

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, NOVEMBER 2, 2009

The Lincoln County Board of County Commissioners met on November 2, 2009 at the Citizens Center, Board of Commissioners Room, 115 West Main Street, Lincolnton, North Carolina at 6:30 PM.

Commissioners Present:

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

Planning Board Members Present:

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

Others Present:

George A. Wood, County Manager
Martha W. Lide, Assistant County Manager
Jeffrey A. Taylor, County Attorney
Amy S. Atkins, Clerk to the Board
Kelly Atkins, Planning and Inspections Director
Randy Hawkins, Zoning Administrator
Andrew Bryant, Planner
Burns Whittaker, Public Works Director
Leon Harmon, Finance Director

Call to Order: Chairman Patton called the November 2, 2009 meeting of the Lincoln County Board of Commissioners to order.

Invocation: Commissioner Carlton gave the Invocation and led in the Pledge of Allegiance.

Adoption of Agenda: Chairman Patton presented the agenda for the Board's approval adding Item 15 – Tax Settlement and a Closed Session consultation with Counsel to preserve the attorney client privilege.

UPON MOTION by Commissioner Carlton, the Board voted unanimously to adopt the agenda with the changes.

AGENDA

LINCOLN COUNTY BOARD OF COMMISSIONERS

NOVEMBER 2, 2009

- 6:30 PM Call to Order
- 6:31 PM Invocation – Commissioner Carlton
- 6:32 PM Pledge of Allegiance
- 1. 6:33 PM Adoption of Agenda
- 2. 6:35 PM Consent Agenda
 - Approval of Minutes
 - October 14 2009
 - October 19, 2009
 - Tax Requests for Releases – More than \$100
 - September 16 - October 15, 2009
 - Sponsored Group Status
 - Sandy Ridge Baptist Church Concert
 - Waived Fees
 - Habitat for Humanity
 - Tax Requests for Refunds
 - September 21 - October 4, 2009
- 3. 6:40 PM Zoning Public Hearings – Randy Hawkins
 - UDO Proposed Amendments #2009-1 Lincoln County Planning and Inspections Department, applicant:
 - Amend Section 2.2.1.B (Permitted Use Table) to change “auctions, livestock or outdoor” from a conditional use in the C-B district to not permitted; change “flea market” from a permitted use in the I-G district to a conditional use; change “gas station with retail convenience” from a permitted use in the I-G district to not permitted; change “indoor recreation” from not permitted in the I-G district to a conditional use; change “restaurant, fast food” and “restaurant, general” from a permitted use in the I-L district to a conditional use; change “vehicle sales” from a permitted use in the I-L and I-G districts to a conditional use; and change “veterinarian, animal hospital” from a permitted use in the I-L district to a conditional use.
 - Amend Section 2.4.8.B (Nonresidential Dimensional Standards in Nonresidential Districts) to change the maximum road yard setback in the B-N district from 30 feet to 90 feet, to change the maximum road yard setback in the C-B, I-L and I-G districts from 150 feet to no maximum, and to state that public water and sewer services are required to be used for all nonresidential projects where services are available.
 - Amend Section 3.4.6.3 (District Boundary Buffers) to change the required buffer

along the boundary of an I-L and I-G district adjacent to a B-N district and along the boundary of an I-G district adjacent to a B-G and C-B district from a Class C buffer to a Class B buffer.

- Amend Section 9.6.10.A (Family Subdivision Review) to delete a requirement that the owner and grantee certify that no consideration shall be paid for any of the lots.

4. 7:00 PM Public Hearing - Lincoln County Greenways and Trails Master Plan - Randi Gates, Carolina Thread Trail and Chuck Fink, Greenways, Inc.
 - Draft Master Plan
 - Carolina Thread Trail presentation
 5. 7:30 PM Public Comments
 6. 7:45 PM Motion to approve grant and participate in the amount of \$30,000 for a Community Health Center Site in Lincolnton - Robert Spencer, Gaston Family Health Services and Jerry Cochrane
 7. 8:00 PM Discussion and Motion to reinstate the Lincoln County Distinguished Citizen Award - George Wood
 - 7a. H1N1 Update - Maggie Dollar
 8. 8:05 PM Motion to approve Resolution #2009-30: Resolution to Amend Lincoln County Personnel Policy with Respect to the Conditions of Employment - Martha Lide
 9. 8:15 PM Motion to authorize the Chairman and the County Clerk to enter into a lease with Duke Energy Carolinas, LLC, for 0.32 acres and the buildings thereon at Beatty's Ford Regional Park for a public safety facility. There is no rental fee for this lease. - George Wood
 10. 8:25 PM Motion to authorize the Chairman and the County Clerk to enter into an amended lease with Duke Energy Carolinas, LLC, for 23.27 acres commonly referred to as the Beatty's Ford Regional Park, operated by Lincoln County. There is no rental fee for this lease. - George Wood
 11. 8:35 PM Water Main Breaks; strategy to prevent - Burns Whittaker
 12. 8:45 PM Award of Amity Church Road Water Line Extension and Resolution #2009-31: Resolution to Approve Recommendation of Award for Amity Church Road Water Line Extension - Burns Whittaker
 13. 8:55 PM Motion to Authorize Finance Officer to Execute the Paperwork that the County will provide maintenance for the lower level of the Jerry Cochrane Science Center - George Wood
 - 13a. Funding Request from the UNC School of Government
 14. 9:05 PM Other Business
- Adjourn

