

**MINUTES**  
**LINCOLN COUNTY BOARD OF COMMISSIONERS**  
**MONDAY, APRIL 18, 2011**

The Lincoln County Board of County Commissioners met on April 18, 2011 at the Citizens Center, Commissioners Room, 115 West Main Street, Lincolnton, North Carolina, the regular place of meeting at 6:30 PM.

**Commissioners Present:**

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

**Others Present:**

George A. Wood, County Manager  
Martha W. Lide, Assistant County Manager  
Wesley L. Deaton, County Attorney  
Amy S. Atkins, Clerk to the Board  
Randy Hawkins, Zoning Administrator  
Burns Whittaker, Public Work Director  
Leon Harmon, Finance Director

**Call to Order:** Chairman Patton called the April 18, 2011 meeting of the Lincoln County Board of Commissioners to order.

Chairman Patton gave the invocation and led in the Pledge of Allegiance.

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

**AGENDA**

**LINCOLN COUNTY BOARD OF COMMISSIONERS**

APRIL 18, 2011

6:30 PM     Call to Order

Invocation - Rev. J.V. Allen, Boger City Wesleyan Church

Pledge of Allegiance

1.     6:32 PM     Adoption of Agenda

2.     6:33 PM     Consent Agenda

- Spring Litter Sweep 2011

Resolution #2011-25: Resolution to Sell Boger City VFD a Surplus County Vehicle for \$1.00  
Tax Requests for Refunds - More than \$100  
- March 14 - 27, 2011

Approval of Minutes  
Surplus Equipment  
Resolution #2011-21: Resolution Authorizing the County Manager to Execute Documents Related to the Lincoln County Scattered Site Housing Community Development Block Grant  
Public Safety Telecommunicator's Week Proclamation  
Approval for Architect for Robert Mundy House  
Resolution #2011-22: Resolution to Amend the Classification and Compensation Plan for Lincoln County, NC

3. 6:35 PM Planning Board Recommendations – Randy Hawkins  
ZMA #583 - Roman Catholic Diocese of Charlotte, applicant  
ZMA #584 - J.T. Smith, applicant  
CZ #2011-1 - East Lincoln Fire Department, applicant  
UDO Proposed Amendments #2011-2 - Lincoln County Planning and Inspections  
PCUR #110A-3 - Fifth Third Bank, applicant

4. 7:05 PM Motion to set a date for May 2, 2011 at 6:30 p.m. for a public hearing on possible revocation of Conditional Use Permit for Burton Creek Subdivision

5. 7:10 PM Motion to set date of May 2, 2011 to vote on possible revocation of sewer capacity for the Burton Creek Subdivision and the pump station partially serving Burton Creek Subdivision and to revoke unused sewer capacity in that pump station and the unused sewer capacity allocated in Killian Creek WWTP and Forney Creek WWTP

6. 7:15 PM Public Comments

7. 7:30 PM Contract for Inspiron Logistics, LLC for WENS Reverse 911 Services - Martha Lide

8. 7:40 PM Interlocal Agreement for Reverse 911/Alerting Services - Lincoln County, City of Lincolnton and Lincoln County Schools - Martha Lide

9. 7:50 PM Courthouse Elevator Upgrade and Smoke/Security Improvements - Martha Lide

10. 8:00 PM Graham County Resolutions  
Resolution #2011-23  
Resolution #2011-24  
Resolution #2011-25  
Resolution #2011-26

11. 8:10 PM Finance Officers Report - Leon Harmon

12. 8:15 PM County Manager's Report - George Wood

- 13. 8:20 PM County Commissioners' Report
- 14. 8:25 PM County Attorney's Report - Wesley Deaton
- 15. 8:30 PM Vacancies/Appointments
- 16. 8:35 PM Calendar
- 17. 8:40 PM Other Business  
- Register of Deeds Report

Adjourn

**UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to adopt the agenda as presented.

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

- Spring Litter Sweep 2011
- Resolution #2011-25: Resolution to Sell Boger City VFD a Surplus County Vehicle for \$1.00
  - Tax Requests for Refunds - More than \$100
    - March 14 - 27, 2011
- Approval of Minutes
- Surplus Equipment
- Resolution #2011-21: Resolution Authorizing the County Manager to Execute Documents Related to the Lincoln County Scattered Site Housing Community Development Block Grant
- Public Safety Telecommunicator's Week Proclamation
- Approval for Architect for Robert Mundy House
- Resolution #2011-22: Resolution to Amend the Classification and Compensation Plan for Lincoln County, NC

### **SPRING LITTER SWEEP 2011**

#### **A PROCLAMATION**

WHEREAS, the North Carolina Department of Transportation organizes an annual spring roadside cleanup campaign to ensure clean and beautiful roads throughout our State; and

WHEREAS, the SPRING LITTER SWEEP roadside cleanup will take place April 16-30, 2011; this effort encourages local communities, civic and professional groups, businesses, government agencies, churches, and individuals to participate and to take responsibility for cleaner roads in Lincoln County and North Carolina; and helps to educate the public about the harmful effects of litter on the environment;

