

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, APRIL 6, 2009

The Lincoln County Board of County Commissioners met on April 6, 2009 at the Citizens Center, Commissioners Room, 115 West Main Street, Lincolnton, North Carolina, the regular place of meeting at 6:30 PM.

Commissioners Present:

Alex E. Patton, Chairman
Bruce Carlton, Vice Chairman
George Arena
James A. Klein
Carrol Mitchem

Planning Board Members Present:

Jerry Geymont, Chairman
Louis McConnell, Vice-Chairman
Tom Campbell
Karl Dearnley
Gary Garlow
Keith Johnson
James Mauney
Jeff Frushtick

Others Present:

George A. Wood, County Manager
Jeffrey A. Taylor, County Attorney
Amy S. Atkins, Clerk to the Board
Kelly Atkins, Planning and Inspections Director
Randy Hawkins, Zoning Administrator
Candi Cornwell, Assistant Zoning Administrator
Randy Williams, Principal Planner
Netta Anderson, Addressing
Tim Daugherty, Sheriff
Leon Harmon, Finance Director

Call to Order: Chairman Patton called the April 6, 2009 meeting of the Lincoln County Board of Commissioners to order.

Invocation: Chairman Patton gave the Invocation and led in the Pledge of Allegiance.

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

UPON MOTION by Commissioner Carlton, the Board voted unanimously to adopt the agenda as amended.

AGENDA

LINCOLN COUNTY BOARD OF COMMISSIONERS

APRIL 6, 2009

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| | 6:30 PM | Call to Order |
| | 6:31 PM | Invocation – Chairman Patton |
| | 6:32 PM | Pledge of Allegiance |
| 1. | 6:33 PM | Adoption of Agenda |
| 2. | 6:34 PM | Consent Agenda <ul style="list-style-type: none">- Approval of Minutes<ul style="list-style-type: none">— March 9, 2009- March 16, 2009- Tax Requests for Refunds<ul style="list-style-type: none">- More than \$100 – February 23 – March 8, 2009- Tax Requests for Releases<ul style="list-style-type: none">- More than \$100 – February 16 – March 15, 2009- Budget Adjustments 74, 76, 77 |
| 3. | 6:36 PM | Introduction of new Library Director - George Wood |
| 4. | 6:40 PM | Zoning Public Hearings – Randy Hawkins

CUP #288 – Silas Hart Jr., applicant – Request for a conditional use permit to place a Class E (singlewide) mobile home in the R-S (Residential Suburban) district. |
| 5. | 7:20 PM | Public Hearing – John R. Moore House Local Landmark Designation – Jason Harpe |
| 6. | 7:30 PM | Public Hearing – Road Naming for Lester Trail – Netta Anderson |
| 7. | 7:40 PM | Public Comments |
| 8. | 7:55 PM | Motion to approve the two medical insurance options for renewal recommended by the County Manager, with an effective date of July 1, 2009 – George Wood |

- 8a. Motion Regarding the Sheriff's Request to Submit a COPS Grant Application
9. 8:10 PM ~~Recommendation from HPC and motion to adopt Ordinance #2009-1: An Ordinance Designating the John R. Moore House as a Local Historic Landmark~~
10. 8:20 PM County Manager's Report:
- Update on school's funding
 - Update on Lottery and ADM funding changes
 - Certificate of Achievement
 - NC Unemployment Rates by County
11. 8:30 PM Appointments to the Board of Equalization and Review – Commissioner Carlton
12. 8:40 PM Other Business
13. 8:50 PM ~~Closed Session pursuant to N.C.G.S. § 143-318.11 (a) — (5) — To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract.~~

Adjourn

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

- Approval of Minutes
 - March 16, 2009
- Tax Requests for Refunds
 - More than \$100 – February 23 – March 8, 2009

LINCOLN COUNTY TAX DEPARTMENT
ANNUALS

REQUEST FOR REFUNDS

PERIOD COVERED (FEBRUARY 23, 2009-MARCH 8, 2009)