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

- Approval of Minutes
- October 14 2009
- October 19, 2009

- Tax Requests for Releases – More than \$100
- September 16 - October 15, 2009

NAME	YEAR	A/C NO	AMOUNT
Burgin, Thomas Jacob Jr	2009	0074302	\$106.10
Callison, Talmadge Peter Jr	2009	43595	\$307.20
Campbell, Donna Hudson	2008	0215377	\$145.70
Gatza Marble Products Inc	2009	0205624	\$229.27
Lasser, Harold	2009	0210129	\$216.61
Lingerfelt, Christopher Daniel	2006	0147568	\$133.38
Mason, Jackie Alan	2009	0218399	\$119.17
Murphy, Angela Manning	2009	0221409	\$218.21
Reynolds, Matthew Roy Edward	2009	0221417	\$172.27
Saunders, Larry Douglas	2009	0154622	\$128.26
Shipp, Amy Cooke	2007	0159383	\$102.20
Simmons, James Robert	2009	0209608	\$124.67
Widell, Nancy	2009	0207712	\$122.00
TOTAL			\$2,125.04

NAME	YEAR	A/C NO	AMOUNT
Charlotte Mecklenburg Hospital	2009	0069887	\$22,815.26
Collins, Jerald Ray Sr.	2009	0105222	\$3,027.67
Craig, Marcus Leon	2009	0208486	\$366.72
Dillner, Bob	2009	0189020	\$164.00
Gilbert, Yates W	2009	19572	\$761.41
Helms, Anthony	2009	0162445	\$117.08
Jins Buffet	2009	0216490	\$2,313.95
Leatherman, Angela Joann	2008	0076496	\$1,224.99
Leonhardt, Harold	2009	03808	\$2,403.40
Martin Specialty Concrete	2009	0214703	\$347.30
On-Spec Testing, Inc.	2008-2009	0124564	\$346.84
Quiznos #8723	2009	0199169	\$891.14
Rudisill Moving & Storage LLC	2008-2009	0207505	\$150.52
Smith, Terry J	2008-2009	37546	\$128.50
TOTAL			\$35,058.78

- Sponsored Group Status
- Sandy Ridge Baptist Church Concert
- Waived Fees
- Habitat for Humanity
- Tax Requests for Refunds
- September 21 - October 4, 2009

LINCOLN COUNTY TAX DEPARTMENT
ANNUALS

REQUEST FOR REFUNDS

PERIOD COVERED (SEPTEMBER 21, 2009-OCTOBER 4, 2009)

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

NAME	YEAR	DIST	A/C#	AMOUNT
Gilbert, Yates, W.	2008	ELFD/ELSD	19572	1,157.70
Moore, Donald M.	2007-08	DFD/ELSD	0194996	495.09
		TOTAL		\$ 1,652.79

New Business/Advertised Public Hearings:

Chairman Patton announced that this was the date, Monday, November 2, 2009, and the time, 6:30 PM, which was advertised in the *Lincoln Times-News* on October 23 and October 30, 2009.

NOTICE OF PUBLIC HEARINGS

The Lincoln County Board of Commissioners and Planning Board will hold a joint meeting and public hearings on Monday, November 2, 2009, at 6:30 p.m. to consider the following matters:

UDO Proposed Amendments #2009-1 Lincoln County Planning and Inspections Department, applicant A proposal to amend the Lincoln County Unified Development Ordinance as follows:

- Amend Section 2.2.1.B (Permitted Use Table) to change "auctions, livestock or outdoor" from a conditional use in the C-B district to not permitted; change "flea market" from a permitted use in the I-G district to a conditional use; change "gas station with retail convenience" from a permitted use in the I-G district to not permitted; change "indoor recreation" from not permitted in the I-G district to a conditional use; change "restaurant, fast food" and "restaurant, general" from a permitted use in the I-L district to a conditional use; change "vehicle sales" from a permitted use in the I-L and I-G districts to a conditional use; and change "veterinarian, animal hospital" from a permitted use in the I-L district to a conditional use.
- Amend Section 2.4.8.B (Nonresidential Dimensional Standards in Nonresidential Districts) to change the maximum road yard setback in the B-N district from 30 feet to 90 feet, to change the maximum road yard setback in the C-B, I-L and I-G districts from 150 feet to no maximum, and to state that public water and sewer services are required to be used for all nonresidential projects where services are available.
- Amend Section 3.4.6.3 (District Boundary Buffers) to change the required buffer along the boundary of an I-L and I-G district adjacent to a B-N district and along the boundary of an I-G district adjacent to a B-G and C-B district from a Class C buffer to a Class B buffer.
- Amend Section 9.6.10.A (Family Subdivision Review) to delete a requirement that the owner and grantee certify that no consideration shall be paid for any of the lots.

Lincoln County Greenways and Trails Master Plan A proposed countywide plan to identify potential greenways and trails, including potential segments of the proposed Carolina Thread regional network.

Interested parties may appear at the public hearing, which will be held in the Commissioners Room on the third floor of the James W. Warren Citizens Center, 115 W. Main Street, Lincolnton, N.C. For more information, contact the Lincoln County Planning and Inspections Department at (704) 736-8440.

2T: Oct. 23, Oct. 30, 2009

UDO Proposed Amendment(s) #2009-1 – Lincoln County Planning and Inspections

Department, applicant: Randy Hawkins presented the following information concerning UDO Proposed Amendment(s) #2009-1 – Lincoln County Planning and Inspections Department, applicant.

