

**MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, MARCH 20, 2017**

The Lincoln County Board of County Commissioners met March 20, 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
Wesley Deaton County Attorney
Amy S. Atkins, Clerk to the Board

Call to Order: Chairman Beam called the March 20, 2017 meeting of the Lincoln County Board of Commissioners to order. He called for a moment of silence, asking everyone to remember former Commissioner Russell Dellinger's family due to his death recently 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, March 20, 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. ~~Approval of Minutes~~
~~— March 6, 2017~~
- 3. Planning Board Recommendations - Randy Hawkins

March 20, 2017
Public Hearing - Zoning

4. Performance Guarantee Application Approval - Trilogy Lake Norman (Carolina Ridge) Parcel D - Phase 1 - Andrew Bryant
5. Surplus Property - John Henry
6. Acceptance of land donation for the purpose of construction a new Western Branch in Lincoln County and Board action to officially determine location of new West Lincoln Branch - Josh Grant
7. Update from Partners - Andrew Schrag
8. Update on Lake Norman Marine Commission - Michael Hughes and Morris Sample
9. Request to authorize the Chairman to execute a base contract and selected alternates with Emmett Sapp Builders, Inc. for \$4,303,350.00 for construction of the new Lincoln County Health Department facility - Don Chamblee
10. Request to authorize the County Manager to complete negotiations and execute a base contract with Brady Integrated Security for \$284,654.15 for technology installation at the new Lincoln County Health Department facility - Don Chamblee
11. Request for approval of a sole source purchase of a John Deere 670G Motor Grader for \$182,782.00 - Don Chamblee
12. Request for approval to purchase the Caterpillar 926M loader for \$174,124.00 - Don Chamblee
13. Request for approval to enter into a contract with WK Dickson for the development of a sewer hydraulic model for \$159,800.00 - Don Chamblee
14. Pump Station 15 Improvements Status and Update - Don Chamblee
15. Request to authorize the Chairman to execute a base contract WK Dickson for engineering services for preliminary engineering upgrades to the Killian Creek Wastewater Treatment Plan with WK Dickson for \$190,000.00 - Don Chamblee
- 15a. Sewer plant allocation options - Don Chamblee
16. Public Comments (15 minutes allowed per Rules of Procedure - 3 minutes per person)
17. Tax Requests for Releases for 1/16/17 - 2/15/17 - Susan Sain
18. Vehicle Tax Systems Refunds - Deanna Rios
19. Grant Project Ordinance Amendment #1 - Deanna Rios
20. Grant Project Ordinance #3 - Deanna Rios
21. Capital Project Ordinance Amendment #4 - Deanna Rios
22. Budget Ordinance Amendment #7 - Deanna Rios
23. Finance Officer's Report - Deanna Rios
24. County Manager's Report
25. County Commissioners' Report

26. County Attorney's Report
27. Vacancies/Appointments
28. Calendar
29. Other Business
- Information Only - No Action Needed
 - Register of Deeds Report
 - Property Tax Collection Report
30. Closed Session
- Adjourn

UPON MOTION by Commissioner Permenter, the Board voted unanimously to adopt the agenda removing Item 2 – Approval of Minutes.

Planning Board recommendations: Randy Hawkins presented the following:

CUP # 363 – Simon and Dana Martin, applicants: A request for a conditional use permit to locate a detached garage in front of the front building line of a house on a lot that's adjacent to Lake Norman. The 0.8-acre lot is located at 4400 Pine Harbor Drive about 400 feet east of Windy Pine Circle 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 findings of fact for CUP #363 – Simon and Dana Martin, applicants as submitted by the Planning Board.

UPON MOTION by Commissioner Oakes, the Board voted unanimously to approve CUP #363 – Simon and Dana Martin, applicants, as recommended by the Planning Board.

Commissioner Oakes asked about the Planning Board's discussion on density and what their recommendation is. Mr. Bryant said the Planning Board wanted staff to work on density incentives and this will hopefully be decided on at the April meeting.

