

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, APRIL 16, 2018

The Lincoln County Board of County Commissioners met April 16, 2018 at the Citizens Center, Commissioners Room, 115 West Main Street, Lincolnton, North Carolina, at 6:30 P.M.

Commissioners Present:

Bill Beam, Chair
Anita McCall, Vice Chair
Richard Permenter
Martin Oakes
Carrol Mitchem

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 April 16, 2018 meeting of the Lincoln County Board of Commissioners to order. He called for a moment of silence, asking for everyone to remember the tornado victims. He 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, April 16, 2018
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 Request for Releases 2/16/18 - 3/15/18

3. Planning Board Recommendations - Randy Hawkins
4. Extension for Bond for Trilogy Lake Norman for Parcel A Map 1 - Andrew Bryant
5. Extension of Bond for Trilogy Lake Norman for Parcel GH Map 3 - Andrew Bryant
6. Extension of Bond for Trilogy Lake Norman for Parcel GH Map 4 - Andrew Bryant
7. Villages of Denver Cash Bond - Andrew Bryant
8. Annual Report from the Lincoln County Child Protection Team/Lincoln County Child Fatality Team- Nicole Mesmer, Chair
9. Presentation from the newly formed Lincoln County Controlled Substance Coalition concerning their efforts to battle the opioid epidemic - Kim Green and Dr. Rhonda Hager
- 9a. Update from Hesed House - John Hall
10. Public Comments
11. Litter Prevention and Roadside Beautification - Josh Grant
12. Approval for the Acceptance of an EZ Edge Technology Grant in the amount of \$7959.00 - Jennifer Sackett
13. Approval for the Acceptance of Memorandum of Understanding and funds from the Dolly Parton Imagination Library - Jennifer Sackett
14. Grant Project Ordinance Amendment #5 - Deanna Rios
15. Budget Ordinance Amendment #8 - Deanna Rios
16. Finance Officer's Report - Deanna Rios
17. Offers to Purchase Real Property - Wesley Deaton
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

24. Closed Session - Economic Development

Adjourn

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

Consent Agenda: Josh Grant reviewed the items on the Consent Agenda.

Tax Requests for Releases – 2/16/18 – 3/15/18

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to approve the Consent Agenda as presented.

Planning Board recommendations: Andrew Bryant presented the following:

CUP #376 was tabled at the last meeting and has been withdrawn along with the Variance. Duke Energy has applied for a rezoning, which will be held at the June 4, 2018 meeting.

CUP #377 – Michael and Jennifer Wootton, applicant:

CUP #377 Michael and Jennifer Wootton (Parcel ID# 31336) A request for a conditional use permit to build a guest house and to allow the guest house to extend past the front building line of an existing house on a lot adjacent to Lake Norman. The 0.99-acre lot is located at 7585 Dellinger Road in Catawba Springs Township.

The Planning Board voted 8-0 to recommend approval.

UPON MOTION by Commissioner McCall, the Board voted unanimously to approve the Findings of Fact as submitted by the Planning Board.

UPON MOTION by Commissioner McCall, the Board voted unanimously to approve CUP #377 – Michael and Jennifer Wootton, applicant, as recommended by the Planning Board.

CZ #2018-3 – Lincolnton Main Street, LLC, applicant:

CZ #2018-3 Lincolnton Main Street, LLC, applicant (Parcel ID# 13359) A request to rezone 3.0 acres from R-SF (Residential Single-Family) to CZ B-G (Conditional Zoning General Business) to permit a medical office building. The property is located on the northeast corner of N.C. 27 and Howards Creek Mill Road in Howards Creek Township.

The Planning Board voted 8-0 to recommend approval (including approval of a full-access driveway on NC. 27).

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

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to approve CZ #2018-3 – Lincolnton Main Street, LLC, applicant, as recommended by the Planning Board.

ZMA #648 – Patrick Elmore, applicant:

ZMA #648 Patrick Elmore, applicant (Parcel ID# 76546) A request to rezone a 0.64-acre lot from B-G (General Business) to I-G (General Industrial). The property is located on the north side of Commerce Drive about 300 feet west of N.C. 16 Business in Catawba Springs Township. Springs Township.

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 as submitted by the Planning Board.

UPON MOTION by Commissioner Oakes, the Board voted unanimously to approve ZMA #648 – Patrick Elmore, applicant, as recommended by the Planning Board.

ZMA #649 – Terry Boothe, applicant:

ZMA #649 Terry Boothe, applicant (Parcel ID# 26806) A request to rezone a 1.1-acre lot from I-G (General Industrial) to R-T (Transitional Residential). The property is located at 2801 Will Schrone Road in Ironton Township.

The Planning Board voted 8-0 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.