WHEREAS, Adopt-A-Highway volunteers, community and civic organizations, inmates, community service workers, local governments, and many concerned citizens conduct these cleanups and may receive a Certificate of Appreciation for their hard work; and

WHEREAS, the natural beauty and a clean environment are sources of great pride for Lincoln County and North Carolina, attracting tourists and aiding in recruiting new industries; and

WHEREAS, the 2011 Spring cleanup will improve the quality of life for all of Lincoln County and North Carolina and will celebrate the 23<sup>rd</sup> anniversary of the North Carolina Adopt-A-Highway program and its 5,860 volunteer groups that donate their time and labor year round to keep our roadsides clean;

Now, THEREFORE, the LINCOLN COUNTY BOARD OF COMMISSIONERS does hereby proclaim April 16-30, 2011, as "**SPRING LITTER SWEEP**" in Lincoln County, and encourages all citizens to take an active role in making their communities cleaner.

#### **RESOLUTION #2011- 25**

#### **RESOLUTION TO SELL BOGER CITY VOLUNTEER FIRE DEPARTMENT A SURPLUS COUNTY VEHICLE FOR \$1.00**

**WHEREAS**, the County Commission is authorized to sell any real or personal property owned or held by the County, which is not needed for governmental or other public purposes (GS 160A, Article 12 and G.S.153A-176); and

**WHEREAS**, Lincoln County's process for disposal of surplus property was approved in March 2010 as part of the Purchasing Policy; and

**WHEREAS**, on a regular basis, lists are submitted to the Board of County Commissioners for approval to dispose of surplus property, and these lists often include vehicles; and

**WHEREAS**, the Boger City Volunteer Fire Department, a non profit 501 (c) 3 organization, provides a valuable service to the residents of our County; and

**WHEREAS**, the Boger City Volunteer Fire Department has requested to purchase a surplus vehicle from the County which would be used for day to day operations;

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

That Lincoln County agrees to sell the Boger City Volunteer Fire Department a vehicle that has been deemed surplus by the Board of County Commissioners for the price of \$1.00. The County Manager, will work with the Boger City Volunteer Fire Department to identify a suitable vehicle.

That this amendment shall become effective on April 18, 2011.

Adopted this 18th day of April 2011.

LINCOLN COUNTY

By: \_\_\_\_\_  
Alex Patton, Chairman  
Board of Commissioners

ATTEST:

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Amy S. Atkins, Clerk to the  
Board of Commissioners

LINCOLN COUNTY TAX DEPARTMENT  
MOTOR VEHICLES

**REQUEST FOR REFUNDS**

PERIOD COVERED (MARCH 14, 2011-MARCH 27, 2011)

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

NAME	YEAR	DIST	A/C#	AMOUNT	REASON
Antoniono, Martin R.	2010	DFD	0117223	343.53	Pro-Rated Bill
			TOTAL	\$343.53	

**RESOLUTION #2011-21**  
**RESOLUTION AUTHORIZING THE COUNTY MANAGER**  
**TO EXECUTE DOCUMENTS RELATED TO THE**  
**LINCOLN COUNTY SCATTERED SITE HOUSING**  
**COMMUNITY DEVELOPMENT BLOCK GRANT**

**WHEREAS**, Lincoln County has been awarded a Community Development Block Grant (CDBG) in the amount of \$400,000 for owner-occupied housing rehabilitation activities; and

**WHEREAS**, the purpose of the grant program is to improve the housing conditions of very low income households with incomes at or below 50% of area median income; and

**WHEREAS**, the Scattered Site Housing grants are available every three years to eligible and participating counties; and

**WHEREAS**, the County must continually execute and certify compliance documents to the Division of Community Assistance who administers the grant on behalf of Housing and Urban Development (HUD); and

**WHEREAS**, the Board feels that it is in the best interests of the citizens of Lincoln County to expedite these certifications in order to comply with the requirements of the grant and to continue to receive funding that will help improve the housing conditions of low-income households through activities associated with this grant.

**NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED**, by the Board of Commissioners for the County of Lincoln as follows:

1. That the Board does hereby authorize its Chairman as its official representative to execute and certify documents related to the Scattered Site Housing Program in Lincoln County.
2. That the Board does hereby authorize the County Manager to execute and certify documents related to the Scattered Site Housing Program in Lincoln County on behalf of its Chairman.
3. That the resolution shall take effect immediately upon its adoption and be retroactive to the 4<sup>th</sup> of January, 2010.

Adopted the 4<sup>th</sup> day of April ,2011.