G.S.#105-381(B) ALL REFUNDS ANNUAL MORE THAN \$100.00 (&) #105-325 including (A) (6)

NAME	YEAR	DIST	A/C#	AMOUNT
Callaway, Dwight B. Jr.	2004-08	DFD/ELSD	20157	10,350.00

Martin, Donald J.	2008	ELFD/ELSD	20172	206.70
Titlestad, Philip K.	2008	DFD/ELSD	0189936	237.58

TOTAL \$ 10,794.28

LINCOLN COUNTY TAX DEPARTMENT
MOTOR VEHICLES

REQUEST FOR REFUNDS

PERIOD COVERED (FEBRUARY 23, 2009-MARCH 8, 2009)

G.S.#105-381(B) ALL REFUNDS MORE THAN \$100.00 (and) #105-325 including (A) (6)

NAME	YEAR	DIST	A/C#	AMOUNT
Houser, Bennett M.	2008	NBFD	0157361	154.42
Mitchell, Ethel J.	2006	AFD	0158219	240.75

TOTAL \$395.17

- Tax Requests for Releases
- More than \$100 – February 16 – March 15, 2009

NAME	YEAR	A/C NO	AMOUNT
Addington, Pamela Ruppe	2008	0216952	\$168.94
Ballard, Eric Bradley	2008	0213414	\$250.52
Dye, Shannon Holcombe	2007	0209171	\$172.58
Foster, Steven Eugene	2008	0214655	\$149.28
Gantt, Jared Graylyn	2008	0161050	\$112.96
Gulino, Michael A	2008	0176072	\$113.46
Hester, James M	2007	43973	\$122.68
Hibberts, Jeffery Donald	2008	0210302	\$106.69
ICX Corp.	2008	0191338	\$221.25
McCutchen, Samuel	2007	0206866	\$110.15
Mitchell, Kelly Scronce	2008	0212369	\$127.18
National City Commercial	2008	0199482	\$147.12
Petroleum service & Calibratio	2008	0146321	\$230.97
Saltz, Joseph Anthony	2008	0200337	\$106.54
Strawn, Johnny Lee	2008	0216738	\$161.37
Vanderbilt, John Sanderson	2008	0217298	\$127.14
Watson, Smyth Jimmie Raye	2008	0201813	\$118.24
Womble, Christopher Bradley	2008	0173307	\$115.46
TOTAL			\$2,662.53

NAME	YEAR	A/C NO	AMOUNT
Alvarez, Frank Joseph	2008	0142425	\$500.83
Canney, Joseph	2008	0191217	\$152.56
Childers Bobbie H Trust	2008	0178300	\$7,604.07

Douglas-Wolf Contracting Inc.	2008	0207885	\$567.69
Enlightened Builders DBA	2008	0197782	\$173.42
Green tree Financial Serv. Corp.	1999-2008	0123762	\$1,111.11
Hull, Randy Allen	2008	01444	\$1,343.44
Lail, Angela King	2005-2008	0122665	\$108.14
Pet Mania	2008	0215992	\$790.85
Pope's Quality Landscaping, Inc.	2005-2006	0149580	\$210.35
Yellow Jacket Construction DBA	2008	0197706	\$182.91

- Budget Adjustments 74, 76, 77

No. 74: Increasing expenditure & revenue line items for funds received for Special Children's Adoption Fund (no county funds involved)

No. 76: To manage funds received for an Arts Grant

No. 77: Budget adjustment to increase expenditure & revenue line items for Work First DOT funds

Introduction of new Library Director – George Wood: George Wood introduced Jennifer Sackett, new Library Director for Lincoln County. Ms. Sackett will start on May 23.

New Business/Advertised Public Hearings:

Chairman Patton announced that this was the date, Monday, April 6, 2009, and the time, 6:30 PM, which was advertised in the *Lincoln Times-News* on March 27 and April 3, 2009.

