

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, MAY 3, 2010

The Lincoln County Board of County Commissioners met on May 3, 2010 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
Cathy Davis
Karl Dearnley
Keith Johnson
Shelly Johnston
Christine Poinsette

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
Susan McCracken, Social Services Director
Leon Harmon, Finance Director

Call to Order: Chairman Patton called the May 3, 2010 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.

AGENDA

LINCOLN COUNTY BOARD OF COMMISSIONERS

MAY 3, 2010

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
-April 19, 2010
- Older Americans Month 2010 Proclamation
- Tax Requests for Refunds – More than \$100 – March 29 – April 11, 2010
- Tax Requests for Releases – More than \$100 – March 16 – April 15, 2010

3. 6:40 PM Zoning Public Hearings – Randy Hawkins

ZMA #578 Kristi Brooks, applicant: A request to rezone 1.9 acres from R-SF (Residential Single-Family) to R-T (Transitional Residential). The property, the southern portion of a 4.3-acre tract, is located on the east side of Finley Lane about 1,200 feet north of Mount Zion Church Road in Ironton Township.

4. 7:15 PM Public Comments

5. 7:30 PM Project Closeout for Webbs, Amity Church, and Old Plank Road

6. 7:40 PM Worker's Comp - George Wood

7. 7:50 PM Other Business

8. 8:00 PM Closed Session

Adjourn

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

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

Consent Agenda

- Approval of Minutes
- May 3, 2010

Older Americans Month 2010
A Proclamation

Whereas, Lincoln County is a community that includes 13,478+ citizens aged 60 and older; and

Whereas, the older adults in Lincoln County are among of our most “treasured resources,” united by historical experiences, strengthened by diversity, and interpreting events through varied perspectives and backgrounds to bring wisdom and insight to our community; and

Whereas, increasing numbers of adults are reaching retirement age and remaining strong and active for longer than ever before; and

Whereas, the older adults in Lincoln County deserve recognitions for the contributions they have made and will continue to make to the culture, economy, and character of our community and our nation; and

Whereas, our community can provide that recognition and respect by improving the quality of life for older Americans by: Increasing their opportunities to remain active and engaged in community life; Providing individualized services and support systems to maintain the dignity, independence, and self-determination of older Americans as they age; Combating ageist attitudes by honoring their past, present, and future contributions;

Now Therefore, We, Lincoln County, North Carolina do hereby proclaim May 2010 to be Older Americans Month. We urge every citizen to take time this month to honor our older adults and the professionals, family members, and volunteers who care for many of them. Our recognition and involvement of older Americans can enrich our entire community's qualify of life.

Dated this 3rd day of May 2010

Alex Patton, Chairman
Lincoln County Board of Commissioners

Tax Requests for Refunds: More than \$100
March 20 – April 11, 2010

LINCOLN COUNTY TAX DEPARTMENT
MOTOR VEHICLES

REQUEST FOR REFUNDS

PERIOD COVERED (MARCH 29, 2010-APRIL 11, 2010)

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

NAME	YEAR	DIST	A/C#	AMOUNT	REASON
Black, Charles R. Jr.	2009	ELFD/ELSD	0175181	215.46	Pro-Rated Bill
Netset, Inc.	2009	ELFD/ELSD	0181309, 0202050	353.63	Pro-Rated Bill
			TOTAL	\$569.09	

Tax Requests for Releases – More than \$100
 March 16 – April 15, 2010

G.S. #105-381 (B) ALL RELEASES MORE THAN \$100
 AND #105-325 INCLUDING (A) (6)

PERIOD COVERED (March 16 2010-April 15 2010)