LINCOLN COUNTY

By:

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Alex E. Patton, Chairman  
Lincoln County Board of  
Commissioners

ATTEST:

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Amy S. Atkins, Clerk to the  
Board of Commissioners

RESOLUTION EXEMPTING SELECTION OF CONSULTANT TO PROVIDE  
ARCHITECTURAL SERVICES FOR RESTORATION OF THE MUNDY HOUSE PROJECT  
FROM G.S. 143-64.31 AND THE LINCOLN COUNTY PURCHASING POLICY AND  
RATIFICATION OF THE HISTORICAL PROPERTIES COMMISSION CONTRACT WITH  
YELVERTON ARCHITECTS PA

WHEREAS, G.S. 143-64.31 and the Lincoln County Purchasing Policy require the announcement of requirements for architectural services to select firms qualified to provide such services on the basis of demonstrated competence and qualification for consideration and without regard to fee;

WHEREAS, Historic Properties Commission followed a modified announcement of the requirements, rather than following the County Purchasing Policy because they were not aware that they had to follow the County Purchasing Policy,

WHEREAS, Yelverton Architects PA was selected as the most qualified Architect to perform the design work for the Mundy House project, and the Historic Properties Commission has already entered into a contract with them to perform the work and a large portion of the required work is already completed; and

WHEREAS, the expertise and experience of Yelverton Architects PA makes them the most qualified for performing this work;

WHEREAS, it is in the best interests of Lincoln County to exempt this Architectural selection process from G.S. 143-64.31 and the Lincoln County Purchasing Policy.

**NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED**, that the

1. The selection process for architectural services related to the Mundy House restoration/renovation project is exempted from G.S. 143-64.31 and the County Purchasing Policy.
2. The attached contract between the Historic Properties Commission and Yelverton Architects PA is ratified.

That this amendment shall become effective on \_\_\_\_\_.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_ 2010.

LINCOLN COUNTY

By: \_\_\_\_\_  
Alex Patton, Chairman  
Board of Commissioners

ATTEST:

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Amy S. Atkins, Clerk to the  
Board of Commissioners

**PROCLAMATION**  
**A PROCLAMATION TO DESIGNATE APRIL 10-16, 2011**  
**PUBLIC SAFETY TELECOMMUNICATOR'S WEEK**

**WHEREAS**, emergencies can occur at anytime that require law enforcement, fire or emergency medical services; and

**WHEREAS**, when an emergency occurs the prompt response of emergency response of emergency responders is critical to the protection of life and preservation of property; and

**WHEREAS**, the safety of our emergency responders is dependent upon the quality and accuracy of information obtained from citizens who call 9-1-1; and

**WHEREAS**, Public Safety Telecommunicators are the first and most critical contact our citizens have with emergency services; and

**WHEREAS**, Public Safety Telecommunicators are the single vital link for our emergency responders by monitoring their activities by radio, providing them information and insuring their safety; and

**WHEREAS**, each telecommunicator has exhibited compassion, understanding and professionalism during the performance of their job in the past year;

**NOW, THEREFORE** the Lincoln County Board of Commissioners does hereby proclaim April 10 – 16, 2011, as “PUBLIC SAFETY TELECOMMUNICATOR’S WEEK” in Lincoln County in honor of the men and women whose diligence and professionalism keep our county telecommunicators nationwide who answer our calls for help.

Adopted this the 18th day of April 2011.

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Alex E. Patton, Chairman

ATTEST:

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Amy S. Atkins, Clerk to the Board

**RESOLUTION #2011-22**  
**RESOLUTION TO AMEND THE CLASSIFICATION AND COMPENSATION PLAN FOR**  
**LINCOLN COUNTY, NORTH CAROLINA**

**WHEREAS**, the Board of County Commissioners previously has adopted a Classification and Compensation Plan for Lincoln County, North Carolina, which was prepared by Condrey and Associates, Inc.; and

**WHEREAS**, the County Manager is charged with assuring the Plan remains current and up to date; and

**WHEREAS**, the Director of Parks, Recreation, and Grounds have proposed the revised job descriptions to streamline operations and the changes have been reviewed with staff, and approved by the County Manager

**NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED**, that the Classification and Compensation Plan for Lincoln County, North Carolina is hereby amended as follows:

Amend the job title from Horticulturist to Grounds Division Supervisor/Horticulturist to reflect job responsibilities.

Amend the job description for Grounds Division Supervisor/Horticulturist adding the requirement of *possession of or ability to readily obtain pesticide license issued by the State of North Carolina for the types needed by the division*

Amend job descriptions for Grounds Division Supervisor/Horticulturist, Senior Grounds Maintenance Technician, Grounds Maintenance Technician, Parks Maintenance Supervisor, and Parks Maintenance Worker to include the language *essential* for these positions.

Amend Parks Maintenance Supervisor job description to include the duties of: *conducting interviews, recommending hiring of new employees, training, assigning and directing work, scheduling work, supervising, evaluating, and disciplining personnel within maintenance division.*

Reclassify the Parks Maintenance Supervisor job description from a pay grade 16 to pay grade 17 to maintain equality of the position.

That this amendment shall become effective on \_\_\_\_\_.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_ 2011.

LINCOLN COUNTY

By: \_\_\_\_\_  
Alex Patton, Chairman  
Board of Commissioners

ATTEST:

\_\_\_\_\_  
Amy S. Atkins, Clerk to the  
Board of Commissioners

**Planning Board Recommendations – Randy Hawkins:** Randy Hawkins presented the following information:

**Zoning Map Amendment No. 583 – Roman Catholic Diocese of Charlotte, applicant:** The Planning Board voted 8-0 to recommend approval.

Commissioner Klein stated that he would like to excuse himself since he attends that church.

**UPON MOTION** by Commissioner Robinson, the Board voted 4-0, with Commissioner Klein not voting, to approve ZMA #583 as recommended by the Planning Board.

