

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, JUNE 15, 2009

The Lincoln County Board of County Commissioners met on June 15, 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
George Arena
James A. Klein
Carrol Mitchem

Commissioner Carlton absent

Others Present:

George A. Wood, County Manager
Jeffrey A. Taylor, County Attorney
Amy S. Atkins, Clerk to the Board
Jack Kerley, Animal Control Director
Barry McKinnon, Public Works Interim Director/Sr. Utility Engineer
Madge Huffman, Tax Administrator
Rick McSwain, Soil and Water Director
Leon Harmon, Finance Director
Kelly Atkins, Planning and Inspections Director
Randy Hawkins, Zoning Administrator

Call to Order: Chairman Patton called the June 15, 2009 meeting of the Lincoln County Board of Commissioners to order.

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

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to adopt the agenda adding Item 3a – Allied Waste Grant Allocations.

AGENDA

LINCOLN COUNTY BOARD OF COMMISSIONERS

JUNE 15, 2009

6:36 PM Call to Order

1. 6:37 PM Adoption of Agenda
2. 6:38 PM Consent Agenda
 - Sponsored Group Status
 - The River of God Church of Lincoln County
 - Tax Requests for Refunds – More than \$100
 - May 11 – 18, 2009
 - February 9 – 22, 2009
 - Tax Requests for Releases – More than \$100
 - April 16 – May 15, 2009
 - Budget Adjustments 103-109, 116-125, 128-138
3. 6:40 PM Public Comments
4. 6:55 PM Public Hearing – Leash Law for Westport
5. 7:05 PM Public Hearing – Solid Waste Management Plan
6. 7:15 PM Ordinance #2009-04: Lincoln County Budget Ordinance FY 2009-10
7. 7:25 PM Possible Action on Exercising the Option to Purchase the Bank of America Building Contained in the Current Lease
8. 7:35 PM Motion to Approve Proposal for Professional Services Assistance Contract for 2011 Reappraisal from RS & M – Madge Huffman
9. 7:45 PM Request to Increase Part Time Position Hours Currently Budgeted – Maggie Dollar
10. 7:55 PM Resolution #2009-16: A Resolution of the Lincoln County Board of Commissioners Supporting an Alternative Method of Recognition for Veterans Status to Merchant Marine Seamen of WW II
11. 8:00 PM Resolution #2009-17: Resolution in Opposition of Draft 2009-2011 Biennium Budget Proposal to Charge Emergency Personnel for Continuing Education Courses
12. 8:05 PM Ordinance #2009-03: Ordinance to Amend Lincoln County Soil Erosion and Sedimentation Control Ordinance
13. 8:10 PM Capital Project Reports – Barry McKinnon
14. 8:15 PM Finance Officer's Report – Leon Harmon
15. 8:20 PM County Manager's Report

16. 8:25 PM County Commissioners' Report

17. 8:30 PM County Attorney's Report

18. 8:35 PM Vacancies/Appointments

19. 8:40 PM Calendar

20. 8:45 PM Other Business
- Motion to Appoint Interim Emergency Management Coordinator

21. 8:55 PM Closed Session - Personnel

Adjourn

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

- Sponsored Group Status
 - The River of God Church of Lincoln County
- Tax Requests for Refunds – More than \$100
 - May 11 – 18, 2009

LINCOLN COUNTY TAX DEPARTMENT
MOTOR VEHICLES

REQUEST FOR REFUNDS

PERIOD COVERED (MAY 11, 2009-MAY 18, 2009)

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

NAME	YEAR	DIST	A/C#	AMOUNT
White, Terry T.	2008	PCFD	0134916	116.88
			TOTAL	\$116.88

- February 9 – 22, 2009

LINCOLN COUNTY TAX DEPARTMENT
MOTOR VEHICLES

REQUEST FOR REFUNDS

PERIOD COVERED (FEBRUARY 9, 2009-FEBRUARY 22, 2009)

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

NAME	YEAR	DIST	A/C#	AMOUNT
JMS Enterprises, Inc.	2008	ELFD	0214626	215.73
McClellan, Eddie	2008	ELFD/ELSD	0179744	285.47
Nissan Infiniti LT	2008	ELFD/ELSD	0166655	126.63

TOTAL **\$627.83**

- Tax Requests for Releases – More than \$100

- April 16 – May 15, 2009

NAME	YEAR	A/C NO	AMOUNT
Barbarosa, Jefferson	2006	0188584	\$236.87
Cargle, Stephen Ray	2008	0209745	\$118.46
Chapman, Melvin K	2008	04774	\$127.64
CLT Express Livery LLC	2008	0201563	\$488.47
Dellinger, Summer Marie	2008	0217947	\$123.22
Freeman, Kelly Brazell	2008	0218517	\$104.97
Houser, Jimmy Milton	2008	0071990	\$164.30
Keck Properties LLC	2008	0180177	\$186.67
Lawing, Gary Lester	2008	15272	\$184.07
McConnell, Grady McNeely	2008	0111816	\$115.72
White, Jerry Todd	2008	0134916	\$107.49
White, Shawn Wayne	2008	0211438	\$126.00
		TOTAL	\$2,083.88

