

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, JUNE 19, 2017

The Lincoln County Board of County Commissioners met June 19, 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 June 19, 2017 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, June 19, 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. Consent Agenda
 1. Tax Requests for Refunds 4/10 - 4/23/17
 2. Vehicle Tax Systems Refunds for April, 2017
 3. Surplus Property

4. Waived fees for Carolina Women's Conference
5. Tax Requests for Releases 4/16 - 5/15/17
3. Planning Board Recommendations - Randy Hawkins
4. Keith Heavner Refund Request - Danny Hester
5. Road Naming Public Hearings - Netta Anderson
 - Riverwalk Loop
 - Woodrun Lane
6. Elijah Moseley Property Tax Hearing on parcel #58181 - Susan Sain
7. Approval of Home and Community Care Block Grant - Kathryn Saine
8. Presentation on first phase of the Peninsula Mobility and Emergency Access Plan - Andrew Bryant
9. Approval of \$6,000 contract with Centralina COG for administration of the Essential Single Family Rehabilitation Loan Pool funds as provided by the NC Housing Finance Agency - Andrew Bryant
10. Resolution #2017-7: Resolution Requesting State Assistance for a Transportation Project Improving Public Safety Project - Commissioner Oakes
11. Public Comments (15 minutes allowed per Rules of Procedure - 3 minutes per person)
12. Motion to award bid to ADW Architects for professional services to design the new West Lincoln Library - John Henry
13. Agreement for Rescue Squad Park - Josh Grant
14. JCPC County Plan - Deanna Rios
15. Request to authorize the Chairman to execute a contract with Southern Pump & Tank Company, LLC for \$55,043.14. to relocate diesel fuel tank from 201 Gamble Drive to 5291 Crouse Road - Don Chamblee
16. Budget Ordinance Amendment #11 - Deanna Rios
17. Finance Officer's Report - Deanna Rios
18. County Manager's Report
19. County Commissioners' Report
20. County Attorney's Report
21. Vacancies/Appointments
22. Calendar
23. Other Business

Information Only - No Action Needed
- Register of Deeds Report

- Property Tax Collection Report

Adjourn

UPON MOTION by Commissioner Oakes, the Board voted unanimously to approve the agenda removing the Approval of the Minutes from the Consent Agenda.

Consent Agenda: Kelly Atkins gave an overview of the Consent Agenda items:

Consent Agenda

1. Tax Requests for Refunds 4/10 - 4/23/17
2. Vehicle Tax Systems Refunds for April, 2017
3. Surplus Property
4. Waived fees for Carolina Women's Conference
5. Tax Requests for Releases 4/16 - 5/15/17

UPON MOTION by Commissioner McCall, the Board voted unanimously to approve the Consent Agenda.

Planning Board recommendations: Randy Hawkins presented the following:

CUP #365 Geno Corbisiero, applicant (Parcel ID# 77943) A request for a conditional use permit to sell vehicles in the I-G (General Industrial) district. The proposed site is part of a 2.9-acre parcel located at 6311 Denver Industrial Park Road in Catawba Springs Township.

The Planning Board voted 8-0 to recommend approval with the condition that vehicles for sale (a maximum of 10 on display at any time) be identified by placard as being for sale.

UPON MOTION by Commissioner Permenter, the Board voted unanimously to approve the findings of fact as presented by the Planning Board.

UPON MOTION by Commissioner , the Board voted unanimously to approve CUP #365 Geno Corbisiero, applicant, as recommended by the Planning Board.

CUP #366 No Borders Consulting Group, applicant (Parcel ID# 86081) A request for a conditional use permit to operate a day care center in the I-G (General Industrial) district. The 5.2-acre parcel is located on the south side of South Matthews Church Road about 2,000 feet east of Finger Mill Road in Lincolnton 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 as presented by the Planning Board.

UPON MOTION by Commissioner Oakes, the Board voted unanimously to approve CUP #366 No Borders Consulting Group, applicant, as recommended by the Planning Board.