**Zoning Map Amendment No. 584 – J. T. Smith, applicant:** The Planning Board voted 8-0 to recommend approval.

**UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to approve ZMA #584 as recommended by the Planning Board.

**Conditional Zoning No. 2011-1 – East Lincoln Fire Department, applicant:** The Planning Board voted 8-0 to recommend approval with the following conditions:

- 1) No outside storage shall be permitted
- 2) The shed on the property shall be removed.

**UPON MOTION** by Commissioner Arena, the Board voted unanimously to approve CZ #2011-1 as recommended by the Planning Board, along with the statement of consistency and reasonableness removing condition #2.

**UDO Proposed Amendments #2011-2 – Lincoln County Planning and Inspections:** The Planning Board voted 8-0 to recommend approval.

**UPON MOTION** by Commissioner Arena, the Board voted unanimously to approve UDO Proposed Amendments #2011-2.

**Parallel Conditional Use Request No. 110A-3 – Fifth Third Bank, applicant:** The Planning Board voted 7-0 to recommend that the request be disapproved. The motion did include some language with the understanding that staff attempt to meet with the bank to provide a recommendation for the level of the bond moving forward. Staff met with the bank after the Planning Board meeting and the Bank has agreed to provide a \$175,000 letter of credit, which was the recommendation 2 years ago when the previous owner requested to amend the permit.

There was a discussion on the dredging of the cove, what \$140,000 would cover, etc. Mr. Hawkins said the \$175,000 is the \$140,000 plus a contingency. It was also discussed that the bond would be for moving forward, not for what has happened in the past.

Representatives from the Bank and Attorney Nielsen spoke concerning the bond and the Planning Board's request.

**UPON MOTION** by Commissioner Arena, the Board voted unanimously to deny PCUR #110A-3 as recommended by the Planning Board and leave the bond at \$500,000.

**Motion to set a date for May 2, 2011 at 6:30 p.m. for a public hearing on possible revocation of Conditional Use Permit for Burton Creek Subdivision and Motion to set date of May 2, 2011 to vote on possible revocation of sewer capacity for the Burton Creek Subdivision and the pump station partially serving Burton Creek Subdivision and to revoke unused sewer capacity in that pump station and the unused sewer capacity allocated in Killian Creek WWTP and Forney Creek WWTP:**

Mr. Wood recommended scheduling the public hearing for May 2, 2011 at 6:30 p.m. He said another issue is adequate monitoring going forward. He said SM&E, an Environmental Consulting Firm and they have made a proposal to review all the monitoring points to make sure they are in the right place and they will move them if they are not. They will do this for a very nominal fee. He recommended going ahead with this. That will give a good basis going forward for what the conditions are right now.

The other issue is for the sewer capacity and the reimbursement of the \$653,253. This was a regional pump station that was put in at the request of four property owners and all four are served by this. Two have paid in full, the other is Norman Pointe and an agreement has been entered into. This is the only one of the developers that has not paid.

**UPON MOTION** by Commissioner Robinson, the Board voted unanimously to set a date of May 2, 2011 at 6:30 p.m. for a public hearing on possible revocation of Conditional Use Permit for Burton Creek Subdivision.

**UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to set the date of May 2, 2011 to vote on possible revocation of sewer capacity for the Burton Creek Subdivision and the pump station partially serving Burton Creek Subdivision and to revoke unused sewer capacity in that pump station and the unused sewer capacity allocated in Killian Creek WWTP and Forney Creek WWTP.

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

Rudy Bauer stated that he was asked what clean water looks like. Mr. Bauer presented samples from the lake of what he considers clean water and silt-filled water. He said the silt, erosion in their cove came from across the street and it's Fifth Third's Property. He told them they can have their land back for free if they will pump it back across the street.

Anne Michael, speaking on behalf of residents in Westport, on the rules and procedures for public comment in an open forum. She presented a draft of public comment rules and submitted them. She requested that they be approved as the new rules. She asked that the file she submitted become part of the minutes. She spoke concerning the April 4 public hearing in which a Powerpoint presentation was not allowed after it had prior approval.

Chairman Patton apologized again and said it was not intentional.

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

Commissioner Arena stated that he went around with Mr. Fogle and measured silt off docks and coves. He said there is 2 to 3 feet of silt. He asked for SM&E to do a quote to do an analysis of the silt to make some level of scientific determination of how long it has been there, how long it's been there, and where it came from. Mr. Wood said they can do this as well as coring. Mr. Wood said he will be a quote.

