

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, NOVEMBER 21, 2011

The Lincoln County Board of County Commissioners met November 21, 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.

Commissioners Absent:

Carrol Mitchem

Others Present:

George 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 21, 2011 meeting of the Lincoln County Board of Commissioners to order.

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

NOVEMBER 21, 2011

6:30 PM Call to Order

Invocation - Rev. J.V. Allen

Pledge of Allegiance

1. 6:32 PM Adoption of Agenda

2. 6:33 PM Consent Agenda

- Ordinance #2011-15: Budget Adjustments
- Approval of Minutes

- November 7, 2011
- Refunds Over \$100
- October 10-23, 2011
- October 24 - November 6, 2011

3. 6:35 PM Public Hearing - Leash Law for West Bay Subdivision
 4. 6:40 PM Public Comments
 5. 6:55 PM Request for Approval of Veterinarian Services Contract and/or Spay/Neuter Voucher Program - Ron Rombs
 6. 7:05 PM Resolution #2011-64: Resolution Amending Drug and Alcohol Testing Policy - Ron Rombs
 7. 7:15 PM Airlie Park Utility Contract - Change Order 2 - Burns Whittaker
 - ~~8. 7:20 PM Historic Properties Commission Request - Jason Harpe~~
 9. 7:25 PM Motion to Approve Pathways Rent Waiver - Martha Lide
 10. 7:30 PM Motion to Approve Resolution #2011-65: Resolution Providing for Electronic Listing and Extending the Time for Filing Electronic Listings of Business Personal Property for Property Tax Purposes - George Wood
 11. 7:35 PM Motion to Approve Sole Source Purchase of Polaris Library Systems, Inc. for Software Package for Library System - Jennifer Sackett
 12. 7:45 PM Finance Officer's Report - Leon Harmon
 13. 7:50 PM County Manager's Report - George Wood
 - Audit
 - Budget Retreat
 - Joint Meeting with Board of Education (12/1/11 at 6 p.m.)
 14. 8:05 PM County Commissioners' Report
 15. 8:10 PM County Attorney's Report
 16. 8:15 PM Vacancies/Appointments
 17. 8:20 PM Calendar
 18. 8:25 PM Other Business
 - Register of Deeds Report
- Adjourn

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

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

- Ordinance #2011-15: Budget Adjustments
- Approval of Minutes
 - November 7, 2011
- Refunds Over \$100

- October 10-23, 2011
- October 24 - November 6, 2011

**ORDINANCE #2011-15: AN ORDINANCE AMENDING THE FY 2012 BUDGET
FOR THE COUNTY OF LINCOLN, NORTH CAROLINA**

THAT WHEREAS, the Lincoln County Board of Commissioners adopted the FY 2012 Budget by approving Ordinance #2011-11 on June 20, 2011; and

WHEREAS, the Finance Director and County Manager are recommending further amendments as shown on the attachments herein; and

WHEREAS, the Lincoln County Board of Commissioners wishes to approve these proposed budget amendments;

NOW THEREFORE BE IT ORDAINED AND ESTABLISHED by the Board of Commissioners of Lincoln County, North Carolina, that the FY 2012 Budget previously adopted is hereby amended as follows:

Section 1. That the budget amendments attached hereto, and incorporated herein by reference as Exhibit A to Ordinance #2011-15, are hereby approved and adopted as amendments to the FY 2012 Budget.

Section 2. That this amendment to the budget shall become effective immediately upon its adoption by the Board of Commissioners.

Passed and adopted this 21st day of November, 2011.

BY: _____
Alex E. Patton, Chairman
Lincoln County Board of Commissioners

ATTEST:

Amy S. Atkins
Clerk to the Board

EXHIBIT A to Ordinance #2011-15

Budget Amendments numbered 42 through 50, inclusive.

REQUEST FOR REFUNDS ANNUALS

PERIOD COVERED (OCTOBER 10, 2011-OCTOBER 23, 2011)

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 |
|---------------------|------|------|---------|--------|-----------------------|
| JUDSON, FREDRICK D. | 2011 | ELFD | 0156570 | 112.51 | VALUE CHANGE FROM PTC |

TOTAL \$ 112.51

REQUEST FOR REFUNDS ANNUALS

PERIOD COVERED (OCTOBER 24, 2011-NOVEMBER 6, 2011)

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 |
|---------------------|-----------|------|---------|-----------|--------------------------|
| CPI PACKAGING, INC. | 2005-2010 | CITY | 0103179 | 20,884.95 | DUE TO AMMENDED AUDIT |

TOTAL \$ 20,884.95

Public Hearing - Leash Law for West Bay Subdivision: Chairman Patton opened the Public Hearing for West Bay Subdivision.