CZ #2017-2 Vasiliy Sushch, applicant (Parcel ID# 32447 and 32510) A request to rezone 4.5 acres from R-T (Transitional Residential) to CZ O-R (Conditional Zoning Office Residential) to permit an existing 5,000-square-foot building to be used for offices. The property is located at 6046 Nolen Acres Lane, on the north side of N.C. 73 about 1,500 feet east of Beth Haven Church Road, in Catawba Springs Township.

The Planning Board voted 8-0 to recommend disapproval.

Commissioner Beam asked Mr. Sushch if he knew when he bought this property that he would not be able to use this building. He said he did not know that he could not use the building when he purchased the property since it was still being used by the previous owner.

UPON MOTION by Commissioner Oakes, the Board voted unanimously to table until the next meeting.

ZMA #636 Jamie Tinsley, applicant (Parcel ID# 31505) A request to rezone 1.2 acres from R-T (Transitional Residential) to R-SF (Residential Single-Family). The property is located at 336 N. Little Egypt Road, on the east side of Little Egypt Road about 2,200 feet north of N.C. 73, in Catawba Springs Township.

The Planning Board voted 8-0 to recommend approval.

UPON MOTION by Commissioner Permenter, the Board voted unanimously to approve the Statement of Consistency and Reasonableness as submitted by the Planning Board for ZMA #636- Jamie Tinsley, applicant.

UPON MOTION by Commissioner Permenter, the Board voted unanimously to approve ZMA #636 – Jamie Tinsley, applicant.

UDO Proposed Amendments #2017-2 Lincoln County Planning & Inspections Department, applicant. A proposal to amend Section 2.2 of the Lincoln County Unified Development Ordinance to show that county facilities are permitted uses in all zoning districts as currently stated in Section 9.11.1.D, and to stipulate that state and federal facilities not otherwise listed as a conditional use are permitted uses in the O-R, BN, B-G, I-L and I-G districts.

The Planning Board voted 7-1 to recommend approval.

UPON MOTION by Commissioner McCall, the Board voted unanimously to approve the Statement of Consistency and Reasonableness as submitted by the Planning Board for UDO Proposed Amendments #2017-2 – Lincoln County Planning & Inspections Department, applicant.

UPON MOTION by Commissioner McCall, the Board voted unanimously to approve UDO Proposed Amendments #2017-2 Lincoln County Planning & Inspections Department, applicant.

UDO Proposed Amendment #2017-3 Lincoln County Planning & Inspections Department, applicant. A proposal to amend Section 9.2.2.C of the Lincoln County Unified Development Ordinance to require corporate applicants to provide a certificate of good standing from the jurisdiction of incorporation and, in the case of an applicant registered in a jurisdiction other than North Carolina, to provide proof that it has authority to transact business in North Carolina prior to undertaking any development work.

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 UDO Proposed Amendment #2017-3.

UPON MOTION by Commissioner Oakes, the Board voted unanimously to approve UDO Proposed Amendment #2017-3.

Keith Heavner Refund Request: Danny Hester presented a request from Keith Heavner for a refund of \$872.00 for mistakenly putting the wrong amount of Excise Tax on a deed recorded in the Register of Deeds office.

Wesley Deaton advised the Board that the request is in order and asked Mr. Hester to put it in writing that Mr. Heavner will waive his 10 day notice period.

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to approve the Refund Request as presented.

Road Naming Public Hearings: Netta Anderson presented the following:

Riverwalk Loop

This road is located off of N NC 16 Business Hwy and requires naming due to the fact that there is going to be three (3) or more structures that access N NC 16 Business Hwy via this private road. The Road Name Proposed is **Riverwalk Loop** and was agreed to by all residents. The name is not a duplicate or sound-alike and has been approved by the Addressing Department.

Chairman Beam opened the public hearing for Riverwalk Loop. Being no speakers, he closed the public hearing.

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to approve the name Riverwalk Loop.