**Contract for Inspiron Logistics, LLC for WENS Reverse 911 Services – Martha Lide:**

It is recommended that the Board approve the contract with Inspiron Logistics, LLC for WENS Reverse 911 services. The total cost of the contract, which includes unlimited voice, SMS text, email, and desktop alerting, will be \$36,900 annually. Also on tonight's agenda is an Interlocal Agreement between Lincoln County, the City of Lincolnton, and Lincoln County Schools, as all three organizations will be collaborating on this project. The costs will be shared as follows:

Lincoln County	\$12,500
City of Lincolnton	\$ 4,400
Lincoln County Schools	<u>\$20,000</u>
Total Annual Cost	\$36,900

For the first year, Lincoln County's share will be paid through a \$5,000 grant from the State for emergency preparedness (which is received by the Health Department) and 900 Trust Fund money. In subsequent years, this will be a general fund expense, but the cost is offset by elimination of the cost of the previous reverse 911 services contract (\$7,600) and paging services. We estimate that we currently expend close to \$33,000 on paging services, and feel that a significant portion of those costs can be eliminated. The County plans to offer these alerting systems to our Volunteer Fire Departments so their paging services expenses can also be eliminated (ex: Denver Fire Department expends \$5,000 annually)

### Reverse 911 Uses and Savings

The system is designed to facilitate emergency notifications in the event of manmade/natural disasters, but it will also facilitate notification and alerting in many other situations. We believe that we will discover many uses for the system as staff from each organization is trained to fully understand the system's capabilities. Below are several examples of how the system will be used:

- Instant notification of all citizens of any natural/man-made disasters (tornados, winter storms, hazardous material leaks or spills, etc.)
- Immediate notification of all students/parents of a crisis on school grounds/school closings/delays/school events
- Fast and efficient mobilization of emergency response services (Sheriff's Office, City Police, Fire Departments & EMS) in an emergency/call-in situation
- Notification of businesses/residents of utility/water line issues/road closings
- Amber/Silver alerts for missing children/elderly citizens
- Advising citizens of law enforcement situations where citizens may be in danger
- Notification of employees for weather closings/delays/scheduling changes
- Notification of clinic scheduling changes/sending health alerts
- Notification of businesses/churches to call and schedule fire inspections – reducing inefficient trips by fire inspectors

The database for notification of citizens can be populated in several ways. The service offers the ability to "opt in" or "opt out." Our plan is to:

- Enter all of our citizens for general emergency notifications by uploading our current list of names and addresses managed by Intrado through a contract with AT&T – We will also be able to upload data from cell phone carriers that have contracts with Inspiron Logistics, LLC.
- Each of the collaborating partners on this project will also be able to upload call lists (ex: school students and their families, employees, or clinic users, etc. to receive user specific notifications).
- Citizens will also be able to access a website to opt out of the service or edit their profiles to receive additional alerting services, such as weather alerting from NOAA. Many of these tasks can also be done through text messaging.
- We realize that some citizens will not be interested in this emergency alerting service, and may not want or be able to access a website to update their profiles, or opt out of this service. We will provide a phone number for them to call, and an administrator will have the ability to edit their profiles.

### Selection of WENS, Inspiron Logistics, LLC

Staff conducted a review of the major reverse 911 providers to determine the service that would be most cost effective and meet our needs. Webinars were held with each company so we could fully understand the features offered by each company. Attached is a spreadsheet showing the comparison of the features of WENS, Code Red, MyStateUSA and Blackboard Connect. Some of the features that make the WENS System the best alternative for Lincoln County are:

- Availability of more databases that can be automatically uploaded onto the WENS system – Inspiron Logistics LLC has contracts with all the major cell phone carriers.
- Immediate uploading of database updates and ease of inputting our own call lists/ user groups by using existing call lists from Excel and Access programs and other common formats
- Unlimited number of users, and ability to control user creation and permissions  
This will allow each of the parties to the agreement maximum flexibility in creating contact lists. (ex: individual County/City Departments/schools could create user contact lists and disseminate messages.)
- Speed of delivery – WENS offers “True SMS” and “Text to Speech” that delivers thousands of messages per minute
- High level of network security
- User friendly systems which will be easy for staff to learn
- Clear and immediate tracking of recipients of calls/call completion for reporting purposes/staff accountability
- Remote access so authorized users can send messages from their homes
- Ability to send video and media, which can be useful for law enforcement (ex: distribute picture of vehicle or missing person being sought)
- Option of enrolling in National Oceanic and Atmospheric Administration (NOAA) weather alerting
- Mapping tool (Google Maps) which is user friendly; allows radius or polygon definition of notification areas
- Training and roll-out public relations are included in the contract
- Price – WENS’ price was the lowest for unlimited use option

The WENS Service Agreement is for one year beginning July 1, 2011 through June 30, 2012, with four one-year renewal options. We are seeking approval of the contract at this time because we must begin the process of training staff, uploading data and rolling out a public relations campaign prior to the start of the contract.

**UPON MOTION** by Commissioner Robinson, the Board voted unanimously to approve the contract with Inspiron Logistics, LLC for WENS Reverse 911 services.

**Interlocal Agreement for Reverse 911/Alerting Services – Lincoln County, City of Lincolnton and Lincoln County Schools – Martha Lide:**

It is recommended that the Board approve the attached Interlocal Agreement between Lincoln County, the City of Lincolnton and Lincoln County Schools, concerning the WENS Reverse 911/ Alerting systems. Also on tonight’s agenda is the contract with Inspiron Logistics, LLC for those services. By working together on this project we can create a Countywide system that meets all of our needs and results in savings and efficiencies for each organization.