NAME	YEAR	DIST	A/C NO	AMOUNT	REASON
Austin, James Miller	2009	SFFD	0080863	\$154.63	Pro-rated bill.
Bowers, Jessica Sandra	2009	City	0195472	\$153.56	Vehicle sold prior to tag/tax year.
Carico, Katie Elizabeth	2009	City	0224085	\$108.94	Pro-rated bill.
Christopher, Dennis Lee	2009	City	0219755	\$125.55	Vehicle taxable in Gaston County.
Doolittle, Fred Wesley	2009	City	0097869	\$223.52	Vehicle taxable in Gaston County.
Hawk Sanitation & Recycling	2009	ALFD	0193246	\$313.25	Duplicate billing.
Holmes, Alan Lind	2009	PCFD	0210259	\$290.65	Vehicle taxable in Avery County.
McLean, Kimberly Junee	2009	DFD	0116288	\$115.90	Pro-rated bill.
Mullis, Paula Brennan	2009	City	0218359	\$296.17	Vehicle taxable in Catawba County.
Reynolds, Travis Scott	2009	PCFD	0225453	\$203.05	Vehicle sold prior to tag/tax year.
Short, Katherine Victoria	2009	City	0222470	\$209.39	Vehicle taxable in Catawba County.
Smith, Kathryn Holiday	2008	NBFD	0148970	\$104.39	Vehicle taxable in Caldwell County.
Sorenson, Holly B	2009	City	0162565	\$130.74	Vehicle taxable in Mecklenburg County.
Stevenson, Jerry Thomas Jr	2009	City	0198744	\$116.96	Vehicle taxable in Gaston County.
			Total	\$2,546.70	

G.S. #105-381 (B) ALL RELEASES MORE THAN \$100
 AND #105-325 INCLUDING (A) (6)

PERIOD COVERED
 (March 16, 2010 - April 15, 2010)

NAME	YEAR	DIST	A/C NO	AMOUNT	REASON
Chapman, Jonathan Andrew	2009	BCFD	0110379	\$11,056.26	Land-use qualification approved by Board of E & R.
Ferguson, Brett	2009	ELFD/ELSD	0213660	\$463.40	Personal property in Mecklenburg County as of 1/1/09.
Noles, Frank Steven	2009	ALFD	0112474	\$140.69	Did not own personal property as of 1/1/09.
Odom, Walter Carroll Jr.	2007-2009	N-321	0095948	\$165.93	Did not own personal property as of 1/1/07.
Southlake Processing	2008-2009	ELFD/ELSD	0207517	\$372.15	Did not own business personal property as of 1/1/08.
			TOTAL	\$12,198.43	

New Business/Advertised Public Hearings: Chairman Patton announced that this was the date, Monday, May 3, 2010, and the time, 6:30 PM, which was advertised in the *Lincoln Times-News* on February 19 and February 26, 2010.

NOTICE OF PUBLIC HEARINGS

The Lincoln County Board of Commissioners and Planning Board will hold a joint meeting and public hearings on Monday, May 3, 2010, at 6:30 p.m. to consider the following matters:

Zoning Map Amendment #578 - Kristi Brooks, applicant, Parcel ID# 56344
The applicant is requesting the rezoning of 1.9 acres from R-SF (Residential Single Family) to R-T (Transitional Residential). This property is the southern portion of a 4.3-acre parcel. R-T is a less restrictive district than R-SF in that it permits manufactured homes.

Interested parties may appear at the public hearings, 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: Apr. 23, Apr. 30

Zoning Public Hearings – Randy Hawkins:

Zoning Map Amendment No. 578 – Kristi Brooks, applicant: Randy Hawkins presented the following information concerning ZMA No. 578.

The applicant is requesting the rezoning of 1.9 acres from R-SF (Residential Single Family) to R-T (Transitional Residential). This property is the southern portion of a 4.3-acre parcel. R-T is a less restrictive district than R-SF in that it permits manufactured homes.

This property is located on the east side of Finley Lane about 1,200 feet north of Mount Zion Church Road in Ironton Township. It is adjoined by property zoned R-SF and R-T. Land uses in this area are predominantly residential and agricultural. The Lincoln County Land Use Plan classifies this area as Suburban Residential.

Chairman Patton opened the public hearing concerning Zoning Map Amendment No. 578 – Kristi Brooks, applicant.

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

Public Comments: Chairman Patton opened the public comments section. Being no one wishing to speak, Chairman Patton declared the public comments section closed.

Project Closeout for Webbs, Amity Church, and Old Plank Road: Burns Whittaker presented closeout reports for Webbs, Amity Church and Old Plank Road projects. He

said from the budgeted amount, over \$275,000 was saved. From the contracted amount, almost \$80,000 was saved.