NOTICE OF PUBLIC HEARINGS

The Lincoln County Board of Commissioners and Planning Board will hold a joint meeting and public hearing on Monday, April 6, 2009, at 6:30 p.m. to consider the following matter:

CUP #288 Silas Hart Jr., applicant (Parcel ID# 25348) A request for a conditional use permit to place a Class E (singlewide) mobile home in the R-S (Residential Suburban) district. The 6.8-acre parcel is located about 100 feet east of Westridge Lane and about 500 feet south of Springdale Park Drive in Ironton Township.

Conditional Use Permit No. 288 – Silas Hart Jr., applicant: Randy Hawkins presented the following information concerning Conditional Use Permit No. 288.

The applicant is requesting a conditional use permit to place a Class E (singlewide) mobile home in the R0S (Residential Suburban) district. A Class E mobile home is one with a metal roof and/or metal siding that was located in Lincoln County as of Sept. 23, 2002, when new appearance requirements were adopted. Under the Zoning Ordinance, Class E mobile homes are permitted in the R-S district subject to the issuance of a conditional use permit.

The proposed 6.8-acre site is located about 100 feet east of Westridge Lane and about 500 feet south of Springdale Park Drive in Ironton Township. The property is adjoined by property zoned R-S and R-SF (Residential Single-Family). Land uses in this area are predominately residential, with a mixture of stick-built houses and manufactured homes, including singlewides and doublewides. The Lincoln County Land Use Plan classifies this area as Suburban Residential, suitable primarily for single-family homes.

Mr. Hawkins stated that in past years, conditional use permits have been issued to place two other singlewides in this area, including one on an adjoining tract.

George Arena asked how access is given to the property. Randy Hawkins stated that the access currently is off Springdale Park Road. He said there is also potential access from Westridge Lane, but you would have to cross a creek to get to where the home will be located.

Jim Mauney, Planning Board member, asked if access is deeded.

Randy Hawkins stated that it is his understanding that it is not deeded.

Chairman Patton opened the public hearing concerning Conditional Use Permit No. 288 – Silas Hart Jr., applicant.

Being no speakers, Chairman Patton declared the public hearing closed.

George Wood, County Manager, stated that he and Planning staff met with Planning staff at UNC Chapel Hill to discuss the methodologies on how to accomplish what we want to do on the UDO changes and legally how we may go about that. He asked for a joint meeting with the Planning Board on May 4 at 6:00 p.m. He said they are talking about doing a UDO, which would be zoning and subdivision regulations at a basic level throughout the county. The higher regulations, particularly in Catawba Springs and maybe a slight part of Ironton, would be in a special overlay district in which additional subdivision, design and building standards as well as zoning standards would apply only in that area.

The Planning Board recessed their meeting on the 2nd floor balcony.

Public Hearing – Road Naming for Lester Trail – Netta Anderson: Netta Anderson presented the proposed road name for Lester Trail. The road has been advertised and posted. This road is south off L R Schronce Lane and requires naming due to the fact that there are now three structures that access L R Schronce Lane via this private road. The name proposed is Lester Trail and was agreed to by all residents. The name is not a duplicate or sound-alike and has been approved by Communications.

Chairman Patton opened the public hearing concerning the Public Hearing for the Road Naming for Lester Trail.

Being no one wishing to speak, Chairman Patton declared the public hearing closed.

UPON MOTION by Commissioner Carlton, the Board voted unanimously to approve the road naming for Lester Trail.

Public Comments: Chairman Patton advised that this was the time the Board of Commissioners would receive comments from the citizens regarding any matter they desired to address.

Rudy Bauer, Blades Trail, presented pictures of the silt in the lake. He said every time it rains, it washes the silt in the lake. He said the builder has put grass seed and straw down in certain areas on the mounds of dirt, but on about half of them, there is nothing so it goes into the cove. Mr. Bauer said the developer is not maintaining the silt fences.

George Wood stated that he would like to get with Rick McSwain and look at this.