PROPOSED AMENDMENTS

- 1) Amend Section 2.2.1.B (Permitted Use Table) to:
 - a) change “auctions, livestock or outdoor” from a conditional use in the C-B district to not permitted.
 - b) change “flea market” from a permitted use in the I-G district to a conditional use.
 - c) change “gas station with retail convenience” from a permitted use in the I-G district to not permitted.
 - d) change “indoor recreation” from not permitted in the I-G district to a conditional use
 - e) change “restaurant, fast food” and “restaurant, general” from a permitted use in the I-L district to a conditional use.
 - f) change “vehicle sales” from a permitted use in the I-L and I-G districts to a conditional use.
 - g) change “veterinarian, animal hospital” from a permitted use in the I-L district to a conditional use.
- 2) Amend Section 2.4.8.B (Nonresidential Dimensional Standards in Nonresidential Districts) to:
 - a) change the maximum road yard setback in the B-N district from 30 feet to 90 feet.
 - b) change the maximum road yard setback in the C-B, I-L and I-G districts from 150 feet to no maximum.
 - c) state that public water and sewer services are required to be used for all nonresidential projects where services are available.
- 3) Amend Section 3.4.6.3 (District Boundary Buffers) to change the required buffer along the boundary of an I-L and I-G district adjacent to a B-N district and along the boundary of an I-G district adjacent to a B-G and C-B district from a Class C buffer to a Class B buffer.
- 4) Amend Section 9.6.10.A (Family Subdivision Review) to delete a requirement that the owner and grantee certify that no consideration shall be paid for any of the lots.

ADDITIONAL INFORMATION

Most of these proposed amendments were received as recommendations from the Lincoln Economic Development Association. The exceptions are 1d, 2a and 4.

The LEDA recommendations were received too late to include in the last round of amendments that were approved prior to the Aug. 31 effective date of the UDO. (The recommendations were mistakenly added to the final UDO document provided by the consultant.)

The LEDA recommendations in Amendment 1 would subject certain uses in the C-B (Corporate Business), I-L (Light Industrial) and I-G (General Industrial) districts to additional review through the conditional use permit process, and not allow some uses at all.

1d is proposed with the consent of the Planning Board to make it possible for recreational facilities such as gyms and indoor batting cages to be established in the I-G district in suitable locations under appropriate conditions.

2a is recommended by staff to provide more options for the location of new buildings in the B-N district while allowing a limited amount of parking in front of stores and offices.

2b would provide more options for industrial projects, allowing buildings to be set back from the road right-of-way as far as feasible.

2c would stipulate that commercial, office and industrial projects must connect to public water and sewer if the lines are already there, making it clear that wells and septic systems are not an option.

Amendment 3 would reduce the degree of buffering required between industrial and business properties.

Amendment 4 is recommended by planning staff. It would eliminate a requirement that lots created under the family subdivision rules be initially transferred only as gifts. It would maintain a requirement that lots not be transferred to a third party for three years.

Chairman Patton opened the public hearing concerning UDO Proposed Amendments #2009 – 1 – Lincoln County Planning and Inspections Department, applicant.

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

Public Hearing – Lincoln County Greenways and Trails Master Plan – Randi Gates, Carolina Thread Trail and Chuck Fink, Greenways, Inc:

The Lincoln Natural Resources Commission, in conjunction with Lincoln County and the City of Lincolnton accepted a grant from the Carolina Thread Trail Foundation to develop a countywide master plan for greenways and trails. LNRC and the City of Lincolnton supported this effort with a required 10% match in funding of the plan. Over the previous ten months, the LNRC, county and city have worked with the consultant, held numerous public involvement sessions, and worked to create a long-term plan to identify potential locations for future greenways and trails. This plan is part of a 15-county regional trail network, known as the Carolina Thread Trail, which links the surrounding counties with

primary (regional) and secondary (local) routes within Lincoln County and the City of Lincolnton.

Being a regional multi-jurisdictional trail system, the project has received endorsements and Resolution of Support from economic and civic organizations as well as local governments throughout the region. Lincoln County adopted a Resolution of Support on March 17, 2008, development of a subcommittee of the LNRC in the fall and the master plan work beginning in January 2009.

The Lincoln County segments of the trail total 88.1 miles and connects 23 priority destinations, 3 libraries, 13 parks, and 121 historic sites throughout the county and city. It is anticipated that the trail segments will include several types of pathways including sidewalks, paved, and natural-based trails, but does not mandate trail construction, rather serves as a guide when opportunities emerge.

The plan identifies several options for implementation.

The draft plan is scheduled to be approved by the LNRC on October 20th and the City of Lincolnton on November 5, 2009. Of the counties surrounding Lincoln County, Gaston County has adopted their CTT Plan, with Cleveland, Catawba, and Iredell in the process of developing their master plans and Mecklenburg in the process of updating.

Randi Gates, with the Carolina Thread Trail and Chuck Fink with Greenways, Inc. presented information concerning the Lincoln County Greenways and Trails master Plan.

Chairman Patton opened the public hearing concerning Lincoln County Greenways and Trails Master Plan – Randi Gates, Carolina Thread Trail and Chuck Fink, Greenways, Inc.

Craig Wyant, 1960 Chapman Wyant Lane, stated that he was involved with the Marcia Cloninger Rail Trail and the Paul and Agnes Rhyne Trail and has worked with other greenway trails. Mr. Wyant spoke on the advantages of thread trails.

Sylvia Holmes, 2920 Lakeshore Road South, stated that in 2006 a survey was done on recreational needs. She said walking and biking trails were identified as a need for county citizens.

Mary Grigg, 5611 Reepsville Road, stated that western Lincoln County is pastures, she said you can't put a green way in pastures. She said they are taking away people's privacy and the people don't want and don't need it. She said if this money is available, it should be spent feeding people coming off unemployment with no way to feed their families.

Debbie Phillips, 3344 Reepsville Road, said she wishes the Board would look closely at the fact that Highway 27 West would be a much better route.

Sylvia Wallace, 529 Jacob Trail, Chair of Lincoln Natural Resources Committee, recommended that the Board approve the master plan. She said the LNRC voted unanimously to recommend approval.