Woodrun Lane

This road is located off of N NC 16 Business Hwy and requires naming due to the fact that there is going to be three (3) or more structures that access N NC 16 Business Hwy via this private road. The Road Name Proposed is **Woodrun Lane** and was agreed to by all residents. The name is not a duplicate or sound-alike and has been approved by the Addressing Department.

Chairman Beam opened the public hearing for Woodrun Lane. Being no speakers, he closed the public hearing.

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to approve the name Woodrun Lane.

Elijah Mosely Property Tax Hearing on parcel #58181:

Elijah Mosely requested tax relief for parcel #58181, which was formerly Rhyne Mills. In 2002, the property was sold to Lincolnton Textile Mills with the plans to tear down and reclaim the materials. The execution of this plan was botched, which left the remnants of the mill partially torn down and the building was condemned. For years the property sat abandoned and accruing back taxes. Mr. Mosely said he purchased the property in 2015 under Southfork River Restorations for preservation and future development. As a public benefit, he allowed the Carolina Thread Trail permissible use in order to open the southern portion of the rail trail, which crosses his property.

Mr. Mosely said in his attempt to pay the back taxes on his property, he found what he believes to be inconsistencies in the appraisal values on his property. He said appraisal values are an expression of the appraiser's opinion. He asked that such capricious and arbitrary fluctuations of an opinion of value on a single property should be considered an illegal tax in the opinion of this Board and thus entitled to relief under NC Property Tax Law.

Mr. Mosely said it is his desire to pay the entire amount of the back taxes as owed by the previous owner and restore the value of the property to a place that would net benefit the tax base of the county and needs the Board's help.

Wesley Deaton advised the Board of taxpayer remedies available to dispute appraised values, which is pretty clear and there is a short timeline for that. The only taxpayer remedies not time barred are in 105-381, which Mr. Mosely is proceeding under. To proceed under that, there are limited basis for doing so, and would be a clerical error, illegal tax or tax levied for an illegal purpose. He said Mr. Mosely is hung on a clerical error, but he thinks it is an appraisal error. There is case law for a clerical error and to qualify, it must be made in transcribing or otherwise and must be apparent on the face of the record and capable of being corrected by reference to the record. For example, if someone added three zeros, that's a clerical error.

Mr. Deaton advised that the Board does not have the authority to reduce the amount unless it falls under the criteria allowed.

Susan Sain, Tax Administrator, presented information concerning the property and the appraisals done on the property. She said they have offered payment arrangements with Mr. Mosely and have tried to work with him.

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

FY 2018 Home and Community Care Block Grant for Older Adults: Kathryn Saine presented information concerning the FY 2018 Home and Community Care Block Grant saying the grant is for \$476,186, with a 10% local match of around \$52,909.

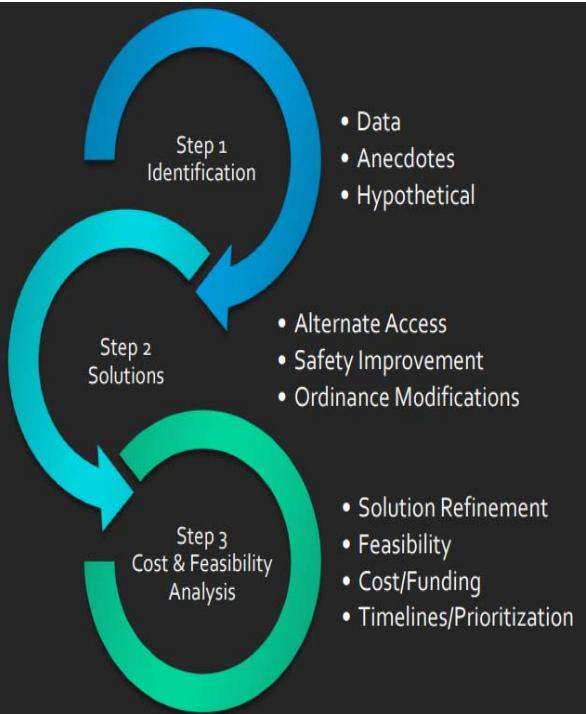
Breakdown of Funds:

HCCBG Budget FY 2017 – 2018		
Service	Amount	Percentage
Transportation, General	\$70,845.00	15 %
Transportation, Medical	\$19,785.00	4 %
Housing & Home Improvement	\$9,882.00	2 %
Congregate Nutrition	\$78,510.00	17 %
Senior Center Operations	\$60,573.00	13 %
In-Home Aide Level I	\$39,410.00	8 %
In-Home Aide Level II	\$197,181.00	41 %
Total	\$476,186.00	100 %

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to approve the Home and Community Care Block Grant as presented.

