

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, MARCH 15, 2021

The Lincoln County Board of County Commissioners met on March 15, 2021, at the Commissioners Room, Administration Building, 353 N. Generals Blvd, Lincolnton, the regular place of meeting at 6:30 PM.

Commissioners Present:

Carrol Mitchem, Chairman
Milton Sigmon, Vice-Chairman
Anita McCall
Bud Cesena
Cathy Davis

Others Present:

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

Adoption of Agenda: Chairman Mitchem presented the agenda for the Board's approval.

AGENDA
Lincoln County Board of Commissioners Meeting
Monday, March 15, 2021
6:30 PM

Lincoln County Administration Office
353 N. Generals Blvd
Lincolnton, NC 28092

Call to Order – Chairman Mitchem

Moment of Silence

Pledge of Allegiance

1. Adoption of the Agenda
2. Consent Agenda

- a. Approval of Minutes – March 1, 2021
 - b. Tax Request for Releases- January 16 – February 15, 2021
 - c. Performance Guarantee - Rivercross Phase 1A & 2A
 - d. VTS Refunds
 - e. BOA #3
3. Planning Board Recommendations
 4. NCDPI Facility Needs Study – Dr. Aaron Allen, Superintendent
NCDPI Full Report
 5. Lincoln Lodge 137 (Masonic Lodge) Request for Plaque Dedication at the New
Courthouse – Tommy Smith
 6. Award of contract to Barnhill Contracting Company for the renovation of Academy St
and Medical Arts facilities using the Design-Build delivery method – John Henry
 7. Request to approve exemption from the RFQ process for design of the Water Treatment
Plant Disinfection System per GS 143-64.32 (a)(1): Proposed project has an estimated
professional fee in an amount less than fifty thousand dollars (\$50,000) – John Henry
 8. Approval of the resolution and to authorize the Chairman to execute the contract with
Fuller Co. Construction and Woolpert contingent on approval of DWI-CWSRF and LGC
– Don Chamblee
 9. Public Comments
 10. County Manager’s Report
 11. County Commissioners’ Report
 12. County Attorney’s Report
 13. Vacancies/Appointments
 14. Other Business

Information only – no action needed

- Register of Deeds Report
- Property Tax Collection Report

Adjourn

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

Consent Agenda: **UPON MOTION** by Commissioner Sigmon, the Board voted unanimously to approve the consent agenda – removing 2 (moving it to agenda Item 3a.)

- a. Approval of Minutes – March 1, 2021
- b. Tax Request for Releases- January 16 – February 15, 2021
- c. Performance Guarantee - Rivercross Phase 1A & 2A
- d. VTS Refunds
- e. BOA #3

Planning Board Recommendations: Randy Hawkins presented the following:

CUP #436 Christopher McBee, applicant (Parcel ID# 76546) A request for a conditional use permit to sell vehicles in the I-G (Industrial General) district in the Eastern Lincoln Development District (ELDD) overlay district. The 0.64-acre parcel is located at 7917 Commerce Drive, on the north side of Commerce Drive about 300 feet west of N.C. 16 Business, in Catawba Springs 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 #436 – Christopher McBee, applicant, based on the findings of fact approved by the Planning Board.

CUP #437 Anthony Hutto, applicant (Parcel ID# 92614) A request for a conditional use permit to allow the addition of a guest house in the R-T (Transitional Residential) district. The 7.3-acre parcel is located at 5737 Vesuvius Furnace 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 findings of fact as submitted by the Planning Board.

UPON MOTION by Commissioner McCall, the Board voted unanimously to approve CUP #437 – Anthony Hutto, applicant, based on the findings of fact approved by the Planning Board.

CUP #430-A Denver Christian Academy, applicant (Parcel ID# 80841) A request to amend a conditional use permit to allow a four-classroom modular building to be added to a school campus in the B-N (Neighborhood Business) district and used until a previously approved six-classroom addition is completed. The 3.0-acre parcel is located at 2243 Charter Lane, about 300 feet west of N.C. 16 Business at Old Post Road in Catawba Spring 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 #430-A Denver Christian Academy, applicant, based on the findings of fact approved by the Planning Board.