UPON MOTION by Commissioner McCall, the Board voted unanimously to approve ZMA #649 – Terry Boothe, applicant, as recommended by the Planning Board.

PD #2016-1-A – Essex Homes, applicant:

PD #2016-1-A Essex Homes, applicant (Parcel ID# 29612) A request to rezone 14.7 acres from R-SF (Residential Single Family) to PD-R (Planned Development-Residential) to permit 50 single-family detached houses as an additional phase of the Stratford (formerly Newton Crossing) development and to amend the master plan for Stratford to remove a provision that a 17-acre site that includes the 14.7 acres be donated to Lincoln County as a potential location for an elementary school. (In lieu of this donation, the applicant has agreed to donate a different site.) This request involves an 87-acre tract located east of N.C. 16 Business and south of Sarah Drive 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 Statement of Consistency and Reasonableness as submitted by the Planning Board.

UPON MOTION by Commissioner Oakes, the Board voted unanimously to approve PD #2016-1-A – Essex Homes, applicant, as recommended by the Planning Board.

Land Use Plan Map and Community Type Designations: **UPON MOTION** by Commissioner Oakes, the Board voted unanimously to approve the Land Use Plan Map and Community Type Designations as presented.

Extension for Bond for Trilogy Lake Norman for Parcel A Map 1:

Andrew Bryant presented the Extension for Bond for Trilogy Lake Norman, Parcel A, Map 1.

UPON MOTION by Commissioner Oakes, the Board voted unanimously to approve the Extension for Bond for Trilogy Lake Norman, Parcel A, Map 1 as presented.

Extension for Bond for Trilogy Lake Norman for Parcel GH Map 3:

Andrew Bryant presented the Extension for Bond for Trilogy Lake Norman, Parcel GH, Map 3.

UPON MOTION by Commissioner Oakes, the Board voted unanimously to approve the Extension for Bond for Trilogy Lake Norman, Parcel GH, Map 3 as presented.

Extension for Bond for Trilogy Lake Norman for Parcel GH Map 4:

Andrew Bryant presented the Extension for Bond for Trilogy Lake Norman, Parcel GH, Map 4.

UPON MOTION by Commissioner Oakes, the Board voted unanimously to approve the Extension for Bond for Trilogy Lake Norman, Parcel GH, Map 4 as presented.

Villages of Denver Cash Bond: Andrew Bryant presented the Villages of Denver Cash Bond. The Villages of Denver Phase is requesting that the installation of temporary cul-de-sacs be bonded in order to proceed with NCDOT approval for Phase 3A. The bonding amount is sufficient to complete the permanent installation of two additional cul-de-sacs. The developer is already bonded for three temporary cul-de-sacs. The cash bond is in the amount of \$15,364.52.

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to approve the Villages of Denver Cash Bond as presented.

Annual Report from the Lincoln County Child Protection Team/Lincoln County Child

Fatality Team: Nicole Mesmer, Chair, presented the Annual Report from the Lincoln County Child Protection Team/Lincoln County Child Fatality Team. She spoke of the need to develop and expand the public transportation system to include stops in parts of Western and Eastern Lincoln County. She said services are available, but transportation is not for clients to receive the services.

Mr. Atkins said he would meet with Tony Carpenter and TLC concerning transportation services.

Presentation from the newly formed Lincoln County Controlled Substance Coalition : Kim Green and Dr. Rhonda Hager gave a presentation concerning the opioid epidemic and ways the Lincoln County Controlled Substance Coalition plans to battle it in Lincoln County. They invited the Board to the Inaugural Opioid Summit on May 24, 2018 at 9:00 AM at the Laboratory Mill, which is invitation only.

Update from the Hesed House – John Hall: John Hall introduced himself as the new Executive Director of the Hesed House of Hope. He said the shelter was opened September 1

and will be open year round. From October to April 1, there have been 96 residents come through the shelter.

Public Comments: Chairman Beam opened Public Comments.

Anthony Huss spoke concerning a public records request with the Sheriff's Department. Duston Barto spoke concerning a public records request with the Sheriff's Department.

Being no additional speakers, Chairman Beam closed Public Comments.

Litter Prevention and Roadside Beautification Presentation: Josh Grant gave a presentation of strategies for addressing roadside litter and beautification of highways.

UPON MOTION by Commissioner McCall, the Board voted unanimously to pay \$4000 and annual dues to join Keep America Beautiful.

Approval for the Acceptance of an EZ Edge Technology Grant in the amount of \$7959.00: Jennifer Sackett presented the following:

The goal of the LSTA EZ Edge Technology Program is to help public libraries that have identified areas of improvement to meet the public access technology needs of their communities. The Lincoln County Public Library currently does not have multimedia equipment available for patron use and in order to address that need and meet the technology standards set by the Edge Program the library requested these funds to be used to purchase multimedia equipment.