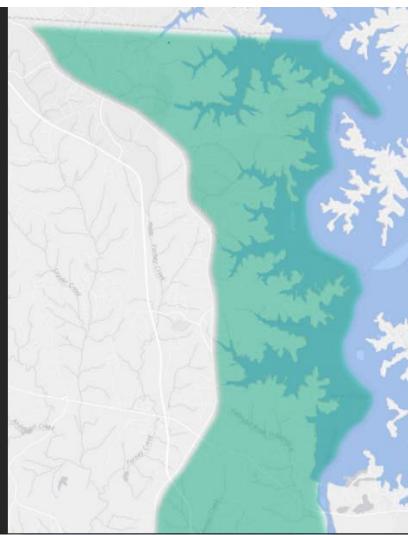
Presentation on first phase of the Peninsula Mobility and Emergency Access Plan: Andrew Bryant presented the West Shore Access Plan, Phase I, which is identification.

Process



Project Boundary

- Western Shore
- NC 16
- County Lines
 - *Out of county routes considered in analysis*



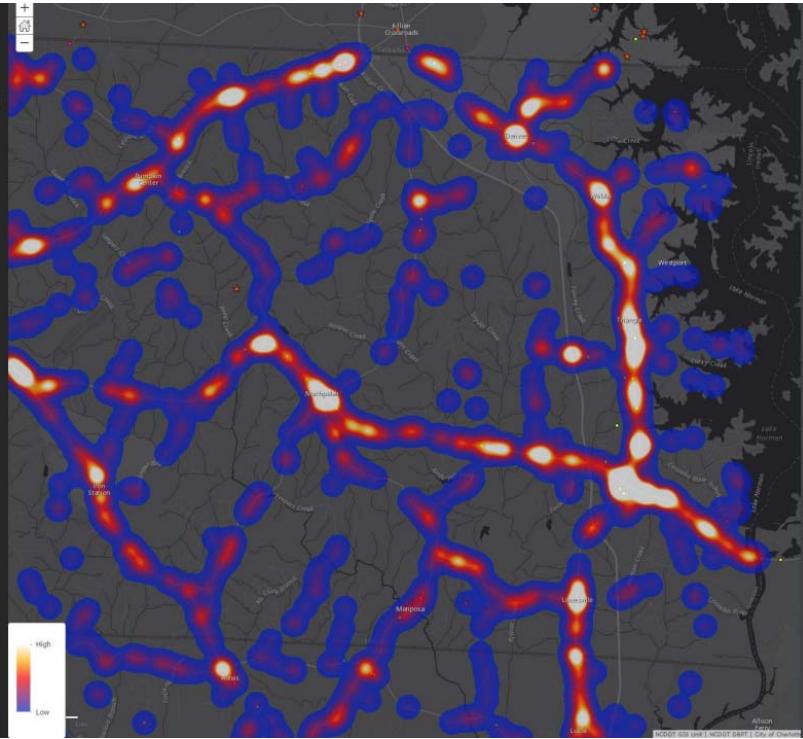
Data Utilization

- Road Network
- Rail Network
- Electric Utility Network
- Population
- Density
- Emergency Service Bases
- NCDOT Crash History 2011-2014



