

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, FEBRUARY 23, 2015

The Lincoln County Board of County Commissioners met February 23, 2015 at the Citizens Center, Commissioners Room, 115 West Main Street, Lincolnton, North Carolina, at 6:30 P.M. This meeting was originally scheduled for February 16, 2015, but was rescheduled due to inclement weather.

Commissioners Present:

Carrol Mitchem, Chairman
Bill Beam, Vice Chair
Martin Oakes
Cecelia A. Martin
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 February 23, 2015 meeting of the Lincoln County Board of Commissioners to order. Pastor J.V. Allen gave the Invocation and Chairman Mitchem led in the Pledge of Allegiance.

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

AGENDA
Lincoln County Board of Commissioners Meeting
Monday, February 23, 2015
(rescheduled from 2/16/15 due to weather)
6:30 PM

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

Call to Order

Invocation – Pastor J.V. Allen

Pledge of Allegiance

1. Adoption of Agenda

2. Consent Agenda

- Waived Fees
 - Piedmont Council Boy Scouts
 - Stars Benefit Showcase
- Surplus Property
- Capital Project Ordinance Amendment #5
- Budget Ordinance Amendment #8
- VTS Refunds
- Release of Race City Steel Bond
- Approval of Minutes
- CCPT/CFPT Report

3. Planning Board Recommendations - Randy Hawkins

PD #2014-2 SBG, LLC, applicant (Parcel ID# 32954) A request to rezone 116 acres from B-N (Neighborhood Business) and R-T (Transitional Residential) to PD-MU (Planned Development Mixed Use) to permit 220 single-family homes, 200 multi-family dwelling units, 40 townhomes and 100,000 square feet of commercial space. The property is located at 799 N. NC 16 Hwy., on the west side of N.C. 16 Business near the southern end of Triangle Circle, in Catawba Springs Township.

The Planning Board voted 8-0 to recommend approval.

ZMA #613 Danny Dellinger, applicant (Parcel ID# 15122) A request to rezone 1.5 acres from BN (Neighborhood Business) to R-S (Residential Suburban). The property is located on the south side of West Old NC 150 Hwy. about 1,000 feet west of Saint Marks Church Road in Howards Creek Township.

The Planning Board voted 8-0 to recommend approval.

4. Nursing and Adult Care Home Community Advisory Committee Annual Report - Cindy Englert
5. Public Comments (15 minutes allowed per Rules of Procedure - 3 minutes per person)
- 5a. Public Hearing - Community Development Block Grant for Economic Development - David Haritgan
 - Resolution for Lincoln County Application for Community Development Block Grant Funding for the Carolina Nonwovens Building Reuse Project
6. Joint Resolution Regarding Lake Norman Territorial Jurisdiction - Morris Sample
7. Lincoln Wellness Center Presentation - Jennifer Greene
8. Shea Homes - Trilogy Water Line Agreement - Don Chamblee
9. Resolution #2015-5: Resolution Ordering the Advertising of Delinquent Real Estate Property Tax Liens - Kep Kepley
10. Demonstration of Spatiatest Software - Kep Kepley and Jake Lackey

- 10a. Resolution #2015-6: Resolution Calling for Public Hearing - Extension of 2008 School Bonds - Deanna Rios
- 10b. Motion to Approve Bid for Replacement of Voice Logging System to Carolina Recording Systems- Rick Ellis
11. Finance Officer's Report
12. County Manager's Report
13. County Commissioners' Report
14. County Attorney's Report
15. Vacancies/Appointments
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(a)

(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.

(5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease

Adjourn

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

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

- Waived Fees
 - Piedmont Council Boy Scouts
 - Stars Benefit Showcase
- Surplus Property
- Capital Project Ordinance Amendment #5
- Budget Ordinance Amendment #8
- VTS Refunds
- Release of Race City Steel Bond
- Approval of Minutes

- CCPT/CFPT Report

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.