Eric Conner, 2782 Reepsville Road, stated that he has concerns about safety and right of way issues

Holly Hardinon, 3489 Reepsville Road, stated that she lived on McAlpine Greenway in Charlotte. She said they had to form a community watch organization in their neighborhood. She stated that there was an increase in crime and she could not allow her children to go to greenway part at all.

Tom Howard, 1289 S. Aspen Street, stated that he is an advocate that serves on the Steering Committee. He said he wants to make sure people understand that they do not have to worry about their property being taken or divided. He said the trail will not be on their property unless they want it. He said there will be no night use of the trail and it will not be lighted.

Raymond Holmes, 2920 Lakeshore Road South, stated that he is a member of the Steering Committee and on the ELBA Board. He said ELBA passed a resolution supporting the Carolina Thread Trail, but specifically said they would not support any condemnation of land. Mr. Holmes stated that for the people on Reepsville Road, if they do not want it, it will not be there.

Ben Benoit, 4390 Lakeshore Road North, stated that he is representing the Lake Norman Covekeepers, who as an organization endorsed the plan. He asked the Board to give favorable consideration to it.

Joe Kiser, 2918 Cat Square Road, stated that landowners are not going to approve this trail on their land in western Lincoln County. He said he is scared to death of condemnation.

Bud Cesena, 4541 Island Waters Drive, said he is Police Chief for the Charlotte Mecklenburg School System. He stated that it is important to understand this will have an impact on services including medic, law enforcement, and fire. He said there will be needs such as additional manpower and specialized equipment. He said it can be a safe area if properly managed.

Herman Lee Griggs said he would like to see things kept as they are.

Paul Haynes stated that this is a lot to think about. He asked what will happen to the grant money if down the road, the county doesn't want this anymore.

Rep. Jonathan Rhyne said he wanted to make sure all assembled know a few things. He said there will be no condemnation of trails and he would not be a part of an organization

that was forcing people to do things with their land they do not want to do. He said this is a friendly, collaborative effort. He said if citizens do not want the thread trail through their property, it will not be there. He extended an invitation to everyone to come to the Southfork Rail Trail.

Being no additional speakers, Chairman Patton declared public hearing closed. Chairman Patton called for a brief recess. Chairman Patton called the meeting back to order.

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.

JC Beaver, 1191 Highland Bluff Court, stated that he wants to know why he can't put a trailer on his property. He asked if it was because he's a Democrat. He said everybody deserves to be treated equal.

Martin Oakes said he read with some shock about the ash pond at Marshall. He said ash ponds tend to concentrate toxic metals. He said if the ash pond fails, it will contaminate the lake. He asked what the back up plan is if we cannot use the lake intake for a number of months.

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

Motion to approve grant and participate in the amount of \$30,000 for a Community Health Center Site in Lincolnton – Robert Spencer, Gaston Family Health Services and Jerry Cochrane: Jerry Cochrane thanked the Board for what they do. He presented information on the Helping Hands clinic, saying that the clinic was started in 2003 with an all volunteer group. The first clinic was at the Housing Authority. He said their mission was to deliver with Christian love and compassion healthcare and prescription drugs to indigent patients in Lincoln County. He said from the very beginning, they determined to refuse any government assistance that would require them to give up their Christian emphasis. In May of 2003, Jody Cronland offered the use of Dr. Cronland's office for the clinic. An Executive Director and some administrative help were hired at that time. With a state grant, 2 more exam rooms were added to the facility. Since 2004, the clinic has served approximately 1,500 patients and currently have about 400 active patients. To qualify for services, patients must earn less than 150% of the Federal Poverty Guidelines. Since opening, 85,000 prescription drugs have been given to patients at no cost to them. So far in 2009, over 16,000 prescriptions have been filled at an estimated value of \$880,000.

He said when they saw the opportunity to affiliate with Gaston Family Services, it seemed like a wonderful opportunity to reach more citizens. He asked the Board to support this worthwhile effort.

Robert Spencer, Executive Director of Gaston Family Health Services, presented information concerning a Community Health Center Site in Lincolnton.

He said over the summer, he worked closely with members of the Lincoln County community assessing the potential to apply to the federal government for funding to develop a Community Health Center in Lincolnton. This activity was initiated based on informal notice from the Bureau of Primary Health Care that such an opportunity (to apply for funding) would be available in the late summer. Representatives on the committee included the health department, the Department of Social Services, the school system, the United Way, the Helping Hands Free Clinic, the hospital, the Board of County Commissioners, and the County Manager.

Consideration of options for the organization of such a clinic led to the inclusion of Gaston Family Health Services (GFHS), a non-profit that operates federally-funded community health centers in Gaston and Iredell Counties. The proposed model would have GFHS assuming primary care responsibility for the current patients of the Helping Hands Free Clinic through the development of a satellite office in Lincolnton. Plans being considered included initially opening the site in the Helping Hands building, with hopes of working with the County Government to move the clinic to be co-located with the health department in the old hospital building in the following year. Funding for the project would include federal funding (\$650K per year indefinitely), support from the hospital through in-kind services, grants and an operational subsidy of about \$80,000 per year from the County Government. The clinic would staff a full-time physician, two physician extenders and other supportive services, and provide care to about 4,000 low-income and predominantly uninsured Lincoln County residents, through about 12,000 clinic visits annually.