UPON MOTION by Commissioner McCall, the Board voted unanimously to approve the acceptance of an EZ Edge Technology Grant in the amount of \$7959.00.

Approval for the Acceptance of Memorandum of Understanding and funds from the Dolly Parton Imagination Library: Jennifer Sackett presented the following:

The Lincoln County Public Library was awarded a contract with the Partnership for Children of Lincoln & Gaston County and SmartStart to enroll preschool children in the Dolly Parton Imagination Library which will allow a specified number of Lincoln County children (ages 0 to 5) in targeted zip codes (28092, 28033, 28021) to receive one free book a month through the mail. This is the first time Lincoln County children will be able to participate in the program.

UPON MOTION by Commissioner McCall, the Board voted unanimously to approve the Acceptance of Memorandum of Understanding and funds from the Dolly Parton Imagination Library.

Grant Project Ordinance Amendment #5: Deanna Rios presented Grant Project Ordinance Amendment #5 for the Board's approval.

UPON MOTION by Commissioner McCall, the Board voted unanimously to approve Grant Project Ordinance Amendment #5 as presented.

Budget Ordinance Amendment #8: Deanna Rios presented Budget Ordinance #8 for the Board's approval.

UPON MOTION by Commissioner Oakes, the Board voted unanimously to approve Budget Ordinance Amendment #8 as presented

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

Offers to Purchase Real Property: Wesley Deaton presented the Board with the opportunity to sell 2 parcels of property, Tax Parcel Number 55197 and Tax Number 24376.

UPON MOTION by Commissioner Oakes, the Board voted unanimously to approve Resolutions #2018-14 and #2018-15.

Resolution Authorizing Upset Bid Process
Resolution 2018-14

WHEREAS, Lincoln County owns certain real property described as Lincoln County Tax Parcel Number 55197 (the "Real Property"); and

WHEREAS, N.C.G.S. §160A-269 permits the County to sell property by upset bid, after receipt of an offer for the property; and

WHEREAS, the County has received an offer to purchase the Real Property described above, in the amount of \$3,234.00, submitted by Goodsonville Properties, LLC; and

WHEREAS, Goodsonville Properties, LLC has paid the required five percent (5%) deposit on its offer;

THEREFORE, THE LINCOLN COUNTY BOARD OF COMMISISONERS HEREBY RESOLVES AS FOLLOWS:

1. The Board of Commissioners declares the Real Property to be surplus and hereby authorizes sale of the Real Property described above through the upset bid procedure of N.C.G.S. §160A-269.
2. The Clerk shall cause a notice of the proposed sale to be published. The notice shall describe the property and the amount of the offer, and shall state the terms under which the offer may be upset.
3. Any person may submit an upset bid to the office of the County clerk within 10 days after the notice of sale is published. Once a qualifying higher bid has been received, that bid will become the new offer.
4. If a qualifying higher bid is received, the County clerk shall cause a new notice of upset bid to be published, and shall continue to do so until a 10-day period has passed without any qualifying upset bid having been received. At that time, the amount of the final high bid shall be reported to the Board of Commissioners.
5. A qualifying higher bid is one that raises the existing offer by not less than ten percent (10%) of the first \$1,000.00 of that offer and five percent (5%) of the remainder of that offer.

6. A qualifying higher bid must also be accompanied by a deposit in the amount of five percent (5%) of the bid; the deposit may be made in cash, cashier's check, or certified check. The County will return the deposit on any bid not accepted, and will return the deposit on an offer subject to upset if a qualifying higher bid is received. The County will return the deposit of the final high bidder at closing.
7. The terms of the final sale are that — the Board of Commissioners must approve the final high offer before the sale is closed, which it will do within 30 days after the final upset bid period has passed, and — the buyer must pay with cash at the time of closing.
8. The County reserves the right to withdraw the property from sale at any time before the final high bid is accepted and the right to reject at any time all bids.
9. If no qualifying upset bid is received after the initial public notice, and the Board of Commissioners does not terminate the contract, the offer set forth above is hereby accepted. The appropriate County officials are authorized to execute the instruments necessary to convey the property to Goodsonville Properties, LLC.
10. The Board of Commissioners appoints the County Manager as its authorized agent to accept any bid without a formal report, and to execute all documents necessary to sell the Real Property pursuant to this Resolution.

ADOPTED this the _____ day of _____, 2018.