Planning Board Recommendations:

PD #2014-2 SBG, LLC, applicant (Parcel ID# 32954) A request to rezone 116 acres from B-N (Neighborhood Business) and R-T (Transitional Residential) to PD-MU (Planned Development Mixed Use) to permit 220 single-family homes, 200 multi-family dwelling units, 40 townhomes and 100,000 square feet of commercial space. The property is located at 799 N. NC 16 Hwy., on the west side of N.C. 16 Business near the southern end of Triangle Circle, in Catawba Springs Township.

The Planning Board voted 8-0 to recommend approval.

Commissioner Oakes asked if there has been a change in the contract or the development agreement.

Mr. Hawkins said the applicant has agreed to amend and add to the master plan to commit to a \$75,000 contribution toward the extension of the main boulevard into the future phase of Airlie Business Park. To make that contribution by 2020 or prior to issuance of permits for the commercial section of the development, whichever comes first.

UPON MOTION by Commissioner Beam, the Board voted unanimously to approve the Statement of Consistency and Reasonableness concerning PD #2014-2 SBG, LLC, applicant

UPON MOTION by Commissioner Patton, the Board voted unanimously to approve the rezoning request for PD #2014-2 SBG, LLC, applicant with the amendment.

ZMA #613 Danny Dellinger, applicant (Parcel ID# 15122) A request to rezone 1.5 acres from BN (Neighborhood Business) to R-S (Residential Suburban). The property is located on the south side of West Old NC 150 Hwy. about 1,000 feet west of Saint Marks Church Road in Howards Creek Township.

The Planning Board voted 8-0 to recommend approval.

UPON MOTION by Commissioner Martin, the Board voted unanimously to approve the Statement of Consistency and Reasonableness for ZMA #613 Danny Dellinger, applicant.

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

Commissioner Martin stated that she was absent for the meeting with the public hearings on these zoning cases, but did view the video of the meeting.

Nursing and Adult Care Home Community Advisory Committee: Cindy Englert, along with members of the Nursing and Adult Care Home Community Advisory Committee, gave a report from the group. She thanked the Board for their support of the Annual Residents Rights Celebration and requested allocated funds for the upcoming year's celebration as well. She thanked the Board for the great volunteers that have been appointed to the Committee and asked them to continue recruiting new members to they can have a full Committee. Mrs. Englert invited all Commissioners to go on visits to the Nursing and Adult Care Homes with the Committee.

Chairman Mitchem thanked the Committee for what they do.

Public Comments: Chairman Mitchem opened Public Comments.

Robert Avery stated that he is here to promote farming in Lincoln County and the more voluntary farm signs that can get out, the better. He said it should be made easier to get a sign.

Richard Permenter, 4509 Rustling Woods Drive, Denver said his neighborhood is concerned with the issue coming back to the Board with the solar farm near Sailveiw.

Wesley Deaton, County Attorney, said that because that is a quasi-judicial matter, the Board cannot hear any additional information concerning the case.

Being no additional speakers, Chairman Patton closed public comments.

Public Hearing – Community Development Block Grant for Economic Development:

David Hartigan presented the following:

This Public Hearing was originally scheduled for 02/16/15 but was rescheduled due to inclement weather. The schedule change was posted the County website and was announced on the marquee at the James Warren Citizens Center.

This is the 2nd of 2 public hearings for a Community Development Block Grant (CDBG). Lincoln County is applying to the North Carolina Department of Commerce for a Community Development Block Grant (CDBG) for Economic Development. The application will request a grant of \$500,000 which will be loaned to Carolina Nonwovens. The funds will be used to do needed renovations to the building at 350 Generals Boulevard in Lincolnton. The company plans a total investment of over \$7.3 million and will create 25 new jobs as a result of the project. Of the 25 new jobs, at least 60% will go to persons of low and moderate income.

