

**MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, DECEMBER 19, 2016**

The Lincoln County Board of County Commissioners met December 19, 2016 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 December 19, 2016 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, December 19, 2016
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
 - Approval of Minutes
 - Waived fees for Auditorium - Boy Scouts of America Council Banquet
 - **Proclamation Honoring Officer Robert Hooks, Jr.**

3. Recognition of Officer Robert Hooks
4. Planning Board Recommendations - Randy Hawkins
- ~~5. Public Hearing—Lincoln County Solid Waste Ordinance—Don Chamblee
—Resolution Amending the Lincoln County Solid Waste Ordinance~~
6. Public Comments (15 minutes allowed per Rules of Procedure - 3 minutes per person)
7. Lease Agreement for a Motorola seven console operating system – Bill Gibbs
8. Motion to Execute a contract with SCS Field Services, Inc. for design, permitting, construction, and inspection for repairs to slabs at the North Brook, Owls Den, Tin Mine, and Optimist Club Road Convenience Sites for a fee not to exceed of \$159,390.00 – Don Chamblee
9. Drought Update - Don Chamblee
10. Request to approve the change order issued by Strickland Waterproofing for the Citizen Center in the amount of \$208,605.00 - John Henry
11. Presentation – Lincoln County Senior Games Program – John Davis
12. Council on Aging Bylaws - Tabitha Thomas
13. Animal Services Update - Hannah Beaver
14. Finance Officer's Report
- Approval of VTS Vehicle Refunds
15. County Manager's Report
16. County Commissioners' Report
17. County Attorney's Report
18. Vacancies/Appointments
19. Calendar
20. Other Business
- Information Only - No Action Needed
 - Register of Deeds Report
 - Property Tax Collection Report
- Recess

UPON MOTION by Commissioner Oakes, the Board voted unanimously to adopt the agenda as amended removing Item 5.

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

- Approval of Minutes – November 21, 2016
- Waived fees for Auditorium - Boy Scouts of America Council Banquet
- Proclamation Honoring Officer Robert Hooks, Jr.

*All items listed in the consent agenda are hereby incorporated by reference and are on file in the Clerk's office.

The Board presented Officer Robert Hooks, Jr. with a Proclamation Honoring him saving the life of an inmate by administering CPR until medics arrived.

Planning Board recommendations: Randy Hawkins presented the following:

PA #40 - Matthews Heather Land Corporation and CZ # 2016-4 – Lincolnton Main Street, LLC have been withdrawn by the applicants.

CUP #362 Paul Clark, applicant: A request for a conditional use permit to allow a detached garage to extend in front of the front building line of a house on a lot that's adjacent to Lake Norman. The 0.67-acre lot is located at 7689 Dellinger Road, on the west side of Dellinger Road about 1,200 feet west of Burton Lane, in Catawba Springs Township.

The Planning Board voted 9-0 to recommend approval.

UPON MOTION by Commissioner Oakes, the Board voted unanimously to accept the Planning Board's Finding of Facts as presented.

UPON MOTION by Commissioner Oakes, the Board voted unanimously to approve Conditional Use Permit #362 – Paul Clark, applicant.

PD #2016-9 ALDI, Inc., applicant (Parcel ID# 88751 and 86958) A request to rezone 9.6 acres from CU B-G (Conditional Use General Business) to PD-C (Planned Development Commercial) to permit additions to an existing commercial building. The property is located at 7208 and 7260 NC 73 Hwy. in Catawba Springs Township.

The Planning Board voted 9-0 to recommend approval.

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

UPON MOTION by Commissioner Oakes, the Board voted unanimously to approve PD #2016-9 – ALDI, Inc., applicant, as presented.

PD #2016-10 Cambridge Properties, Inc., applicant (Parcel ID# 90176) A request to rezone 5.1 acres from R-T (Transitional Residential) to PD-C (Planned Development Commercial) to permit an office building complex with to 55,000 square feet of floor area. The property is located between N.C. 16 Business and Pilot Knob Road about 1,500-2,000 feet north of N.C. 73 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 for Cambridge Properties.

