

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, MARCH 18, 2019

The Lincoln County Board of County Commissioners met on March 18, 2019, at the Administrative Office, Commissioners Room, 115 West Main Street, Lincolnton, North Carolina, the regular place of meeting at 6:30 PM.

Commissioners Present:

Carrol Mitchem, Chair
Richard Permenter, Vice Chair
Anita McCall
Milton Sigmon
Bud Cesena

Others Present:

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

Call to Order: Chairman Mitchem called the March 18, 2019 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 Mitchem presented the agenda for the Board's approval.

AGENDA
Lincoln County Board of Commissioners Meeting
Monday, March 18, 2019
6:30 PM

James W. Warren Citizens Center
115 West Main Street
Lincolnton, North Carolina

Call to Order - Chairman Carrol Mitchem

Moment of Silence

Pledge of Allegiance

1. Adoption of Agenda
2. Consent Agenda
 1. Tax Requests for Releases

2. Waived fees - Gaston College Practical Nursing Pinning Ceremony
3. Commissioner McCall's Travel Requests
5. Minutes for Approval
3. Planning Board Recommendation - Randy Hawkins
4. Addendum to the 2017 Agreement Between the Denver Lake Norman Rotary Club, The Lincoln Charter School and Lincoln County for the construction of a dog park at Rescue Squad Park in Eastern Lincoln County - Josh Grant
5. Approval of Sole Source Purchase of Playaway Launchpads from Findaway in the amount of \$15,019 - Jennifer Sackett
6. Approval of Sole Source Purchase of Storywalk equipment from Barking Dog Exhibits in the amount of \$3,928.80 - Jennifer Sackett
7. Public Comments
8. Finance Officer's Report - Deanna Rios
9. County Manager's Report
10. County Commissioners' Report
 - Commissioner McCall's travel requests
 - Report from Commissioner McCall
 - 2019 NACo Legislative Conference
 - International Economic Development Task Force Meeting
11. County Attorney's Report
12. Vacancies/Appointments
13. Calendar
14. Other Business

Information Only - No Action Needed

- Register of Deeds Report
- Property Tax Collection Report

Adjourn

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

Consent Agenda: **UPON MOTION** by Commissioner McCall, the Board voted unanimously to approve the Consent Agenda as amended.

Consent Agenda

1. Tax Requests for Releases
2. Waived fees - Gaston College Practical Nursing Pinning Ceremony

3. Commissioner McCall's Travel Requests
4. Minutes for Approval

Planning Board recommendations: Randy Hawkins presented the following:

CUP #399 Wanda Locklair, applicant (Parcel ID# 20094) A request for a conditional use permit to place a manufactured home in the R-S (Residential Suburban) district. The 0.96-acre parcel is located at 2927 Gates Road, on the east side of Gates Road about 750 feet south of Hestertown Road, in Lincolnton Township.

The Planning Board voted 8-0 to recommend approval.

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

UPON MOTION by Commissioner Sigmon, the Board voted unanimously to approve CUP #399 – Wanda Locklair, applicant, based on the findings of fact approved by the Planning Board.

Addendum to the 2017 Agreement Between the Denver Lake Norman Rotary Club, the Lincoln Charter School and Lincoln County for the construction of a dog park at Rescue Squad Park in Eastern Lincoln County: Josh Grant presented the following:

This item is an addendum to the 2017 agreement between the Denver Lake Norman Rotary Club, The Lincoln Charter School and Lincoln County. The addendum is specifically for the construction of a dog park at Rescue Squad Park in Eastern Lincoln County.

The dog park was an original part of the concept design for the Rescue Squad Park. It was included as an alternate in the bid documents for the original plan that the county approved. After not originally being funded, Denver Lake Norman Rotary Club raised the funds to construct the dog park. This addendum spells out the roles of the three parties for completion of this project.

Commissioner Sigmon said that Item 8 states: The Rotary Club shall organize donations for funding to maintain any longstanding maintenance requirements of the Dog Park. The County shall have no liability to maintain the Dog Park. He said he just wants that in the record that the County will have no liability to maintain the dog park.

Mr. Grant said Item 12 states: The County reserves the right to close or discontinue the Dog Park at any time, in its sole discretion, so the County would be covered.

Chairman Mitchem asked about liability and who would be responsible. Mr. Deaton said the County owns it so there will be liability waivers that have to be signed by dog owners. He said if someone got hurt and sued, they would probably name the County. He said we have insurance coverage for this and it will be covered by the provider.

There was a discussion concerning the registration process for the dog park and Mr. Grant said all of the details have not been worked out.