Lincoln County will hopefully be awarded a grant and will then enter into a loan agreement with the company. The loan will be secured by an Irrevocable Letter of Credit provided by National Spinning Company, the parent of Carolina Nonwovens. An agreement will be sent by the State, which the County Attorney will review.

Commissioner Oakes asked since this is a grant so if the loan never gets repaid, the County is not on the hook for the \$500,000.

Mr. Hartigan said the loan given to the company is going to be secured by an Irrevocable Letter of Credit.

Mr. Deaton said that typically if it's done properly, the Letter of Credit is essentially due on demand to the bank.

Chairman Mitchem opened the public hearing on the CDBG for Economic Development. Being no one wishing to speak, Chairman Mitchem closed the public hearing.

UPON MOTION by Commissioner Oakes, the Board voted unanimously to approve Resolution for Lincoln County Application for Community Development Block Grant Funding for the Carolina Nonwovens Building Reuse Project.

Resolution for Lincoln County Application for Community Development Block Grant Funding for the Carolina Nonwovens Building Reuse Project

WHEREAS, the Board of Commissioners has previously indicated its desire to assist in economic development efforts within the County; and,

WHEREAS, the Board of Commissioners has held two public hearings concerning the proposed application for a Community Development Block Grant to benefit Carolina Nonwovens Corporation; and,

WHEREAS, the Board of Commissioners wishes the County to pursue a formal application for a Community Development Block Grant to benefit Carolina Nonwovens Corporation; and,

WHEREAS, the Board of Commissioners County Council certifies it will meet all federal regulatory and statutory requirements of the Small Cities Community Development Block Grant Program,

NOW, THEREFORE BE IT RESOLVED, by the Lincoln County Board of Commissioners that Lincoln County is authorized to submit a formal application to the North Carolina Department of Commerce for approval of a Community Development Block Grant for Economic Development to benefit Carolina Nonwovens Corporation, and that Kelly Atkins, County Manager is authorized to sign documents on the County's behalf that are necessary for the submittal of that application. Said application will request \$500,000 in CDBG funds to be loaned to Carolina Nonwovens Corporation.

Adopted February 23, 2015 in Lincolnton, North Carolina.

Carrol Mitchem, Chairman

ATTEST: _____
Amy Atkins, Clerk

Joint Resolution Regarding Lake Norman Territorial Jurisdiction: Morris Sample, Lincoln County's representative on the Lake Norman Marine Commission presented the Board with a joint Resolution Regarding Lake Norman Territorial Jurisdiction and said this cleans up an item they thought would have been handled years ago. In the Session Law that created the Marine Commission in 1969, there was a statement in there that said "where a joint Resolution so provides all law enforcement officers will have territorial jurisdiction throughout Lake Norman and the shoreline" It was discovered that this Resolution either had not been done or could not be located. The Resolution will be submitted to the four counties around Lake Norman for their approval.

JOINT RESOLUTION REGARDING LAKE NORMAN TERRITORIAL JURISDICTION

WHEREAS, pursuant to "An Act to Establish the Lake Norman Marine Commission" enacted as Chapter 1089 of the 1969 Session Laws (the "Act"), the counties of Catawba, Iredell, Lincoln and Mecklenburg adopted resolutions which created the Lake Norman Marine Commission; and

WHEREAS, the Lake Norman Marine Commission has operated continuously since its establishment; and

WHEREAS, Sec. 9 (a) of the Act reads as follows:

Sec. 9. Enforcement. (a) Where a joint resolution so provides, all law enforcement officers (or such officers as may be designated in the joint resolution) with territorial jurisdiction as to any part of Lake Norman or its shoreline area shall, within the limitations of their subject matter jurisdiction, have the authority of peace officers in enforcing the laws over all of Lake Norman and its shoreline area; and

