

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, JANUARY 25, 2016

The Lincoln County Board of County Commissioners met January 25, 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
Alex E. Patton
Bill Beam

Others Present:

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

Call to Order: Chair Martin called the January 25, 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, January 25, 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
 - Surplus Property
 - Waived fees

- Vietnam Veterans
 - BPW 2016 Miss Lincoln County Apple Queen Pageant
 - Amended Contract to Audit Accounts
 - Vehicle Tax Systems Refunds
 - Tax Refunds over \$100 - December 7 - 20, 2015
3. Planning Board Recommendations - Randy Hawkins
 4. Public Comments (15 minutes allowed per Rules of Procedure - 3 minutes per person)
 5. Request from Partners to waive rent charged for facility at 311 McBee Street - Rhett Melton
 6. Request to approve exemption from the RFQ process for County Field Operations Center (old RB Cronland Site per GS 143-64.32(a)(1) - John Henry
 7. Update on County Service Center (Gamble Drive) and Field Operations Center (Cronland) - Don Chamblee, Andrew Bryant, John Henry
 8. Request to Authorize the County Manager to enter into a base contract and any supplemental tasks as may occur during the process of design with Little Diversified Architectural Consulting for the design of the County Services Center - Don Chamblee
 9. Request to Authorize the County Manager to enter into a base contract and any supplemental tasks as may occur during the process of design with Little Diversified Architectural Consulting for the renovation of the old jail for probation office- Don Chamblee
 10. Finance Officer's Report
 11. County Manager's Report
 12. County Commissioners' Report
 13. County Attorney's Report
 14. Vacancies/Appointments
 15. Calendar
 16. Other Business

Information Only - No Action Needed

- Register of Deeds Report
- Property Tax Collection Report
- NCDOT Annual Statement
- Nursing and Adult Care Advisory Annual Report

Recess to 6:30 PM on January 26, 2016 at the Board of Education Building, 353 North Generals Blvd, Lincolnton for a joint work session with the Board of Education

UPON MOTION by Commissioner Beam, the Board voted unanimously to adopt the agenda as presented adding Item 3a – Explanation from Mr. Bryant concerning Contract Zoning and Development Contract.

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

- Surplus Property
- Waived fees
 - Vietnam Veterans
 - BPW 2016 Miss Lincoln County Apple Queen Pageant
- Amended Contract to Audit Accounts
- Vehicle Tax Systems Refunds
- Tax Refunds over \$100 - December 7 - 20, 2015

*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.

Andrew Bryant presented the following:

PD #2015-2 Whitehouse Park, LLC, applicant (Parcel ID# 00426 and 00427) A request to rezone 101 acres from I-G (General Industrial) to PD-MU (Planned Development Mixed Use) to permit a sports training and event complex – including a school and dormitory, motocross and BMX tracks, indoor sports area, swimming and diving pools, recreational vehicle spaces and support services – a hall for special events and meetings, and space for light manufacturing, storage and offices.

The proposed site is located at 288 Whitehouse Drive, on the west side of Maiden Highway about 700 feet north of Horseshoe Lake Road, in Lincolnton Township.

The Planning Board voted 5-2 to recommend the request be denied.

Mr. Bryant said he has passed around a letter from the owner of the property he received late this afternoon asking for the request to be tabled until the next Commissioners meeting.

A MOTION by Commissioner Mitchem to table this and send back to the Planning Board.

Commissioner Beam asked about considering the withdrawal of the application. Mr. Bryant said if the Board chooses not to table for additional consideration by the Commissioners or Planning Board, they have requested that it be withdrawn.

Mr. Deaton said the landowner is essentially saying they do not want the application considered at this time. They would like for it to be tabled and if not, they are essentially saying please consider this application withdrawn.

Commissioner Mitchem withdrew his motion.

A MOTION by Commissioner Mitchem to consider the request withdrawn.

VOTE: 4 – 1 AYES: Mitchem, Beam, Martin, Oakes

NOES: Patton

Randy Hawkins presented the following:

PD #2015-4 Eastwood Construction, LLC (Parcel ID# 02631 and 02630) A request to rezone 25 acres from R-T (Transitional Residential) and R-SF (Residential Single-Family) to PD-R (Planned Development-Residential) to permit a subdivision with 58 lots for single-family homes. The property is located on the west side of Saint James Church Road and south side of Verdict Ridge Drive in Catawba Springs Township.

The Planning Board voted 7-0 to recommend approval.

Mr. Hawkins distributed some added terms the applicant has agreed to include in the master plan and the President of the Verdict Ridge Homeowner's Association has signed off on them.