Todd Wulforth 7975 Bay Pointe, Denver, stated that he is here on behalf of the subdivision. He asked for the Leash Law to be approved. He said the hurdle is too high for subdivisions to get a Leash Law and asked for the Board to consider possibly changing the process.

Being no additional speakers, Chairman Patton closed the Public Hearing.

UPON MOTION by Commissioner Robinson, the Board voted unanimously to approve the Leash Law for West Bay Subdivision as presented.

Public Comments: Chairman Patton opened Public Comments.

Rudy Bauer spoke concerning the rezoning on 150 and Burton Creek.

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

Request for Approval of Veterinarian Services Contract and/or Spay/Neuter Voucher Program - Ron Rombs: Ron Rombs presented the following:

It is recommended that the Board approve the contract with Maiden Small Animal Hospital to provide veterinary services and medical oversight for the animals in the care of Lincoln County Animal Services. The contract will be for one year with two renewal options at a rate of \$2,100 per month plus charges for specific procedures. Veterinary

services and medical oversight will be available Monday through Saturday from 8:00 am to 10:00 pm Monday through Saturday.

It is also recommended that the Board approve the contracts with West Shore Animal Hospital, Lincolnton Animal Hospital, Maiden Small Animal Hospital, and West Lincoln Veterinary Hospital as part of a new voucher program for spay and neuter services for animals adopted through Animal Services. Funding for the veterinary services and medical oversight, and spay and neuter contracts is included in the Emergency Medical Service, Animal Services Division budget.

The process for selecting providers is outlined below:

- Lincoln County issued RFP #2012-922 on August 22, 2011. The County requested proposals on two separate projects: 1) Full service veterinary care services and 2) Reduced rate spay and neuter services. Proposals were sent to 12 vendors and the bid package was posted on the County website.
- Proposals were due on September 22, 2011 at 2:00 pm; The following proposals were received.
 1. Full services veterinary care services
 - Lincolnton Animal Hospital
 - Maiden Small Area Hospital
 - West Shore Animal Hospital
 2. Reduced rate spay and neuter services
 - Lincolnton Animal Hospital
 - Maiden Small Animal Hospital
 - West Lincoln Veterinary Hospital
 - West Shore Animal Hospital
- The County Manager, Assistant County Manager, EMS Director and Purchasing Officer reviewed the RFP's to recommend an award for the veterinary care services based on price, experience, services offered. The most comprehensive proposal for veterinary services was received from Dr. Kim Mitchell, DVM, Maiden Small Animal Hospital.
- The proposals for spay and neuter services were also reviewed and West Shore Animal Hospital was determined to be the low bidder. It was determined that it would be an advantage to have a network of providers for these services and therefore, Lincolnton Animal Hospital, Maiden Small Animal Hospital and the West Lincoln Veterinary Hospital were offered the opportunity to participate in the spray and neuter voucher program at the low bidder's proposed price. This will allow those adopting shelter animals the convenience of utilizing the services of the veterinary clinic closest to their residence. It will also ensure that Lincoln County is paying a consistent, competitive price for spay/neuter surgical services.

Individuals adopting animals from the shelter may utilize a veterinary clinic of their choice, that is not listed on the voucher provided there is a clear understanding that Lincoln County Animal Services will only reimburse the amount of the spay/neuter surgical procedure listed on the voucher. The individual adopting the animal would be responsible for paying any costs exceeding the voucher amount.

UPON MOTION by Commissioner Arena, the Board voted unanimously to approve the request as presented.

Resolution #2011-64: Resolution Amending Drug and Alcohol Testing Policy - Ron Rombs: Ron Rombs presented the following information.

The Federal Transit Administration has issued mandatory changes to the drug and alcohol testing program. The changes were minor and included the following:

1. An addition to the definition of qualified Substance Abuse Professionals (state-licensed marriage and family therapist).
2. Changes and updates to the phrasing in what is required in pre-employment “previous DOT-Employer” reports.
3. Changes to the phrasing within the “Random Testing” section.

Mr. James Luster, Centralina Council of Governments has reviewed, changed and updated the policy utilizing the NC-DOT policy template provided by RLS and Associates that includes all the updated required information.