UPON MOTION by Commissioner Oakes, the Board voted unanimously to approve PD #2016-10 – Cambridge Properties, Inc., applicant.

ZMA #630 Cambridge Properties, Inc., applicant (Parcel ID #90176) A request to rezone 0.1 acre from R-T (Transitional Residential) to B-G (General Business). The property is located about 300 feet east of N.C. 16 Business and 1,500 feet north of N.C. 73.

The Planning Board voted 9-0 to recommend approval.

UPON MOTION by Commissioner McCall, the Board voted unanimously to approve the Statement of Consistency and Reasonableness as presented by the Planning Board for ZMA #630.

UPON MOTION by Commissioner McCall, the Board voted to approve ZMA #630 as recommended by the Planning Board.

UDO Proposed Amendment #2016-5 SCI Towers, Inc., applicant. A proposal to amend Section 2.5.4.B.5 of the Lincoln County Unified Development Ordinance to exempt wireless communication towers from the Airport Overlay District's height limits in the horizontal and conical zones, provided an applicant for a conditional use permit demonstrates compliance with all Federal Aviation Administration standards and receives approval from the FAA for the construction of a proposed tower.

The Planning Board voted 9-0 to recommend approval.

Commissioner Oakes asked to make the following changes to the Planning Board's Statement of Consistency and Reasonableness:

This proposed amendment **is consistent** with the Lincoln County Comprehensive Land Use Plan and other adopted plans in that:

The Land Use Plan does not address the issue of height restrictions anywhere in the county.

UPON MOTION by Commissioner Oakes, the Board voted unanimously to adopt the Statement of Consistency and Reasonableness as amended for UDO Proposed Amendments # 2016-5.

UPON MOTION by Commissioner Oakes, the Board voted unanimously to approve UDO Proposed Amendments #2016-5.

UDO Proposed Amendment #2016-6 Lincoln County Planning and Inspections

Department, applicant. A proposal to amend Section 5.4.4.D of the Lincoln County Unified Development Ordinance to require that any residential subdivision of greater than 30 lots be provided with separate and approved fire apparatus access roads and that, within a residential subdivision, no more than 30 lots be located on any road that lacks emergency access from two directions.

The Planning Board voted 9-0 to recommend approval.

UPON MOTION by Commissioner Oakes, the Board voted unanimously to adopt the Statement of Consistency and Reasonableness for UDO Proposed Amendments # 2016-6.

UPON MOTION by Commissioner Oakes, the Board voted unanimously to approve UDO Proposed Amendments #2016-6.

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

Alan Hoyle, 319 N. Poplar Street, Lincolnton, thanked the Board for allowing him to place the manger scene on the Courthouse Lawn. He spoke concerning the Lincoln County Jail and the process of going through the x-ray machine and unclothed inmates' constitutional rights.

Being no additional speakers, Chairman Beam closed Public Comments.

Lease Agreement for a Motorola seven console operating system – Bill Gibbs presented a request for a lease agreement with Motorola for a seven position Motorola console operating system. The proposed consoles will be used on their current UHF/VHF system and then moved to the new PSAP and connected to the state Viper system. Staff is recommending the 4 year lease option proposed at a total cost of \$600,000. Maintenance will be included for the first year.

UPON MOTION by Commissioner Oakes, the Board voted unanimously to approve the Lease Agreement for the Motorola console operating system for the 4 year lease option as recommended by staff.

Motion to Execute a contract with SCS Field Services, Inc. for design, permitting, construction, and inspection for repairs to slabs at the North Brook, Owls Den, Tin Mine, and Optimist Club Road Convenience Sites for a fee not to exceed of \$159,390.00 – Don Chamblee presented the following:

Public Works is requesting that the Board of Commissioners execute a contract with SCS Field Services, Inc. for design, permitting, construction, and inspection for repairs to slabs at the North Brook, Owls Den, Tin Mine, and Optimist Club Road Convenience Sites.