NAME	YEAR	A/C NO	AMOUNT
Baryn Custom Builders	2008	0207291	\$143.13
Fisher, Aaron	2008	0213831	\$111.72
Johnson Enterprises LTD DBA	2007	0187427	\$321.75
Mowry Erin Denise	2007	0188732	\$340.46
Newton, Brian Scott	2008	0155283	\$587.53
Parker, Charles B	2008	0141703	\$571.86
	2003-		
Riveria, Anna	2008	0148233	\$173.05
	2005-		
Rushton General Contract DBA	2008	0174106	\$1,008.24
Shillington, David	2008	0213888	\$540.32
		TOTAL	\$3,798.06

- Budget Adjustments 103-109, 116-125, 128-138

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.

Raye Watson-Smyth asked for the Board's help. She stated that for 3 ½ years, she and her neighbors have looked at this castle in their neighborhood, and would like for it to be completed. She said they do not know what to do at this point and said she would like the Board to tell her what to do.

Rudy Bauer, presented pictures and said that Burton Creek did put grass down on the flat land, but none on the banks. He said they didn't put down straw so the first rain, the grass was gone. He said the developer cannot get a bond for this property and asked what the county will do.

Joann Hager, stated that she was speaking on behalf of several people. She read a letter from her Attorney and presented 3 Bills of Sale from Vickie Rouch for some animals she purchased but never received. Ms. Hager asked who gave Mr. Kerley permission to release these seized animals.

Buddy Funderburk spoke on behalf of Communities in Schools. He said he was involved in CIS when he was previously on the Board and they have good programs for children. He asked the Board to put this money back into the CIS budget.

Being no additional speakers, Chairman Patton declared the public comments section closed.

Allied Waste Grant Allocations: Harry Huss, Chairman of Allied Waste Grant Committee and Bobbi Baker, committee member, stated that there were 44 applications for these funds. All of committee persons recognize that sometimes the need in one community may not be as great as other communities.

Commissioner Arena stated that he has some questions and concerns, his main concern is that East Lincoln Christian Ministries is struggling to feed families and this is sending children on a field trip. He said this is a very difficult year, with 14% unemployment. He asked if there is a way to cut back the amount of students going.

Bobbi Baker stated that there are 24 students and 7 chaperones and cost is \$499 per student. She said they have worked very hard for this and don't live in an area where there are as many resources as other areas of the county. She said this was the last resource available.

Commissioner Mitchem asked how many committee members there are. There are five committee members.

A MOTION Commissioner Klein made a motion to approve Allied Waste Grant Allocations as presented.

VOTE: 3 – 1 **AYES:** Mitchem, Klein, Patton
NOES: Arena

Public Hearing – Leash Law for Westport: Henry Fogle presented the petition for a Leash Law for Westport. There are 635 residents in Westport, 432 signed the petition. Of those, 350 of those are for the petition, 46 against, and 20 names that did not care. There were 203 non-voters. Jack Kerley did a spot check on the signatures. Mr. Fogle recommended approving this leash law for Westport.

Chairman Patton opened the public hearing concerning the Leash Law for Westport.

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

UPON MOTION by Commissioner Klein, the Board voted unanimously to approve the leash law for Westport.

Public Hearing – Solid Waste Management Plan: Barry McKinnon stated that every three years, the State requires an update to the Ten-year Solid Waste Management Plan. The County contracted with Centralina and split the cost with the City of Lincolnton. Mr. McKinnon stated that Jason Wager is here from Centralina COG to answer any questions.

Commissioner Arena stated that there has been a problem in the past with illegal C&D landfills. He asked if we are doing all we can to enforce regulations concerning illegal dumping. Mr. McKinnon stated that Planning and Inspections regulates this.

Commissioner Arena stated that this is a good plan. He said we need to make sure we are doing as much recycling as possible.

Chairman Patton opened the public hearing concerning the public hearing for the Solid Waste Management Plan.

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

UPON MOTION by Commissioner Arena, the Board voted unanimously to approve Resolution #2009-18: Resolution Accepting and Endorsing the Solid Waste Management Plan of 2009 for Lincoln County.

RESOLUTION ACCEPTING AND ENDORSING THE SOLID WASTE MANAGEMENT PLAN OF 2009 FOR LINCOLN COUNTY

WHEREAS, it is a priority of this community to protect human health and the environment through safe and effective management of county solid waste;

WHEREAS, the reduction of the amount and toxicity of the local waste stream is a goal of the community;

WHEREAS, equitable and efficient delivery of solid waste management services is an essential characteristic of the local solid waste management system;

WHEREAS, it is a goal of the community to maintain and improve its physical appearance and to reduce the adverse effects of illegal disposal and littering;

WHEREAS, Lincoln County recognizes its role in the encouragement of recycling markets by purchasing the recycled products;

WHEREAS, involvement and education of the citizenry is critical to the establishment of an effective local solid waste program;

WHEREAS, the State of North Carolina has placed planning responsibility on local government for the management of solid waste;

WHEREAS, NC General Statute 130A-309.09A(b) requires each unit of local government, either individually or in cooperation with other units of local government, to update the Ten Year Comprehensive Solid Waste Management Plan at least every three years;

WHEREAS, the Lincoln County Solid Waste Division and the City of Lincolnton Public Works and Utilities Department have jointly undertaken and completed a long-range planning effort to evaluate the appropriate technologies and strategies available to manage solid waste effectively;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF LINCOLN COUNTY:

That Lincoln County's 2009 Ten Year Comprehensive Solid Waste Management Plan is accepted and placed on file with the Clerk to the Board on this day, June 15, 2009.

