

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, DECEMBER 6, 2010

The Lincoln County Board of County Commissioners and the Planning Board met in a joint session on December 6, 2010, at the Citizens Center, Auditorium, 115 West Main Street, Lincolnton, North Carolina, the regular place of meeting at 6:30 PM.

Commissioners Present:

Alex E. Patton, Chairman
George Arena, Vice Chairman
James A. Klein
Carrol Mitchem
Carl E. Robinson, Jr.

Planning Board Members Present:

Jeff Frushtick, Chairman
Gary Garlow, Vice-Chairman
Christine Poinsette, Secretary
John Patton
Tom Campbell
Cathy Davis
Keith Johnson
Shelly Johnston
Dr. Richard Pence

Others Present:

George A. Wood, County Manager
Jeffrey A. Taylor, County Attorney
Amy S. Atkins, Clerk to the Board
Fred Hatley, Clerk of Court
Kelly Atkins, Dir. of Planning & Inspections
Randy Hawkins, Zoning Administrator
Leon Harmon, Finance Director
Burns Whittaker, Public Works Director

Call to Order: George Wood, County Manager, called the December 6, 2010, meeting of the Lincoln County Board of Commissioners to order and welcomed everyone.

Invocation: Rev. J.V. Allen of Boger City Wesleyan Church gave the Invocation and Chairman Patton led in the Pledge of Allegiance.

INDUCT BOARD OF COMMISSION MEMBERS

By Fred Hatley, Clerk of Court

James A. Klein

Carl E. Robinson, Jr.

Fred Hatley, Clerk of Court, Administered the Oath of Office to the newly elected Commission members, James A. Klein and Carl E. Robinson, Jr.

STATE OF NORTH CAROLINA
COUNTY OF LINCOLN

I, James A. Klein, do solemnly swear (or affirm) that I will support the Constitution of the United States, so help me, God.

I, James A. Klein, do further solemnly and sincerely swear (or affirm) that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain and defend the Constitution of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; so help me, God.

I, James A. Klein, do further swear (or affirm) that I will well and truly execute the duties as a member of the Lincoln County Board of Commissioners, according to the best of my skill and ability, according to law; so help me, God.

James A. Klein

Subscribed and sworn to before me this 6th day of December, 2010, as witness my hand.

Fred Hatley, Clerk of Court

STATE OF NORTH CAROLINA
COUNTY OF LINCOLN

I, Carl E. Robinson, Jr., do solemnly swear (or affirm) that I will support the Constitution of the United States, so help me, God.

I, Carl E. Robinson, Jr., do further solemnly and sincerely swear (or affirm) that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain and defend the Constitution of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; so help me, God.

I, Carl E. Robinson, Jr, do further swear (or affirm) that I will well and truly execute the duties as a member of the Lincoln County Board of Commissioners, according to the best of my skill and ability, according to law; so help me, God.

Carl E. Robinson, Jr.

Subscribed and sworn to before me this 6th day of December, 2010, as witness my hand.

Fred Hatley, Clerk of Court

Election of Chair: George Wood opened the floor to nominations for Chairman. Commissioner Arena nominated Commissioner Alex Patton as Chairman.

Mr. Wood called for a vote for Commissioner Patton as Chair: Unanimously approved.

Election of Vice Chair: Chairman Patton conducted the election of Vice Chairman.

Commissioner Robinson nominated Commissioner Arena for Vice Chairman.

Chairman Patton called for votes for Commissioner Arena: Unanimously approved.

Induct Register of Deeds: Fred Hatley, Clerk of Court, administered the Oath of Office to Danny Hester, Register of Deeds.

Recognition of Sheriff David Carpenter: Chairman Patton recognized Sheriff David Carpenter, who was sworn in earlier.

Recognition of Commissioner Service: Chairman Patton presented plaques to outgoing Commissioner Bruce Carlton.

Chairman Patton called for a recess and announced that the meeting would resume in the Commissioner's Room on the third floor.

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

AGENDA

LINCOLN COUNTY BOARD OF COMMISSIONERS

DECEMBER 6, 2010

6:30 PM Call to Order - George Wood, County Manager
Invocation – Pastor J.V. Allen, Boger City Wesleyan Church
Pledge of Allegiance

Induct Board of Commission Members
By Fred Hatley, Clerk of Court
James Klein
Carl Robinson

Seating of Board
Election of Chair
Election of Vice-Chair

Induct Register of Deeds Danny Hester
By Fred Hatley, Clerk of Court

Recognition of Sheriff David Carpenter

Recognition of Commissioner Service

Public Congratulations – The Board will recess for public
congratulations and reconvene in the Commissioner's Room on the
Third Floor.

1. 7:20 PM Adoption of Agenda
2. 7:25 PM Adoption of Rules of Procedure
3. 7:30 PM Consent Agenda
 - Tax Requests for Releases
 - October 16 - November 15, 2010
 - Tax Requests for Refunds
 - October 31 - November 7, 2010, November 8 - 21, 2010
 - Approval of Minutes
 - November 1, 2010

- Surplus Property

- Ordinance #2010-17 An Ordinance Amending the FY 2011
Budget
for the County of Lincoln, North Carolina

4. 7:35 PM New Business/Advertised Public Hearings

ZMA #582 Lincoln Charter School, applicant (Parcel ID# 90005) A request to rezone 1.9 acres from B-N (Neighborhood Business) to R-SF (Residential Single-Family). The property is located about 250 feet west of N.C. 16 Business and 500 feet south of Galway Lane in Catawba Springs Township.

PA #32 Daniel M. Devine, applicant (Parcel ID# 84132) A request to subdivide 21.5 acres into six residential lots along an improved road right-of-way. The property is located on Devine Road across from Greystone Lane in Ironton Township.
5. 8:00 PM Public Comments
6. 8:15 PM Private Road Name Public Hearings - Netta Patton
 - Jennifer Ballenger Lane
 - Bryce Lane
 - Livy Lane
7. 8:25 PM Revisions to Lincoln County Ordinance, Chapter 93: Addressing and Road Naming and Motion to Approve Ordinance #2010-18: Ordinance Amending Chapter 93 of the Lincoln County Code of Ordinances Dealing with Addressing - George Wood
8. 8:30 PM Contract with American Solutions for Business - Madge Huffman
- ~~9. 8:35 PM Revised Lincoln County Drug and Alcohol Testing Policy and Motion Approve Resolution #2010-63: Resolution to Amend Lincoln County Personnel Policy with Respect to the Conditions of Employment - James Luster~~
10. 8:40 PM Motion to Accept Audit as Presented
11. 8:45 PM Resolution #2010-64: Resolution Adopting a Code of Ethics for the Lincoln County Board of Commissioners
12. 8:55 PM Presentation to Plan to Repair the Front Deck of the James Warren Citizen Center - Burns Whitaker, Dennis Williams
13. 9:05 PM Airport Sewer System; Engineer Selection - Burns Whittaker
14. 9:10 PM Change Order for Killian Creek WWTP Project - Burns Whittaker
15. 9:15 PM Old Hospital; Construction Manager at Risk Selection - Burns Whittaker
16. 9:30 PM Lincoln County Emergency Management Standard Operating Guidelines in Support of McGuire Nuclear Station - Martha Lide
17. 9:35 PM Mutual Aid Agreement for 911 Communication and Dispatch - Martha Lide
18. 9:40 PM Approval of Public Facilities Agreement Required by the Industrial Development Fund in Connection with IDF Grant - Martha Lide