There are currently four elevated reinforced concrete platforms located at four Lincoln County Solid Waste convenience sites that require maintenance. These platforms or "slabs" are in place to allow easier drop off of waste for Lincoln County residents at the convenience sites. Upon

direction from Lincoln County, SCS Engineers prepared and submitted a report identifying deficiencies due to age and corrosion in the slabs.

SCS Engineers has submitted a proposal for design, permitting, construction, and inspection for repairs to slabs at the North Brook, Owls Den, Tin Mine, and Optimist Club Road Convenience Sites for a fee of \$159,390.00.

UPON MOTION by Commissioner Mitchem, the Board voted to approve the contract with SCS Field Services, Inc. for design, permitting, construction, and inspection for repairs to slabs at the North Brook, Owls Den, Tin Mine, and Optimist Club Road Convenience Sites for a fee not to exceed of \$159,390.00 as presented.

Drought Update: Mr. Chamblee gave an update on the drought situation.

Commissioner Permenter asked about the water intake, and how far below full pond the intake is. Mr. Chamblee said our intake is at 737 and 743, full pond is 760. The lake is currently around 754. Commissioner Oakes said our intake is lower than the intake for the Duke plant, so it will not go below that level.

Request to approve the change order issued by Strickland Waterproofing for the Citizen Center in the amount of \$208,605.00 - John Henry presented the following:

The Board is being asked to consider a request to approve the change order issued by Strickland Waterproofing for the Citizens Center in the amount of \$208,605.00. During demolition, issues were discovered as old cladding was removed. These issues were unforeseen and could not be identified on the original construction drawings. This will most likely be the last change order.

UPON MOTION by Commissioner McCall, the Board voted unanimously to approve the change order issued by Strickland Waterproofing for the Citizen Center in the amount of \$208,605.00.

Presentation – Lincoln County Senior Games Program – John Davis presented the following:

In 2017, Lincoln County Parks and Recreation and Lincoln County Senior Services will begin hosting the Lincoln County Senior Games Program. Lincoln County received its official sanctioning to host the games earlier this year from North Carolina Senior Games. The Senior Games program is open to adults 50 years old and better and promotes physical activity, competition, and social interactions. Lincoln County Senior Games will be offering a variety of athletic competitions along with various art contests. Other partnering agencies are City of Lincolnton Parks and Recreation and the Arts Council of Lincoln County.

Council on Aging Bylaws - Tabitha Thomas: Tabitha Thomas presented the Council on Aging Bylaws. These bylaw revisions have been submitted to the County Manager and County Attorney for review. Commissioner Oakes pointed out a correction in term of office, where the wording should say “of the 2nd following year”.

UPON MOTION by Commissioner Permenter, the Board voted unanimously to approve the Council on Aging Bylaws as amended by Commissioner Oakes. (A copy of the Bylaws attached hereto and incorporated herein by reference.)

Animal Services Update: Hannah Beaver, Director of Animal Services, said the live release rate stands at around 80%, up from 36% in 2012. This is higher than Burke, Cleveland, Catawba, Charlotte-Meck, Gaston and Iredell counties based on 2015 numbers. Commissioner Oakes asked for statewide numbers.

Mrs. Beaver said there has been a large increase in adoptions and rescues and a dip, mostly canines, in intakes. Owner surrenders of dogs is also down. Cat intake has not decreased. Dog euthanasia is down from 832 in 2012 to 49 in 2016. Cat euthanasia has also decreased from 1392 in 2012 to 380 in 2016. Euthanasia categories are severe medical, severe behavioral and time/space. In 2012, 259 animals died in care compared to 88 in 2016. The Department of Agriculture views acceptable died in care as 1 to 3%.