Alex E. Patton, Chairman

ATTEST:

Amy S. Atkins, Clerk

Ordinance #2009-04: Lincoln County Budget Ordinance FY 2009-10: George Wood presented the changes to the Ordinance, including CIS funds remaining in the general fund, making the change in CATS money, a change for the Denver VFD for the fire/rescue boat and an amended sheet for fire district funds to leave Alexis at current rate due to ongoing negotiations with Gaston County .

Commissioner Mitchem asked what will take place in Emergency Management. Mr. Wood stated that he has taken out the Emergency Management Director's job, but he four employees will remain. This money will be combined with the funds in the budget for an Assistant to the Manager position. The Assistant County Manager position has been created and will supervise Emergency Management.

A MOTION by Commissioner Klein to adopt Ordinance #2009-04: Lincoln County Budget Ordinance FY 2009-10 as presented.

Commissioner Mitchem stated that he does not feel good about a budget where we are doing away with the Emergency Management Coordinator and would not support it.

Commissioner Arena stated that other counties are doing away with their Emergency Management Director's as well. He said the county needs a strong second in command and this person should have the ability to get the grants the Emergency Management Director got.

VOTE: 3 - 1 AYES: Patton, Klein, Arena
NOES: Mitchem

**ORDINANCE #2009-04
LINCOLN COUNTY**

**BUDGET ORDINANCE
FY 2009-10**

BE IT ORDAINED by the Board of County Commissioners of Lincoln County, North Carolina:

Section 1. The following amounts are hereby appropriated in the General Fund for the operation of the County government and its activities for the fiscal year beginning July 1, 2009 and ending June 30, 2010, in accordance with the chart of accounts heretofore established for Lincoln County:

GENERAL GOVERNMENT

Governing Body	\$ 209,463
Administration and Finance	1,051,513
Safety & Training	34,950
Information Technology	547,612
Elections	480,673
Tax Department	1,290,853
Revaluation	524,503
Legal	180,125
Register of Deeds	868,724
Public Buildings	1,292,132
District Court	83,655
Central Services	387,970
Special Grants	196,887
	\$ 7,149,060

PUBLIC SAFETY

Sheriff	\$ 7,813,110
Jail	2,907,313
Communications	1,423,221
Emergency Management	346,215
Emergency Services	237,050
Animal Control	610,731
Forestry	57,190
Medical Examiner	39,800

Emergency Medical	4,821,798
	<u>\$ 18,256,428</u>

TRANSPORTATION

Mass Transit	42,835
Airport Authority	88,970
Transportation TLC	1,230,219
	<u>\$ 1,362,024</u>

ENVIRONMENTAL PROTECTION

Soil Conservation	248,859
	<u>\$ 248,859</u>

ECONOMIC AND PHYSICAL DEVELOPMENT

Cooperative Extension	\$ 279,545
Planning and Inspections	1,367,126
Economic Development	1,549,665
	<u>\$ 3,196,336</u>

HUMAN SERVICES

Health Department	\$ 5,385,099
Mental Health	373,589
Social Services	14,390,651
Veterans Service	97,137
Senior Services	484,928
Juvenile Crime Prevention	105,316

Gaston Skills

	<u>62,775</u>
	<u>\$ 20,899,495</u>

CULTURAL AND RECREATION

Recreation	\$ 1,352,758
Historic Properties	5,346
Cultural Grants	82,500
Library	902,648
	<u>\$ 2,343,252</u>

EDUCATION

Lincoln Center Gaston College	\$ 138,800
Schools Current Expense	16,369,729
Schools Capital Outlay	1,237,711
Communities in Schools	55,000
	<u>\$ 17,801,240</u>

DEBT SERVICES

General County	\$ 2,213,738
School System	12,495,988
	<u>\$ 14,709,726</u>

TRANSFER TO CAPITAL PROJECT FUND \$ 786,610

TRANSFER TO CAPITAL RESERVE FUND \$ 3,409,694

CONTINGENCY	\$ <u>-0-</u>
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TOTAL GENERAL FUND	\$ 90,162,724
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Section 2. It is estimated that the following revenues will be available in the General Fund for the fiscal year beginning July 1, 2009 and ending June 30, 2010:

AD VALOREM TAXES:

Current Year	\$ 46,652,008
Prior Years	960,250
Local Option 1 cent Sales Tax	5,412,030
Local Option 1 st 1/2 cent Sales Tax	3,541,883
Local Option 2 nd 1/2 cent Sales Tax	2,818,197
Local Option 3 rd 1/2 cent Sales Tax	250,000
Beer & Wine Tax	275,000
Excise Tax Stamps	500,000
Franchise Tax	315,000
Interest on Investment	400,000
ABC Revenues	57,000
Rents	89,833
Tax Refunds	175,000
Local Occupancy Tax	45,000
Vehicle Rental Tax	24,000
	\$ 61,515,201

STATE AND FEDERAL GRANTS:

Law Enforcement	\$ 177,808
Emergency Management	66,000
Veterans Service	12,000
Senior Services	292,315
Transportation Services	623,952
Juvenile Crime Prevention	101,712
Soil Conservation	37,714
	\$ 1,311,501

HEALTH DEPARTMENT PROGRAMS **\$ 2,856,756**

SOCIAL SERVICE PROGRAMS **\$ 11,618,806**

FEES

Tax Department	\$ 1,400
Election	23,031
Register of Deeds	436,500
Sheriff	176,000
Jail	170,500
Planning and Inspections	1,053,750
Library	28,000
Court Facilities	160,000
Animal Control	55,400

Tax Collection	215,234
Recreation	<u>36,000</u>
Emergency Medical	<u>2,701,500</u>
Emergency Management	<u>7,000</u>
Transportation Services	<u>575,000</u>
Soil Conservation	<u>34,200</u>
Cooperative Extension	<u>5,700</u>
	\$ 5,679,215

CITY-COOPERATIVE PAYMENTS	
Animal Control	\$ 27,900
Communications	<u>50,000</u>
	\$ 77,900

TRANSFERS FROM OTHER FUND	
Capital Reserve Fund	\$ 4,935,859
Indirect Cost (Admin – Enterprise Funds)	\$ 212,061

Miscellaneous	\$ 50,000
SALE OF ASSETS	\$ 30,000
FUND BALANCE APPROPRIATED	\$ 1,875,425
TOTAL REVENUES	\$ 90,162,724

Thirty percent (30%) of the proceeds of the first local half-cent sales and use tax and sixty percent (60%) of the proceeds of the second local half-cent sales and use tax are hereby declared to be included in the appropriation for school capital projects and/or debt service. The receipts shall be accumulated in the Capital Reserve Fund for Schools until such time as the funds are appropriated for specific projects or debt service.

The remaining proceeds from the two half cent sales and use taxes are hereby appropriated for other general county needs which may include but not be limited to debt service, capital projects, capital outlay and operating expenses.

Section 3. The following amounts are hereby appropriated as continuing multi-year projects in the School Capital Projects Fund for the fiscal year beginning July 1, 2009 and ending June 30, 2010:

Reserve Future Projects	\$ 46,875
Improvements (2008 Bond Sale)	<u>7,500,000</u>
Transfer to School Capital Reserve	<u>100,000</u>
Total School Capital Projects Improvement Project Fund Expenditures	\$ 7,646,875

It is estimated that the following revenues will be available in the School Capital Projects Fund for the fiscal year beginning July 1, 2009 and ending June 30, 2010:

Fund Balance Appropriated	\$ 100,000
Proceeds Sale of Debt	7,500,000
Interest on Investments	46,875
Total School Capital Projects Improvement Project Fund Revenues	\$ 7,646,875

Section 4. The following amounts are hereby appropriated or reserved in the Capital Reserve Fund for the fiscal year beginning July 1, 2009 and ending June 30, 2010:

Reserve (Future Debt)	\$ 756,211
Transfer to General Fund (Debt Service)	<u>4,935,859</u>
Total School Capital Reserve Fund Appropriations/Reserve	\$ 5,692,070

It is estimated that the following revenues will be available in the Capital Reserve Fund for the fiscal year beginning July 1, 2009 and ending June 30, 2010:

Interest on Investment	\$ 110,000
(30% 1st 1/2 cent)	1,062,565
(60% 2nd 1/2 cent)	1,690,918
State School Building	643,484
Lottery Proceeds	1,428,892
Transfer from School CIP	100,000
General Fund Appropriation	<u>656,211</u>
Total School Capital Reserve Fund Revenues	\$ 5,692,070

Section 5. The following amounts are hereby appropriated in the Law Enforcement Fund for the fiscal year beginning July 1, 2009 and ending June 30, 2010.

Operating Expense	\$ 1,000
Total	\$ 1,000

It is estimated that the following revenues will be available in the Law Enforcement Fund for the fiscal year beginning July 1, 2009 and ending June 30, 2010:

Controlled Substance Excise Tax	\$ 1,000
Total	\$ 1,000

Section 6. The following amounts are hereby appropriated in the Federal Law Enforcement Fund for the fiscal year beginning July 1, 2009 and ending June 30, 2010.

Operating Expense	\$ 1,200
Capital Outlay	\$ 30,810
Total	\$ 32,010

It is estimated that the following revenues will be available in the Federal Law Enforcement Fund for the fiscal year beginning July 1, 2009 and ending June 30, 2010.