CZ #2021-1 John and Carolyn Prime, applicants (Parcel ID# 02291) A request to rezone a 0.87-acre lot from B-N (Neighborhood Business) to CZ B-G (Conditional Zoning General Business) to permit vehicle sales in addition to vehicle service. The property is located at 1656 N. NC 16 Business Hwy., on the east side of N.C. 16 Business at Galway Lane, in Catawba Springs Township. **The Planning Board voted 6-2 to recommend approval**

Commissioner Cesena asked if there was a condition that would limit the request to 25 vehicles on the site and who would be enforcing this condition. Mr. Hawkins stated that this is a condition on the site plan and that Planning and Inspections will monitor the site. He said if they do not comply, they will be issued a warning and then a citation.

Commissioner Sigmon gave his justifications for voting in favor of this request. He said this particular item was discussed last year and was turned down. He said going back to the Taylor request several years back, the Board did not permit him to have a car lot. The rationalization was that the cars were listed or discussed as power equipment, which would not hold up. He said that he will be voting in the affirmative on this request.

Commissioner Cesena said the Board made the decision in December and he will be voting no. He said absolutely nothing has changed since that vote.

Commissioner McCall said when she ran for County Commissioner, there were thousands of people who said they did not want any more car lots on Highway 16. She said the applicants did a great job on this site, but she will be voting no.

A MOTION by Commissioner Davis to approve the Statement of Consistency and Reasonableness as submitted by the Planning Board.

VOTE: 3 – 2 AYES: Davis, Sigmon, Mitchem

NOES: Cesena, McCall

A MOTION by Commissioner Davis to approve CZ #2021-1 John and Carolyn Prime, applicants.

VOTE: 3 – 2 AYES: Davis, Sigmon, Mitchem
 NOES: Cesena, McCall

CZ #2020-7 Tony Davis, applicant (Parcel ID# 101744 and 101745) A request to rezone 27 acres from R-T (Transitional Residential) to CZ I-G (Conditional Zoning General Industrial) to permit a land-clearing and inert debris landfill with a disposal area approximately two acres in size. The property is located on the east side of Camp Creek Road about 4,000 feet south of its intersection with Furnace Road in Ironton Township. **The Planning Board voted 8-0 to recommend that the request be disapproved.**

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

UPON MOTION by Commissioner Cesena, the Board voted unanimously to deny CZ #2020-7 – Tony Davis, based on the recommendation of the Planning Board and the Statement of Consistency and Reasonableness.

CZ #2020-8 Chelsea Horton, applicant (Parcel ID# 27353) A request to rezone a 0.7-acre lot from B-G (General Business) to CZ I-G (Conditional Zoning General Industrial) to permit vehicle storage and offices. The property is located on the east side of N.C. 27 about 1,600 feet south of its intersection with N.C. 73 in Ironton Township. **The Planning Board voted 8-0 to recommend approval.**

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

UPON MOTION by Commissioner Cesena, the Board voted unanimously to approve CZ #2020-8 – Chelsea Horton, applicant, based on the recommendation of the Planning Board and the Statement of Consistency and Reasonableness.

UDO Proposed Amendments #2021-1 Lincoln County Planning and Inspections Department, applicant. A proposal to amend various sections of the Lincoln County Unified Development Ordinance to incorporate the provisions of new state legislation regarding zoning and planning. N.C. General Statutes Chapter 160D consolidates city and

county enabling laws into one chapter, updates the language, replaces conditional use permits with special use permits, and simplifies the required adoption of an explanatory statement to approve or reject a zoning change, among other things.

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 UDO Proposed Amendments #2021-1 Lincoln County Planning and Inspections Department, applicant, based on the recommendation of the Planning Board and the Statement of Consistency and Reasonableness.