She reviewed the benchmarks set for Animal Services and ways they have made progress. She presented opportunities that exist, such as finding more cat rescues, returning cats to owners and decreasing cat intake.

Commissioner Mitchem asked if there is a county funded shelter for homeless animals. He said it appears animals are being treated better than people. He said the motion was to work towards a no-kill shelter and this is significant progress.

Commissioner Mitchem and Chairman Beam thanked Hannah Beaver for the job she's doing.

Commissioner McCall said she has met with Hannah and they have talked about an intake room for cats. She said she is excited to work together with Hannah and Animal Services to meet the goals.

Commissioner Permenter left the meeting due to a family emergency.

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

UPON MOTION by Commissioner Oakes, the Board voted unanimously to approve the VTS Vehicle Refunds for November, 2016.

County Manager's Report: Mr. Atkins reported that he has met with Marc III and there will be a slight increase next year. This will be presented at the February meeting. The Commissioners will meet with the Board of Education January 26, 2017 at 6:00 p.m. for the annual retreat.

Mr. Atkins reported that the first round of interviews has been held for the Veterans Service Officer and second interviews will be done soon.

County Attorney's Report: Mr. Deaton reported that the Strata Solar case will be back before the Board in March. He said he will keep everyone updated.

Commissioner McCall said she has been reviewing the information and plans to participate. Mr. Deaton said Commissioner Permenter has plans to ask to be recused from voting on this matter. Commissioner Mitchem said he is not planning to recusing himself from the vote and asked Mr. Deaton to review this matter to make sure he will be allowed.

County Commissioners' Report: Nothing reported

Vacancies/Appointments: None reported.

Other Business: None reported.

Commissioner Mitchem asked that next year that there be no meetings the week of Christmas.

Recess: **UPON MOTION** by Commissioner Oakes, the Board voted unanimously to recess until December 20, 2016 at 10:00 a.m. at the LEDA office at 502 E. Main Street, Lincolnton.

Amy S. Atkins, Clerk
Board of Commissioners

Bill Beam, Chairman
Board of Commissioners

LINCOLN COUNTY COUNCIL ON AGING BY-LAWS

ARTICLE I - NAME AND AUTHORITY

Section 1.1. The name of this Board shall be the **Lincoln County Council on Aging**, herein referred to as the "COA". Per the Lincoln County Board of Commissioners, herein referred to as "The Board of Commissioners": *"This Council serves as an advocate for the aging as a source of comprehensive planning for and about senior citizens, and as an advisory body to programs under the authority of the Lincoln County Board of Commissioners."*

Section 1.2. For purposes of these bylaws, senior citizens shall be defined as an adult over the age of sixty (60) years old.

Section 1.3. As the Lead Agency for Aging Services and the Home and Community Care Block Grant in Lincoln County, **Lincoln County Senior Services** provides administrative oversight and provides technical assistance, to the COA as authorized by the County Manager or their designee.

ARTICLE II - PURPOSE

Section 2.1. The purpose of the COA is to:

- 1. conduct comprehensive planning for senior citizens;**
- 2. ensure collaboration among various aging programs and services in Lincoln County;**
- 3. serve as an advocate for the aging; and**
- 4. advise the Board of Commissioners on issues involving the aging population.**

Section 2.2. The COA will also serve as the required **Home and Community Care Block Grant Committee** for Lincoln County as outlined in N.C. General Statute 143B-181.1(a)(11).

ARTICLE III - OBJECTIVES

Section 3.1. The objectives of the COA are:

- 1. To develop, regularly update and recommend to the Board of Commissioners, a comprehensive plan, for serving senior citizens in Lincoln County.**
- 2. To advise the Board of Commissioners of the needs, existing resources, and programs for senior citizens by submitting the comprehensive plan, and an annual report of activities and needs.**

3. To conduct activities that foster collaboration among Lincoln County citizens, business and service organizations and others to improve the quality of life for senior citizens and those with disabilities.
4. To seek, identify, and recommend funding for the implementation of special projects to improve services to senior citizens in Lincoln County.
5. To advocate for senior citizens by creating community and legislative awareness of the identified needs and opportunities for senior citizens and promoting community understanding and awareness of senior citizens, the aging process, and the potential of senior citizens.