Federal Forfeited Property	\$ 1,000
Interest on Investment	200
Fund Balance	<u>30,810</u>
Total	\$ 32,010

Section 7. The following amounts are hereby appropriated in the Emergency Telephone Fund for the fiscal year beginning July 1, 2009 and ending June 30, 2010:

Operating Expenses	\$ 299,140
Capital Outlay	128,200
Reserve Future Projects	<u>303,160</u>
Total Emergency Telephone Fund	\$ 730,500

It is estimated that the following revenues will be available in the Emergency Telephone Fund for the fiscal year beginning July 1, 2009 and ending June 30, 2010:

Phone Service Charges	\$ 722,500
Interest on Investments	<u>8,000</u>
Total Emergency Telephone Fund	\$ 730,500

Section 8. The following amounts are hereby appropriated in the Landfill Enterprise Fund for the fiscal year beginning July 1, 2009 and ending June 30, 2010:

Operating Expenses	\$ 3,021,564
Debt Service & Capital Construction	<u>359,693</u>
Total Landfill Enterprise Fund Appropriation	\$ 3,381,257

It is estimated that the following revenues will be available in the Landfill Enterprise Fund for the fiscal year beginning July 1, 2009 and ending June 30, 2010:

Availability Fee	\$ 2,341,342
Tire Disposal Tax	81,000
Tipping Fees	320,000
White Goods Disposal Tax	26,000
Sales Tax Refund	75,000
Interest	125,000
Rent Income	4,800

Recyclables	250,000
Fund Balance	<u>158,115</u>
Total Landfill Enterprise Fund Revenues	\$ 3,381,257

Section 9. The following amounts are hereby appropriated in the Water and Sewer (Operations) Enterprise Fund for the fiscal year beginning July 1, 2009 and ending June 30, 2010:

Water System Operation	\$ 1,999,967
Water Debt Principal	891,658
Water Debt Interest	397,366
Water Treatment Operation	878,112
Sewer System Operation	1,737,798
Loan Repayment General Fund	301,099
Transfer to Water/Sewer Capital Projects	<u>2,300,000</u>
Total Water & Sewer Enterprise Fund Expenditure	\$ 8,506,000

It is estimated that the following revenues will be available in the Water and Sewer Enterprise Fund for the fiscal year beginning July 1, 2009 and ending June 30, 2010:

Water Sales	\$ 5,000,000
Water Tap Fees	120,000
Other Revenues	231,000
Water Capacity Development Fees	600,000
Sewer Fees	1,770,000
Sewer Tap Fees	55,000
Sewer Capacity Fees	600,000
Fund Balance	-0-
Interest on Investment	<u>130,000</u>

Total Water & Sewer Enterprise Fund Revenues \$ 8,506,000

Section 10. The following amounts are hereby appropriated as continuing multi-year projects in the General County Capital Improvement Project Fund for the fiscal year beginning July 1, 2009 and ending June 30, 2010:

Airport	56,600
Animal Control	21,000
Building & Land Development	7,500
Economic Development	493,600
Elections	25,000
Emergency Medical Services	622,600
Health	65,000
Jail	49,000
Recreation	65,000
Sheriff	512,420
Tax	9,600
Transportation	<u>369,570</u>
VFD	24,000

Total General County Capital Improvement Project Fund Expenditures	\$ 2,321,043
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It is estimated that the following revenues will be available in the General County Capital Improvement Project Fund for the fiscal year beginning July 1, 2009 ending June 30, 2010:

Estimated Revenues	
Transfer from General Fund	\$ 786,610
Grants	313,713
Debt Proceeds	1,070,720
Interest on Investment	<u>150,000</u>
Total General County Capital Improvement Project Fund Revenues	\$ 2,321,043

Section 11. The following amounts are hereby appropriated as continuing multi-year projects in the Water and Sewer Capital Improvement Project Fund for the fiscal year beginning July 1, 2009 and ending June 30, 2010:

Vehicles and Equipment	\$ 270,500
Water System Improvements	1,750,000
Sewer System Improvements	120,000
Killian Creek WWTP Interceptors	4,637,700
Killian Creek WWTP	17,362,300
Contingency	<u>159,500</u>
Total Water and Sewer Capital Improvements Project Fund Expenditures	\$ 24,300,000

It is estimated that the following revenues will be available in the Water and Sewer Capital Improvement Project Fund for the fiscal year beginning July 1, 2009 ending June 30, 2010:

Estimated Revenues	
Transfer from Water Fund	\$ 2,300,000
Loan Proceeds	22,000,000
Total Water and Sewer Capital Improvements Project Fund Expenditures	\$ 24,300,000

Section 12. The following amounts are hereby appropriated in the Health Benefits Fund for the fiscal year beginning July 1, 2009 and ending June 30, 2010:

Health and Consultant Fees	\$ 704,574
Health and Workers Compensation Claims	5,594,978
Flex Account Expenses	200,000
Reserve	451,488

Total Health Benefits Fund Expenditures \$ 6,951,040

It is estimated that the following revenues will be available in the Health Benefits Fund for the fiscal year beginning July 1, 2009 and ending June 30, 2010:

Estimated Revenues

Health Premiums Employer	\$ 4,700,510
Health Premiums Employee	894,530
Flex Account	200,000
Workers' Compensation Premiums	1,150,000
Interest Income	6,000

Total Health Benefits Fund Revenues \$ 6,951,040

Section 13. There is hereby levied a unified tax at the rate of 57.0 cents per one hundred dollars (\$100) valuation of property listed for taxes as of January 1, 2009, for the purpose of raising the revenue listed as "Current Year's Property Taxes" in the General Fund in Section 2. of this Ordinance.