FIRST ADDENDUM TO AGREEMENT

THIS FIRST ADDENDUM TO AGREEMENT (the “First Addendum”) is made and entered into the ____ day of _____, 2019, (the “Effective Date”), by and between Lincoln County (the “County”), a body corporate and politic; the Denver Lake Norman Rotary Club Foundation, Inc. (the “Rotary Foundation”), a North Carolina non-profit corporation; the Denver Lake Norman Rotary Club (the “Rotary Club”), and the Lincoln Charter School, Inc., a North Carolina non-profit corporation (the “School”) (collectively, the “Parties”).

WITNESSETH

WHEREAS, the Parties entered into an agreement dated June 19, 2017 (the “Agreement”), providing for the construction and maintenance of that park known as Rescue Squad Park (the “Park”); and

WHEREAS, the Parties desire to amend the Agreement to provide for the construction of a dog park (the “Dog Park”) inside of the Park and to define the various rights and responsibilities of the parties in and to the Dog Park.

NOW, THEREFORE, FOR AND IN CONSIDERATION OF THE MUTUAL COVENANTS contained herein, and valuable consideration, the receipt of which is hereby acknowledged, the Parties hereto amend the Agreement by this First Addendum and do hereby agree as follows:

1. Subject to the conditions precedent stated below, the County shall construct a Dog Park at a time, using a method and in a design that is within the discretion of the County.
2. Construction of the Dog Park is expressly conditioned upon the Board of Commissioners of the County approving this First Addendum and further approving the construction of the Dog Park, as the terms are stated in this First Addendum.
3. The County shall manage all aspects of the construction of the Dog Park, including, but not limited to, bidding, contracting, procurement and project management.
4. The County shall account for and administer all funds for the Dog Park.
5. The Rotary Foundation, Rotary Club, and School accept and acknowledge that the County’s construction of the Dog Park does not infringe upon any of the rights of the Rotary Foundation, Rotary Club, or School that are granted by the Agreement.

6. The School shall maintain the grounds of the Park, including, but not limited to, mowing and trimming all grass on the Property and shall continue to mow and trim all grass contained within the Dog Park, and at such times shall close the Dog Park to the public.
7. The Rotary Club will donate and organize contributions totaling forty-three thousand dollars (\$43,000.00) to the County, and that donation will be earmarked for the design and construction of, and maintenance for the first year of operation of, the Dog Park.
8. The Rotary Club shall organize donations for funding to maintain any longstanding maintenance requirements of the Dog Park. The County shall have no liability to maintain the Dog Park.
9. The County shall establish a user registration system, the records for which shall be maintained by the County. All individuals using the Dog Park shall be required to register with the County.
10. The County, through its Parks and Recreation Department, shall operate the Dog Park and shall be responsible for all general and routine upkeep thereof, including but not limited to, the emptying of trash receptacles and opening and closing gates.
11. The Dog Park shall be subject to any rules and regulations promulgated by the County, and those rules shall be posted online and clearly posted on the property.
12. The County reserves the right to close or discontinue the Dog Park at any time, in its sole discretion.
13. Unless otherwise defined herein, all capitalized terms used herein shall have the meanings ascribed to them in the Agreement.
14. In the event of any conflict between the terms of this First Addendum and the terms of the Agreement, the terms of this First Addendum shall govern. Except as amended hereby, the Agreement shall remain in full force and effect and, as amended hereby, the Agreement is ratified and confirmed in all respects.
15. This First Addendum may be executed in one or more counterparts, each of which shall constitute an original and all of which when taken together shall constitute one and the same instrument. Delivery of an executed counterpart of this First Addendum by facsimile or electronically shall be equally effective as delivery of an original executed counterpart.

Lincoln County

By: _____(SEAL)
Kelly G. Atkins, County Manager

Denver Lake Norman Rotary Club Foundation, Inc.

By: _____ (SEAL)

_____, _____

Denver Lake Norman Rotary Club

By: _____ (SEAL)

_____, _____

Lincoln Charter School, Inc.

By: _____ (SEAL)

_____, _____

UPON MOTION by Commissioner McCall, the Board voted unanimously to approve the Addendum to the 2017 agreement between the Denver Lake Norman Rotary Club, The Lincoln Charter School and Lincoln County.

Approval of Sole Source Purchase of Playaway Launchpads from Findaway in the amount of \$15,019: Jennifer Sackett presented the following:

The Lincoln County Public Library will use \$7500 in LSTA Grant funds and \$7519 in regular budgeted library funds to purchase Playaway Launchpads. Launchpads are loaded with e-books and apps that reinforce literacy and teach relevant subjects. Launchpads will be available for checkout, enabling families to benefit from educational technology without having internet connectivity at home or investing in equipment.