This plan was approved by Helping Hands, the hospital, and endorsed by others on the committee; and was ready to be presented to County Commissioners when notification was received that the federal funding opportunity was being delayed. It is anticipated that the opportunity for federal funding will be available in mid-2010. Meanwhile, the State's 2010 budget includes provisions for smaller Community Health Center grants of up to \$175,000 per year for three years. GFHS and Helping Hands hope to submit an application for a "scaled-down" version of the potentially federally-funded project, to include the addition of one full-time physician extender at the free clinic site and transition of the site to GFHS satellite status. Additional pharmacy and other support services would also be provided, and a medical home would be created for about 1,400 patients through about 3,800 annual visits. This strategy of initiating services under the state-funded model will make the project more competitive when federal funding becomes available.

An important factor in the "fundability" of either application, federal or state, is the degree of local support for the project; the more tangible the better. The in-kind provision of diagnostic services from the hospital is good, but, the proposed direct financial assistance from the County (in a way "matching" the hospital's support), is even better.

Mr. Spencer appealed to the Board of Commissioners to provide a subsidy of \$30,000 for the smaller project, enabling this commitment to be described in the application due Nov. 17.

He said they consider this project to be an interim step, and expect to move forward with the execution of the federal funding application and the larger project in the next year.

Commissioner Carlton asked if this is a one-time \$30,000 commitment.

Mr. Spencer said they hope to leverage very significant support from the outside. This is an ongoing commitment to this project so long as the need exists and nobody steps in.

Commissioner Carlton asked the difference between this and the County's Health Department.

UPON MOTION by Commissioner Arena, the Board voted unanimously to approve the grant and participate in the amount of \$30,000 for a Community Health Center in Lincolnton. Vote: 4 – 1 AYES: Patton, Klein, Arena, Mitchem
NOES: Carlton

Discussion and Motion to reinstate the Lincoln County Distinguished Citizen Award – George Wood: George Wood stated that former Chairman Jerry Cochrane has requested that the County consider reinstituting the Lincoln County Distinguished Citizen Award. Apparently, there was a committee appointed by the county that then accepted applications and made an award annually to honor an outstanding citizen for his/her contributions to Lincoln County. In looking through the information that Mr. Cochrane sent, each of the County Commissioners would appoint one member to this five-member committee. They make the decision on whom the recipient would be.

In the past, the committee members were kept confidential.

The question is whether to reinstitute this honor, and if so, to move forward with naming of a five-member committee.

Commissioner Arena said he is not comfortable with the secrecy of this, he feels there should be criteria established. He said he'd like Mr. Wood to come back with a modern-day approach to this. Commissioner Carlton stated that the secrecy prevents people trying to buy the committee dinner. Commissioner Mitchem questioned the need for this program. Commissioner Klein stated that he likes the concept.

UPON MOTION by Commissioner Carlton, the Board voted unanimously to approve reinstatement of the Lincoln County Distinguished Citizen Award.

H1N1 Update – Maggie Dollar: Maggie Dollar presented the following Influenza Update.

INFLUENZA UPDATE TO COUNTY COMMISSIONERS
NOVEMBER 3, 2009

- | | INJECTIBLE | MIST |
|--------------------------|------------|-----------|
| • SEASONAL FLU VACCINE - | | |
| RECEIVED | 650 | 50 |
| GAVE | 412 | 44 |
| REMAINING | 238 | 6 |
| • H1N1 VACCINE | | |
| RECEIVED | 300 | 400 nasal |
| GAVE | 262 | 391 |
| REMAINING | 38 | 9 |
-
- ✓ ADMINISTERED TO COUNTY HEALTH CARE WORKERS AND EMERGENCY WORKERS DURING OCTOBER; GAVE 150 DOSES OF H1N1 TO CMC-L AND 150 DOSES TO EMS TO ADMINISTER TO THEIR WORKERS, BUT ALL WAS THE NASAL AND VERY FEW WANTED IT SO ARE STILL IN PROCESS OF VACCINATING COUNTY WORKERS AS INJECTIBLE COMES IN.

 - ✓ OCT. 23 ADMINISTERED H1N1 NASAL TO DSS FIELD WORKERS MOST AT-RISK (LATER FOR THOSE WANTING INJECTIBLE)

 - ✓ OCT. 31 1-4 pm HELD FIRST PUBLIC H1N1 & SEASONAL CLINIC TARGETING PREGNANT WOMEN AND CHILDREN FOR H1N1.
 - WILL HOLD SECOND PUBLIC CLINIC THURSDAY, NOV. 5 FROM 1-4 PM...SEASONAL FLU VACCINE ONLY (\$20 FOR INJECTION AND \$28 FOR MIST)...FOR ALL 3 YRS AND OLDER...PREGNANT WOMEN MUST BRING DOCTOR'S ORDER.

 - ANTICIPATE RECEIVING WEEKLY H1N1 SHIPMENTS OF APPROXIMATELY 100 DOSES EACH...ONCE HAVE ENOUGH WILL HOLD SATURDAY CLINIC FOR PARENTS TO BRING THEIR CHILDREN

 - HAVE ESTABLISHED A FLU HOT LINE AT THE HEALTH DEPARTMENT FOR UPDATED MESSAGES AND FLU CLINIC SCHEDULES 704-736-8683.

 - HAVE ESTABLISHED PLANS AND PROCEDURES FOR HANDLING STAFFING SHORTAGES AND PRIORITIZING SERVICES AT HEALTH DEPARTMENT

 - HAVE ESTABLISHED FLU INFORMATION SITE ON THE COUNTY WEBSITE

RESOLUTION #2009-30: RESOLUTION TO AMEND LINCOLN COUNTY PERSONNEL POLICY WITH RESPECT TO THE CONDITIONS OF EMPLOYMENT:

Martha Lide presented Resolution #2009-30 for the Board's approval.

UPON MOTION by Commissioner Carlton, the Board voted unanimously to approve Resolution #2009-30: Resolution to Amend Lincoln County Personnel Policy with Respect to the Conditions of Employment.