This rate of tax is based on an estimated total valuation of property for the purpose of taxation of \$8,538,589,906 and an estimated collection rate of 97.81 percent. The estimated rate of collection is based on the fiscal 2007-08 collection rate of 97.81 percent.

Section 14. There is hereby levied a tax at the rate shown below, per one hundred dollars (\$100) valuation of property listed for taxes as of January 1, 2009; located within the eleven (11) special fire districts for the raising of revenue for said special fire districts. Estimated totals of valuation of property for the eleven special fire districts for the purpose of taxation are as follows:

Fire District	Assessed Value	Rate	2009-10 Tax Revenue	2009-10 Tax Expend.
Alexis	\$ 311,094,486	\$ 0.105	326,649	\$ 326,649
Boger City	714,482,167	0.07	500,138	500,138
Crouse	167,808,023	0.06	100,685	100,685
Denver	1,928,282,891	0.09675	1,865,614	1,865,614
East Lincoln	2,176,542,068	0.0606	1,318,984	1,318,984
Howard's Creek	237,153,845	0.10	237,154	237,154
North 321	610,744,309	0.035	213,761	213,761
North Brook	329,244,573	0.06	197,547	197,547
Pumpkin Center	474,817,305	0.0951	451,551	451,551
South Fork	269,227,736	0.091	244,997	244,997
Union	254,055,462	0.075	190,542	190,542

There is appropriated to the special fire districts from the proceeds of this tax the amounts shown under the appropriation column, for use by the special fire districts in such manner

and for such expenditures as is permitted by law from the proceeds of this tax. In the event the actual net proceeds from the tax levies exceed or fall short of the appropriated amounts, the actual net proceeds from the tax shall constitute the appropriation from the tax levy.

Lincoln County will continue to serve as collection agent for the City of Lincolnton for the collection of property taxes, as long as this is mutually agreeable between Lincolnton and Lincoln County. Lincoln County shall receive a three percent (3%) collection fee (1 1/2% fee for motor vehicles), for this service, plus unusual expenses as agreed by both parties.

Section 15. On June 29, 1992, the Board of County Commissioners adopted “Ordinance for Availability and Use Fees for Solid Waste Disposal Facilities Lincoln County, North Carolina.” As stated in the ordinance the fees for availability fees shall remain in effect until amended. The Landfill Availability Fees were last revised on June 28, 1995 at such time they were increased to \$69 per unit. For the fiscal year 2009-10 the availability fee shall remain at the \$69 per unit rate.

Section 16 This Budget Ordinance, effective July 1, 2009 authorizes the mileage reimbursement rate as the standard mileage rate set by Internal Revenue Service, which may be revised during the fiscal year.

Section 17. The funds that are used in this Budget Ordinance to fund certain elements in the Landfill and Water Works operations are non-property tax funds.

Section 18. The County Manager is hereby authorized to transfer appropriations within a fund as contained herein under the following conditions:

- a. He may transfer amounts among objects of expenditure within a department.
- b. He may transfer amounts up to \$50,000 between departments of the same fund.
- c. He may not transfer any amounts between funds nor from the contingency or from any capital reserve appropriations.

Section 19. The County Manager is hereby authorized to execute contractual documents under the following conditions:

- a. He may execute contracts for construction, repair projects or design services requiring the estimated expenditure of less than \$50,000.
- b. He may execute contracts for: (1) purchases of apparatus, supplies, and materials, or equipment which are within budgeted appropriations, (2) leases of personal property for a duration of one year or less and within budgeted appropriations, and (3) services which are within budgeted appropriations.

- c. He may execute grant agreements to or from public and non-profit organizations, which are within, budgeted appropriations, unless a grantor organization requires execution by the Board of Commissioners.
- d. He may execute contracts, as the lessor or lessee or real property, which are of one-year duration or less, if funds therefore are within budgeted appropriations.

Section 20. Copies of this Budget Ordinance shall be furnished to the County Manager, Clerk to the Board of Commissioners, Finance Director and the Tax Administrator for direction in carrying out their duties.

Adopted this 15th day of June, 2009 .

Alex E. Patton, Chairman
Lincoln County
Board of Commissioners

ATTEST:

Amy S. Atkins
Clerk to the Board

Possible Action on Exercising the Option to Purchase the Bank of America Building

Contained in the Current Lease: Mr. Wood stated that this was continued from the last meeting. He said the county needs to give notice if the Board plans to purchase by the end of June.

A MOTION by Commissioner Mitchem to lease the BOA building for the next 3 years.

Commissioner Arena **AMENDED THE MOTION** to attempt to lease the Bank of America Building for 2 years and then go ahead with 3 years if necessary.