WHEREAS, the Board of Commissioners of Lincoln County has determined that it would be in the best interest of the people of the counties of Catawba, Iredell, Lincoln and Mecklenburg for the territorial jurisdiction of all law enforcement officers having jurisdiction over any part of Lake Norman or its shoreline area to be expanded as authorized by Sec. 9 (a) of the Act; now, therefore, be it

RESOLVED by the Board of Commissioners of Lincoln County, as authorized by Sec. 9 (a) of Chapter 1089 of the 1969 Session Laws, that all law enforcement officers with territorial jurisdiction as to any part of Lake Norman or its shoreline area shall, within the limitations of

their subject matter jurisdiction, have the authority of peace officers in enforcing the laws over all of Lake Norman and its shoreline area; and

BE IT FURTHER RESOLVED that a copy of this Joint Resolution be forwarded by the Clerk to the Board to the governing bodies of the other counties which have joined together to create the Lake Norman Marine Commission, and to the Executive Director of the North Carolina Wildlife Commission, as provided in Sec. 7 of the Act.

Adopted the 23rd day of February, 2015.

Commissioner Beam said he has spoken with Sheriff Carpenter and he is fine with this request, this is the way it has been handled since 1969 just needs to be approved. County Manager Atkins said he also had contact with the Sheriff and this has his full support.

UPON MOTION by Commissioner Oakes, the Board voted unanimously to approve the Joint Resolution Regarding Lake Norman Territorial Jurisdiction.

Lincoln Wellness Center Presentation: Jennifer Greene said the Lincoln Wellness Center is a collaborative effort between Support Incorporated, Monarch, Alexander Youth Network and Phoenix Counseling Center to work under the direction of Partners, their managed care organization to be the first in the area for a collaboration of services on one site. Their goal is to create an alternative to the emergency room and to help direct those seeking support back into Lincoln County instead of surrounding counties. She said they have open access, which encourages individuals who need services to walk in for the first visit without an appointment. They will also provide individual, family and group therapy, day treatment, intensive in-home services, Level II Therapeutic Foster Care, Substance Abuse Intensive Outpatient Program, Psychiatric Services and Medication Management, Drop-off and first evaluation center, Assertive Community Treatment Team (adults only), Community Support Team (adults only), Mobile Crisis Management Services, Multisystemic Therpay, Multisystemic Therapy of Problem Sexual Behavior, and Sexual Offender Specific Evaluations. Ms. Greene detailed each service provided.

Shea Homes – Trilogy Water Line Agreement: Don Chamblee presented the following:

Shea Homes, Trilogy, will be making required improvements for the water and sewer system off-site to support the Trilogy Development. One of the attachments in the agreement, identifies the improvements needed back in June of 2014. Trilogy will be installing water lines on South Little Egypt Road, relocating forcemains and doing upgrades to the Killian Creek pumpstation. This agreement does contain one key component to upsize the line that is required for the development to a larger line on Hwy 73 to accommodate the future growth and system improvements along Hwy 73. The upsizing will be a cost share with the County funding about \$350,000 based on the formal bid process. The total cost will be about \$850,000 estimated.

With the Board's approval of the agreement with Trilogy, they will begin the bidding process and construction will hopefully be completed by December 31, 2016.

UPON MOTION by Commissioner Oakes, the Board voted unanimously to approve the Trilogy Water Line Agreement.

Resolution #2015-5: Resolution Ordering the Advertising of Delinquent Real Estate Property Tax Liens: Kep Kepley presented the following:

Pursuant to NCGS 105.369(a), the amount of delinquent 2014 taxes which are a lien on real estate property is \$3,999,166.09. A complete listing of these delinquent taxes is on file at the Lincoln County Tax Department.

Upon receipt of this statement, the government 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, 2015, 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 #2015-5: 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 on this the 23rd day of February, 2015.

BY: _____
Carrol Mitchem, Chairman

ATTEST:

Amy S. Atkins, Clerk to the Board

UPON MOTION by Commissioner Martin, the Board voted unanimously to adopt Resolution #2015-5: Resolution Ordering the Advertising of Delinquent Real Estate Property Tax Liens.