**RESOLUTION #2009-30
RESOLUTION TO AMEND LINCOLN COUNTY PERSONNEL POLICY
WITH RESPECT TO THE CONDITIONS OF EMPLOYMENT**

WHEREAS, the Lincoln County Personnel Policy adopted by Resolution of the Board of Commissioners in 2005 and made effective September 1, 2005, contains provisions regulating the conditions of employment, and

WHEREAS, the Board believes that it is necessary and desirable to amend the existing provisions to address recent concerns about Influenza/Pandemic Events and to clarify policies concerning exempt employees,

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED,

1. That the Lincoln County Personnel Policy is amended Article V. Conditions of Employment to incorporate a new policy concerning Lincoln County Influenza/Pandemic Events Policy per Attachment #1; and
2. That the Lincoln County Personnel Policy is amended to amend Article III. The Pay Plan Section 8 Overtime Policy, Subsection C. to remove the existing language and insert the language per Attachment #2.

That this amendment shall become effective on November 3, 2009.

Adopted this 2nd day of November 2009.

LINCOLN COUNTY

By: _____
Alex Patton, Chairman
Board of Commissioners

ATTEST:

Amy S. Atkins, Clerk to the
Board of Commissioners

Attachment #1 Article V. Section 17.

**LINCOLN COUNTY
INFLUENZA/PANDEMIC EVENTS POLICY**

Purpose of Policy

Lincoln County promotes a safe and healthy environment for its employees. To this end, this policy was created to:

- Minimize exposure and absenteeism in the event that an influenza/pandemic event causes a threat to employees and/or their families.

- Provide management with direction on how to address situations when an employee has the flu or flu-like symptoms.

Declaration of Influenza/Pandemic Event

The County Manager, in conjunction with the Chair of the Board of Commissioners and the County Health Director, will declare the effective dates that the County is in a state of an influenza/pandemic event.

Expectations of All Employees

- All employees should be encouraged to get flu shots. If available, the County will provide flu shots to employees and they will be able to receive the flu shots during working hours. If the shots are not available to the County, employees should be encouraged to see a physician to get a flu shot.
- Employees should use hand sanitizer or soap and warm water to clean hands to help minimize cross contamination.

Employees Who Become Sick

- All employees should be encouraged to stay at home, and seek medical care if necessary, if they are experiencing any flu like symptoms.
- If an employee comes to work and appears to have flu like symptoms, the supervisor should tell the employee that, unless they agree to go home, we will need to take their temperature (each Department should have a supply of thermometers).
 - The supervisor should monitor the employee while taking his or her own temperature.
 - If the employee's temperature is 100.3 or above they should be sent home immediately.
 - Employees who are sent home with flu like symptoms or those who have called in sick due to flu, must not return to work unless they are free of fever for 24 hours without antipyretic (Tylenol, aspirin, etc).
 - If the employee's temperature is greater than 100.3 and the employee believes they do not have the flu, they should still be sent home. The employee may bring a note from their personal doctor stating they do not have the flu and are not contagious to other employees or clients.
- As soon as the Supervisor/Director becomes aware that an employee has developed flu like symptoms, they should limit anyone from using the employee's workspace until after the area has been disinfected.
 - The Supervisor should contact housekeeping or appropriate staff responsible for their work site to clean the surface with a commercial product that is both a detergent and disinfectant.
- Leave for sick employees:
 - If an employee is absent from work or sent home from work with flu-like symptoms, the employee must use sick leave.
 - If an employee is absent from work due to the care of an immediate family member with flu-like symptoms, the employee must use sick leave.
 - If an employee does not have sick leave time, the employee must use annual leave, holiday leave, or any accrued compensatory time.

- If an employee does not have sick leave, annual leave, holiday leave, or accrued compensatory time, Lincoln County may approve an advance of sick leave up to a maximum of 40 hours.
- Sick leave will be advanced for the sickness of an employee only for flu or flu-like symptoms.
- Request for Advance of Sick Leave
 - The employee must request and receive approval for the advance of sick leave from their supervisor.
 - The Supervisor/Department Director must record on the employee's timesheet:
 - Approval of advanced sick leave time.
 - Amount of advanced sick leave time.
 - Reason for advancement of sick leave, flu or flu-like symptoms.
 - Advance sick leave will be repaid as follows:
 - Advance sick leave time will be deducted from accrued sick leave, annual leave, holiday, or compensatory time until the advanced time has been repaid to the County.
 - Employees requesting advanced sick leave will be required to sign a written statement to repay the advanced sick leave.
 - If an employee leaves employment, all advanced sick leave time must be reimbursed to the County.
- Family Medical Leave Act (FMLA)
 - If medical notes are received or if the employee has been hospitalized due to influenza, the Supervisor/Department Director must forward the medical note along with an Employee Action Form to the Human Resources Office stating the dates the employee will be absent from work. Human Resources will then determine if the Family Medical Leave Act (FMLA) applies and will prepare the necessary documents to be sent to the employee.

NOTE: Employees experiencing problems should be advised that Lincoln County offers an Employee Assistance Program (EAP). The EAP provides 24-hour confidential access to assistance and counseling for personal and workplace issues. EAP services remain available to staff and their family members to the extent practical and reasonable during an influenza outbreak. The EAP is provided by McLaughlin Young and can be reached at 1-800-633-3353. For more information, please contact the Human Resources Offices.