UPON MOTION by Commissioner Patton, the Board voted unanimously to approve the Statement of Consistency and Reasonableness as presented by the Planning Board.

Commissioner Oakes said he will be voting against this because this is in an area of East Lincoln that has already sent 150 school kids to Pumpkin Center, all schools there are overcrowded and adding 21 houses will worsen the problem.

UPON MOTION by Commissioner Mitchem, the Board voted 4 – 1 (Oakes against) to approve PD #2015-4 – Eastwood Construction, LLC, applicant, based on the recommendation of the Planning Board.

CZ #2015-3 S D & J Investment Group, Inc., applicant (Parcel ID# 34644 and 52070) A request to rezone 1.4 acres from B-N (Neighborhood Business) and R-SF (Residential Single-Family) to CZ I-G (Conditional Zoning General Industrial) to permit an expansion of a self-storage facility. The property is located at 1697 N. NC 16 Hwy., on the west side of N.C. 16 Business about 375 feet north of Galway Lane, in Catawba Springs Township.

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.

UPON MOTION by Commissioner Oakes, the Board voted unanimously to approve CZ #2105-3 – S D & J Investment Group, Inc., applicant.

UDO Proposed Amendment #2015-4 Lincoln County Planning & Inspections Department, applicant. A proposal to amend Section 2.2.1 of the Lincoln County Unified Development Ordinance to make a day care center a permitted use in the I-G (General Industrial), I-L (Light Industrial) and B-C (Corporate Business) districts.

The Planning Board voted 7-0 to recommend approval of a revised proposal to make a day care center a conditional use as a principal use in the I-G district, a permitted use

by right as an accessory use in the I-G district, and a permitted use by right as a principal use or accessory use in the I-L and B-C districts.

UPON MOTION by Commissioner Oakes, the Board voted unanimously to approve the Statement of Consistency and Reasonableness for UDO Proposed Amendment #2015-4 Lincoln County Planning & Inspections Department.

Discussion concerning Planning: Commissioner Oakes asked about contract zoning

Andrew Bryant and Wesley Deaton explained contract zoning and developers donating land or improvements.

Public Comments: Chair Martin opened Public Comments.

Rudy Bauer, 8252 Blades Trail, asked the Board to think about these developments being approved. He said another development will come before the Board on February 1 on Highway 16 near Webbs Road.

Sheila Parker presented the Board a petition against the 10 day period for animals and thanked the Board for tabling this. She urged the Board to achieve the no kill status in 2016. She urged the Board to appoint a Committee to work on this matter.

Mike Gould urged the Board to move toward being a no kill shelter. He asked if there is a standing Animal Services Advisory Board, which is required by Ordinance.

Kate Cameron said progress has been made at the Animal Shelter, but it is not yet a no kill shelter. She urged the shelter to take a proactive approach now to start to put in aspects of the no kill equation to lessen the amount of animals coming into the shelter.

Robert Avery urged the Board to send out a taxpayer survey.

Being no additional speakers, Chair Martin closed public comments.

Request from Partners to waive rent charged for facility at 311 McBee Street: Rhett Melton presented the following:

Partners BHM is requesting for the county to waive the rent charged by Lincoln County for the use of the facility at 311 McBee Street, Lincolnnton.

Partners (and its predecessor organization, Pathways) has used the county building for behavioral health related purposes for over 20 years. In the early 2000's, when mental health reform was enacted by the state legislature, the usage shifted from Partners staff being the ones housed at the location to providers of service being the ones housed at the site.

The mechanics of the arrangement have been that Partners maintains the facility and pays for all operating expenses at the location. Those costs are then passed along to the providers in the locations in the form of “rent” charges to them.

The county historically charged Partners rent for the use of the building of \$1,800 per month. In 2011 a workgroup led by the Assistant Lincoln County Manager met in an effort to expand service availability to the citizens of Lincoln County. A significant area of focus at the time was availability of services for clients attached to the Lincoln County Department of Social Services. At the time, a commitment was made to add services to the McBee Street location. The county assisted in making that possible by waiving the rent charged to Partners for the facility. As a result, Partners decreased the cost pass through to the service providers in the facility, which served to allow more money to go to the provision of services.

The rent waived by the county in 2011 was time limited and ended on June 30, 2013.

Mr. Melton requested that the previous decision by the Commissioners to waive the rent on the facility be continued from 7/1/2013 for the duration of the contract with the county to be used for its current purpose.