Performance Guarantee Application Approval - Trilogy Lake Norman (Carolina Ridge) Parcel D – Phase 1: **UPON MOTION** by Commissioner Oakes, the Board voted unanimously to approve the Performance Guarantee Application Approval - Trilogy Lake Norman (Carolina Ridge) Parcel D – Phase 1.

Surplus Property: John Henry presented the list of surplus property:

Asset ID Description
1629 Radio equipment
1630 2001 Jeep Cherokee Sport 4-Door 4WD
1631 Miscellaneous Items
1632 2006 Ford Taurus SE
1633 2006 Ford Taurus SE
1634 2006 Ford Taurus SE

UPON MOTION by Commissioner McCall, the Board voted unanimously to approve the surplus property as presented.

Acceptance of land donation for the purpose of construction of a new Western Branch in Lincoln County and Board action to officially determine location of the new West Lincoln Branch: Josh Grant presented the following:

Lincoln County citizen Loretta Beam has offered to donate approximately 35 acres south of the NC Hwy 27/Cat Square Road intersection for the purpose of constructing a new West Lincoln Branch Library. A previous vote for the location of a western branch was determined to be at the West Lincoln Park located at 369 Hulls Grove Church Road.

Chairman Beam thanked Loretta Beam for the generous donation of this property and the property will also be used for a passive park.

Commissioner Permenter said the Board needs to recognize that if the Board accepts the donation, this will come before other capital projects in the 2 year period.

Commissioner Mitchem asked if the 2 year time limit could be 36 months instead.

The Board discussed the size, restrictions and donor's approval of the building.

UPON MOTION by Commissioner Permenter, the Board voted unanimously to table until March 31, 2017 to further discuss.

Update from Partners: Andrew Schrag gave an update from Partners Behavioral Health, which provides oversight for Medicaid and State funds for behavioral health services. He presented the 2017 Business Plan, which has been approved by the Consumer and Family Advisory Council and the Board of Directors, as is required by General Statute 122c-115.2.

Update on Lake Norman Marine Commission: Michael Hughes gave an update on activities of the Lake Norman Marine Commission, including hydrilla control, lake navigation, water use planning and lakeshore stabilization. The budget request is the same as the previous year.

Morris Sample, Chair of Lake Norman Marine Commission, said Duke Power informed them that they were terminating their mosquito control program. He said they are being told that disease carrying mosquitos are container breeders, they don't necessarily breed in the waters of Lake Norman, but cups, old tires, buckets, etc. Mecklenburg County may take over for their shoreline.

Maggie Dollar spoke concerning mosquito control techniques.

Request to authorize the Chairman to execute a base contract and selected alternates with Emmett Sapp Builders, Inc. for \$4,303,350.00 for construction of the new Lincoln County Health Department facility - Don Chamblee presented the following:

Lincoln County advertised an invitation to bid for the Health Department facility construction project on January 23, 2017. The sealed bids were received and opened on February 23, 2017. The low base bid of \$4,022,700.00 was received from Emmett Sapp Builders, Inc. The following alternates have also been selected: Alternate #1 (\$71,000), Alternate #2 (\$18,000), Alternate #3 (\$32,000), Alternate #4 (\$8,300), Alternate #5 (\$20,000), Alternate #6 (\$24,000), Alternate #7 (\$8,500), Alternate #8A (\$500), Alternate #8B (\$21,000), Alternate #8C (\$1,000), Alternate #9A (\$700), Alternate #9B (\$21,000), Alternate #9C (\$1,200), Alternate #10A (\$150), Alternate #10B (\$7,000), Alternate #10C (\$350), Alternate #11 (\$15,800), Alternate #12 (\$5,500), Alternate #13 (\$6,000), Alternate #14B (\$16,500), Alternate #15A (\$650), Alternate #15B (\$0), Alternate #15C (\$1,500). As recommended by Little Diversified, the architectural firm for the project, Public Works is requesting approval to award the contract for construction to Emmett Sapp Builders, Inc.