Proposal on Workers' Compensation Insurance: George Wood stated that the County is currently covered for workers compensation claims by participating in the Worker's Compensation Risk Pool operated by the NC Association of County Commissioners (NCACC). He has analyzed five years of paid claims versus the insurance premiums paid to the Association, and he believes the County can save a considerable amount of money by self-insuring for workers compensation insurance.

This plan has been modeled after Cleveland County. They have self-insured for 12 years, have never had to increase the budgeted rates, and have \$1,500,000 in reserve funding built up to cover unexpected claims. Cabarrus and Rowan counties also have similar programs.

The self-insured workers compensation program would require four components: 1) a broker/consultant to help design and monitor the plan yearly; 2) a third party administrator which would handle claims, and if necessary attend NC Industrial Commission hearings, and obtain legal assistance at our cost on complicated claims; 3) re-insurance to cap any large claim, which the broker/consultant negotiates for the other three counties now; and 4) funding for all valid claims.

Mr. Wood recommended that the Board authorize him to notify the NCACC that the County wants to withdraw from the pool effective July 1, 2010. Per the current contract, we must give them at least 30 days notice. Second, authorize Mr. Wood to enter into the broker/consultant contract for \$4,000. Third, he recommended that the Board authorize him to enter into the third party administrator contract for \$17,000. Fourth, Mr. Wood needs permission to enter into a contract with the reinsurer once Mr. Arnold has negotiated the renewal for the other three counties and Lincoln. Fifth, in the budget next year, a separate fund will be created called the Workers Compensation Insurance Fund (this will be separated from the Health Benefits Fund).

The existing claims from occurrences that happen prior to July 1, 2010 would remain claims that must be paid by the NCACC Risk Management Pool. The new self-insurance fund would be responsible for all occurrences after that date.

Mr. Wood recommended that the Board cancel the contract with the NCACC effective July 1, 2010 and authorize him to execute the contracts noted above to get this self-insurance plan in place by July 1, 2010. The immediate savings to the County would be about \$200,000 for FY 2011 and each year thereafter, and we would be building a reserve account to handle a higher-than-normal claims year. This identical program has worked well for the last 12 years for Cleveland County, which has a population of about 100,000, compared to our 75,000. He said we need to make expense reductions wherever possible in this economic environment, so he would like to have this in place by July 1, 2010. The proposed budget is predicated on these expense reductions.

UPON MOTION by Commissioner Carlton, the Board voted unanimously to adopt the County Manager's proposal to go to a self-insured status rather than from the NCACC.

Resolution #2010-11: A Resolution Ordering the Advertising of Delinquent Real Property Liens: **UPON MOTION** by Commissioner Carlton, the Board voted unanimously to approve Resolution #2010-11: A Resolution Ordering the Advertising of Delinquent Real Property Liens.

RESOLUTION #2010-11: A RESOLUTION ORDERING THE ADVERTISING
OF DELINQUENT REAL PROPERTY LIENS

THAT WHEREAS, NCGS 105-369(a) requires the Tax Administrator to report to the Board of Commissioners the delinquent tax liens on real property; and

WHEREAS, the same statute requires the Board of Commissioners to order that these liens be published on a date established by the Board; and

WHEREAS, the Tax Administrator has submitted said listing of the delinquent tax liens on real property, and recommended an advertisement date of March 19, 2010 in the Lincoln Times News;

NOW THEREFORE, BE IT RESOLVED by the Lincoln County Board of Commissioners that the Tax Administrator is hereby ordered to publish the list of delinquent tax liens on real property on March 19, 2010 in the Lincoln Times News.

Passed and adopted this 1st day of March, 2010.

BY:

Alex E. Patton, Chairman
Lincoln County Board of Commissioners

ATTEST:

Amy S. Atkins
Clerk to the Board

Update on Ethics Training from NACC – Commissioner Klein: Commissioner Klein informed the Board that Ethics training will be offered throughout the State and via a Webinar. County Commissioners are required to take this class annually, beginning this calendar year.

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