19. 9:45 PM Agreement with Hydac Industries - Martha Lide
 20. 9:50 PM Other Business
- Adjourn

* This meeting will begin in the Auditorium *

UPON MOTION by Commissioner Klein, the Board voted unanimously to adopt the agenda, deleting item #9.

Adoption of Rules of Procedure: Chairman Patton presented the Rules of Procedure for the Board to consider.

UPON MOTION by Commissioner Arena, the Board voted unanimously to approve the Rules of Procedure.

RULES OF PROCEDURE

LINCOLN COUNTY

BOARD OF COMMISSIONERS

I. Applicability

Rule 1. Applicability of Rules. These rules apply to all meetings of the Board of Commissioners of Lincoln County at which the board is empowered to exercise any of the executive, quasi-judicial, administrative, or legislative powers conferred on it by law.

II. Open Meetings

Rule 2. Meetings to Be Open.

(a) The public policy of North Carolina and of Lincoln County is that the hearings, deliberations, and actions of this board and its committees be conducted openly.

(b) Except as otherwise provided in these rules and in accordance with applicable law, each official meeting of the Lincoln County Board of Commissioners shall be open to the public, and any person may attend.

(c) For the purposes of the provisions of these rules concerning open meetings, an official meeting of the board is defined as any gathering together at any time or place or the simultaneous communication by conference telephone or other electronic means of a majority of board members for the purpose of conducting hearings, participating in deliberations, or voting upon or otherwise transacting public business within the jurisdiction, real or apparent, of the board.

Rule 3. Closed Sessions.

(a) Notwithstanding the provisions of Rule 2, the board may hold a closed session and exclude the public, but only under the following circumstances:

1. To prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes.
2. To prevent the premature disclosure of an honorary degree, scholarship, prize, or similar award.
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. General policy matters may not be discussed in a closed session and nothing herein shall be construed to permit a public body to close a meeting that otherwise would be open merely because an attorney employed or retained by the public body is a participant. The public body may consider and give instructions to an attorney concerning the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure. If the public body has approved or considered a settlement, other than a malpractice settlement by or on behalf of a hospital, in closed session, the terms of that settlement shall be reported to the public body and entered into its minutes as soon as possible within a reasonable time after the settlement is concluded.
4. To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations. The action approving the signing of an economic development contract or commitment, or the action authorizing the payment of economic development expenditures, shall be taken in an open session.
5. To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract.
6. To consider the qualifications, competence, performance, character, fitness, conditions or appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee. General personnel policy issues may not be considered in a closed session. A public body may not consider the qualifications, competence, performance, character, fitness, appointment, or removal of a member of the public body or another body and may not consider or fill a vacancy among its own membership except in an open meeting. Final action making an appointment or discharge or removal by a public body having final authority for the appointment or discharge or removal shall be taken in an open meeting.
7. To plan, conduct, or hear reports concerning investigations of alleged criminal misconduct.

(b) Repealed by Session Laws 1991, c. 694, s. 4.

(c) Calling a Closed Session – A public body may hold a closed session only upon a motion duly made and adopted at an open meeting. Every motion to close a meeting shall cite one or more of the permissible purposes listed in subsection (a) of this section. A motion based on subdivision (a)(1) of this section shall also state the name or citation of the law that renders the information to be discussed privileged or confidential. A motion based on subdivision (a)(3) of this section shall identify the parties in each existing lawsuit concerning which the public body expects to receive advice during the closed session.

(d) Repealed by Session Laws 1993 (Reg. Sess., 1994), c. 560, s. 2.

III. Organization of the Board

Rule 4. Organizational Meeting. On the first Monday in December following a general election in which county officers are elected, the board shall meet at the regular meeting time and place. The County Manager or the clerk to the board of commissioners shall call the meeting to order and shall preside until a chair is elected. If they have not already been sworn and inducted into office, the newly elected members of the board shall take and subscribe the oath of office as the first order of business. As the second order, the board shall elect a chair and vice-chair from its members. As the third order, the board shall approve the bonds of the register of deeds, and the sheriff, and induct them and any other newly elected county officials into office.

Rule 5. Election of the Chair. The chair of the board shall be elected annually for a term of one year and shall not be removed from the office of chair unless he or she becomes disqualified to serve as a board member.

IV. Regular and Special Meetings

Rule 6. Regular and Special Meetings.

(a) **Regular Meetings.** The board shall hold a regular meeting on the [first] and [third] [Monday] of each month. If a regular meeting day is a holiday on which county offices are closed, the meeting shall be held on the next business day or such succeeding day as may be specified in the motion adjourning the immediately preceding regular meeting. Regular meetings shall be held at the Board of County Commissioners Meeting Room on the Third Floor of the Citizens Center and shall begin at 6:30 PM. The board may change the place or time of a particular regular meeting or of all regular meetings within a specified period by resolution adopted, posted, and noticed at least seven days before the change takes effect. Such a resolution shall be filed with the clerk to the board and posted at or near the regular meeting place, and copies shall be sent to all persons who have requested notice of special meetings of the board.

(b) **Special Meetings.** The chair or a majority of board members may at any time call a special meeting of the board by signing a notice stating the time and place of the meeting and subjects to be considered. The person or persons calling the meeting shall cause the notice to be posted on the principal bulletin boards of the county and delivered to the chair and all other board members or left at the usual dwelling place of each member at least forty-eight hours before the meeting. In addition, the notice shall be mailed or delivered to individual persons and news organizations having requested such notice as provided in subsection (e), below. Only items of business specified in the notice may be transacted at a special meeting, unless all members are present or those not present have signed waivers.

(c) **Emergency Meetings.** If a special meeting is called to deal with an unexpected circumstance requiring immediate consideration, the notice requirements of this rule do not apply. However, the person or persons calling an emergency meeting shall take reasonable action to inform the

other members and the public of the meeting. Local news organizations having requested notice of special meetings as provided in subsection (e), below, shall be notified of such emergency meetings by the same method used to notify board members. Only business connected with the emergency may be discussed at the meeting.