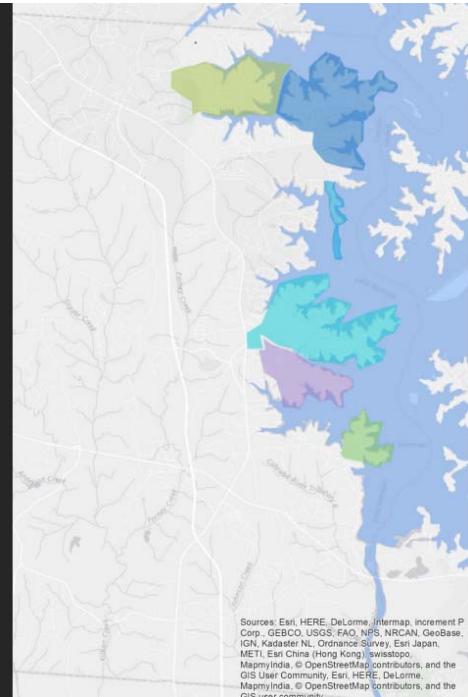
Crash Frequency

- Surveyed Areas
 - Webbs hotspot
 - Unity route incents



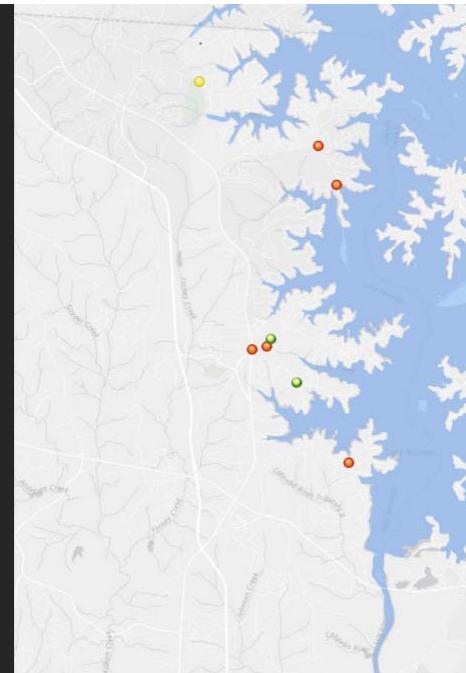
Subareas

- Webbs/Burton
- Governor's Island
- Unity Church
- Graham
- Pine Ridge
- Luckey Point



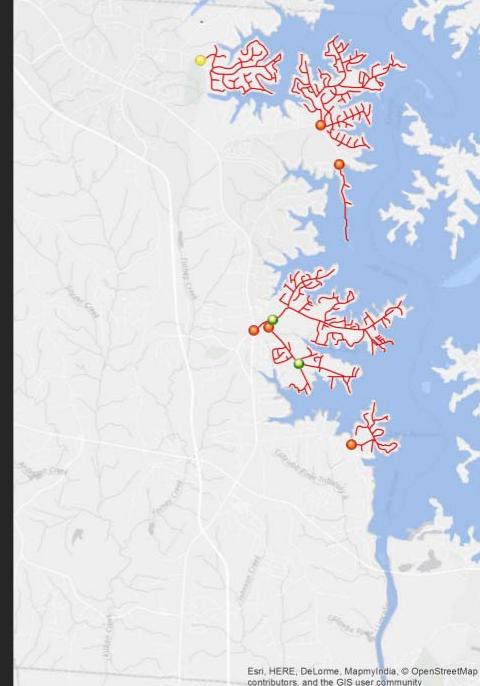
Failure Points

- No Outlet
- Electric Utility
- Railroad



Result of Failure Persons Affected

- Webbs/Burton: 2200
- Governor's Island: 250
- Unity Church: 2800 *total*
- Graham: 800 *subset*
- Pine Ridge: 800
- Luckey Point: 350



Anecdotes

- Citizens: Inconvenience, vivid memories
- Agencies: Memory present but blockage always surmountable

Hypothetical

- Future Public Beach (Beatties Ford)
 - Potential for 200-400 additional people past Unity Church failure point
- Derailment near Pine Ridge & Campground
 - Access available via emergency access but response time affected
 - 2.0 miles from Denver Fire Department
 - 9.75 miles through Catawba County
 - 3.25 miles from Sherrills Ford Volunteer Fire Department