Work Place Preparedness Prior to the Influenza /Pandemic Event

- All Department Directors should prepare and maintain a list of essential and non-essential positions. Back up plans should be prepared to carry out the duties of essential employees in the event that their work cannot be conducted due to staff shortages. Back up plans may include assistance from other Counties/Departments.
- Information on proper hand washing, flu prevention, and flu symptoms should be disseminated to employees via staff bulletin boards, newsletters etc.
- All County Departments should have waterless antibacterial hand cleanser available in the offices.
- Departments should inventory essential operating supplies to be sure there will be enough available should vendors not be able to supply items during an influenza/pandemic event.

- All County Departments should have a supply of disposable thermometers available to take the employees' temperatures. Emergency Medical Services (EMS) will provide disposable thermometers to each department at cost.

Work Place Actions During An Influenza/ Pandemic Event

- Department Directors must notify the County Manager if they are experiencing significant staff shortages.
- The County Manager may designate the suspension of specific services to the public or specific County operations if necessary due to staff shortages or to protect staff from infection.
- Unless all Lincoln County operations are officially suspended, certain essential functions will still have to be maintained and all Lincoln County staff that are not infected must report to work, or serve from a remote location, unless otherwise instructed. The County Manager may reassign staff as required in emergency situations.
- The County Manager may designate essential employees to comprise the Influenza/Pandemic Events Team, who will be responsible for monitoring conditions for the purposes of communicating and implementing emergency plans to maintain the safety and security of Lincoln County employees and operations.
- Lincoln County's overtime for non-exempt and informal leave for exempt employees (Lincoln County Personnel Policy, Article III. Section 8. - Overtime Policy) will remain in effect during an influenza/pandemic event, unless the County Manager and/or Board approve a modification to the policy for the emergency.

REQUEST FOR ADVANCE SICK LEAVE

The advancement of sick leave can only be requested for an employee that has flu or flu-like symptoms. The maximum amount of advanced sick leave is 40 hours.

Employee Name: _____

Department: _____

Sick Leave Hours Requested: _____

Department Director Approval: _____

County Manager Approval: _____

REPAYMENT OF ADVANCED SICK LEAVE

I hereby authorize and request the County to deduct from any sick leave, annual leave, holiday, or compensatory time which I accrue, until the advanced sick leave time, which has been advanced to me, has been repaid to the County.

If my employment with the County should terminate before all of the advanced sick leave has been reimbursed, I agree to pay in full any remaining unpaid balance.

Employee's Signature

Date

Attachment #2

Article III. Section 8. Overtime Policy

- C. For regular nonexempt employees (those employees subject to the FLSA overtime, but excluding law enforcement and fire protection personnel subject to Section 7(k)), all time worked in excess of 40 hours per work week will be paid as required by the Fair Labor Standards Act. The Personnel Director will determine which employees are nonexempt and subject to overtime provisions of the FLSA.

Employees determined to be exempt (e.g., Executive, Administrative, or Professional) are not subject to the overtime and time keeping provisions of the FLSA and will not receive any additional compensation for time worked in excess of their normal work period. The regular hours of exempt employees are expected to be more than 40 hours per week. Exempt employees should record all hours worked on their time sheets.

However, if the department director determines for valid business reasons that the amount of hours worked by an exempt employee are unusually high, he may authorize informal leave for the employee. Informal leave will not be granted on an hour for hour basis. Such leave must be used within the same bi-weekly payroll period at the convenience of the department director. Hours cannot be carried forward to any future bi-weekly payroll period. In unusual circumstances, the County Manager may authorize informal time being carried beyond the two-week payroll period for exempt employees.

The County Manager must approve any informal leave for all department directors.

Motion to authorize the Chairman and the County Clerk to enter into a lease with Duke Energy Carolinas, LLC, for 0.32 acres and the buildings thereon at Beatty's Ford Regional Park for a public safety facility. There is no rental fee for this lease;
Motion to Authorize the Chairman and the County Clerk to enter into a lease with Duke Energy Carolina, LLC, for 0.32 acres and the buildings thereon at Beatty's Ford Regional Park for a public safety facility: Mr. Wood presented the lease with Duke Energy Carolina, LLC, for 0.32 acres and the buildings thereon at Beatty's Ford Regional Park for a public safety facility and the amended lease with Duke Energy Carolinas, LLC, for 23.27 acres commonly referred to as the Beatty's Ford Regional Park, operated by Lincoln County. There is no rental fee for this lease.

Mr. Wood stated that he and Erma Deen Hoyle have been working with Duke Energy to secure a multi-year lease for the building and land at Beatty's Ford, which is currently under a one year lease to the Lincoln Life Saving Crew, Inc. The building needs some repairs, especially the roof, and there is the issue of access to it and the dock on the land

by other public safety agencies. The Sheriff's Office uses the dock for its patrol boats on Lake Norman.

It has been discussed with the Emergency Services Committee, and the plan to establish a committee made up of representatives from the Emergency Management Agency, Sheriff's Department, Emergency Medical Services, East Lincoln VFD, Denver VFD, Lincoln Life Saving Crew, Inc., and the County Manager's Office to establish rules for the use of this facility by these public safety agencies.

The facility would be under the direction of the Assistant County Manager, who interfaces with all of these agencies as part of her responsibilities. Grounds maintenance would be performed by the Parks and Recreation Department, which maintains the Beatty's Ford Regional Park that wraps around this parcel.

The Lincoln Life Saving Crew, Inc. has agreed to this arrangement. It is an improvement over the current annual lease as it assures that any capital improvements will remain under the County's lease, which would be valid through August 30, 2034, the same term length as the County's current lease for the Beatty's Ford Regional Park. In addition, the County would assure that the usage is restricted to public safety usage, and has the financial ability to adequately maintain the facility.

UPON MOTION by Commissioner Carlton, the Board voted unanimously to approve the lease with Duke Energy Carolina, LLC, for 0.32 acres and the buildings thereon at Beatty's Ford Regional Park for a public safety facility and the amended lease with Duke Energy Carolinas, LLC, for 23.27 acres commonly referred to as the Beatty's Ford Regional Park, operated by Lincoln County.