Rudy Bauer stated that this past Saturday pump station 4 was stinking again. He said we have spent a lot of money on these stations for them to still stink.

Being no other speakers, Chairman Patton declared public comments closed.

Motion to approve the two medical insurance options for renewal recommended by the County Manager, with an effective date of July 1, 2009 – George Wood: Mr. Wood stated that without making any changes in the County's health insurance coverage, there would have been a 25% increase, which was approaching \$1.2 million and he has nowhere to get that money from since we are starting the budget off with a \$1,087,000 deficit and virtually no growth. Two options presented are a PPO alternate, which will be a 5% increase for the county, increases some costs for employees and for the first time puts some of the costs for employee only coverage on employees, to \$53.92 per month. This also switches from a 90/10 plan to an 80/20 plan with higher deductibles. Mr. Wood stated that he is recommending offering the option of going with a PPO with a Health Savings Account (HSA). This is an account that is owned by the employee, and is portable between employers. It also allows payment of unreimbursed medical expenses with pre-tax dollars. However, unlike the FSA, monies not spent in one year can be carried forward to another year. In fact, it is designed for use with high-deductible insurance plans, so that employees can save money to offset the higher deductibles if they use major medical benefits in a year. Under this option, doctor visits are paid by the employee until the deductible is met.

Commissioner Carlton asked what the increase was last year.

Mr. Wood stated that there was a 16.3% increase last year and we switched to the ASO plan. Due to the fact that the coverage was switched to the ASO, neither the counties or employees portion went up last year.

Commissioner Arena stated that the HSA really scares him since people have to use up their entire deductible before the county starts contributing. They will only be paying

\$130 more per month for an employee and spouse plan. He said that the employees need to understand that they have to pay their doctor visits and everything up front until the deductible has been used.

Mr. Wood stated that there will be insurance meetings, where everything is gone over very carefully.

Commissioner Arena asked the advantage to this over the PPO. Mark Browder stated that the significant advantage of the HSA is that claims utilization is significantly better. He said part of it is ownership of dollars. He said the county is contributing \$500 toward the HSA.

Commissioner Klein stated that it seems a significant question would be at what rate if any do we want employees to contribute, which has never been done.

Mr. Wood stated that Commissioner Klein makes a good point, at some point the Board needs to give some thought as to where they need to get to. He said other places he's worked have phased it in over five years, but the Board needs to have a discussion as to what percentage they want to be at on each coverage level.

UPON MOTION by Commissioner Carlton, the Board voted unanimously to adopt the recommendation on changes to the medical plan as outlined in the memo from the County Manager to adopt an alternate PPO and a PPO with a HAS.

Motion Regarding the Sheriff's Request to Submit a COPS Grant Application:

Sheriff Daugherty stated that this is part of the stimulus package, federal funds that have come down to our level as part of the President's efforts to stimulate the economy. These are grants that cover a three year period and are funded 100% by the federal government. They are entry level positions, the funding cannot be used to replace currently funded positions. Sheriff Daugherty said for three years there is no cost of any kind to the county for these six additional deputies. He stated that he originally asked for 14 deputies, because he thought he could create an additional district within the county, making all districts smaller. He said after reading the requirements and scope, the grant is geared more toward community-oriented policing. These six deputies would be interfacing with the public, community groups, out working their districts. There would be two of these community-oriented officers in each district.

There would be no expense for the first three years, the only expense would be in the 4th year. The grant requires funding from the county for the next 12 months after the 36 month period is over. This cost will be \$296,484.00

Commissioner Arena asked if there are any capital costs that go along with this. Sheriff Daugherty said that the cost for all equipment and uniforms, excluding cars for all six deputies would be \$20,108. He said they did get a \$49,000 grant through the JAG fund

which could be used to pay for that. Sheriff Daugherty said they can keep six of their better cars that were going to be turned in so there would be no vehicle cost. These cars are already upfitted with radios, etc.

A MOTION by Commissioner Arena to approve the Sheriff's request to submit the grant as presented.