In 2016, Lincoln County began the process of relocating County offices from their current locations, including the Health Department. The current Health Department facility would require extensive repair for continued use by the department. Little Diversified provided design services for this project.

Mr. Chamblee requested that the Board of Commissioners authorize the Chairman to execute a base contract and selected alternates with Emmett Sapp Builders, Inc. for \$4,303,350.00.

UPON MOTION by Commissioner Oakes, the Board voted unanimously to authorize the Chairman to execute a base contract and selected alternates with Emmett Sapp Builders, Inc. for \$4,303,350.00.

Request to authorize the County Manager to complete negotiations and execute a base contract with Brady Integrated Security for \$284,654.15 for technology installation at the new Lincoln County Health Department facility - Don Chamblee presented the following:

Brady Integrated Security submitted a proposal through US Communities in accordance with RFP 15-JLP-023 for the technology component related to the construction of the new Health Department Facility. The proposal includes video surveillance, access control, perimeter intrusion detection, PA system, and structured cabling.

In 2016, Lincoln County began the process of relocating County offices from their current locations, including the Health Department. The current Health Department facility is in need of renovations. Little Diversified provided design services for this project. This contract comprises the technology component of the renovation.

Don Chamblee requested that the Board of Commissioners authorize the County Manager to complete negotiations and execute a base contract with Brady Integrated Security for \$284,654.15.

UPON MOTION by Commissioner McCall, the Board voted unanimously to authorize the County Manager to complete negotiations and execute a base contract with Brady Integrated Security for \$284,654.15.

Request for approval of a sole source purchase of a John Deere 670G Motor Grader for \$182,782.00 - Don Chamblee presented the following:

Public Works is requesting approval to purchase a John Deere 670G Motor Grader. This dozer will replace a 1993 John Deere 570 motor grader that is in need of extensive repairs.

Public Works requests approval to purchase the John Deere 670G Motor Grader for \$182,782.00.

UPON MOTION by Commissioner Oakes, the Board voted unanimously to approve the purchase of a John Deere 670G Motor Grader for \$182,782.00.

Request for approval to purchase the Caterpillar 926M loader for \$174,124.00 - Don Chamblee presented the following:

Public Works is requesting approval to purchase a Caterpillar 926M loader from Carolina CAT for the Lincoln County Landfill. This dozer will replace a 1997 CAT IT24F loader that is in need of extensive repairs. Carolina CAT provided a quote discounted from the state contract.

Public Works requests approval to purchase the Caterpillar 926M loader for \$174,124.00.

UPON MOTION by Commissioner McCall , the Board voted unanimously to approve the purchase of a Caterpillar 926M loader for \$174,124.00.

Request for approval to enter into a contract with WK Dickson for the development of a sewer hydraulic model for \$159,800.00 - Don Chamblee presented the following:

Lincoln County Public Works maintains a sewer collections system with 40 pump stations, gravity and force mains. The sewer model will allow staff to focus maintenance and better utilize available capacity for potential growth. Public Works requests approval to enter into a contract with WK Dickson for the development of a sewer hydraulic model for \$159,800.00.

UPON MOTION by Commissioner McCall , the Board voted unanimously to approve entering into a contract with WK Dickson for the development of a sewer hydraulic model for \$159,800.00.

Pump Station 15 Improvements Status and Update - Don Chamblee gave an update on Pump Station 15.

Request to authorize the Chairman to execute a base contract WK Dickson for engineering services for preliminary engineering upgrades to the Killian Creek Wastewater Treatment Plan with WK Dickson for \$190,000.00 - Don Chamblee presented the following:

Killian Creek Wastewater Treatment Plant currently has a maximum capacity of 3.35 million gallons per day (MGD). In planning for growth in Lincoln County, an upgrade is needed to continue to meet future capacity needs.