(d) Work Sessions and Committee Meetings. The board may schedule work sessions, committee meetings, or other informal meetings of the board or of a majority of its members at such times and concerning such subjects as may be established by resolution or order of the board. A schedule of any such meetings held regularly shall be filed in the same place and manner as the schedule of regular meetings. Work sessions and other informal official meetings not held regularly are subject to the same notice requirements as special board meetings.

(e) Sunshine List. Any individual and any newspaper, wire service, radio station, and television station may file a written request with the clerk to the board of commissioners for notice of all special meetings of the board. Requests by individuals {must be renewed by the last day of each calendar ~~quarter~~ year and} are subject to a \$20.00 non-refundable annual fee; requests by news organizations ~~{must be renewed annually by July 1 and}~~ are not subject to any fee.

Rule 7. All Meetings Within the County. All meetings shall be held within the boundaries of Lincoln County except as otherwise provided herein.

- (1) A joint meeting with the governing board of any other political subdivision of this or any other state may be held within the boundaries of either subdivision as may be specified in the call of the meeting. At any such joint meeting, this board reserves the right to vote separately on all matters coming before the joint meeting.
- (2) A special meeting called for considering and acting on an order or resolution requesting members of the General Assembly representing all or any portion of this county to support or oppose any bill pending in the General Assembly or proposed for introduction therein may be held in Raleigh or other such place as stated in the call of the meeting.

Rule 8. Broadcasting and Recording of Meetings.

(a) Except as provided in this rule, any radio or television station may broadcast all or any part of an official board meeting required to be open to the public. Any person may photograph, film, tape-record, or otherwise reproduce any part of a meeting required to be open.

(b) Any radio or television station wishing to broadcast any portion of an official board meeting shall so notify the county manager no later than forty-eight hours before the meeting. If the number of requests or the quantity and size of the necessary equipment is such that the meeting cannot be accommodated in the designated meeting room and no suitable alternative site in the Citizens Center is available, the county manager may require the news media to either pool equipment and personnel or to secure and pay the costs of an alternative meeting site mutually agreeable to the board and the media representatives.

V. Agenda

Rule 9. Agenda.

(a) The clerk to the board shall prepare the agenda for each regular, special, and emergency meeting. A request to have an item of business placed on the agenda for a regular meeting must be received at least *Eleven days (see Clerk's schedule for deadlines)* days before the meeting. Any board member may, by a timely request, have an item placed on the agenda.

(b) The agenda packet shall include the agenda document, any proposed ordinances or amendments to ordinances, and supporting documentation and background information relevant to items on the agenda. A copy of the agenda packet shall be delivered to each board member at least *seven* days before the meeting. Documents in the agenda packet, if not previously available for public inspection, shall become so when packets have been delivered to each board member or left at his or her usual dwelling.

(c) The board may, by majority vote, add an item not on the agenda.

(d) Notwithstanding the foregoing provisions of this rule, any item involving an expenditure in excess of \$1,000 shall not be considered at a meeting unless it is placed on the printed agenda in advance of the meeting, except in the following instances: (1) emergencies that make advance notice impossible or impractical; (2) impending deadlines or other factors which would result in increased cost to the county or delays in a project if not addressed immediately; (3) legal or other deadlines which make a response necessary prior to the date of the next scheduled meeting; or (4) issues on which the Board may need to give directions in closed session as provided in N. C. G. S. 143-318.11 and Rule 3 of these rules.

Any deviation from this rule shall require a motion to suspend this rule pursuant to Rule 20(b)4.

Rule 10. Informal Public Comments. The clerk to the board shall include on the agenda of each regular meeting at least fifteen minutes for comments or questions from the public in attendance. The chair will first recognize individuals or groups having made appointments to be heard, and then may recognize others, subject to available time. The chair may specify the time allotted to each speaker. When the time set aside for informal public comments has expired, the chair will recognize further speakers only upon motion duly made and adopted.

Rule 11. Order of Business. At regular meetings, the board shall proceed to business in the following order:

1. Approval of the minutes of the previous meeting.
2. Scheduled public hearings.
3. Action items.
4. Informal public comments.
5. Administrative reports.
6. Committee reports.
7. Unfinished business.
8. Introduction of ordinances, resolutions and orders.
9. Other new business.

Without objection, the chair may call items in any order most convenient for the dispatch of business.

VI. Conduct of Debate

Rule 12. Powers of the Chair. The chair shall preside at all board meetings. To address the board, a member must be recognized by the chair. The chair shall have the following powers:

1. To rule on points of parliamentary procedure, including the right to rule out of order any motion offered for patently obstructive or dilatory purposes;
2. To determine whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks and to entertain and rule on objections from other members on this ground;
3. To call a brief recess at any time;
4. To adjourn in an emergency.

Rule 13. Presiding Officer When the Chair Is Active in Debate. If the chair wishes to debate a proposal actively, he or she shall designate another board member to preside. The chair shall resume the duty to preside as soon as action on the matter is concluded.

Rule 14. Action by the Board. The board shall proceed by motion. Any member, including the chair, may make a motion.

Rule 15. Second Not Required. A motion shall not require a second.

Rule 16. One Motion at a Time. A member may make only one motion at a time.

Rule 17. Substantive Motion. A substantive motion is out of order while another substantive motion is pending.

Rule 18. Adoption by Majority Vote. A motion shall be adopted if approved by a majority of the votes cast, unless otherwise required by these rules or North Carolina laws.

Rule 19. Debate. The chair shall state the motion and then open the floor to debate, presiding according to these general principles:

- (1) The member making the motion or introducing the ordinance, resolution, or order may speak first.
- (2) A member who has not spoken on the issue shall be recognized before someone who has already spoken.
- (3) If possible, the debate shall alternate between opponents and proponents of the measure.

Rule 20. Procedural Motions.

(a) In addition to substantive proposals, the procedural motions listed in subsection (b) of this rule, and no others, shall be in order. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority vote for adoption.