PA #51 Lincoln County Public Works Department, applicant (Parcel ID# 31784) A request for preliminary plat approval for the dedication of public right-of-way for a new road. The 7.23-acre parcel is located on the north side of Optimist Club Road at its intersection with Airlie Parkway in Catawba Springs Township. **The Planning Board voted 6-0 on Dec. 7, 2020, to recommend approval with the condition that the County Manager and Public Works Department work together to make site alterations that will work to reduce the impact of lighting on adjacent properties. Landscaping has been added to the site and a switch has been added that allows the lights to be cut off when the convenience site staff leaves for the day.**

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

UPON MOTION by Commissioner Cesena, the Board voted unanimously to approve PA #51 – Lincoln County Public Works Department, applicant, based on the findings of fact approved by the Planning Board.

Performance Guarantee – Rivercross Phase 1A & 2A: Andrew Bryant presented the Performance Guarantee and requested the Board’s approval.

UPON MOTION by Commissioner Cesena, the Board voted unanimously to approve the Performance Guarantee for Rivercross Phase 1A and 2A as presented.

NCDPI Facility Needs Study: Dr. Aaron Allen, Superintendent for Lincoln County Schools, presented the NCDPI Facility Needs Study for the Board’s approval. This a five year plan that is

required to be submitted to the North Carolina Department of Public Instruction. Approval of this plan does not mean that the Commissioners agree to pay for any of it, but that they have been made aware of the Capital needs for the next five years.

Commissioner Davis asked for a list with the age of all the school facilities.

UPON MOTION by Commissioner Sigmon, the Board voted unanimously to approve the NCDPI Facility Needs Study as presented.

Lincoln Lodge 137 (Masonic Lodge) Request for Plaque Dedication at the New Courthouse:

Tommy Smith presented a request from Lincoln Lodge 137 Masonic Lodge for the placement of a plaque at the new Courthouse. He gave history of the Masons laying cornerstones on public buildings. Mr. Smith said the plaque can either be placed where the cornerstone would be or in the lobby. He said the Masons will pay for the plaque and installation.

Commissioner Cesena said he thought the plaque would be best served where the cornerstone would normally go and he likes the idea of having the history on the plaque.

John Henry said he needs to get with the Contractor and Engineer of the project to discuss it with them.

Chairman Mitchem asked for the finished plaque wording when it comes back before the Board.

UPON MOTION by Commissioner Sigmon, the Board voted unanimously to table the request for further information.

Award of Contract to Barnhill Contracting Company for the Renovation of Academy Street and Medical Arts Facilities Using the Design-Build Delivery Method: John Henry presented the following information:

At the November 16, 2020 meeting, the Board approved the use of the Design-Build delivery method to renovate the Academy Street and Medical Arts facilities. Purchasing issued RFQ 2020-0216 requesting qualified firms to submit Statement of Qualifications for the above project. 11 firms submitted and 5 firms were shortlisted.

Mr. Henry asked for the Board to approve the contract to Barnhill Contracting Company for the renovation of Academy Street and Medical Arts Facilities using the Design-Build delivery method.

UPON MOTION by Commissioner Cesena, the Board voted unanimously to approve the request as presented.

Request to approve exemption from the RFQ process for design of the Water Treatment Plant Disinfection System per GS 143-64.32 (a)(1): Proposed project has an estimated professional fee in an amount less than fifty thousand dollars (\$50,000):

John Henry presented a request to approve an exemption from the RFQ process for design of the Water Treatment Plant Disinfection System per GS 143-64.32 (a)(1): Proposed project has an estimated professional fee in an amount less than fifty thousand dollars (\$50,000). Public Works has made multiple costly repairs to the current system and parts are very hard to find. The selected firm will design upgrades and/or up fit the existing system.

UPON MOTION by Commissioner Sigmon, the Board voted unanimously to approve the Resolution Exempting Water Treatment Plant Disinfection System as presented.