**RESOLUTION #2011-64
RESOLUTION TO AMEND LINCOLN COUNTY PERSONNEL POLICY
WITH RESPECT TO THE CONDITIONS OF EMPLOYMENT**

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

WHEREAS, the Board believes that it is necessary and desirable to amend the existing provisions in the Personnel Policy to comply with DOT requirements in the Drug and Alcohol Testing Policy,

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

1. That the Lincoln County Personnel Policy Article V. Conditions of Employment, Section 13, is amended to include the following provisions to the Drug and Alcohol Testing Policy:

- a. An addition to the definition of qualified Substance Abuse Professionals (state-licensed marriage and family therapist).
- b. Changes and updates to the phrasing in what is required in pre-employment “previous DOT-Employer” reports.
- c. Changes to the phrasing within the “Random Testing” section.

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

UPON MOTION by Commissioner Arena, the Board voted unanimously to approve Resolution 2011-64: Resolution Amending Drug and Alcohol Testing Policy.

Airlie Park Utility Contract – Change Order 2: Burns Whittaker presented Change Order Request 2 for Airlie Park Utilities in the amount of \$27,410. The bulk of the cost (\$22,835) is for a change requested by and funded by HYDAC. This request was to lower the sewer line by several feet, allowing HYDAC to reduce their site costs by at least \$250,000.

The remainder of the items were requested by the Public Works Department to improve the quality of the product and avoid premature maintenance costs.

The overall cost of the project, including this Change Order, is \$391,006.99. This is significantly below the grant amount of \$482,575.

Mr. Whittaker requested the Board’s approval.

UPON MOTION by Commissioner Klein, the Board voted unanimously to approve Change Order 2 to the Airlie Park Utility Contract as presented.

Motion to Approve Pathways Rent Waiver - Martha Lide: Martha Lide presented a waiver of rent request for Pathways.

It is recommended that the Board waive the \$12,000 fee for January through June 2012 for rent charged to Pathways LME for the Lincoln Counseling Center facility located at 311 McBee Street, Lincoln. It is further recommended that the policy to waive rent for the building be continued in 2012-13. The County is currently charging Pathways \$2,000 per month for the 17,714 square foot facility. This recommendation is being made in order to facilitate needed services in our county, to save transportation costs for the County and consumers, and reduce costs for Department of Social Services (DSS) to support their clients. We also anticipate that this waiver will create 3-4 jobs in our County.

In February 2011, a Working Committee composed of staff from the DSS, Pathways, the County Manager's Office, the Magistrates Office, and Lincoln County Schools began meeting to review mental health, substance abuse, and developmental disability services in Lincoln County. There was a general concern that there were not enough services being offered in Lincoln County and that many of our residents had to go to Gaston and Cleveland Counties to be served.

The Working Committee found that in 2010:

- The percentage of Integrated Payment and Reporting Systems (IPRS) dollars spent for Lincoln County consumers was significantly less than what would be expected based on population distribution. Lincoln County had 20% of the population covered by the Pathways LME, but only 14% of the IPRS dollars were being spent on Lincoln County consumers.
- 36% of the IPRS dollars spent on Lincoln County consumers were spent through organizations not based in Lincoln County. Lincoln County therefore, did not receive the economic benefits of having services located in the County.
- Lincoln County is severely underrepresented in terms of service providers. Many providers were based out of Gaston County. Of the over 138 Pathways Providers (as listed on their website), only 9 (about 6%) are listed as being based in Lincoln County. This may be a somewhat distorted picture, because many providers do come into Lincoln County to provide home based services and some may have a satellite office in Lincoln County, but it does demonstrate that Lincoln County is under represented in terms of service providers.
- Lincoln County penetration rates were well below those of Gaston and Cleveland Counties. The penetration rate is a State indicator for the percent of estimated population being served in each category. The penetration rates for Lincoln County were:

| Adult Mental Health | Child Mental Health | Adult Developmentally Disabled | Child Developmentally Disabled | Adult Substance Abuse | Child Substance Abuse |
|---------------------|---------------------|--------------------------------|--------------------------------|-----------------------|-----------------------|
| 53% | 50% | 41% | 26% | 12% | 13% |

The low rates point to many consumers in Lincoln County who need service that are not being served. There is an anecdotal perception that many Lincoln County potential consumers are not being served because consumers could not get transportation out of the County to benefit from services.