(b) In order of priority (if applicable), the procedural motions are:

1. *To Adjourn.* The motion may be made only at the conclusion of action on a pending matter; it may not interrupt deliberation of a pending matter.
2. *To Recess.*
3. *To Call to Follow the Agenda.* The motion must be made at the first reasonable opportunity or it is waived.
4. *To Suspend the Rules.* The motion requires a vote equal to a quorum.
5. *To Divide a Complex Motion and Consider It by Paragraph.*
6. *To Defer Consideration.* A substantive motion whose consideration has been deferred expires one hundred days thereafter, unless a motion to revive consideration is adopted.
7. *To Call the Previous Question.* The motion is not in order until there has been at least twenty minutes of debate and every member has had one opportunity to speak.
8. *To Postpone to a Certain Time or Day.*
9. *To Refer to Committee.* Sixty days after a motion has been referred to committee, the introducer may compel consideration of the measure by the entire board, regardless of whether the committee has reported the matter back to the board.
10. *To Amend.* An amendment to a motion must be germane to the subject of the motion, but it may not achieve the opposite effect of the motion. There may be an amendment to the motion and an amendment to an amendment, but no further amendments. Any amendment to a proposed ordinance shall be reduced to writing.
11. *To Revive Consideration.* The motion is in order at any time within one hundred days of a vote deferring consideration. A substantive motion on which consideration has been deferred expires one hundred days after the deferral, unless a motion to revive consideration is adopted.
12. *To Reconsider.* The motion must be made at the same meeting where the original vote was taken, and by a member who voted with the prevailing side. It cannot interrupt deliberation on a pending matter but is in order any time before adjournment.
13. *To Prevent Reconsideration for Six Months.* The motion shall be in order only immediately following the defeat of a substantive motion. It requires a vote equal to a quorum and is valid for six months or until the next regular election of county commissioners, whichever occurs first.

Rule 21. Renewal of Motion. A defeated motion may not be renewed at the same meeting.

Rule 22. Withdrawal of Motion. A motion may be withdrawn by the introducer at any time before the chair puts the motion to a vote.

Rule 23. Duty to Vote. It is the duty of each member to vote unless excused by a majority vote according to law. The board may excuse members from voting on matters involving their own financial interest or official conduct. A member wishing to be excused from voting shall so

inform the chair, who shall take a vote of the remaining members. A member who fails to vote, not having been excused, shall be recorded as voting in the affirmative. In the event of the failure of a member to express a vote, the Chairman shall specify for the record any member who failed to express a vote and that such failure shall be recorded as an affirmative vote. The Chairman's action in such event shall be conclusive unless the non-voting member immediately expresses an objection in order to record a negative vote. The Chairman in his discretion may demand a roll-call vote.

Rule 24. Prohibition of Secret Voting. No vote may be taken by secret ballot. If the board decides to vote by written ballot, each member shall sign his or her ballot and the minutes shall record the vote of each member. These ballots shall be retained and made available for public inspection until the minutes of that meeting have been approved, when they may be destroyed.

Rule 25. Action by Reference. The board shall not deliberate, vote, or otherwise act on any matter by reference to an agenda or document number unless copies of the agenda or documents being referenced are available for public inspection at the meeting and are so worded that people at the meeting can understand what is being discussed or acted on.

Rule 26. Introduction of Ordinances, Resolutions, and Orders. A proposed ordinance shall be deemed introduced at the first meeting where it is on the agenda, regardless of whether it is actually considered by the board, and its introduction shall be recorded in the minutes.

Rule 27. Adoption, Amendment, or Repeal of Ordinances. To be adopted at the meeting where it is first introduced, an ordinance or an action with the effect of an ordinance, or any ordinance amending or repealing an existing ordinance (except the budget ordinance, a bond order, or another ordinance requiring a public hearing before adoption) must be approved by all members of the board of commissioners. If the proposed measure is approved by a majority but not by all the members of the board, or if the measure is not voted on at that meeting, it shall be considered at the next regular meeting of the board. If it then or at any time thereafter within one hundred days of its introduction receives a majority of the votes cast, the measure is adopted.

Rule 28. Quorum. A majority of the board membership shall constitute a quorum. The number required for a quorum is not affected by vacancies. If a member has withdrawn from a meeting without being excused by majority vote of the remaining members, he or she shall be counted as present for the purposes of determining whether a quorum is present. The board may compel the attendance of an absent member by ordering the sheriff to take the member into custody.

Rule 29. Public Hearings. Public hearings required by law or deemed advisable by the board shall be organized by a special order, adopted by a majority vote, setting forth the subject, date, place, and time of the hearing as well as any rules regarding the length of time allotted to each speaker and designating representatives to speak for large groups. At the appointed time, the chair shall call the hearing to order and preside over it. When the allotted time expires, the chair shall declare the hearing ended and the board shall resume the regular order of business.

Rule 30. Quorum at Public Hearings. A quorum of the board must be present at all public hearings required by law.

Rule 31. Minutes. To the extent required by N. C. G. S. Sections 153A-42 and 143-318.10(e) and applicable case law, the Clerk shall keep full and accurate minutes of the proceedings of the Board of Commissioners to record actions taken, including the results of each vote, and evidence that such actions were taken according to proper procedures. Upon the request of any member, the ayes and noes upon any question shall be taken and recorded. The minutes shall not become

the official record of the Board's actions until they are adopted by the Board. The minutes shall be available for public inspection.

If the Board becomes aware of an error in minutes that have been previously adopted, the Board may correct the minutes. The Clerk shall note any such correction in the minutes of the meeting at which the correction is made and shall place an appropriate notation and cross reference at the place in the minutes where the provision being corrected appears.

With respect to closed sessions of the Board of Commissioners, the Clerk shall keep full and accurate minutes to the extent required by N. C. G. S. 143-318.10(e) and applicable case law and shall keep a general account of the closed session so that a person not in attendance would have a reasonable understanding of what transpired. Such minutes and accounts shall be public records within the meaning of the Public Records Law, N. C. G. S. 132-1 et seq.; provided, however, that minutes or an account of a closed session conducted in compliance with N. C. G. S. 143-318.11 may be withheld from public inspection so long as public inspection would frustrate the purpose of the closed session.

Rule 32. Appointments. The board shall use the following procedure to make appointments to fill vacancies in the board itself or in other boards and public offices over which the board has power of appointment.

The chair shall open the floor to nominations, whereupon the members shall put forward and debate names of possible appointees. After the debate, the chair shall call the roll of the members, and each member shall vote. The votes shall not be tallied until each member has voted.

Each vote shall be decided by a majority of the valid ballots cast (a majority is determined by dividing the number of valid ballots cast by two and taking the next highest whole number). It is the duty of each member to vote for as many appointees as there are appointments to be made, but failure to do so does not invalidate that member's ballot.

Rule 33. Reference to *Robert's Rule of Order*. To the extent not provided for in, and not conflicting with the spirit of, these rules, the chair shall refer to *RRO* to resolve procedural questions.