Partner Agencies

- NCDOT
- Emergency Management
- Fire Departments
- Fire Marshal
- EMS
- Communications
- Sheriff
- School System
- Duke Energy
- Community Members
- Similar Communities

Solutions

Phase 2

Webbs/Burton

- Alternate Access:
 - Sailview Common Area
- Safety Improvement:
 - Intersection Redesign
 - Roundabout



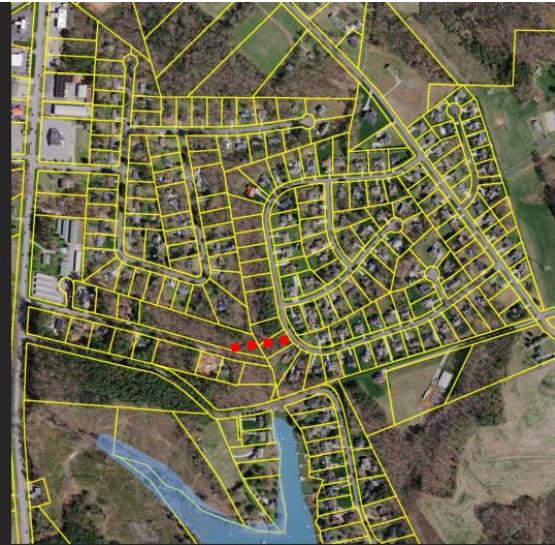
Unity Church

- Alternate Access:
 - Easements across properties
 - Intersection Shortcut (NE corner)
- Safety Improvement:
 - Addition of wide outside shoulders to Unity Church
(Submitted to SPOT 4.0 & 5.0)
 - Geometric improvement at Unity Church & NC16 (funded in current STIP)



Graham

- Alternate Access:
 - Easement with connection to private street
 - Stream crossing
- Safety Improvement:
 - Addition of wide outside shoulders to Unity Church (Submitted to SPOT 4.0 & 5.0)
 - Geometric improvement at Unity Church & NC16 (funded in current STIP)



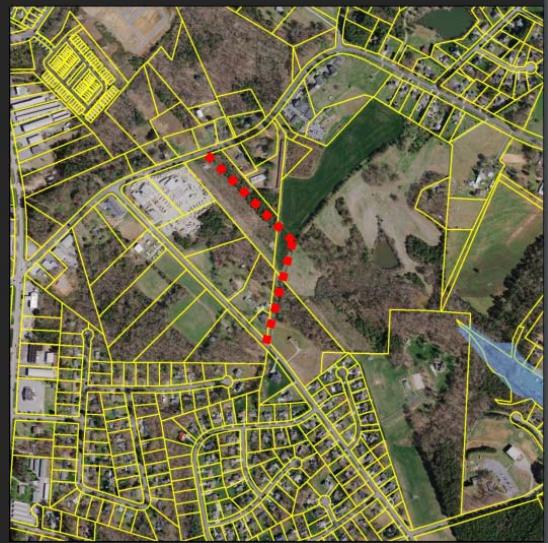
Graham

- Alternate Access:
 - Easement with connection to private street
 - Shipley to Malibu Point



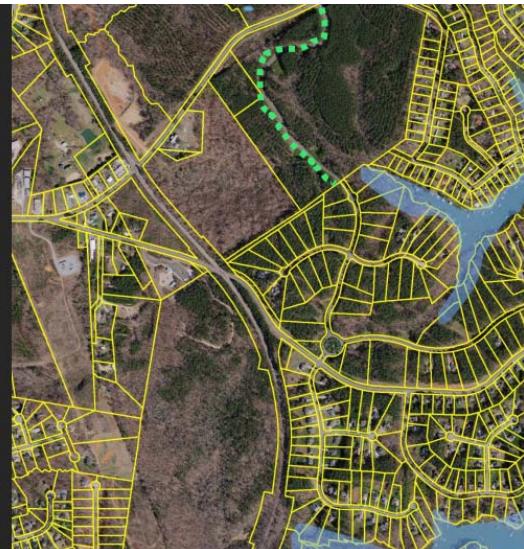
Unity Church

- Alternate Access:
 - Duke Easement
 - Unity Church to Graham via two separate Duke Energy easements



