

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, NOVEMBER 7, 2011

The Lincoln County Board of County Commissioners met November 7, 2011 at the Citizens Center, Commissioners' Room, 115 West Main Street, Lincolnton, North Carolina, at 6:30 P.M.

Commissioners Present:

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

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

Call to Order: Chairman Patton called the November 7, 2011 meeting of the Lincoln County Board of Commissioners to order.

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

AGENDA

LINCOLN COUNTY BOARD OF COMMISSIONERS

NOVEMBER 7, 2011

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|----|---------|---|
| | 6:30 PM | Call to Order |
| | 6:31 PM | Invocation – Commissioner Patton |
| | 6:32 PM | Pledge of Allegiance |
| 1. | 6:33 PM | Adoption of Agenda |
| 2. | 6:35 PM | Consent Agenda |
| | | - Tax Requests for Releases – More than \$100 |
| | | - September 16 - October 15, 2011 |
| | | - Tax Requests for Refunds - More than \$100 |
| | | - September 26 - October 9, 2011 |
| | | - Waived Fees |

- Lincoln County Fire Rescue Association
 - Resolution #2011-56 - Resolution Naming Joshua L. Grant as Review Officer
 - Resolution #2011-58 - Resolution to Sell Surplus County Vehicle for \$1.00 to Union VFD
 - Approval of Minutes - October 17, 2011
 - Approval of Surplus Property
 - Resolution #2011-61: Resolution to Amend the Classification and Compensation Plan for Lincoln County - Solid Waste Manager
 - Resolution #2011-62: Resolution to Amend the Classification and Compensation Plan for Lincoln County - Cross Connections Control Tech
 - Resolution #2011-63: Resolution to Amend the Classification and Compensation Plan for Lincoln County - Safety Officer
3. 6:40 PM Public Hearing - NC Tomorrow Grant - Motion to approve Resolution #2011-57: Authorizing Resolution and Certification - Andrew Bryant
 4. 6:45 PM North Carolina Recreation and Park Association Award Presentation to Erma Deen Hoyle - Mark McLeod, President of NCRPA
 5. 6:50 PM East Lincoln Park Improvements - Recommendation for Contract Award - Erma Deen Hoyle
 6. 7:00 PM Public Comments
 7. 7:15 PM Forestry Service Report - Chase Payne
 8. 7:20 PM Rental Houses - Declaration of Surplus - Burns Whittaker
 - ~~9. 7:25 PM Resolutions for Planning Grant for Lakehaven Sewer Improvements - Burns Whittaker~~
~~— Resolution #2011-59: Authorizing Resolution by the Board~~
~~— Resolution #2011-60: Funding Sources Resolution~~
 10. 7:35 PM Design and Construction Agreement for Phase 2 of Lincoln County Emergency Radio Systems Upgrade Project - Martha Lide
 11. 7:45 PM Recommendation from Planning Board
- ZMA #589 - Josh Kiser, applicant
 12. 7:55 PM Other Business
- Adjourn

UPON MOTION by Commissioner Klein, the Board voted unanimously to adopt the agenda removing Item 9.

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

- Tax Requests for Releases – More than \$100
-September 16 - October 15, 2011
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G.S. #105-381 (B) ALL RELEASES MORE THAN \$100
AND #105-325 INCLUDING (A) (6)

PERIOD COVERED
(Sept 16, 2011 - Oct 15, 2011)

NAME	YEAR	DIST	A/C NO	AMOUNT	REASON
Ayre, William John II	2011	ELFD/ELSD	0178041	\$147.01	Pro-rated bill.
Brown, Hiram Dean	2010	DFD/ELSD	0150122	\$127.00	Pro-rated bill.
Brownlow, Ashley Ileen	2011	City	0234842	\$212.78	Vehicle taxable in Mecklenburg County.
Figueroa, Charles Joseph	2011	ELFD/ELSD	0234623	\$103.96	Pro-rated bill.
Fowler, John H	2011	City	0152425	\$111.53	Vehicle taxable in Catawba County.
Hixson, Vincent W Jr	2011	Union	0185874	\$123.45	Pro-rated bill.
Lee, Christopher Joseph	2011	SFFD	0234831	\$126.17	Pro-rated bill.
Omara, Kevin Wayne	2011	City	0145374	\$188.59	Vehicle taxable in Catawba County.
Reid, Joette Elizabeth	2011	ELFD/ELSD	0199704	\$142.02	Pro-rated bill.
Rhoney, Steven Dwayne	2011	City	0234608	\$120.00	Vehicle totaled prior to tag/tax year.
Stokes, Brittney Lauren	2011	ELFD/ELSD	0227546	\$110.30	Vehicle taxable in Buncombe County.
White, Cory Duane	2011	City	0235330	\$305.01	Vehicle taxable in Iredell County.
			TOTAL	\$1,817.82	