ARTICLE IV - MEMBERSHIP AND MEETINGS

Section 4.1. MEMBERSHIP.

Section 4.1.A. VOTING MEMBERS.

Section 4.1.A.1. The voting membership of the COA shall consist of **at least eleven (11), but no more than fifteen (15), members duly appointed by the Board of Commissioners** in compliance with the most current Lincoln County appointment process to Boards and Commissions. Each member is expected to **select and serve on at least one standing committee** outlined in Article VII herein.

Section 4.1.A.2. To the best of the ability of the Board of Commissioners, there should be representation from the townships in Lincoln County on the COA and the COA should have a racial and socio-economic mix that reflects that of Lincoln County's demographic make-up.

Section 4.1.A.3. Membership appointments shall be according to the following categories:

1. **At least six (6) or at most eight (8) members appointed shall be senior citizens who have an interest and willingness to serve and fulfill the responsibilities for the COA membership.**
2. **At least five (5) or at most seven (7) members appointed shall be general appointments of people over the age of 18 who represent the diversity of public, private and not-for-profit business; with at least one member being from the "faith" community who has an interest in and a**

willingness to serve and fulfill the responsibilities of holding COA membership.

Section 4.1.B. NON-VOTING EX-OFFICIO MEMBERSHIP.

Section 4.1.B.1. The following will be **ex-officio, non-voting members** of the COA:

1. The County Manager or his designee;
2. A Lincoln County Commissioner;
3. A Senior Services staff person as identified by the Director; and
4. An Aging Specialist from Centralina Council of Governments/Area Agency on Aging

Section 4.1.B.2. If not appointed as official members, the following will be ex-officio, non-voting members of the COA:

1. The Region F Aging Advisory Committee (RFAAC) members
2. The Lincoln County Senior Tar heel representatives and

alternates

Section 4.1.B.3. The County Manager may assign additional non-voting ex-officio members to serve as support staff to the COA as the need arises.

Section 4.2. TERM OF OFFICE. Members shall serve **2-year terms**. Terms shall be from July 1st thru June 30th of the second year. No member shall serve more than two consecutive terms; however, a person is eligible for reappointment after they have been off the Council for one full year. If the Board of Commissioners is unable to attract applicants for upcoming vacant positions, the Board of Commissioners may waive this policy.

Section 4.3. REGULAR MEETINGS AND ATTENDANCE. The COA will hold at least **6 regular meetings** per year. Other meetings can be scheduled by the Chair or by the County Manager or their designee as the need arises. **In-person attendance is expected for at least 50% of regular meetings.** Members are asked to notify the chair or the Recording Secretary if they are unable to attend.

Section 4.4. MEMBERSHIP REMOVAL. A request for a member's removal will be made to the Clerk to the Board of Commissioners under the following conditions:

1. **Members who experience two consecutive absences from regular meetings without prior notification to the COA Chairperson or the Recording Secretary;**
2. **Members who do not fulfil the 50% attendance requirement; or**

3. **Members who are removed for cause other than attendance by a recommendation of the COA to the Board of Commissioners. A removal consideration would need a four-fifths vote of the COA and must be approved by the Board of Commissioners for final action.**

Section 4.5. QUORUM. A quorum shall consist of a **majority of the voting members** of the COA in attendance at the meeting in order to conduct business.