**RESOLUTION EXEMPTING WATER TREATMENT PLANT DISINFECTION
SYSTEM
FROM G.S. 143-64.31**

WHEREAS, G.S. 143-64.31 requires the initial solicitation and evaluation of firms to perform architectural, engineering, surveying, construction management-at-risk services, and design-build services (collectively “design services”) to be based on qualifications and without regard to fee;

WHEREAS, the County proposes to enter into one or more contracts for design services for work on the Water Treatment Plant Disinfection System; and

WHEREAS, G.S. 143-64.32 authorizes units of local government to exempt contracts for design services from the qualifications-based selection requirements of G.S. 143-64.32 if the estimated fee is less than \$50,000; and

WHEREAS, the estimated fee for design services for the above-described project is less than \$50,000.

**NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF LINCOLN COUNTY
RESOLVES:**

Section 1. The above-described project is hereby made exempt from the provisions of G.S. 143-64.31.

Section 2. This resolution shall be effective upon adoption.

LINCOLN COUNTY

_____ **Chairman of the Board of Commissioners**

ATTEST:

BY: _____ **Clerk to the Board**

(Affix Seal) **Printed Name/Title**

Approval of the resolution and to authorize the Chairman to execute the contract with Fuller Co. Construction and Woolpert contingent on approval of DWI-CWSRF and LGC:

Don Chamblee presented the following:

The County received 3 bids submitted on Monday February 22, 2021. The lowest responsive bidder is Fuller Co. Construction with a total base bid of \$7,064,664.45 for the Reepsville Road Interconnection. Additional engineering services are needed during construction with Woolpert North Carolina, PLLC for \$449,300 for a total of \$7,513,964.45.

Mr. Chamblee requested approval of the resolution and to authorize the Chairman to execute the contract with Fuller Co. Construction and Woolpert contingent on approval of DWI-CWSRF and LGC.

UPON MOTION by Commissioner Cesena, the Board voted unanimously to approve Resolution #2021-9 and to authorize the Chairman to execute the contract with Fuller Co. Construction and Woolpert contingent on approval of DWI-CWSRF and LGC.

RESOLUTION OF TENTATIVE AWARD BY GOVERNING BODY

WHEREAS, the County of Lincoln, North Carolina has received bids, pursuant to duly advertisement notice therefore, for Reepsville Road Interconnection. The project consist of installing a 12" (or larger) waterline consisting of 8 miles, 44 fire hydrants, and modifications at the existing Highway 27 pump station and all system controls. The project has a one year construction schedule and the project will provide an additional feed to the western end of Lincoln County; and,

WHEREAS, Woolpert, Consulting Engineers have reviewed the bids; and,

WHEREAS, Fuller & Co Construction was the lowest bidder for the Reepsville Road Interconnection project, in the total bid amount of \$7,064,664.45. Woolpert will have an additional fee for Construction Administration and Observation for \$449,300.00; and

WHEREAS, the Woolpert, Consulting Engineers recommend TENTATIVE AWARD to the lowest bidder.

NOW, THERE FORE, BE IT RESOLVED that TENTATIVE AWARD to execute the contract with Fuller & Co Construction the lowest bidder in the Total Bid Amount of \$7,064,664.45 and Woolpert North Carolina, PLLC for \$449,300.00 for Construction Admin and Observation. Name of Contractor Amount 1. Fuller & Co Construction \$7,064,664.45 2. Woolpert North Carolina, PLLC \$449,300.00 Total \$7,513,964.45

BE IT FURTHER RESOLVED that such TENTATIVE AWARD be contingent upon the approval of the DWI-CWSRF and LGC.

ATTEST: _____

Witness (SEAL) County of Lincoln

By: _____ Carroll Mitchem Chairman of the Board

Attest: _____ County Clerk (SEAL)

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

County Manager's Report: Kelly Atkins reminded the Board of the next budget workshop on March 26, 2021 at 9:30 AM. He said he had a conference call with Davenport concerning the state revolving loan for the Reepsville waterline and financing for the future Emergency Services Building.

Appointments: UPON MOTION by Commissioner Cesena, the Board voted unanimously to appoint Raye Watson-Smyth to the Region F Aging Advisory Committee.

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

Amy S. Atkins, Clerk
Board of Commissioners

Carrol Mitchem, Chairman
Board of Commissioners