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

Consent Agenda

- Tax Requests for Releases
 - October 16 - November 15, 2010
- Tax Requests for Refunds
 - October 31 - November 7, 2010, November 8 - 21, 2010
- Approval of Minutes
 - November 1, 2010
- Surplus Property
- Ordinance #2010-17 An Ordinance Amending the FY 2011 Budget for the County of Lincoln, North Carolina

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

REQUEST FOR RELEASES**MOTOR VEHICLE BILLS**

PERIOD COVERED (October 16 2010-November 15 2010)

NAME	YEAR	DIST	A/C NO	AMOUNT	REASON
AAA Electric Inst Inc	2009	N-321	0138663	\$168.86	US Bankruptcy Judge discharged personal property.
Citizens Ins Co	2010	City	0228053	\$103.51	Vehicle sold prior to tag/tax year.
Goodman, Timothy Wayne	2005	ALFD	0117261	\$113.06	US Bankruptcy Judge discharged personal property.
Leung, Isabella Wong	2010	City	0177868	\$113.00	Pro-rated bill.
Miller, Ronald Blaine	2010	DFD	0088013	\$141.82	Vehicle taxable in Iredell County.
Parker, Lester D	2010	ELFD	0215930	\$140.98	Pro-rated bill.
Ruiz, Juan Ramon Garcia	2009	City	0218895	\$117.64	Vehicle taxable in Catawba County.
Scoggin, Elizabeth D	2010	City	0098040	\$115.60	Vehicle taxable in Gaston County.
Seagle, Martha Baucom	2010	Union	0139960	\$154.80	Vehicle traded prior to tag/tax year.
Spangler, Kevin Dean	2010	BCFD	0228781	\$111.10	Pro-rated bill.
TOTAL			\$1,280.37		

LINCOLN COUNTY**TAX DEPARTMENT**

G.S. #105-381 (B) ALL RELEASES MORE THAN \$100

AND #105-325 INCLUDING (A) (6)

REQUEST FOR RELEASES**PERIOD COVERED**

(Oct. 16, 2010 - Nov. 15, 2010)

NAME	YEAR	DIST	A/C NO	AMOUNT	REASON
Beard, Jim Wayne	2010	BCFD	0206040	\$147.19	Did not own business personal property as of 1/1/10.
Brown, Ross Bradford Sr. 2007-2010		PCFD	0101604	\$150.30	Personal property in Catawba County as of 1/1/2007.
Cobra Land Clearing Inc 2009-2010		ELFD	0189075	\$1,483.21	Did not own business personal property as of 1/1/2009.
Garcia , Arturo	2009-2010	Union	31434	\$283.80	Did not own personal property as of 1/1/2009.
Kohlenstein, Erik	2009-2010	ELFD/ELSD	0196066	\$124.57	Personal property in Mecklenburg County as of 1/1/2009.
LTW Holdings LLC	2009-2010	ELFD/ELSD	0218212	\$109.59	Personal property double-billed on A/C 0213896.
Seeley, Steven P	2010	BCFD	0072923	\$206.47	Personal property in Catawba County as of 1/1/2010.
Stolz, Robert H	2010	DFD/ELSD	0125520	\$296.66	Personal property moved out of state as of 1/1/2010.
TOTAL \$2,801.79					

LINCOLN COUNTY TAX DEPARTMENT**REQUEST FOR REFUNDS****ANNUALS**

PERIOD COVERED (NOVEMBER 8, 2010-NOVEMBER 21, 2010)

G.S.#105-381(B) ALL REFUNDS ANNUAL MORE THAN \$100.00

(and) #105-325 including (A) (6)

NAME	YEAR	DIST	A/C#	AMOUNT	REASON
Morrell, Darlene	2010	ELFD/ELSD	0213177	1,104.00	Removal of 15 AV Fees
TOTAL \$ 1,104.00					

LINCOLN COUNTY TAX DEPARTMENT**REQUEST FOR REFUNDS****MOTOR VEHICLES**

PERIOD COVERED (OCTOBER 31, 2010-NOVEMBER 7, 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
B V Hedrick Gravel & Sand Co.	2010	ELFD	0192091	2,600.31	Listed in Error
TOTAL \$2,600.31					

New Business/Advertised Public Hearings:

Chairman Patton announced that this was the date, Monday, December 6, 2010, and the time, 6:30 PM, which was advertised in the *Lincoln Times-News* on November 21 and 28, 2008.

NOTICE OF PUBLIC HEARINGS

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

ZMA #582 Lincoln Charter School, applicant (Parcel ID# 90005) A request to rezone 1.9 acres from B-N (Neighborhood Business) to R-SF (Residential Single-Family). The property is located about 250 feet west of N.C. 16 Business and 500 feet south of Galway Lane in Catawba Springs Township.

PA #32 Daniel M. Devine, applicant (Parcel ID# 84132) A request to subdivide 21.5 acres into six residential lots along an improved road right-of-way. The property is located on Devine Road across from Greystone Lane in Ironton Township.

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: Nov. 26, Dec. 3, 2010

Zoning Public Hearings – Randy Hawkins:

Zoning Map Amendment No. 582 – Lincoln Charter School, applicant: Randy Hawkins presented the following information concerning ZMA No. 582.

The applicant is requesting the rezoning of 1.9 acres from B-N (Neighborhood Business) to R-SF (Residential Single-Family). This property is undeveloped. The applicant is proposing to construct an elementary school on the site. Under the Unified Development Ordinance, an elementary or secondary school is a permitted use in the R-SF district but not in the B-N district.

This property is located about 250 feet west of N.C. 16 Business and about 500 feet south of Galway Lane. It is adjoined by property zoned R-SF, B-N and I-G (General Industrial). Land uses in this area include business, industrial, institutional and residential. The NC 16 Corridor Vision Plan recommends that commercial development be concentrated in nodes at major intersections.

At the current Galway Lane campus, there are 539 students and 390 at the Charter Lane School.

Gary Garlow expressed concerns about access. Randy Hawkins stated that the current plan to access it is Galway Lane. He said they are working with NDCOT on the traffic and access issue.

Commissioner Arena asked if this could be handled as a conditional rezoning. Randy Hawkins said it needs to be rezoned to business and the Charter School could request a conditional rezoning. He said staff's concern is with a conditional rezoning, the improvements are still up to the DOT. The Commissioners could require some improvements, but there is the right of way issue and the issue that the county will also use this for access to the park.

Commissioner Robinson asked if they will leverage some of the other land there or if they will put an elementary land on 1.9 acres. Randy Hawkins stated that they will use some of the existing acreage.

Commissioner Mitchem asked if there is any difference between a charter school and county school in the regulations. Randy Hawkins stated that there is no difference in the Zoning Ordinance.

Chairman Patton opened the public hearing concerning Zoning Map Amendment No. 582 – Lincoln Charter School, applicant.

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

Plat Approval #32 – Anderson Creek Subdivision: Andrew Bryant presented the following information concerning PA #32.