NAME	YEAR	DIST	A/C NO	AMOUNT	REASON
Breslin, Jerome	2011	ELFD	0172607	\$182.42	Assessment adjustment of personal property.
City Body Shop (DBA)	1999-2001	City	44000	\$190.58	Lien extinguished.
Computer Geeks (DBA)	2007-2011	HCFD	0187423	\$579.14	Did not own business personal property.
Concord Properties	2011	BCFD	0219361	\$934.25	Personal property in Cabarrus County as of 1/1/2011.
Cooks Mechanical Services Inc.	2011	N-321	0231598	\$487.10	Incorrectly listed/tagged vehicle.
Oakwood Acceptance Corporation	2002-2003	ELFD/ELSD	0148687	\$334.66	US Bankruptcy Judge discharged personal property.
Snyder, Donald Leon	2011	PCFD	16848	\$120.54	Assessment adjustment of real property.
			TOTAL	\$2,828.69	

LINCOLN COUNTY TAX DEPARTMENT
MOTOR VEHICLES

REQUEST FOR REFUNDS

PERIOD COVERED (SEPTEMBER 26, 2011 – OCTOBER 9, 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
HONDA LEASE TRUST	2010	CITY	0159601	110.56	PRO-RATED BILL
			TOTAL	\$110.56	

NORTH CAROLINA LINCOLN COUNTY RESOLUTION 2011-56

That **WHEREAS**, the 1997 General Assembly enacted General Statute 47-30.2 requiring the Board of Commissioners of each county, by resolution, to designate by name one or more persons experienced in mapping of land records management as a Review Officer to review each map and plat required to be submitted for review before the map or plat is presented to the Register of Deeds for recording, and

WHEREAS, the Lincoln County Board of Commissioners believes and so finds that Joshua L. Grant is a person experienced in mapping of land records management in the spirit of the aforesaid statute, and

WHEREAS, to comply with General Statute 47-30.2, the Lincoln County Board of Commissioners enacts this Resolution:

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED, by the Lincoln County Board of Commissioners and its November 7, 2011 regular meeting as follows:

1. That Joshua L. Grant be and is hereby appointed as a **REVIEW OFFICER** to review each map and plat required to be submitted for review before the map or plat is presented to the Register of Deeds for recording.
2. That the **REVIEW OFFICER** shall review expeditiously each map or plat required to be submitted to the officer before the map or plat is presented to the Register of Deeds for recording.

3. The **REVIEW OFFICER** shall certify the map or plat if it complies with all statutory requirements for recording, and affix his certification to the map.

4. This Resolution designating the aforesaid **REVIEW OFFICER** be recorded in the Office of the Register of Deeds for Lincoln County and indexed on the Grantor Index in the name of the **REVIEW OFFICER**.

The foregoing Resolution was unanimously passed by the Lincoln County Board of Commissioners and its regular November 7, 2011 meeting.

LINCOLN COUNTY

By: _____
Alex E. Patton,

ATTEST:

Amy Atkins
Clerk to the Board
North Carolina
Lincoln County

RESOLUTION #2011-61
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 Public Works Director has proposed the attached revised job descriptions to better reflect the responsibilities and duties of the Solid Waste Manager position, and the changes have been reviewed 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 description of the Solid Waste Manager to better reflect responsibilities and duties and add the requirement of must have Certified Landfill Manager's Credentials from the Solid Waste Association of North America.

That this amendment shall become effective on November 7, 2011.

Adopted this _____ day of _____ 2011.

LINCOLN COUNTY

By: _____
Alex Patton, Chairman
Board of Commissioners

ATTEST:

Amy S. Atkins, Clerk to the
Board of Commissioners

RESOLUTION #2011-62
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 Public Works Director has requested to reclassify one of the Utility Maintenance Worker positions to a Cross Connection Control Technician to comply with the Public Works Cross Connections Control Ordinance. The job description better reflects the responsibilities and duties of the Cross Connection Control Technician.

WHEREAS, County staff have reviewed the request and have recommended the classification changes;

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:

Reclassify one of the Public Works Utility Maintenance Worker positions to Cross Connection Control Technician, and establish the pay grade for this position at a pay grade 9

That this amendment shall become effective on November 7, 2011.

Adopted this _____ day of _____ 2011.

LINCOLN COUNTY

By: _____
Alex Patton, Chairman
Board of Commissioners

ATTEST:

Amy A. Atkins, Clerk to the Board

**RESOLUTION #2011-63
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 County Manager has proposed the attached revised job description to better reflect the responsibilities and duties of the Safety Officer position, and the changes have been reviewed with staff.