Discussion: Commissioner Klein stated that this is no reflection on the Sheriff's Department, but with a stimulative grant of this type, he doesn't see the connection at all. He said that the county has provided the public safety department a substantial increase in personnel each of the last 2 years he has been on board. He said if he had a commitment that these would be the only additional requests for the next four years, he may consider it. He said he does not think it's in the board's best interest to move forward. He said he will vote against this.

Commissioner Arena stated that we are paying for this stimulus package no matter what and may as well take advantage of it. He said that prevention in this day and age is a good idea and given the unemployment rate and what's going on in the economy, the Sheriff has a tough job. He said this is a way for them to get ahead of the game a little.

Commissioner Klein said he is not sure how this will be measured. He said he is not real fond of going to the public trough of federal tax money, even though it is there, it is still not right.

Chairman Patton stated that crime is not going away and in three years, more deputies will probably need to be added. This will pay for them for the next 3 years.

Commissioner Carlton stated that this would be different if these were gun toting deputies, instead of six deputies that are out talking people out of committing crimes.

Sheriff Daugherty said these officers will be out fighting crime. These are sworn, entry level officers. They will be working in the districts, but the primary part of their job is going to be answering complaints, working with communities, but they are also sworn deputies that will be enforcing laws within their districts.

Commissioner Klein stated that 26 new positions have been added in the last two years.

Commissioner Mitchem asked if any new officers are in the budget for this year. Sheriff Daugherty stated that he did not ask for deputies, but did ask for some administrative positions to help in the Sheriff's office.

Sheriff Daugherty stated that the county is sending his people home with the furlough days, cutting services to the people of Lincoln County but not cutting the cost of the services.

Commissioner Arena asked if all deputy positions are currently filled. Sheriff Daugherty said he has two and is waiting for people to get out of school.

Commissioner Mitchem said if the Sheriff has not asked for any additional deputies, the next few years, there is no doubt in his mind that there will be more deputies needed. He said if these positions are hired, maybe we'll be a step ahead of the game. He said he doesn't like stimulus money either, but somebody is going to get that money.

Sheriff Daugherty stated that this grant also covers vacation and sick leave for these officers.

Vote: 4 – 1 For: Patton, Carlton, Mitchem, Arena
Against: Klein

County Manager's Report: Mr. Wood presented an update on the school's funding, an update on lottery and ADM funding changes, a certificate of achievement in financial reporting presented to Leon Harmon and his staff, and NC unemployment rates by county.

Update on school's funding:

Update on Lottery and ADM funding changes:

Certificate of Achievement:

NC Unemployment Rates by County:

Appointments to the Board of Equalization and Review – Commissioner Carlton:

Commissioner Carlton presented the following vacancies and appointments.

Vacancies:

Board of Equalization and Review - Alternate

Appointments:

Recreation Commission: Bryan Tomberlin

UPON MOTION by Commissioner Arena, the Board voted unanimously to appoint Bryan Tomberlin to the Recreation Commission.

Board of Equalization and Review: Fred Lane, Buck Moody; Rich Permenter for alternate

UPON MOTION by Commissioner Carlton, the Board voted unanimously to appoint Fred Lane and Buck Moody to the Board of Equalization and Review, and Rich Permenter for the alternate position to the Board of Equalization and Review.

Other Business: Commissioner Klein reminded the Board of the NCACC regional meeting in Statesville on April 16.

Commissioner Klein stated that over 2000 bills were submitted by the deadline. One in seven pertain to counties in some way. One of those is particularly alarming, and was written and cosponsored by two Senators from Mecklenburg County, and says responsibility for secondary road should be transferred to the counties. The NCACC is saying that without any dollars coming with that bill, this would be six cents on the tax rate.

Chairman Patton reminded the Board of the deployment ceremony at Ft. Bragg on April 14.

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

Amy S. Atkins, Clerk
Board of Commissioners

Alex Patton, Chairman
Board of Commissioners