The applicant is requesting preliminary plat review and approval from the Lincoln County Board of Commissioners and Planning Board for the Anderson Creek Subdivision. The subdivision in question contains 6 lots. The Lincoln County Unified Development Ordinance states in Section 9.6.9, all preliminary plats proposing access to unapproved roads shall be submitted to the Board of Commissioners and Planning Board for their approval, disapproval, or approval with conditions.

Anderson Creek Subdivision is located on the east side of Devine Rd, (SR 1312) approximately 3/4 mile from its intersection with NC 27E and directly across from Greystone Ln., a private road. The subdivision is located in the Ironton Township. The tract in question is approximately 21 acres. The subdivision will be served by individual well and individual septic systems.

The Lincoln County Land Use Plan designates this area as Suburban Residential. Residential development, especially single-family in character is encouraged in these areas once public utilities are in place.

There were questions from the Planning Board concerning the driveway and the lots.

Chairman Patton opened the public hearing concerning Plat Approval #32 – Anderson Creek Subdivision, applicant.

Dan Devine, 7341 Sahalee Drive, Denver, stated that he is here to answer any questions.

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

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.

Being no speakers, Chairman Patton declared the Public Comments section closed.

Revisions to Lincoln County Ordinance, Chapter 93: Addressing and Road Naming and Motion to Approve Ordinance #2010-18: Ordinance Amending Chapter 93 of the Lincoln County Code of Ordinances Dealing with Addressing:- George Wood stated that a committee has looked at this and recommends these changes.

§ 93.05 Road Naming

Revised:

(B) Names for proposed or newly constructed roads may be submitted by the owner or developer for approval by the Ordinance Administrator. However, in the event that a proposed or newly constructed road crosses over property not owned by the submitting owner or developer, then a petition to name the proposed road must be submitted in accordance with the provisions as set forth in §93.10 of this ordinance.

The need for revision to road naming stemmed from events which occurred after a subdivision plat was recorded which named a proposed or newly constructed road that crossed over properties not owned by the submitting owner or developer. Upon receiving notification of this change, some of the property owners were upset because they had had no input into naming their road.

§93.06 Addressing.

Revised:

(B) *Deleted.* Existing structures on corner lots shall be assigned a structure number from the road parallel with the primary face of the building.

This addressing change is necessary to provide better directions for emergency response vehicles which normally access the main entrance driveway to the structure, which is not always the road that is parallel with the primary face of the building.

Revised:

(C) If development on a private road exceeds the minimum structure regulation (see §93.04(E)), the road shall be named and numbered and structures re-addressed according to the requirements herein. In such event, the petition process (as set forth in §93.10) shall be followed.

The following is a proposal to add another acceptable method of posting structure numbers.

§93.07 Posting Requirements.

Revised:

(F) For single-family residential or duplex structures, the structure number shall be posted and maintained within a three-foot perimeter of the front entrance of the structure, in a location visible and readable from the road. As an alternative, the structure number may be posted on the mailbox for the residence as long as the mailbox is located on the same side of the road as the

residence and as long as the mailbox is a standalone box and is not in a cluster of mailboxes. In such instance, the structure number must be constructed of a reflective material and must be a minimum of three (3) inches in height.

(H) In the event that a structure or its posted number is not visible from the road from which its number is assigned, as determined by the Ordinance Administrator, the assigned structure number shall also be posted on the property adjacent to the road at or near every driveway or access to the structure, as deemed appropriate by the Ordinance Administrator. Again, as an alternative the structure number may be posted on the mailbox for the residence as long as the mailbox is located on the same side of the road as the residence and as long as the mailbox is a standalone box and is not in a cluster of mailboxes. In such instance, the structure number must be constructed of a reflective material and must be a minimum of three (3) inches in height.

The next proposal is a change to procedures.

§ 93.08 Procedures.

Revised:

- (A) No street address shall be issued for any building or structure until the owner or developer has been issued a building permit for the proposed structure, or as directed by the Ordinance Administrator and/or the Director of Planning & Inspections.

All other changes are minor grammar changes or extended descriptions for clarification.

UPON MOTION by Commissioner Klein, the Board voted unanimously to approve as presented by Mr. Wood.

Contract with American Solutions for Business - Madge Huffman presented the following information:

It is recommended that the Board approve the three year contract with American Solutions for Business for the Comprehensive Document Production & Distribution Service of the required tax notifications. The term of the contract will be from January 1, 2011 through December 31, 2014 with an option of two one-year renewals, not to exceed a total of five years.

Commissioner Klein asked if this money was budgeted. Madge Huffman stated that it was.

UPON MOTION by Commissioner Arena, the Board voted unanimously to accept the contract with American Solutions for Business as presented by Madge Huffman.

Motion to Accept the Audit as Presented: Chairman Patton said the Audit Report was heard at the last meeting, but there was no motion to accept the Audit. He asked for a motion to formally accept the audit as presented.

UPON MOTION by Commissioner Arena, the Board voted unanimously to accept the audit as presented.

Resolution #2010-64: Resolution Adopting a Code of Ethics for the Lincoln County Board of Commissioners:

**RESOLUTION 2010-64
ADOPTING A CODE OF ETHICS FOR THE
LINCOLN COUNTY BOARD OF COMMISSIONERS**

WHEREAS, the proper operation of democratic government requires public officials to be independent, impartial and responsible to the people; and

WHEREAS, the citizens of Lincoln County are entitled to expect that their elected local government officials will be worthy of their trust and obey applicable laws; and

WHEREAS, Sections 160A-86 and 153A-53 of the North Carolina General Statutes require boards of commissioners to adopt a code of ethics to guide board members in the performance of their official duties as Board members;

NOW, THEREFORE, BE IT RESOLVED that the Lincoln County Board of Commissioners, acting pursuant to the requirements of Sections 160A-86 and 153A-53 of the North Carolina General Statutes, does hereby adopt the Code of Ethics attached hereto to guide the Board in its lawful decision-making, and that such Code of Ethics shall become effective on January 1, 2011.

This 6th day of December, 2010.

LINCOLN COUNTY BOARD OF COMMISSIONERS

By: _____
Alex E. Patton, Chairman

ATTEST:

Amy S. Atkins, Clerk to the Board

**CODE OF ETHICS FOR THE
LINCOLN COUNTY BOARD OF COMMISSIONERS**

Purpose. The purpose of this Code of Ethics is to establish guidelines for ethical standards of conduct for Board members and to provide guidance in determining what conduct is appropriate in particular cases. The Code should not be considered a substitute for the law or for a Board member's best judgment.

Section I. Board members shall obey the law.

Board members should take care to obey all laws that apply to their official actions as Board members. Further, Board members shall be guided by the spirit as well as the letter of the law in whatever they do.