In 2010, we determined that Lincoln County’s emergency alerting system contract

(approximately \$7,600 per year) was ineffective and not as cost effective as current technology allows; we had very low call completion rates. We began investigating alternatives and found some Reverse 911 alerting services were provided to all government entities within a County at very competitive rates. The City of Lincolnton has not previously had an alerting system. Lincoln County Schools has had an alerting system for several years that they use to notify students and their families of numerous activities that are scheduled at the schools, school closing and delays, and staff notifications. They were paying approximately \$24,000 annually for those services.

While Lincoln County Schools were satisfied with their system, the WENS system does offer some additional features and will meet their needs. They have agreed to partner with Lincoln County and the City of Lincolnton, which will allow us all to improve our services.

The total cost of the contract, which includes unlimited voice, SMS text, email and desk top alerting, will be \$36,900 annually. The costs will be shared as follows:

Lincoln County	\$12,500
City of Lincolnton	\$ 4,400
Lincoln County Schools	\$20,000
Total Annual Cost	\$36,900

The parties have agreed that this cost split is fair for the first year, but in subsequent years, we will split costs based on usage history.

Our reverse 911 alerting system will be called “Lincoln Alerts.” We plan to “roll out” the system July 1, 2011. In June 2011, we will train all staff and users, upload databases and user groups, and begin the public relations campaign to implement the system. The Sheriff’s Office , EMS and Volunteer Fire Departments will all play an important role in implementation of this new system. Lincoln County, the City of Lincolnton and Lincoln County Schools will each assign one contact person to coordinate and administer the Reverse 911 services for their organization. Lincoln County will take the lead role as overall “Administrator” for any overall coordination issues but will consult the other parties if any decision may reasonably affect service.

Any of the three parties who want to discontinue the service must notify the other parties in writing 6 months prior to the date of termination of their participation in order to allow other parties time to secure other services or identify funds needed to continue the service.

The Emergency Services Committee has had a presentation from WENS concerning the reverse 911 alert services for the County. They have approved the project and the partnership with Lincoln County Schools and the City of Lincolnton.

#### INTERLOCAL AGREEMENT AMONG LINCOLN COUNTY, LINCOLN COUNTY BOARD OF EDUCATION, AND THE CITY OF LINCOLNTON CONCERNING REVERSE 911 SERVICES

Whereas, Lincoln County, the Lincoln County Board of Education, and the City of Lincolnton have agreed to work cooperatively to contract for Reverse 911 Services in order to improve emergency alerting for the each of the entities; and

Whereas, after an analysis and comparison of companies offering Reverse 911 Services, the parties have decided that services offered by Inspiron Logistics, LLC (WENS) are most cost effective and compatible with our needs; and

Whereas, all parties recognize that by working together we can improve services to all and save money overall; and

Whereas, the parties have authority to execute this Interlocal Agreement pursuant to Article 20 of Chapter 160A of the North Carolina General Statutes;

Now therefore, for and in consideration of the mutual promises and covenants herein contained, all parties agree as follows:

1. Lincoln County will enter into a WENS service agreement with Inspiron Logistics, LLC, for reverse 911 services and will be the primary signatory on said agreement, but costs will be divided among the parties to this Interlocal Agreement as hereinafter set forth.
2. Each party agrees to participate and contribute to the cost of the WENS services as below for the first year, July 1, 2011- June 30, 2012. The total contract will be for \$36,900 and services provided will include unlimited Voice, SMS, Text, Email, Desktop, and Paging;

Date	Annual Cost	Lincoln County	Lincolnton	Lincoln County Schools
July 1, 2012- June 30, 2013	\$36,9900 Option 1	\$12,500	\$4,400	\$20,000

3. In March 2012, and in March of each subsequent year of the Agreement, the parties will conduct an analysis of WENS System usage and will meet to determine how to equitably divide the costs for the next fiscal year.
4. Any of the three parties who is interested in discontinuing the service must notify the other parties in writing 6 months prior to the date of termination of their participation in order to allow other parties time to secure other services or identify funds needed to continue the service. This agreement may be amended as may be agreed by the parties in writing.
5. The Reverse 911 Services in Lincoln County will be called "Lincoln Alerts," and all parties agree to participate reasonably in public relations campaigns to advertise and publicize the service.

6. Each party to the agreement will assign one contact person to coordinate and administer the Reverse 911 services for its organization. Lincoln County will take the lead role as overall “Administrator” for any overall coordination issues but will consult the other parties if any decision may reasonably affect service.

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Lincoln County  
George Wood, Lincoln County Manager

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Lincoln County Board of Education  
Steve Zickefoose, Lincoln County Schools

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City of Lincolnton  
Jeff Emory, Lincolnton City Manager

**UPON MOTION** by Commissioner Klein, the Board voted unanimously to approve the Interlocal Agreement for Reverse 911 Alerting Services.

**Courthouse Elevator Upgrade and Smoke/Security Improvements – Martha Lide:**  
Martha Lide presented the following information:

It is recommended that the Board waive the bidding process for upgrade of the elevators and installation of smoke/security alarm improvements at the Lincoln County Courthouse. It is recommended that the Board authorize the County Manager to negotiate contracts with a selected elevator service firm and a selected security firm to provide the necessary services based on cost and scheduling requirements. It is estimated that the total project will be less than \$100,000. These expenditures will be made from the Building Maintenance and Repair line item, and a budget amendment to appropriate fund balance, which is attached, is required.