Demonstration of Spatialist Software: Kep Kepley and Jake Lackey gave a presentation on the abilities and capabilities of the Spatialist Software.

The Board asked about an update of the current GIS system.

Resolution #2015-6: Resolution Calling for Public Hearing – Extension of 2008

On motion duly made by Commissioner Martin, seconded by Commissioner Beam and unanimously carried, said Board of Commissioners fixed 6:30 P.M., on March 16, 2015 in the Commissioner's Room of the James W. Warren Citizens Center, located at 115 West Main Street, Lincolnton, North Carolina, as the hour, day and place for a public hearing upon the question of whether the maximum time period for issuing bonds under an order adopted by said Board of Commissioners on March 3, 2008 and entitled: "ORDER AUTHORIZING \$44,600,000 SCHOOL BONDS", which order took effect on November 4, 2008, should be extended from seven years to 10 years from November 4, 2008 and directed the Clerk to said Board of Commissioners to publish said order, together with the appended statement as required by The Local Government Bond Act, as amended, once in The Lincoln Times-News not later than the sixth day before the date of said public hearing .

Motion to Approve Bid for Replacement of Voice Logging System to Carolina Recording Systems: Rick Ellis asked for the Board's approval for replacement of voice logging system to Carolina Recording Systems for \$55,007.80, which will come from the Emergency Telephone Fund. This will provide a reliable voice logging system for monitoring/recording 9-1-1 calls and radio traffic. The current recorder is reaching the end of life status and has increased maintenance problems.

UPON MOTION by Commissioner Patton, the Board voted unanimously to approve the bid for replacement of Voice Logging System to Carolina Recording Systems.

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

County Manager's Report: Kelly Atkins presented the County Manager's Report. He spoke concerning budget and said he is in the process of hiring for the Recreation Director and Human Resources Director.

County Commissioners' Report: Commissioner Oakes reported from the LEDA meeting that they would like a spec site in addition to the spec building and from the Airport Authority concerning a jet hangar.

Commissioner Beam asked Mr. Atkins to look into the Voluntary Farm District.

County Attorney's Report: Nothing reported.

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

Centralina Workforce Development Board – reappoint Tony Simpson
Planning Board – Catawba Springs Seat – Greg Smith (replacing Darrell Gettys)
Board of Adjustment – appoint Keith Gaskill and reappoint Beverly Moore
Board of Equalization and Review – Appoint Linda Dugan and John Black
Nursing and Adult Care Home – Amanda Hallman and Linda Baxter
Lincoln Natural Resources – reappoint Ben Benoit, Gail Budd, Laura Simmons and Sylvia Wallace.

Other Business: Commissioner Beam asked about the possibility of all convenience sites being open on Sundays. Commissioner Beam said a few groups have come forward with proposals for the plan for government office space. He said he would like to hear all the options from the groups involved.

A MOTION by Commissioner Beam to stop moving forward with all plans until all options are heard and until the courts have been heard from.

Commissioner Oakes offered the amendment to the motion to stop everything but the Architect for 30 days.

**Vote: 2 – 3 AYES: Oakes, Beam
NOES: Patton, Mitchem, Martin**

A MOTION by Commissioner Beam to hold a public hearing on the consideration of remodeling the hospital, building new offices, and vacating the Citizens Center.

**Vote: 2 – 3 AYES: Oakes, Beam
NOES: Patton, Mitchem, Martin**

Closed Session: **UPON MOTION** by Commissioner Oakes, the Board voted unanimously to enter Closed Session pursuant to NCGS § 143-318.11. Closed sessions. (a) (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 (5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other

material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease.

Chairman Mitchem announced that no action was taken in Closed Session.

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

Amy S. Atkins, Clerk
Board of Commissioners

Carrol Mitchem, Chairman
Board of Commissioners