Section 4.6. PARLIAMENTARY PROCEDURE. The **latest edition of Roberts Rules of Order** shall govern the procedure at all meetings of the COA. A **parliamentarian will be elected from the voting members at the first meeting of the year (July).**

ARTICLE V - OFFICERS

Section 5.1. ELECTION. The officers of the COA shall be a **Chairman, Vice-Chairman and Recording Secretary**. Officers shall be **elected by a majority vote from the voting members** using the slate of nominations provided by the nominating committee to the COA during the month of July. The newly Elected officers shall assume their duties at the completion of the July meeting.

Section 5.2. CHAIRMAN DUTIES. The Chairman of the COA shall prepare the agenda, preside at the meetings of the COA, participate in the orientation of all new members, assist all committee chairmen in establishing and carrying out the duties of their committees and report to the Board of Commissioners to appropriate COA recommendations.

Section 5.3. VICE CHAIRMAN DUTIES. The Vice Chairman shall preside in the absence of the Chairman and shall perform such duties as are assigned by the Chairman. Should Chairman be vacated before the term has expired, the Vice Chairman shall fill the unexpired term of office, and a new Vice Chairman shall be elected by the COA.

Section 5.4. RECORDING SECRETARY DUTIES. The Recording Secretary shall be responsible for keeping records of the COA actions. This includes developing a roster of members and their contact information, recording attendance of members, taking of minutes, sending out meeting announcements, distributing copies of minutes, and assisting in the preparation and distribution of the meeting agenda to each member. The Recording Secretary will keep records of all actions per the records retention rules of the Lincoln County Government and the North Carolina Department of Cultural Resources. In the absence of the Recording Secretary, the Chair will nominate a substitute.

ARTICLE VI - EXECUTIVE COMMITTEE

Section 6.1. An Executive Committee will consist of the **Chairman, Vice Chairman, Recording Secretary, and chairpersons of standing committees**. The **Senior Services staff person will assist the COA** in the

fulfillment of their duties, unless a voting member will serve in an ex-officio capacity to the Executive Committee.

Section 6.2. The calling of the Executive Committee into action may be at the discretion of the County Manager, COA Chair, or two-thirds membership of the Executive Committee. Actions of the Executive Committee must be reported at the following meeting of the COA, and are subject to revision by the Board of Commissioners.

Section 6.3. The Executive Committee is responsible for:

1. **Conducting new board member orientation including the County Aging Plan and the Home and Community Care Block Grant process;**
2. **Performing the ongoing work of the standing committees; and**
3. **Delivering the COA's annual report to the Board of Commissioners.**

ARTICLE VII - COMMITTEES

Section 7.1. The COA or the Executive Committee may, by a majority vote, establish standing committees, and may also establish special committees as the need arises. Members must serve on at least one sub-committee; however, the Chairman can appoint committee chairmen and members of each committee if necessary. The Chairman of the COA shall be ex-officio member of any standing or special committees established by the COA, and, as such, notified of all meetings.

Section 7.2. There will be **standing committees** as follows:

1. **The Nominating Committee shall be established in May and consist of 3 members. This committee will submit a proposed slate of incoming Executive Officers for the COA at or before the July meeting.**
2. **The By-Law Committee shall be established at the July meeting and consist of 3 members. This committee shall make suggestions to the COA for changes to the by-laws as may be necessary within the 6 scheduled meetings of the COA.**
3. **The Advocacy/Publicity/Funding Committee shall be established at the July meeting and consist of at least 3 members. This committee should use available avenues to communicate the work of the COA to the public, and gather the community's input for the work of the COA as identified in Article II herein.**

ARTICLE VIII - AMENDMENTS

Section 8.1. The bylaws of the COA may be amended by a recommendation, which has a two-thirds vote of the COA's filled membership. The amendment must be presented in writing for review at a regular meeting and voted on at the following regular meeting. The recommendation for amendments to the bylaws must be approved by the Board of Commissioners before they are implemented by the COA.

BY-LAW HISTORY

Amended 12/14/2011 – Lincoln County Council on Aging	Approved by Board of Commissioners April 2012
Amended 11/16/2016	Approved by Board of Commissioners December 19 th , 2016