- The elevator in the Courthouse is in need of a upgrade. The reliability of the elevator is extremely low, and maintenance to keep it operating has gotten extremely high. Our maintenance crews are required to reset the controls on a daily basis. While it has continued to pass State inspections, it is subject at any time to break down, creating a significant disruption to the court system.
- As part of the upgrade, we will be required to install a smoke detector on each floor just outside the elevator doors. Rather than installing this as part of the elevator contract, we can save money by contracting directly with a security firm.
- The work will have to be done in an expedited manner to prevent disruption to the Courts. In working with the Clerk of Court, we have identified a window of June 17-22 when the work can be done with the least disruption to the courts. The work by the contractor will have to be completed, and the State Inspector will have to certify the elevator within the 5-day period.
- Due to the short period to get a contractor on board, the bidding requirements in our Purchasing Policy cannot be used. Our policy would have required that we receive 3 quotes and that the project be advertised on the County's website. Additionally, given the absolute requirement to work within the window provided by the court, it is critical that the contractors selected be reliable and able to mobilize in a timely fashion.
- We have solicited informal estimates for the cost of the elevator replacement and the smoke/ security system to help ensure we will be getting competitive prices.

**UPON MOTION** by Commissioner Arena, the Board voted unanimously to waive the bidding requirements for this project.

**Graham County Resolutions:**

- **Resolution #2011-23**
- **Resolution #2011-24**
- **Resolution #2011-25**
- **Resolution #2011-26**

**RESOLUTION #2011-23: RESOLUTION OPPOSING THE HOUSING OF MISDEMEANANTS  
IN N.C. COUNTY JAILS BEYOND THE CURRENT 90 DAY LIMIT**

**WHEREAS**, the Lincoln County Board of Commissioners oppose any state legislation that would require the housing of misdemeanants in county jail facilities in North Carolina beyond the current 90-day limits. The Lincoln County Board of Commissioners interprets this action to be an unfunded mandate to reduce the overall State of North Carolina prison population at the expense of local county governments;

**WHEREAS**, the Lincoln County Board of County Commissioners believe that this legislation will take up even more space in county jails and also cause counties to absorb more of the cost for the state's prison system;

**WHEREAS**, the Lincoln County Board of County Commissioners believe the current reimbursement for housing state inmates in county facilities is not sufficient to cover the cost of housing these inmates. Also,

additional state inmates in county detention centers are having a negative impact on the county detention centers.

**NOW THEREFORE**, the Lincoln County Board of County Commissioners urges our State Legislative Delegation, being Senator Jim Forrester and Representative Johnathan Rhyne, to oppose this bill and to oppose cloture – a procedure maneuver to have the legislation considered on the floor. We urge that your votes be “NO” to forcing North Carolina’s 100 County Governments to shoulder what should otherwise be a State of North Carolina responsibility.

Adopted this the 18th day of April 2011.

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Alex E. Patton, Chairman

ATTEST:

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Amy S. Atkins, Clerk to the Board

**UPON MOTION** by Commissioner Arena, the Board voted unanimously to approve Resolution #2011-23.

**RESOLUTION #2011-24: RESOLUTION OPPOSING THE LOSS OF COUNTY SCHOOL CONSTRUCTION DOLLARS AND THE SHIFT OF STATE SCHOOL FUNDING RESPONSIBILITIES TO COUNTIES**

**WHEREAS**, counties in North Carolina are statutorily responsible for providing public school facilities in North Carolina and contribute significant county funds for classroom expenses; and

**WHEREAS**, counties spend more than \$1.5 billion annually for public school capital needs and \$2.5 billion for public operating expenses; and

**WHEREAS**, counties rely on local sales taxes, property taxes, the county share of lottery funds and the county share of the corporate income tax to help fund public school capital needs and have issued public debt based on these revenue streams; and

**WHEREAS**, counties have lost more than a quarter billion dollars in lottery and corporate income tax school construction funds over the current biennium; and

**WHEREAS**, the Governor’s budget proposal permanently eliminates the county share of the corporate income tax and reduces the county lottery share by 75 percent, costing counties more than \$200 million per year in revenues dedicated to public school construction needs; and

**WHEREAS**, the budget proposal shifts responsibility to pay for replacement school buses (\$56.9 million per year) to counties; and

**WHEREAS**, the budget proposal also takes the unprecedeted step of forcing counties to assume workers’ compensation costs for state-paid public school employees ( \$34.6 million per year) and community college employees (\$1.7 million per year) and to fund school tort claims (\$4.6 million per year); and

**WHEREAS**, the budget proposal reflects an overall cost shift to counties of \$345 million in 2011-12 alone, requiring counties to raise property taxes to manage a loss of this magnitude;

**NOW, THEREFORE, BE IT RESOLVED** that the Lincoln County Board of County Commissioners adamantly opposes the unfunded mandates and the loss of the county revenues included in the Governor's budget proposal; and

**FURTHER BE IT RESOLVED** that copies of this resolution will be transmitted to the General Assembly members who represent Lincoln County with our opposition to these unprecedeted changes in county responsibility and the use of county revenues to balance the state budget.

Adopted this the 18th day of April 2011.