Pine Ridge

- Alternate Access:
 - Through Harbor Oaks and Fox Chase with Knox Box
- Safety Improvement:
 - None Identified
- Continued use of Railroad spur?
- Future Development:
 - Connection to the north



Luckey Point

- Alternate Access:
 - Improvement of existing easement
 - Establishment of new shortcut easement
- Safety Improvement:
 - Geometric change of Hagers Ferry & Club Dr



Governor's Island

- Alternate Access:
 - Does anyone own a ferry?
- Safety Improvement:
 - Dock usage agreement
 - Emergency Only
 - Beatties Ford Access



Cost & Feasibility Analysis

Phase 3

Anticipated Completion: Fall 2017

Approval of \$6,000 contract with Centralina COG for administration of the Essential Single Family Rehabilitation Loan Pool funds as provided by the NC Housing Finance Agency: Andrew Bryant presented the following:

The North Carolina Housing Finance Agency provides a loan pool of \$150,000 for counties to leverage. These funds can be used for essential repairs on home with the hope of keep people in their homes. The grant targets seniors, the disabled and veterans. Repairs per unit can be a maximum of \$25,000. The program supplies no administrative funding.

He asked the Board to approve a \$6,000 contract with Centralina COG for administration of the Essential Single Family Rehabilitation Loan Pool funds as provided by the North Carolina Housing Finance Agency.

UPON MOTION by Commissioner Oakes, the Board voted unanimously to approve the \$6,000 contract with Centralina COG as presented.

Resolution #2017-7: Resolution Requesting State Assistance for a Transportation Project Improving Public Safety Project: **UPON MOTION** by Commissioner Permenter, the Board voted unanimously to approve Resolution #2017-7.

RESOLUTION #2017-7:

**RESOLUTION REQUESTING STATE ASSISTANCE FOR A
TRANSPORTATION PROJECT IMPROVING PUBLIC SAFETY PROJECT**

WHEREAS, a dental clinic which provides free dental care to numerous Lincoln County school children is accessed via driveway from North Business Hwy 16 at Webbs Rd, and is dangerous due to the absence of a facing traffic light, and the absence of a turn lane,

WHEREAS, the Lincoln County office of the North Carolina Department of Transportation has agreed adding a 4th leg to the traffic light, and a turn lane would greatly improve the safety of this clinic,

WHEREAS, an estimate of \$40,000 was provided by a developer who is doing road work in the immediate area, which will cover the above improvements, as well as re-stripping.

NOW THEREFORE, BE IT RESOLVED: That the Lincoln County Board of Commissioners does hereby petition the North Carolina General Assembly to provide said funds to Lincoln County in order to make the improvements, under the supervision of the local Department of Transportation office.

Adopted this 19th day of June, 2017.

Bill Beam, Chairman

ATTEST:

Amy S. Atkins, Clerk to the Board

Public Comments: Chairman Beam opened Public Comments. Being no speakers, Chairman Beam closed Public Comments.

Motion to award bid to ADW Architects for professional services to design the new West Lincoln Library: John Henry said Purchasing issued an RFQ for professional services to design the new West Lincoln Library on March 10, 2017. Ten firms submitted by the deadline of April 11, 2017. Three firms were shortlisted, interviewed on May 8, 2017 and scored by County staff with ADW receiving the highest score. A negotiation meeting was held with ADW on May 10,

2017 and ADW submitted their price proposal on May 23, 2017. The County requested additional service pricing as alternates and they were received on June 6, 2017.