Award of Amity Church Road Water Line Extension and Resolution #2009-31: Resolution to Approve Recommendation of Award for Amity Church Road Water Line Extension – Burns Whittaker: Burns Whittaker stated that by certified "Bid Tabulation", W K Dickson, consultants for Lincoln County, has determined that Foothills Water and Sewer Inc. was the apparent low bidder of the October 22, 2009 bid opening for the Amity Church Road Water Line Extension Project.

UPON MOTION by Commissioner Arena, the Board voted unanimously to approve the award of Amity Church Road Water Line Extension and Resolution #2009-31: Resolution to Approve Recommendation of Award for Amity Church Road Water Line Extension.

Resolution #2009-31: Resolution to Approve Recommendation of Award for Amity Church Road Water Line Extension

WHEREAS, on October 22, 2009, Lincoln County held an open bid forum to receive bid proposals for the extension of the water line on Amity Church Road; and

WHEREAS, W.K. Dickson, Engineering Consultants for Lincoln County, has reviewed and performed the tabulation for the bid results; and

WHEREAS, Foothills Water and Sewer, Inc., is the apparent lowest bidder from the October 22, 2009 bid opening.

NOW, THEREFORE, IT IS HEREBY RESOLVED:

1. That it is in the best interest of Lincoln County for the Board of Commissioners to approve this resolution to award the Amity Church Road Water Line Extension project to the lowest bidder.
2. That the Board of Commissioners hereby awards to Foothills Water and Sewer, Inc., as the lowest bidder for the project to extend the waterline down Amity Church Road, in the amount of \$435,713.25.

Adopted this 2nd day of November, 2009.

LINCOLN COUNTY

Alex E. Patton, Chairman

ATTEST:

Amy S. Atkins, Clerk to the Board

Water Main Breaks: Strategy to Prevent – Burns Whittaker: Burns Whittaker stated that the County is experiencing a frequency of water main breaks in two particular locations, which continues to be costly in terms of customer outages as well as financially.

The 12” water main on Highway 16 between Turbyfill Hardware and Highway 73 has experienced frequent breaks including the most recent on October 12, 2009. This is a PVC line with a pressure rating of 150 psi. This was a standard pressure class many years ago and in fact was the only type of line allowed by the old Farmers Home loan/grants. Currently we use nothing less than Class 200 psi PVC and are more inclined to install Ductile Iron pipe on our mains. As the demand has increased in the system, the pressures have increased above the safe operating pressure for this pipe. This problem has been recognized by the Public Works Department and a budget item to replace the line is in the current year’s budget. This will be replaced this spring.

The 12” water main located on Highway 150 West, between Highway 27 and South General’s Boulevard has a history of frequent line breaks including eight in the last two

months and two in the past two weeks. The material is also the old 150 psi pressure class. In spite of the problems experienced with this line, it is not identified on any CIP as needing to be replaced. A break in this line, depending on location, and cause the entire western portion of the County to be without water.

Bids received on the Amity Church Road Water Main project were \$300,000 below the amount budgeted for this year. Mr. Whittaker asked permission to set aside a portion of that money to proceed with an expedited project to replace the line on Highway 150 (approximately 2 miles) with a construction estimate of \$390,000.

UPON MOTION by Commissioner Arena, the Board voted unanimously to authorize Mr. Whittaker to get the project designed and bid out, a budget amendment will be done to move the money saved on the Amity Church Road project to this one.

Motion to Authorize Finance Officer to Execute the Paperwork that the County will provide maintenance for the lower level of the Jerry Cochrane Science Center –

George Wood: Mr. Wood stated that Gaston College has notified the County they have some additional funding saved from other construction projects and they intend to use that to finish the lower floor of the Jerry Cochrane Science Center at the Lincoln Campus. In order to file with the state to do so, they need a commitment from the County that we will provide the maintenance for this additional floor once it is constructed. By state law, the County is responsible for the maintenance of their facilities.

UPON MOTION by Commissioner Carlton, the Board voted unanimously to authorize the Finance Officer to execute the paperwork that the County will provide maintenance for the lower level of the Jerry Cochrane Science Center.

Funding Request from the UNC School of Government: Mr. Wood stated that the County has received a request from the UNC School of Government to contribute toward an endowed chair in Government in the name of Dr. David M. Lawrence. Dr. Lawrence has been a major source of advise to local government officials for four decades.

Mr. Wood recommended pledging \$3,000 (the same amount the City of Lincolnton contributed), to be paid over three years.

UPON MOTION by Commissioner Klein, the Board voted unanimously to authorize the funding request from the UNC School of Government.

Other Business: Jeff Taylor presented a Stipulation and Settlement Agreement for Buffets Holding Incorporated.

UPON MOTION by Commissioner Carlton, the Board voted unanimously to approve the Stipulation and Settlement Agreement.

A MOTION by Commissioner Klein to revisit item 6 on the agenda.

Commissioner Klein stated that he wants to change his vote. He said he has reconsidered, this was poorly planned out and he would like to vote against it.

VOTE: 4 – 1 AYES: Carlton, Patton, Mitchem, Arena
 NOES: Klein

Closed Session: **UPON MOTION** by Commissioner Carlton, the Board voted 4-1 (Mitchem against) to enter Closed Session pursuant go NCGS 143-318.11(a)(3) 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 and to hear and investigate a complaint, charge, or grievance by or against an individual public officer.

UPON MOTION by Commissioner Carlton, the Board returned to open session. Chairman Patton announced that no action was taken in closed session.

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