Board members should endeavor to keep themselves up-to-date, through their attorney or other sources, of new or ongoing legal or ethical quandaries or difficulties that they may face in their official positions.

Section II. Board members need to uphold the integrity and independence of their office.

Board members should act with integrity and with independence from improper influence as they exercise the functions of their offices. Further, Board members should use their best judgment to pursue the common good as they see it, presenting their opinions to all in a reasonable, forthright, consistent manner. They should be self-governing and not subject to improper influence, while at the same time being able to consider the opinions and ideas of others.

Board members should recognize they are part of a larger group and should act accordingly. They should respect their office and not behave in ways that reflect on it badly. They should treat other Board members and the public with respect and should, even if they disagree, honor the opinions of others. Finally, members should recognize that they are not generally authorized to act on behalf of the Board since the Board must take official action as a body.

Section III. Board members need to avoid impropriety in the exercise of their official activities.

Board members should avoid impropriety in the exercise of their official duties, and their official actions should be above reproach. Although opinions may vary about what behavior is inappropriate, this Board will consider impropriety in terms of whether a reasonable person who is aware of all of the relevant facts and circumstances surrounding the Board member's action would conclude that the action was inappropriate.

If a Board member believes that his actions, while legal and ethical, may be misunderstood, the member should seek the advice of the County Attorney as well as consider publicly disclosing the facts of the situation and the steps taken to resolve it.

Section IV. Board members should faithfully perform the duties of their office.

Board members should faithfully perform the duties of their offices. They should act as the especially responsible citizens whom others can trust and respect. They should set a good example for others in the community, keeping in mind that trust and respect must continually be earned.

Board members should faithfully attend and prepare for meetings. They should carefully analyze all credible information properly submitted to them, mindful of the need not to engage in communications outside the meeting in quasi-judicial matters. They should demand full accountability from those over whom the Board has authority.

Board members should be willing to bear their fair share of the Board's workload. To the extent appropriate, they should be willing to put the Board's interest ahead of their own.

Section V. Board members should conduct the affairs of the Board in an open and public manner.

Board members should conduct the affairs of the Board in an open and public manner. They should comply with all applicable laws governing open meetings and public records recognizing that doing so is an important way to be worthy of the public's trust. They should remember when they meet that they are conducting the public's business. They should also remember that local government records belong to the public and not to Board members or their employees.

In order to ensure strict compliance with the laws concerning openness, Board members should make clear that an environment of transparency and candor is to be maintained at all times in the governmental unit. They should prohibit unjustified delay in fulfilling public records requests. They should take deliberate steps to make certain that any closed sessions held by the Board are lawfully conducted and that such sessions do not stray from the purposes for which they are called.

Section VI. Board members shall attend ethics education training.

All members of the Board of Commissioners shall receive a minimum of two clock hours of ethics education within twelve months after initial election or appointment to the office and again within twelve months after each subsequent election or appointment to the office in accordance with N.C.G.S. Sections 160A-84 and 153A-53. The ethics education shall cover laws and principles that govern conflicts of interest and ethical standards or conduct at the local government level. The ethics education may be provided by various qualified sources, including the North Carolina County Commissioners Association and UNC School of Government, or other qualified sources of the Board's choosing. The Clerk to the governing Board shall maintain a record verifying receipt of the ethics education by each member of the Board.

Commissioner Mitchem asked what would happen if these ethics are violated. Jeff Taylor stated that there are no penalties if they are violated.

UPON MOTION by Commissioner Robinson, the Board voted unanimously to approve Resolution #2010-64: Resolution Adopting a Code of Ethics for the Lincoln County Board of Commissioners.

Private Road Name Public Hearings: Netta Anderson presented the following information:

Jennifer Ballenger Lane: This road is located off of George Brown Road and requires naming due to the fact that there are now three (3) structures that access George Brown Road via this private road. The name proposed is Jennifer Ballenger Lane and was agreed to by all residents. The name is not a duplicate or sound-alike and has been approved by Communications.

Bryce Lane: This road is located off of Devine Road and requires naming due to a plat being recorded. The name proposed is Bryce Lane and was agreed to by all residents. The name is not a duplicate or sound-alike and has been approved by Communications.

Livy Lane: This road is located off of W NC 150 Hwy and requires naming due to the fact that there are now three (3) structures that access W NC 150 Hwy via this road. The name is not a duplicate or sound-alike and has been approved by Commissioners.

Chairman Patton opened the public hearing for Jennifer Ballenger Lane. Being no speakers, Chairman Patton declared the public hearing closed.

Chairman Patton opened the public hearing for Bryce Lane. Being no speakers, Chairman Patton declared the public hearing closed.

Chairman Patton opened the public hearing for Livy Lane. Being no speakers, Chairman Patton declared the public hearing closed.

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to approve the private road names Jennifer Ballenger Lane, Bryce Lane, and Livy Lane.

Airport Sewer System; Engineer Selection - Burns Whittaker: Burns Whittaker stated that on November 10, 2010, a selection committee was convened for the purpose of reviewing the proposals received from firms wishing to provide engineering services for the Airport Sewer project. The following were on the committee: Mr. Jeff Emory, Mr. Steve Peeler, Mr. George Wood, Mr. Burns Whittaker and Mr. Jeff Lynn.

Eighteen proposals were received. One was non-conforming and was not considered. The others were discussed and rated in accordance with the criteria as stated in the RFQ. The selection committee unanimously recommends the approval of the firm of Goodwyn, Mills and Cawood, Inc. They were selected due to their extensive work on EDA funded projects as well as their technical abilities and staff.

UPON MOTION by Commissioner Arena, the Board voted unanimously to approve the selection of Goodwyn, Mills and Cawood as recommended for the Airport Sewer System Engineer selection.

Change Order for Killian Creek Waste Water Treatment Plant: Burns Whittaker stated that this is the final contracts for the treatment plant. Following is a summary of the final costs reflected in the change orders:

Contract	Original contract Amount	CO1	CO2	CO3	Final Cost
Wharton/Smith	\$14,572,000.00	0	(\$43.91)	\$139,086.99	\$14,711,043.08
State Utility	\$ 4,374,318.50	(\$148,510.75)	n/a	n/a	\$ 4,225,566.75
Total	\$18,946,318.50				\$18,936,609.83

Presentation to Plan to Repair the Front Deck of the James Warren Citizen Center - Burns Whittaker, Dennis Williams:

Dennis Williams gave a presentation on the repair of the front deck of the James Warren Citizens Center. He said there has been a lot of deterioration on the front deck and the bricks are loose and giving way. There does not appear to have been any maintenance on the deck since the building was built. The steps are sloping instead of laying flat, and the retaining wall is leaning out. Mr. Williams said he feels the only way to repair the deck is to rebuild it. One request was to look at putting heat strips in the deck as it is rebuilt (Salt put on the current deck has also led to deterioration).

