reduce cost by allowing existing controls and spare parts to be used with new equipment.

The equipment is specified to match existing equipment. There is included in the bidding process the option for alternate equipment to be bid and evaluated.

The funding for the equipment will come from Wastewater Treatment Plant Expansion CIP and included in the construction contract bid.

RESOLUTION BY GOVERNING BODY OF APPLICANT

WHEREAS, the County of Lincoln is constructing and intends to upgrade their Killian Creek Wastewater Treatment Facility that will provide sewage treatment service to all within the Facility's service area; and

WHEREAS, the existing treatment systems will be upgraded and expanded; and

WHEREAS, North Carolina General Statute 133-3 requires that alternate equipment approved by the owner shall be approved prior to the opening of bids in an open and public meeting; and

WHEREAS, the alternate equipment is consistent with the existing equipment currently in operation at the Killian Creek Wastewater Treatment Facility, is conforming to Lincoln County standards, and will facilitate efficient operation and maintenance of the existing and proposed equipment.

WHEREAS, the alternate equipment is recommended on the basis of maintaining or improving the functioning of existing processes.

NOW, THEREFORE, in consideration of the requirements of North Carolina General Statute 133-3, the listed items below have been approved in an open meeting by the owner as preferred alternates to the base bid for the Killian Creek Wastewater Treatment Facility Expansion project:

Retrievable Aeration Diffuser Assemblies – Evoqua/Environmental Dynamics (EDI).

Blower Assemblies – Excelsior.

Ultraviolet Disinfection Equipment – Xylem, Wedeco

Rotary Lobe Pumps – Borger

Post EQ Transfer Pumps – Xylem, Flgyt

Rotary Sludge Press Equipment and Conveyors – Fournier

Automatic Backwash Disc Filter Equipment – Kruger

Polymer Dilution System for Rotary Press – Excell Feeders, Inc.

SCADA Controls – Dorsett Technologies

Adopted this the 8th day of June, 2015 at Lincoln County, North Carolina.

UPON MOTION by Commissioner Martin, the Board voted unanimously to approve the Resolution as presented.

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

County Manager's Report: Kelly Atkins said he is currently working with the City on the split utility service and will be on a future agenda. He reminded the Board that staff continues to work on the old hospital project and will have an update at the July 20 meeting.

County Commissioners' Report: Nothing reported.

County Attorney's Report: Nothing reported

Calendar: Mr. Atkins advised that the Commissioners and Planning Board will have a joint work session in August. The date will be announced later.

Other Business: **UPON MOTION** by Commissioner Oakes, the Board voted unanimously to give Kelly Atkins authority to appoint an Interim Tax Administrator/Assessor until the next Board meeting in July and County Manager while he is on vacation.

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

Amy S. Atkins, Clerk
Board of Commissioners

Carrol Mitchem, Chairman
Board of Commissioners