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 description of Safety Officer as attached to:

- Better reflect more specific duties and responsibilities
- Include some responsibilities of a Level 1 Fire Inspector

That this amendment shall become effective on November 7, 2011.

Adopted this _____ day of _____ 2011.

LINCOLN COUNTY

By: _____
Alex Patton, Chairman
Board of Commissioners

ATTEST:

Amy S. Atkins, Clerk to the
Board of Commissioners

Public Hearing - NC Tomorrow Grant - Motion to approve Resolution #2011-57: Authorizing Resolution and Certification: Chairman Patton opened the Public Hearing concerning the NC Tomorrow Grant. Being no speakers, Chairman closed the Public Hearing.

UPON MOTION by Commissioner Arena, the Board voted unanimously to approve Resolution #2011-57: Authorizing Resolution and Certification.

LINCOLN COUNTY
AUTHORIZING RESOLUTION AND CERTIFICATION
RESOLUTION 2011-57

WHEREAS, various State and Federal agencies provide for funds to municipalities to meet the community and economic development needs of low and moderate income residents; and

WHEREAS, Community Investment and Assistance will be the State administering agency for the Community Development Block Grant Program; and

WHEREAS, the Community Development Block Grant Program has funds available to local governments to develop long range planning initiatives; and

WHEREAS, North Carolina Tomorrow is a pilot program to spur regional planning for viable sustainable communities throughout North Carolina that will center on the six livability principles established by the Federal Partnership for Sustainable Communities; and

WHEREAS, the Lincoln County Board of Commissioners has solicited and received citizen input regarding North Carolina Tomorrow project as described in the formal CDBG application.

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

That Lincoln County will substantially comply with all Federal, State and local laws, rules, regulations and ordinances pertaining to the project and to Federal and State grants pertaining thereto.

That, George A. Wood, County Manager, and successors so titled is hereby authorized to develop, execute and file an application on behalf of the Lincoln County to appropriate Federal and State agencies to secure funds for the North Carolina Tomorrow Project.

That, George A. Wood, County Manager, and successors so titled is hereby authorized and directed to furnish such information as the appropriate governmental agencies my request in connection with such applications for the project; to make the assurances and certifications as contained above; and to execute such other documents as may be required in connection with the construction of the project.

That this resolution shall take effect immediately upon its adoption.

Adopted this the 21st day of November, 2011 in Lincoln County, North Carolina by a unanimous vote of the Board of Commissioners upon a motion by Commissioner Arena.

Alex E. Patton
Chair

Amy S. Atkins
Clerk to the Board

**RESOLUTION TO SELL LINCOLN UNION 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 Union Volunteer Fire Department, a non profit 501 (c) 3 organization, provides a valuable service to the residents of our County; and

WHEREAS, the Union 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 Union 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 Union Fire Department to identify a suitable vehicle.

That this amendment shall become effective on November 7, 2011.

Adopted this 7th day of November 2011.

LINCOLN COUNTY

By: _____
Alex Patton, Chairman
Board of Commissioners

ATTEST:

Amy S. Atkins, Clerk to the
Board of Commissioners

North Carolina Recreation and Park Association Award Presentation to Erma Deen Hoyle – Mark McLeod: Mark McLeod, President of North Carolina Recreation and Park Association, presented Erma Deen Hoyle with the Association's second highest honor, the Meritorius Service Award. This award recognizes long-term tenure of faithful

and accomplished service to the field of recreation and parks in a local setting and a minimum of fifteen years of association membership.

Public Comments: Chairman Patton opened Public Comments.

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

Forestry Service Report: Chase Payne presented the Forestry Service Report.

Rental Houses - Declaration of Surplus - Burns Whittaker: Burns Whittaker presented the following information:

Lincoln County owns 2 houses which for years have been rented out. Both are currently vacant and both are in extremely poor condition. One house is located adjacent to the Landfill in Crouse. The other is located behind the Water Treatment Plant in Denver.

It is in the best interest of the County to retain the property to protect against encroachment on the Landfill and Water Intake site. However, based on the condition of the houses, and the cost to maintain them if we continue to rent them, it is recommended that both houses be declared surplus and be demolished.

UPON MOTION by Commissioner Arena, the Board voted unanimously to declare the properties as surplus and recommend demolition of said houses.

Design and Construction Agreement for Phase 2 of Lincoln County Emergency Radio Systems Upgrade Project: Martha Lide presented the following:

It is recommended that the Board approve the Design and Construction Agreement with Two Way Radio of Carolina, Inc. for Phase 2 of the Lincoln County Emergency Radio Systems Upgrade project. The total cost of the project is \$564,070 plus additional hourly charges for obtaining licenses estimated at \$1,000. The scheduled project completion date is November 2013. They are requested an exemption of formal bidding, and recommending Two Way Radio of Carolina, Inc as a sole source provider due to the need to standardize equipment in Phase 2 of the project with equipment installed in Phase 1 of the project.