Ms. Sackett asked for approval of the sole source purchase from Findaway in the amount of \$15,019.

UPON MOTION by Commissioner Permenter, the Board voted unanimously to approve the Sole Source Purchase of Playaway Launchpads from Findaway in the amount of \$15,019.

Approval of Sole Source Purchase of Storywalk Equipment from Barking Dog Exhibits in the amount of \$3928.80: Jennifer Sackett presented the following:

The Lincoln County Public Library will use \$1500.00 in funds from the Community Fund Grant and library gift funds to purchase a StoryWalk® for the Vale Recreational Park. StoryWalks® create interaction between children and books. Library staff will select and purchase books that include movement and play throughout the story. Staff will design each StoryWalk® page to include a literacy tip from Every Child Ready to Read for parents and a corresponding activity for the family to engage in as they walk from station to station. Funds will be used to purchase powdered coated steel display cases that will enable parents, caregivers and children to enjoy a long-lasting exhibit which requires little to no maintenance.

UPON MOTION by Commissioner Sigmon, the Board voted unanimously to approve the sole source purchase from Barking Dog Exhibits in the amount of \$3,928.80.

Discussion and Selection of Disposal Method for the Old Health Department Property Located at 151 Sigmon Road and Resolution Authorizing the Sale of Parcel 00806 and 01285: John Henry presented the methods of disposal for real property per General Statute 160A Article 12 and County Policy for the old Health Department property located at 151 Sigmon Road. The methods of disposal are: advertisement for sealed bids, negotiated offer, advertisement and upset bid and public auction.

The Board discussed the different options available for the sale. Mr. Deaton said the Board can decide not to approve bids received.

John Henry said the appraised value is \$1,022,000 and was appraised by Miles Hamrick from Gastonia.

UPON MOTION by Commissioner Cesena, the Board voted unanimously to do sealed bids starting at \$1 million minimum bid, for a minimum of 45 days.

Public Comments: Chairman Mitchem opened Public Comments.

Robert Avery, 4466 Hwy 182, Crouse, spoke concerning fire departments and asked the Board to explore other options with the fire departments.

Being no additional speakers, Chairman Mitchem closed Public Comments.

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

County Manager's Report: Kelly Atkins informed the Board that Animal Services had its first 100% live release rate last month and he is very proud of the employees and their hard work.

As an update on Environmental Health, they have hired an additional 4 part time employees and of the backlog that was at 147, 80 have been completed and 67 remain. An additional 69 new permits came in during February and March.

He informed the Board that the administrative offices will be closed March 20 and 21, reopening on March 22 at 1:00 PM for the move to 353 N. Generals Blvd. The next Board meeting will be at the new location in the Commissioners Chambers.

County Commissioners' Report: Commissioner McCall reported on her trip to the 2019 NACo Legislative conference, her meeting with Senator Tom Tillis, and the International Economic Development Task Force meeting. She said Lincoln County was the shining star concerning the economic development efforts.

She presented a request for approval of travel for:

- NCACC County Assembly Day in Raleigh (May 1) - no cost for registration - Hotel (\$130) plus mileage and meal reimbursement
- NCACC Spring 19 District (April 8) - no cost for registration - only mileage reimbursement. An estimated total for both events is \$390.00.

UPON MOTION by Commissioner Permenter, the Board voted unanimously to approve the travel requests presented by Commissioner McCall.

Commissioner Sigmon said he attended the Huber groundbreaking with fellow Commissioners and the public. They are planning an \$11 million investment with 56 new employees. Also, Blum is expanding and Wireway Husky is planning an expansion. He said the County is very proud of the Economic Development Department.

Cliff Brumfield spoke concerning their branding and the campaign that is underway to showcase Lincoln County.

County Attorney's Report: Nothing reported.

Vacancies/Appointments: **UPON MOTION** by Commissioner Cesena, the Board voted unanimously to approve the following appointments:

Appointments:

Council on Aging

- Patricia Traylor
- Wanda Rae Clary

Gaston Community Action

- Ola Mae Foster

Current Vacancies:

- Nursing and Adult Care Home Advisory Committee – 5 vacancies

Calendar: Mr. Atkins reminded the Board of the March 29 budget retreat at 10:00 AM, which will be held at 353 N. Generals Blvd.

Closed Session: **UPON MOTION** by Commissioner McCall, the Board voted unanimously to enter Closed Session pursuant to NCGS 143-318.11(a)(3).

The Board returned to open session and Chairman Mitchem advised that no action was taken in closed session.

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

Amy S. Atkins, Clerk
Board of Commissioners

Carrol Mitchem, Chairman
Board of Commissioners