Based on these findings, the Committee began to prioritize needed services and work on bringing additional programs to Lincoln County. For many years, the McBee Street location was a "one-stop shop" for mental health, substance abuse and developmental disability services; however, in the recent past it has been difficult to attract providers to the facility. As we try to attract providers and expand services in that location, we believe it would help if the County waived the

rent charge. The providers would still be required to pay for utilities, cleaning, phone services, common area maintenance, etc., but the cost would be significantly less than the current charge.

Below are members of the Working Committee:

| | | |
|------------------------|---|---|
| Rhett Melton, Pathways | Susan McCracken, DSS | Martha Lide, County Manager's Office |
| Kim McGuire, Pathways | Melinda Finger, DSS (Pathways Board) | Deedie Martin, Magistrates Office (Pathways Board) |
| Jay Taylor, Pathways | Dean Bethea, DSS (Pathways Board) | Sheila Finger Lincoln County Schools |
| Stacy Bryant, Pathways | Tony Carpenter, DSS | |

At the time of divestiture, each of the three Pathways counties granted permission to use facilities for the continued provision of mental health, substance abuse, and developmental disability services. Lincoln County was the only County to charge rent for use of its facilities, making the cost higher (and less attractive) than comparable space in Gaston and Cleveland Counties. The more we can do to make the charges comparable and to reduce the administrative fees, the more successful we believe we will be in recruiting service providers and keeping the building full.

If the rent payment is waived, Pathways will work to add the following services in Spring 2012:

- Alexander Youth Network will conduct outpatient assessments, operate therapeutic foster homes and offer therapy for youth who have been adjudicated as sexual offenders.
- Services for individuals with severe and persistent adult mental health issues, some of which may be homeless individuals. These consumers are typically high user of law enforcement services. These prevention services are expected to ultimately result in savings in terms of emergency room and incarceration costs.
- Domestic Violence Counseling.
- True Behavioral Healthcare, Inc. will be able to provide additional services for indigent consumers. The value of their rent reduction for example, could allow them to conduct an additional 47 comprehensive evaluations, or 133 medication checks, or 10 individuals could get weekly group therapy for the month, or 27 individuals could get weekly individual counseling sessions.

These new services will bring at least 3-4 new jobs to our County. It will be easier for DSS staff to coordinate services for their clients, and our citizens and the County will no longer need to pay for transportation out of the County for these needed services.

The Committee that has been focusing on these needed services

- Has also been working on ways to promote existing services. In April, Pathways LME conducted a Provider Fair in Lincoln County to help ensure referring staff, providers and consumers knew what services were available. Numerous events and open houses to promote services have also been conducted.
- Worked to support bringing psychiatric services for children to Lincoln County. The Children's Advocacy Network (CAN) opened an office in Lincoln County in September that will offer bilingual psychiatric services for children under the age of 12. It is anticipated that up to 720 patients will be seen through this new service.
- Supported Pathways initiative to use IPRS funds to start an Adult Day Activity Center This center, operated and supported by UMAR (United Methodists Association for Retarded), serves up to 20 individuals with developmental disabilities and is located on East Main Street in downtown Lincolnton.

- Worked with Pathways to increase hours of operation and the number of clients served by True Behavioral Health Care in Lincolnton. There has been a 175% increase in the number of consumers seen for nurse practitioner and physician services between April and August 2011 (32 to 88 consumers). There has also been a 66% increase in the number of consumers who have had assessments (27 to 45 assessments).
- Will continue to work on:
 - Expanding Halfway House opportunities for female substance abuse recovery
 - Offering Youth Sex Offender Treatment
 - Offering Youth Day Treatment Program located in Lincoln County (currently Lincoln County youth are able to attend a program located in Gaston County)
 - Providing Child / Family Evaluations for DSS foster care clients
 - Identifying other needed services.

In summary, we believe that reducing the rent on this building will allow us to attract more service providers to Lincoln County, which will be a convenience to our citizens, and create some jobs in our community. It also will bring us in line with what both Gaston and Cleveland counties already do. In addition, it will cut down on our transportation costs to transport these citizens to services in other counties. Finally, we believe that local access will increase the participation rate among those who truly need these services.

UPON MOTION by Commissioner Klein, the Board voted unanimously to approve the waiver of rent for the remainder of this fiscal year and on into next fiscal year as presented by the Assistant County Manager.

Motion to Approve Resolution #2011-65: Resolution Providing for Electronic Listing and Extending the Time for Filing Electronic Listings of Business Personal Property for Property Tax Purposes - George Wood

UPON MOTION by Commissioner Arena, the Board voted unanimously to approve Resolution #2011-65 as presented.