UPON MOTION by Commissioner Beam, the Board voted unanimously to waive the rent for Partners for 311 McBee Street through 2020 and the amount of rent due from June 30, 2013 until now.

Request to approve exemption from the RFQ process for County Field Operations Center (old RB Cronland Site per GS 143-64.32(a)(1)): John Henry requested an exemption from the RFQ process for the Field Operations Center.

**RESOLUTION EXEMPTING COUNTY FIELD OPERATIONS CENTER
FROM G.S. 143-64.31**

WHEREAS, G.S. 143-64.31 requires the initial solicitation and evaluation of firms to perform architectural, engineering, surveying, construction management-at-risk services, and designbuild services (collectively “design services”) to be based on qualifications and without regard to fee;

WHEREAS, the City proposes to enter into one or more contracts for design services for work on
County Field Operations Center; and

WHEREAS, G.S. 143-64.32 authorizes units of local government to exempt contracts for design services from the qualifications-based selection requirements of G.S. 143-64.32 if the estimated fee is less than \$50,000; and

WHEREAS, the estimated fee for design services for the above-described project is less than \$50,000.

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF LINCOLN COUNTY
RESOLVES:

Section 1. The above-described project is hereby made exempt from the provisions of G.S. 143-64.31.

Section 2. This resolution shall be effective upon adoption.

LINCOLN COUNTY

Chairman of the Board of Commissioners

ATTEST:

BY:

Clerk to the Board

Printed Name/Title

(Affix Seal)

UPON MOTION by Commissioner Oakes, the Board voted unanimously to approve the Resolution Exempting the County Field Operations Center from G.S. 143-64.31.

Update on County Service Center (Gamble Drive) and Field Operations Center

(Cronland): Don Chamblee gave an Update on the County Service Center. He said there will be a temporary relocation for Probation over to the Cronland Building. They will then be moved to their permanent home at the remodeled old jail. Mr. Chamblee presented the concept plan for the County Service Center.

John Henry gave an update on the Field Operations Center, formerly Cronland Building.

Commissioner Mitchem asked when the properties will be put on the market. Mr. Atkins advised that they can be marketed with a date available.

UPON MOTION by Commissioner Oakes, the Board voted unanimously to Authorize the County Manager to enter into a base contract and any supplemental tasks as may occur during the process of design with Little Diversified Architectural Consulting for the design of the County Services Center.

UPON MOTION by Commissioner Oakes, the Board voted unanimously to Authorize the County Manager to enter into a base contract and any supplemental tasks as may occur during the process of design with Little Diversified Architectural Consulting for the renovation of the old jail for probation office

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

County Manager's Report: Mr. Atkins said he will be sending out dates for budget work sessions.

County Attorney's Report: Nothing reported

Vacancies: Commissioner Patton presented the following appointments:

AIRPORT AUTHORITY

Reppoint

- Alan Brown 1/1/16 – 12/31/18

BOARD OF ANIMAL APPEALS

Appoint

- Mark Connolly – Alternate 1/1/16 – 12/31/17

COUNCIL ON AGING

Appoint:

- Julia Gaskill 7/1/15 – 6/30/17
- Sandy Higginbotham 7/1/15 – 6/30/17
- John Davis – staff representative replacing Karen Gregory
- Kristal Ford - staff representative replacing Ron Rombs

ENVIRONMENTAL REVIEW BOARD

Reappoint:

- Steve Gurley 8/1/15 – 7/31/18
- Jeff Hager 1/1/15 – 12/31/17
- Lee Garrison 8/1/15 – 7/31/18

NURSING AND ADULT CARE HOME ADVISORY COMMITTEE

Reappoint:

Julia Gaskill
Sheldon Lutz
Melva Parrot-Eddy
Tanis Lanier
Sara Dalton
Carolyn Avery
Dianne Painter
Ruby Anthony
Becky Criscoe

UPON MOTION by the Commissioner Mitchem, the Board voted unanimously to approve all appointments as presented.

Commissioner Mitchem asked about the Animal Services Advisory Board.

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to reinstate the Advisory Board, take applications for the vacant positions, and have Commissioner Patton to bring a recommendation back to the Board.

There was discussion about having a HATS member on the Advisory Board and

County Commissioners' Report: Nothing reported

Recess: **UPON MOTION** by Commissioner Beam, the Board voted unanimously to recess the meeting to January 26, 2016 at the Board of Education Building at 6:30 p.m. for a joint work session with the Board of Education.

Amy S. Atkins, Clerk
Board of Commissioners

Cecelia Martin, Chair
Board of Commissioners