The County began this multi phase project in 2008 with an evaluation of the existing Tait Simulcast communications system. It was determined that the system was extremely vulnerable to failure; it had multiple points of failure possible, there was no spare equipment available for main components, the “end of life” of the system was announced by the manufacturer meaning it would no longer be supported, there were numerous “dead spots” in coverage, and our TAC channel coverage was inadequate. There was also a mandate to change from 25 kHz to 800 trunking or narrowband by 2013.

Phase 1 of this project, which cost approximately \$961,000 was completed in February 2011. The main outcomes of Phase 1 of the project were:

- Changed to narrowband to meet FCC requirements
- Dealt with Emergency – immediate Repair Needs
- Addressed the “Main Core Infrastructure” for the Dispatch Channels –
 - Replaced Tait Quassi-sync simulcast system with a Harris Synchro-cast system
 - Replaced Voting System used by Auxiliary Receiver sites to improve filed transmissions.
 - Installed UHF/VHF repeaters, base station and auxiliary receivers : 3 channel multi-site system Simulcast Network. (Sheriff channel = UHF Fire & EMS channels = VHF)
 - Installed Motorola Point to Point Bridge
 - Installed Microwave Hot Standby, 911 Fiber Optic Termination
 - Replacement Radios

The contract is for Phase 2 of the improvements. The main components/outcomes of the project are listed below.

- Secondary System Replacement – Receivers for State Mutual Aid, State Rescue, State EMS, Waste Services
- TAX 1 Voting System – Replace Receivers
- Transmission line and Antenna Replacements
- Triangle SN Filter Cavities, Cables, Installation
- TAC 2 & 3 improvements – installing point to point from East Lincoln to remove phone line
- Install receivers/equipment Denver Water Tank and create point to point coverage
- Transmitter Additions at North Brook and Crouse
- Fiber Mux Additional Circuits
- Improve Coverage – Add 5 Receiver Sites – Improve Portable Talkback Coverage
 - North Brook
 - Union/Central
 - South West Area
 - Killian Farm Road Area
 - Mt. Zion Southeast/Central area

The project originally included the construction of five towers and the additional cost for support buildings/equipment and fencing for the towers. This portion of the project, which is estimated to be \$806,000, will be bid separately. County staff will be working cooperatively with Two Way to identify specific sites for the towers required for completion of this project. Because towers must be in place before equipment can be installed, these two projects will have to be closely coordinated.

Two Way, Inc. originally proposed contributing a portion of the costs for tower construction in return for a share of the revenue that may be generated by renting space to other private carriers, but the County has determined that it would be more advantageous

for us to bear the full cost of construction and retain all possible revenues. Any revenues generated from renting space on the towers would be used to pay debt service for the towers and to make improvements in the emergency services communications systems.

John Sable, with Two Way, Inc., presented information concerning the request.

UPON MOTION by Commissioner Arena, the Board voted unanimously to approve the agreement for Phase 2 of the Lincoln County Emergency Radio System upgrade project with Two Way, Inc.

Chairman Patton thanked Assistant County Manager Martha Lide for her hard work on this.

Recommendation from Planning Board

ZMA #589 - Josh Kiser, applicant: Randy Hawkins presented the recommendation from the Planning Board.

The Planning Board voted 3-2 to revisit their earlier recommendation and 3-2 that the request be approved. They also adopted a Statement of Consistency and Reasonableness.

Commissioner Arena asked about conditional zoning for this request.

A MOTION by Commissioner Mitchem to approve ZMA #589 – Josh Kiser, applicant with the Statement of Consistency and Reasonableness.

Commissioner Arena asked the applicant if he would consider withdrawing his request and applying for conditional zoning.

Commissioner Klein expressed his displeasure that there was barely a quorum present at the Planning Board meeting and they overturned a previous decision.

Chairman Patton stated that he has supported this request from the start but is not happy the applicant tried to circumvent the process.

Christine Pointsette addressed the Board concerning their recommendation.

Vote: 3 – 2 YES: Mitchem, Patton, Robinson
NO: Arena, Klein

Other Business: **UPON MOTION** by Commissioner Robinson, the Board voted unanimously to approve the reappointment of G.K. Davis, Gary Davis, and Gary MacGibbon to the Agricultural District Advisory Board and appoint Dale Mosteller to the Biologist spot on the Environmental Review Board to take the place of Robert Siler.

The Budget retreat is set for December 7, 2011 at 9:00 a.m. at Killian Creek Wastewater Treatment Plant.

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

Amy S. Atkins, Clerk
Board of Commissioners

Alex E. Patton, Chairman
Board of Commissioners