VOTE: Unanimously approved.

Motion to Approve Proposal for Professional Services Assistance Contract for 2011

Reappraisal from RS&M – Madge Huffman: Ms. Huffman presented the Board with the Proposal for professional services assistance contract for 2011 Reappraisal from RS&M

Ms. Huffman stated that the Board passed a Resolution on February 16, 2009 to advance the Lincoln County's Reappraisal Schedule from January 1, 2012 to January 1, 2011.

During the same session, the Board directed the Tax Appraisal Department to pursue additional services from R S & M Appraisal Firm. These additional services include appraisals of Lake Norman waterfront properties and development of the 2011 Schedule of Values for these properties.

Ms. Huffman presented a revised version of the R S & M Appraisal Professional Services Assistance Contract which is for an estimated amount of \$100,000. This contract amount includes appraisal of commercial and industrial properties and the additional Lake Norman waterfront properties.

Funding must be provided for the new additional services. The annual funding of \$37,500 (based on the existing contract) was proposed and approved in the 2009/2010 Budget.

A MOTION by Commissioner Arena to approve the Professional Services Assistance with R S & M for an estimated amount of \$100,000.

**VOTE: 3 – 1 AYES: Arena, Patton, Mitchem
NOES: Klein**

Request to Increase Part Time Position Hours Currently Budgeted – Maggie Dollar:

George Wood stated that this request is to increase the part time position hours currently budgeted and will support a full-time Breastfeeding Peer Counselor position. This is now budgeted at 30 hour bi-weekly. This is covered by a grant, and no county funds will be involved.

UPON MOTION by Commissioner Arena, the Board voted unanimously to approve the increase in part time position hours currently budgeted paid for with grant money with the understanding that if the grant money goes away, the hours will be cut back.

**Resolution #2009-17: Resolution in Opposition of Draft 2009-2011 Biennium Budget
Proposal to Charge Emergency Personnel for Continuing Education Courses:**

UPON MOTION by Commissioner Arena, the Board voted unanimously to approve Resolution #2009-17.

**RESOLUTION #2009-17: RESOLUTION IN OPPOSITION OF DRAFT
2009-2011 BIENNIAL BUDGET PROPOSAL
TO CHARGE EMERGENCY PERSONNEL FOR CONTINUING EDUCATION
COURSES**

WHEREAS, all emergency personnel, including public health, public works, hospital, fire, law enforcement, emergency medical service personnel and volunteer firemen, must maintain current training and education to perform their duties; and

WHEREAS, these emergency personnel currently are fee exempt when taking required emergency related courses through our local community college.

WHEREAS, for credentialed emergency medical technicians seeking to advance to the paramedic level, local governments would be forced to incur the cost of the required additional education, thereby, reducing the workforce due to the increased tuition; and

WHEREAS, should the State of North Carolina require that local governments pay for continuing education courses or that volunteers pay their own fees for these courses, it would exacerbate the increasing fiscal burden during the difficult economic times; and

WHEREAS, for career emergency personnel, local governments would be forced to hire in-house training officers to provide the required training; and

WHEREAS, for the volunteer personnel, who already work thousands of hours per year without monetary compensation, imposed fees would create a financial burden and, ultimately, force many of these volunteers to stop volunteering.

NOW THEREFORE BE IT RESOLVED THAT, the Lincoln County Board of Commissioners opposes the draft 2009-2011 biennium budget proposal from the State of North Carolina that would require emergency workers and volunteer firefighters to pay a per credit hour rate for continuing education courses that allow them to provide essential services to Lincoln County.

Adopted this 16th day of June, 2009.

Alex E. Patton, Chairman

ATTEST:

Amy S. Atkins, Clerk to the Board

Ordinance #2009-03: Ordinance to Amend Lincoln County Soil Erosion and Sedimentation Control Ordinance: UPON MOTION by Commissioner Mitchem, the Board voted unanimously to approve Ordinance #2009-03.

**ORDINANCE #2009-03: ORDINANCE TO AMEND
LINCOLN COUNTY SOIL EROSION AND SEDIMENTATION CONTROL
ORDINANCE**

WHEREAS, the North Carolina Division of Land Resources, Land Quality Section, has agreed to turn over enforcement of soil erosion and sedimentation control regulations within the City of Lincolnton to Lincoln County as requested by the City of Lincolnton; and

WHEREAS, the Lincoln County Board of Commissioners is willing to accept the

enforcement of such regulations for the City of Lincolnton;

NOW, THEREFORE, be it and it is hereby ordained as follows:

1. The first sentence of Section 4 of the Lincoln County Soil Erosion and Sedimentation Control Ordinance is hereby amended to read as follows:
“This Ordinance shall regulate land-disturbing activity within Lincoln County, including such activity within the jurisdiction of the City of Lincolnton.”
2. This amendment shall become effective on July 1, 2009.

Adopted this 15th day of June, 2009.

Alex E. Patton
Chairman
Lincoln County Board of Commissioners

ATTEST:

Amy S. Atkins
Clerk to the Board

PB Recommendation: Randy Hawkins presented the recommendation concerning CZ #2009-1, ITAC 129, LLC, applicant.