Mr. Williams gave the recommendation to tear down the deck and build it back. He showed a sketch of what this would look like when completed. Reinforced retaining walls would be built.

The estimate for tearing the deck down and building it back with the heat strips is roughly \$325,000 to \$350,000. The heat strips are \$65,000 to \$75,000 of that portion.

The other thing is the construction schedule. The earliest available time, with the events booked in the Citizens Center, would be June 8. The construction will probably take three months.

Mr. Whittaker stated that they are asking for approval of the concept, have Mr. Williams finish the design, and take bids.

Commissioner Robinson asked if anything needs to be done now to keep people from being injured. Mr. Whittaker stated that they have taken the mitigation steps they can by blocking the wall off where people cannot get to it. He said a good hard winter with a lot of freeze and thaw could be a problem. He said they could maybe block the area in front of the wall in case it falls.

Mr. Williams said he is concerned about the steps that slope.

Questions were raised by Commissioner Mitchem about putting concrete on top of the deck and not using pavers. He also questioned the need for heat strips.

Mr. Whittaker suggested bidding both options.

Old Hospital; Construction Manager at Risk Selection: Burns Whittaker presented the following information:

Pursuant to instructions given by the BOC, a Request for Qualifications (RFQ) was issued and submittals received to provide Construction Manager at Risk services on the hospital renovation project.

Packages were received from five firms. The selection committee reviewed all five and short listed three. On November 17, these three firms were interviewed. Based on the

qualifications and interviews the selection committee recommends selection of Matthews Construction Company of Conover.

Matthews is well suited for this work and has significant experience in CMAR. Additionally they have completed several school projects in Lincoln County and are strongly recommended by the Facilities director for the School Board.

Therefore, we recommend that the BOC approve the selection of Matthews to serve as the CMAR for the project and further that the County Manager be authorized to negotiate an acceptable fee for the services to be provided.

UPON MOTION by Commissioner Klein, the Board voted unanimously to approve the selection of Matthews to serve as construction manager at risk for the project and that the County Manager be authorized to negotiate an acceptable fee for the services to be provided.

Lincoln County Emergency Management Standard Operating Guidelines in Support of McGuire Nuclear Station - Martha Lide: Martha Lide presented the following information:

It is recommended that the Board approve the Lincoln County Emergency Management Standard Operating Guidelines (SOGs) in support of McGuire Nuclear Station. These Standard Operating Guidelines were developed over the past year by Tim Miller, a consultant with extensive experience working with the North Carolina Office of Emergency Management. He developed these guidelines in conjunction with Lincoln County Emergency Management staff and staff from the Sheriff's Office, Emergency Medical Services and Volunteer Fire Departments.

The Standard Operating Guidelines include procedures on how to operate in the event of radiological disaster at the McGuire Nuclear facility. The Guidelines provide information on:

- Methods, limits, controls and techniques used to maintain exposure to radiation as low as reasonably achievable for emergency workers and evacuees.
- Responsibilities and operational guidelines back up route alerting in the event of an emergency.
- Responsibilities of law enforcement officers assigned to traffic control points and security roadblock locations.
- Guidelines for radiological monitoring and decontamination of emergency workers, emergency vehicles and equipment.
- Guidelines for Reception Center and Congregate Care Facility operations and for record keeping and communications.
- Guidelines for the activation and operation of the Lincoln County Emergency Operations Center.

- Processes schools will follow in the emergency event of an emergency including notification, sheltering, evacuation, student identification and transportation
- Processes Daycares will follow in the event of emergency including notification, sheltering, evacuation, identification, and reception centers.
- Overall definitions and abbreviations for the standard operating guidelines.

These SOGs will be regularly reviewed by the Lincoln County Local Emergency Planning Committee (LC LEPC); and minor changes will be incorporated into the document. Any major modifications will be brought back to the County commission for review and approval.

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to approve the Lincoln County Emergency Management Standard Operating Guidelines in Support of McGuire Nuclear Station.

Mutual Aid Agreement for 911 Communication and Dispatch - Martha Lide: It is recommended that the Board approve the Mutual Aid Agreement for 911 Communications and Dispatch with Catawba County. Lincoln County currently also has a mutual aid agreement with Gaston County. The contract with Catawba County is through June 2015 and has automatic one year renewals thereafter. Either party may terminate the agreement with a 30 day notice.

The mutual aid agreement provides that should either Catawba County or Lincoln County need assistance from the other because of a local state of emergency or disaster, the local 911 Administrator will request aid from the other 911 Administrator. We are agreeing to give and expend resources to assist each other to ensure adequate 911 communications services are available to the residents of the affected area in the event of an emergency or disaster. Our 911 Administrator retains control over all of our resources and at any time can withhold the resources if necessary. The party receiving the aid indemnifies the party providing aid and also provides reimbursement if any equipment is damaged or lost.

UPON MOTION by Commissioner Arena, the Board voted unanimously to approve the Mutual Aid Agreement for 911 Communication and Dispatch.

Approval of Public Facilities Agreement Required by the Industrial Development Fund in Connection with IDF Grant - Martha Lide: Martha Lide presented the following information:

It is recommended that the Board approve the revised Public Facilities Agreement with Hydac Technologies Corp. related to a \$205,500 Industrial Development Fund grant for sewer improvements at the Airlie Business Park. At the November 1, 2010 meeting, the County Commission approved a Public Facilities Agreement with Hydac Technology Corp. but the agreement had to be revised based on input from State Department of Commerce staff and attorneys who administer the Industrial Development Fund. It is therefore, being resubmitted for the Board's approval.

Although there have been wording changes made, the basic points of the agreement are the same as those presented to the Board on November 1, 2010.

UPON MOTION by Commissioner Robinson, the Board voted unanimously to approve the Public Facilities Agreement.

Agreement with Hydac Industries: Martha Lide stated that it is recommended that the Board approve the agreement with Hydac Technology Corp. This agreement stipulates that:

- Hydac is not liable to the County or State for any failure or violation under the Public Facilities Agreement related to the Industrial Development Fund grant we will be receiving for the project
- The County agrees not to assert any claims against Hydac related to the County's Public Facilities Agreement
- The County would be responsible for attorneys' fees if there were such a claim against them by the State or the County.

The County has already agreed to assume responsibility for repayment of the grant funds should jobs not be created. This agreement was prepared by Hydac's attorneys out of the abundance of caution that they should not be obligated to repay the funds.

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to approve the agreement with Hydac Industries.

Other Business:

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

Amy S. Atkins, Clerk
Board of Commissioners

Alex Patton, Chairman
Board of Commissioners