WK Dickson has submitted a proposal to provide engineering services for the upgrade to the KCWWTP.

Mr. Chamblee requested that the Board of Commissioners authorize the Chairman to execute a base contract with WK Dickson for \$190,000.00.

UPON MOTION by Commissioner Oakes , the Board voted unanimously to authorize the Chairman to execute a base contract with WK Dickson for \$190,000.00.

Commissioner Oakes asked why some contracts are signed by the Chairman and some by the County Manager.

Sewer plant allocation options - Don Chamblee spoke concerning Sewer Plant allocation options, explaining how capacity is currently handled.

Andrew Bryant informed the Board that there will be pre development review conferences which will include all county department service agencies.

Mr. Chamblee reviewed different options concerning allocation.

Chairman Beam asked Mr. Deaton to elaborate on stepped allocation.

Mr. Deaton said that he has been researching and has found no case law on this, but would advise against doing anything retrospectively. He advised the Board to not move too quickly and come up with a plan that may have unintended consequences.

Commissioner Permenter thanked Mr. Chamblee for presenting clear options for the Board to consider.

The Board will discuss further at the work session on March 31.

Public Comments: Chairman Beam opened Public Comments.

Rudy Bauer, 8252 Blades Trail, spoke about the new pump station on Blades Trail that is under construction. He said this pump station is across the street from a house and would like it screened more than a chain link fence. He spoke about sewer capacity and the need for a truck pumping out pump stations. Mr. Bauer asked about the bond issue for Covington.

Don Rudisill, 4220 Hwy 73, spoke against the proposed Dollar General due to safety concerns. He spoke about the dramatic increase in traffic on Hwy. 73.

Don Chamblee spoke concerning the pump station and the need for pumping. He said there is a standard fence around new pump stations, which is in the development standards for developers. Commissioner Permenter asked if additional screening measures could be placed.

Mr. Atkins said they will look into more screening for this new pump station site.

Being no additional speakers, Chairman Beam closed Public Comments.

Tax Requests for Releases for 1/16/17 - 2/15/17: UPON MOTION by Commissioner Mitchem, the Board voted unanimously to approve the Tax Request for Releases as presented.

Vehicle Tax Systems Refunds - Deanna Rios: UPON MOTION by Commissioner Mitchem, the Board voted unanimously to approve the Vehicle Tax Systems Refunds as presented.

Grant Project Ordinance Amendment #1 - UPON MOTION by Commissioner Oakes, the Board voted unanimously to approve the Grant Project Ordinance Amendment #1 as presented.

Grant Project Ordinance #3 - UPON MOTION by Commissioner Permenter, the Board voted unanimously to approve the Grant Project Ordinance #3 as presented.

Capital Project Ordinance Amendment #4 - UPON MOTION by Commissioner McCall, the Board voted unanimously to approve the Capital Project Ordinance Amendment #4 as presented.

Budget Ordinance Amendment #7 - UPON MOTION by Commissioner Oakes, the Board voted unanimously to approve the Budget Ordinance Amendment #7 as presented.

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

County Manager's Report: Mr. Kelly Atkins reported that he has met with the Fire Departments concerning their budget requests and three are requesting increased tax rates.

County Attorney's Report: Mr. Deaton said April 24 is the date Superior Court will hear the Strata Solar case, so it would not be back to the Commissioners, if necessary, until May.

County Commissioners' Report: Nothing reported.

Vacancies/Appointments: Nothing reported.

Andrew Bryant made the Board aware of limited operations in the Inspections office to bring the new software live. Notice have been sent out and they will still do inspections, just on a limited basis.

Closed Session: **UPON MOTION** by Commissioner Oakes, the Board voted unanimously to enter closed session to consult with the County Attorney about a contractual matter concerning the Lincolnton – Lincoln County Airport.

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to adjourn.

Amy S. Atkins, Clerk
Board of Commissioners

Bill Beam, Chairman
Board of Commissioners