At the June 1 meeting, the Planning Board voted to table this request for further information. The Planning Board also voted to require an amendment to the traffic study to look at the impact of the west side of the intersection, which is largely undeveloped. Subsequent to that vote, staff met with the applicant and the applicant agreed to reserve up to an additional 12' of right of way on Webbs Road, which would accommodate another turn lane, in lieu of another traffic study. The Planning Board voted at their earlier meeting to remove the requirement for the Traffic Study.

The Planning Board voted 6-0 to recommend approval of the rezoning request with the revised site plan, notes, standards with the changes and recommended the Statement of Consistency and Reasonableness:



DRAFT

COUNTY OF LINCOLN, NORTH CAROLINA
302 NORTH ACADEMY STREET, SUITE A, LINCOLNTON, NORTH CAROLINA 28092

PLANNING AND INSPECTIONS DEPARTMENT
704-736-8440 OFFICE
704-732-9010 FAX

Zoning Amendment

Statement of Consistency and Reasonableness
Adopted by the Lincoln County Planning Board on _____

Case No. **CZ #2009-1**

Applicants **ITAC 129, LLC**

Parcel ID# **02329**

Location **northeast corner of Hwy. 16 and Webbs Road**

Proposed amendment **Rezone from CU B-G to CZ B-G to permit shopping center**

This proposed amendment is consistent with the Lincoln County Comprehensive Land Use Plan and other adopted plans in that:

The Land Use Plan classifies this property as part of the N.C. 16 Corridor and calls for a redevelopment plan for the corridor that promotes the further mixing of land uses. (The steering committee for the Hwy. 16 Corridor Vision Plan is recommending that this intersection be designated as a Neighborhood Center, an area suitable for smaller-scale commercial development such as this proposed center.) According to the Land Use Plan, the N.C. 16 redevelopment plan should address issues such as architectural appearance, landscaping, sidewalks, signage and connectivity. These issues are adequately addressed in the rezoning plans. The inclusion of bicycle and pedestrian facilities in the rezoning plans is consistent with the Lincoln County Comprehensive Transportation Plan and the Land Use Plan.

This proposed amendment is reasonable and in the public interest in that:

This property is located at a signalized intersection on a major highway. It is adjoined on the opposite side of Hwy. 16 and Webbs Road by property zoned business. This property is an appropriate place for a commercial center to serve the neighborhoods in the area. This is a conditional rezoning that includes standards to assure a quality development.

A MOTION by Commissioner Mitchem, to approve CZ #2009-1 – ITAC, LLC, applicant with the Statement of Consistency and Reasonableness.

Commissioner Klein stated that he will vote against this, since he has difficulty with the first driveway accessing the property from 16 northbound.

Resolution #2009-16: A Resolution Requesting: Andrew Bryant stated that NCDOT has requested the following Resolution due to the fact that Judge Collier has given a special allocation of \$250,000 for the improvements at St. James Church Road at old NC 16.

**Resolution # 2009 – 16:
Requesting Approval for Intersection Improvements
including construction of a turn lane to be placed along
St. James Ch. Road at its intersection with old NC 16.**

Whereas, it is the intent of the North Carolina Department of Transportation to make improvements to the intersection of St. James Church Road and old NC 16 including but not limited to construction of a dedicated right turn onto old NC 16 and placement of a traffic signal at the intersection.

Whereas, NCDOT has acquired funding to construct this project at no cost to the County.

Whereas, said improvements will positively affect the flow of traffic along St. James Church Road as well as old NC 16, as well as improve safety conditions for the traveling public.

Therefore be it resolved that the Lincoln County Board of Commissioners has reviewed this request and recommends to the North Carolina Board of Transportation that this construction project proceed forward. Upon motion made by Commissioner Arena, the above order was adopted by the Lincoln County Board of Commissioners on the 15th day of June, 2009.

This the 15th day of June, 2009.

Chairman

ATTEST: _____
Clerk

Capital Project Reports – Barry McKinnon: Barry McKinnon presented the Public Works Capital Project Report.

Mr. McKinnon recommended ceasing all water restrictions and go back to normal operations.

UPON MOTION by Commissioner Klein, the Board voted unanimously to lift all water restrictions.

Finance Officer's Report – Leon Harmon: Leon Harmon, Finance Officer, presented the Budget Performance Report for May 2009.

Calendar: Chairman Patton presented the July 2009 calendar, mentioning the Board will only meet on July 20th.

Other Business: **UPON MOTION** by Commissioner Klein, the Board voted unanimously to appoint Bill Summers as Interim Emergency Management Coordinator.

Closed Session: **UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to unanimously to enter closed session pursuant to N.C.G.S 143-318.11: To consult with an attorney employed or retained by the public body in order to preserve the attorney- client privilege between the attorney and the public body, which privilege is hereby acknowledged.

No action was reported from Closed Session

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

Amy S. Atkins, Clerk
Board of Commissioners

Alex E. Patton, Chairman
Board of Commissioners