Resolution Authorizing Upset Bid Process
Resolution 2018-15

WHEREAS, Lincoln County owns certain real property described as Lincoln County Tax Parcel Number 24376 (the "Real Property"); and

WHEREAS, N.C.G.S. §160A-269 permits the County to sell property by upset bid, after receipt of an offer for the property; and

WHEREAS, the County has received an offer to purchase the Real Property described above, in the amount of \$4,300.00, submitted by Gregory A. Boyer; and

WHEREAS, Gregory A. Boyer has paid the required five percent (5%) deposit on its offer;

THEREFORE, THE LINCOLN COUNTY BOARD OF COMMISISONERS HEREBY RESOLVES AS FOLLOWS:

1. The Board of Commissioners declares the Real Property to be surplus and hereby authorizes sale of the Real Property described above through the upset bid procedure of N.C.G.S. §160A-269.
2. The Clerk shall cause a notice of the proposed sale to be published. The notice shall describe the property and the amount of the offer, and shall state the terms under which the offer may be upset.
3. Any person may submit an upset bid to the office of the County clerk within 10 days after the notice of sale is published. Once a qualifying higher bid has been received, that bid will become the new offer.

4. If a qualifying higher bid is received, the County clerk shall cause a new notice of upset bid to be published, and shall continue to do so until a 10-day period has passed without any qualifying upset bid having been received. At that time, the amount of the final high bid shall be reported to the Board of Commissioners.

5. A qualifying higher bid is one that raises the existing offer by not less than ten percent (10%) of the first \$1,000.00 of that offer and five percent (5%) of the remainder of that offer.

6. A qualifying higher bid must also be accompanied by a deposit in the amount of five percent (5%) of the bid; the deposit may be made in cash, cashier's check, or certified check. The County will return the deposit on any bid not accepted, and will return the deposit on an offer subject to upset if a qualifying higher bid is received. The County will return the deposit of the final high bidder at closing.

7. The terms of the final sale are that — the Board of Commissioners must approve the final high offer before the sale is closed, which it will do within 30 days after the final upset bid period has passed, and — the buyer must pay with cash at the time of closing.

8. The County reserves the right to withdraw the property from sale at any time before the final high bid is accepted and the right to reject at any time all bids.

9. If no qualifying upset bid is received after the initial public notice, and the Board of Commissioners does not terminate the contract, the offer set forth above is hereby 2 accepted. The appropriate County officials are authorized to execute the instruments necessary to convey the property to Gregory A. Boyer.

10. The Board of Commissioners appoints the County Manager as its authorized agent to accept any bid without a formal report, and to execute all documents necessary to sell the Real Property pursuant to this Resolution.

ADOPTED this the _____ day of _____, 2018.

County Manager's Report: Mr. Kelly Atkins informed the Board of rising steel costs and that this will impact construction costs.

County Attorney's Report: Mr. Deaton said the Strata Solar Dellinger Appeal was heard today and the Judge will issue a ruling on Friday. He informed the Board of an Attorney who will speak to the Board at the next meeting on Opioid Legislation.

County Commissioners' Report: Nothing reported.

Vacancies/Appointments: UPON MOTION by Commissioner Mitchem, the Board voted 4 -1 (Commissioner Oakes against) to approve the following appointments:

- Library Board of Trustees
Reappoint
 - Dr. Becky Reavis, Chairperson At Large (Term expires: 06/30/18)
 - Mrs. Sylvia Wallace, Vice Chairperson Lincolnton Township (Term expires: 06/30/18)
 - Ms. Nancy Luckey Catawba Springs Township (Term expires: 06/30/17)

- Mrs. Jane Crouse Ironton Township (Term expires: 06/30/18)
- Mrs. Laurie Sellers Howards Creek Township (Term expires: 06/30/17)
- Mrs. Sylvia Wallace Lincolnton Township (Term expires: 06/30/18)
- Mrs. Wanda Hallman Northbrook Township (Term expires: 06/30/17)
- Ms. Rebecca Powell At Large (Term expires: 06/30/17)
- Transportation Advisory Board
 - Appoint
 - Crystal Watson
 - Andrew Schrag
 - Alex Patton
 - Christina Vandiver
 - Lena Allen
 - Kathryn Saine
 - Debary Morrison
 - Jo-Ellen Trecartin
 - Andrew Bryant
 - Kara Brown
 - Tim Eller
- Council on Aging
 - Appoint
 - Sandy Brockway
- Nursing and Adult Care Home Advisory Committee
 - Appoint
 - Robert Hoban
- ABC Board
 - Appoint
 - Chip Sain to fill unexpired term of Brent Brown

Commissioner Oakes said he would like to table the Library Board appointments and Chairman Beam said he would like to table the ABC Board until next month.

Closed Session: **UPON MOTION** by Commissioner McCall, the Board voted unanimously to enter Closed Session concerning Economic Development and Airport discussion.

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

Amy S. Atkins, Clerk
Board of Commissioners

Bill Beam, Chairman
Board of Commissioners