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Alex E. Patton, Chairman

ATTEST:

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Amy S. Atkins, Clerk to the Board

**UPON MOTION** by Commissioner Klein, the Board voted unanimously to approve Resolution #2011-24.

**RESOLUTION #2011-25: RESOLUTION CONCERNING RIGHT OF ENTRY UPON PRIVATE PROPERTY**

**WHEREAS**, North Carolina General Statute 87-90 grants to the state of North Carolina a right of entry upon private property; and

**WHEREAS**, said statute mandates that no person shall "obstruct, hamper or interfere with any such representative" of the Environmental Management Commission or the Department of Environmental Health and Natural Resources to enter private property, and

**WHEREAS**, said statute mandates that the authorized representative present only "appropriate credentials", and

**WHEREAS**, any person who violates any provision of said statute 87-90 is subject to a penalty of up to \$1000.00 per day, as prescribed separately in Statute 87-94; now

**THEREFORE**, the Lincoln County Board of Commissioners, on behalf of residents, hereby does resolve to support the amending of NCGS 87-90 to recognize and preserve private property rights as follows, that:

1. Any private person may require the authorized representative of any portion of North Carolina state government or any local government to provide, in addition to credentials, valid evidence of probable cause plus warrant served by recognized law enforcement personnel. The Environmental Management Commission or Department of Environment and Natural Resources shall be required to give advance written notice to a private property owner of the intention to enter private property, and the Commission or Department shall be required to inform the private property owner of the right to require the above documents.
2. Any private person shall not be subject to any penalty or other sanction by requiring the documents of #1 above or otherwise exercising steps of due process.

Adopted this the 18th day of April 2011.

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Alex E. Patton, Chairman

ATTEST:

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Amy S. Atkins, Clerk to the Board

**UPON MOTION** by Commissioner Robinson, the Board voted unanimously to approve Resolution #2011-25.

**RESOLUTION #2010-26: RESOLUTION SUPPORTING PUBLIC HEALTH FUNDING  
THROUGH STATE & LOCAL AID-TO-COUNTY**

**WHEREAS**, State funding for local public health services is small, only 0.3% of the total state budget, these funds are Extremely critical in the delivery of local public health services; and

**WHEREAS**, State funding for local public health is provided through; (1) Aid to county, (2) Categorical funding And (3) Contract/grants for special projects, and

**WHEREAS**, Aid-to-County funding is the only non-categorical funding allocated by the state to local health departments to assure the provision of essential public health services; and

**WHEREAS**, these funds are intended to improve health at the local level by: providing resources to address locally identified gaps in services and community needs and creating the infrastructure necessary to effectively and efficiently respond to local needs; and

**WHEREAS**, local public health departments must be prepared with the infrastructure to respond to known issues such as emergency preparedness, communicable diseases, pandemic flu, childhood obesity, diabetes, infant mortality disparities, Methamphetamine Lab clean-up, food safety and promoting the availability and accessibility of quality healthcare services, as well as response to emerging needs; and

**WHEREAS**, local public health departments must be adequately funded to mobilize communities to improve the health of those disproportionately impacted by disease and early death, and reduce health risks for the entire population; and

**WHEREAS**, the Governor's budget calls for over a 60% reduction in Aid to County funds (a reduction of \$6.8 million of the current \$11.4 million funding and elimination of all \$400,000 Aid to County funding from Division of Environment and Natural Resources);

**THEREFORE, BE IT RESOLVED** the Lincoln County Board of Commissioners supports increasing Aid to County funding for local public health department to assure a strong statewide system that is prepared to address local public health need.

Adopted this the 18th day of April 2011.

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Alex E. Patton, Chairman

ATTEST:

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Amy S. Atkins, Clerk to the Board

There was not motion and Resolution #2011-26 was not approved.

**Finance Officers Report – Leon Harmon:** Leon Harmon presented the Finance Officer's Report.

**County Manager's Report – George Wood:** George Wood presented the County Manager's Report.

**County Attorney's Report – Wesley Deaton:** Wesley Deaton gave the County Attorney's Report.

**Vacancies/Appointments:** Commissioner Robinson presented the following vacancies and appointments:

**UPON MOTION** by Commissioner Robinson, the Board voted unanimously to approve the following appointments:

**Vacancies:**

- Nursing and Adult Home Community Advisory Committee
- Board of Adjustment - Alternate
- Recreation Commission
  - o Howard's Creek Township
- Pathways (1 seat – unexpired term)
- Lincoln County Community Friends
- Lincoln Natural Resources
- CEDC
- Planning Board
- IRB Board

**Appointments:**

**Recreation Commission**

Lou Ann Cooper – unexpired term ending 06/30/12  
Brian Rabalais – unexpired term ending 6/30/13

**Gaston College Board of Trustees**

Ray Ratchford – unexpired term ending June 30, 2014

**Board of Adjustment Alternate**

Brian Rabalais – unexpired term ending 03/31/13

**Calendar:** Chairman Patton presented the May 2011 calendar.

**Other Business:**

- Register of Deeds Report

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

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Amy S. Atkins, Clerk  
Board of Commissioners

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Alex E. Patton, Chairman  
Board of Commissioners