ADW Architectural and Engineering Fees

Basic Service Fees	\$ 195,000.00
Architectural Services	\$ 119,000.00
Site/Civil Engineering and Landscape Architect	\$ 18,000.00
Structural Engineering	\$ 15,000.00
Mech, Elec, and Plumbing Engineering Design	\$ 28,000.00
Professional Cost Estimator	\$ 7,000.00
Reimbursables	\$ 8,000.00
Additional Services	
Furniture Selection/Procurement Services (Hourly)	\$ 92.00
Requested Additional Services (If Needed)	\$ 12,000.00
Septic System Design/Engineering	\$ 9,000.00
Fire and Domestic Booster Pump Design	\$ 3,000.00

UPON MOTION by Commissioner McCall, the Board voted unanimously to award the bid to ADW Architects for professional services to design the new West Lincoln Library.

Agreement for Rescue Squad Park: Josh Grant presented the following:

This agreement terminates the existing lease and puts mechanisms in place for the County to take over maintenance of the park with some assistance from the other parties involved. The existing arrangement did not allow for the best understanding of responsibilities between the parties. The new agreement will include the Charter School's role and will clarify the Rotary Club/Foundation's mission, which has been and will continue to be able to raise funds for the construction of the park and future phases or additions. The agreement also includes limited provisions for both the School and Rotary to provide assistance for upkeep.

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to approve the Agreement for the Rescue Squad Park as presented.

JCPC County Plan: Deanna Rios, Finance Director, presented the Juvenile Crime Prevention Council's County Plan.

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to approve the JCPC County Plan as presented.

Request to Authorize the Chairman to execute a contract with Southern Pump and Tank Company, LLC for \$55,043.14 to relocate diesel fuel tank from 201 Gamble Drive to 5291 Crouse Road: Don Chamblee presented the following:

Public Works is requesting approval to enter into a contract with Southern Pump & Tank Company, LLC to relocate diesel fuel tank from 201 Gamble Drive to 5291 Crouse Road.

A 5,000 gallon fuel tank is currently unused at the 200 Gamble Drive location. Public Works is requesting approval to enter into a contract with Southern Pump & Tank Company, LLC to grade and pour a concrete tank pad, relocate the tank to the Lincoln County Solid Waste Landfill and install a dispenser and controls for \$55,043.14

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to execute a contract with Southern Pump & Tank Company, LLC to relocate diesel fuel tank from 201 Gamble Drive to 5291 Crouse Road as presented.

Budget Ordinance Amendment #11: **UPON MOTION** by Commissioner McCall, the Board voted unanimously to approve Budget Ordinance Amendment #11.

Budget Ordinance Amendment #12: **UPON MOTION** by Commissioner

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

County Manager's Report: Mr. Kelly Atkins reported that he is working with the City of Lincolnton on a contract for IT services that will come before the Board at a future meeting.

Mr. Atkins also reported that staff is working with Mr. Deaton to get an easement secured at Shanklin Library.

Mr. Atkins said staff is working to obtain cost estimates for the sign out front at the Citizens Center.

The ribbon cutting ceremony will be held on June 26 from 1 to 3 at the new Probation Office.

County Attorney's Report: Nothing reported

County Commissioners' Report: Nothing reported.

Vacancies/Appointments: **UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to appoint:

Region F Aging Advisory

- Sue Jane Sides
- Richard Sides

Board of Health

- Dr. Brian Dedmond (Dentist)
- Steve Gurley

A MOTION by Commissioner Permenter to table Planning Board appointments until the next meeting. **VOTE: 3 – 2** **FOR: Permenter, Beam, Oakes**
AGAINST: Mitchem, McCall

Commissioner McCall expressed concerns about getting information at the last minute for agendas. At the School of Government classes, they cautioned Commissioners about getting items late.

Mr. Atkins said he could work with Commissioner McCall on updating the Rules of Procedure.

Closed Session: **UPON MOTION** by Commissioner Oakes, the Board voted unanimously to enter Closed Session to consult with the County Attorney concerning a pending lawsuit and also to discuss the Airport.

The Board returned to open session and Chairman Beam announced that no action was taken in Closed Session.

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

Amy S. Atkins, Clerk
Board of Commissioners

Bill Beam, Chairman
Board of Commissioners