RESOLUTION #2011- 65:

A RESOLUTION PROVIDING FOR ELECTRONIC LISTING AND EXTENDING THE
TIME FOR FILING ELECTRONIC LISTINGS OF BUSINESS PERSONAL PROPERTY FOR
PROPERTY TAX PURPOSES

WHEREAS, North Carolina General Statute § 105-304 authorizes Counties to permit electronic listing of business personal property, and

WHEREAS, North Carolina General Statute § 105-307 permits the Board of County Commissioners to extend the deadline for filing electronic listings of business personal property under G.S. § 105-304 to June 1, and

WHEREAS, North Carolina General Statute § 105-311(b) authorizes electronic signature of business personal property listings which are submitted electronically,

NOW THEREFORE BE IT RESOLVED by the Lincoln County Board of Commissioners as follows:

Section 1. Business personal property listings are hereby authorized to be submitted and signed electronically, and the deadline for receiving electronic business personal property listings extended to and until April 15 of any tax year.

Section 2. The following procedures will apply to electronic tax filings. Electronic listings must be submitted online, facsimiles will not be accepted as electronic listings. In order to file electronically, the taxpayer must use an electronic listing application hosted by the County or approved by the North Carolina Department of Revenue and contracted with the County to provide such a service. To request an extension to file business personal property listings after January 31, the taxpayer must file an online request for extension of time during the month of January and must provide an Account ID provided by the County and associated with the business location for which the extension is requested. Electronic filings must be received by the Lincoln County Tax Administrator no later than April 15 in order to avoid late list penalties.

Section 3: This resolution shall be recorded in the minutes of the Lincoln County Board of Commissioners and notice of the procedure and extension of time for electronic filing of business personal property listings shall be published as required by G.S. § 105-296(c).

Section 4: This resolution is effective for all tax years after its adoption and at such time as the Tax Administrator has the ability to implement a system for electronic listing.

Passed and adopted this 21st day of November, 2011.

UPON MOTION by Commissioner Arena, the Board voted unanimously to approve Resolution #2011-65 as presented.

Motion to Approve Sole Source Purchase of Polaris Library Systems, Inc. for Software Package for Library System - Jennifer Sackett: Jennifer Sackett presented the following:

It is requested that the Board review the contract with Polaris Library Systems, Inc. for purchase of an integrated library system (ILS) software package to provide management of the day-to-day operations of the Lincoln County Library System.

As a part of the Gaston-Lincoln Regional Library, Lincoln County currently utilizes the Polaris ILS to track items owned, orders made, bills paid, and patrons who have borrowed as well as Public Access Control (PAC), and integration of third-party equipment and service providers. When the regional system divides, it will be necessary to re-establish this functionality for the management of Lincoln County's patron records. This contract will allow for the separation of Lincoln County patron information from the region at minimum expense while providing comparable service levels to patrons.

We are requesting an exemption of formal bidding, and recommending Polaris Library Systems as a sole source provider due to the following reasons:

- No change in service or functionality from the patron's standpoint
- Staff familiarity with existing system will require minimal training to continue services uninterrupted.
- Guaranteed compatibility with all existing services such as public computer access management and printing charge-back services
- Migration of all existing data from Regional system to County System with minimum data loss
- On-going operational expense similar to current Regional charge-back
- No additional investment for existing Polaris ILS Software licenses since they were already purchased through leveraging the existing regional agreement.

The total cost of the software contract and data conversion is \$15,372 with an additional annual maintenance charge of \$9,735 which will commence when the County goes live on the system. While this amount falls well below the required amount for Board approval, this is brought to the Board for information purposes and awareness regarding the County Library project status.

It is anticipated that when the County library system separates from the regional system, the County's stand-alone version of the Polaris ILS system will go into production with the separated patron records and data effective July 1, 2012.

UPON MOTION by Commissioner Robinson, the Board voted unanimously to approve the sole source purchase of Polaris Library Systems, Inc. for software package for Library System.

Finance Officer's Report - Leon Harmon: Leon Harmon gave the Finance Officer's Report.

County Manager's Report - George Wood: George Wood reminded the Board of the meeting with the Board of Education on 12/1/11 at 6:00 p.m. and the budget retreat on December 7, 2011 at 9:00 a.m. at Killian Creek WWTP.

Mr. Wood announced the retirement of Leon Harmon, Finance Director, who will continue to serve until January 31, 2012.

County Commissioners' Report:

County Attorney's Report: Wesley Deaton said he has been working on old foreclosures.

Vacancies/Appointments: None presented.

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