

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, NOVEMBER 19, 2007

The Lincoln County Board of County Commissioners met in regular session on November 19, 2007 at the Citizens Center, Commissioners Room, 115 W. Main Street, Lincolnton, North Carolina, the regular place of meeting, at 6:30 P.M.

Commissioners Present:

Thomas R. Anderson, PE, Chairman
Alex E. Patton, Vice Chairman
Bruce Carlton
James A. Klein
Marie Moore

Others Present:

Michael S. Talbert, Interim County Manager
Jeffrey A. Taylor, County Attorney
Amy S. Atkins, Clerk to the Board
Kelly Atkins, Director of Building & Land Development
Randy Williams, Principal Planner
Andrew Bryant, Associate Planner
Erma Deen Hoyle, Director of Recreation
Ron Rombs, Director of Emergency Management Services
Steve Gilbert, Director of Public Works
Barry McKinnon, Utility Engineer
Leon Harmon, Director of Finance

Call to Order: Chairman Anderson called the November 19, 2007 meeting of the Lincoln County Board of Commissioners to order.

Invocation: Pastor Derrick Lemons of Long Shoals Wesleyan Church gave the Invocation. Chairman Anderson led in the Pledge of Allegiance.

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

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

AGENDA

LINCOLN COUNTY BOARD OF COMMISSIONERS

NOVEMBER 19, 2007

6:30 PM Call to Order

6:31 PM Invocation – Pastor Derrick Lemons
Long Shoals Wesleyan Church

6:32 PM Pledge of Allegiance

1. 6:33 PM Adoption of Agenda

2. 6:34 PM Consent Agenda

- Approval of Minutes
 - October 29, 2007
 - November 5, 2007
- Waived Fees
 - Event Honoring All Vietnam Veterans
- Tax Requests for Refunds
 - October 15 – 21, 2007

3. 6:35 PM Public Comments

4. 6:50 PM Recommendations from Planning Board – Andrew Bryant
Lincoln County Transportation Plan

5. 7:00 PM Request for Sponsorship for Event Honoring Vietnam Veterans – Dale Punch

6. 7:10 PM Source Water Protection Plan – Ron Bost

7. 7:20 PM PARTF Grant Application – Erma Deen Hoyle

8. 7:30 PM Request for Position – Quality Assurance Officer – Ron Rombs

9. 7:40 PM Request for Approval – TLC Drug & Alcohol Testing Program – Ron Rombs

10. 7:50 PM Drought Update – Steve Gilbert

11. 7:55 PM Odor Control Update – Steve Gilbert

12. 8:00 PM Irrigation Meter Procedures – Steve Gilbert

13. 8:05 PM Capital Project Reports – Steve Gilbert

14. 8:10 PM Revenue Options

15. 8:20 PM Fiscal Forecast Model Discussion – Commissioner Klein
16. 8:30 PM Finance Officer's Report
17. 8:35 PM County Manager's Report
18. 8:40 PM County Commissioners' Report
19. 8:45 PM County Attorney's Report
20. 8:50 PM Vacancies/Appointments
21. 8:55 PM Calendar
22. 9:00 PM Other Business

 Adjourn

Consent Agenda:

- Approval of Minutes
 - October 29, 2007
 - November 5, 2007
- Waived Fees
 - Event Honoring All Vietnam Veterans
- Tax Requests for Refunds
 - October 15 – 21, 2007

LINCOLN COUNTY TAX DEPARTMENT
ANNUALS

REQUEST FOR REFUNDS

PERIOD COVERED (October 15, 2007-October 21, 2007)

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

NAME REASON	YEAR	DIST	A/C#	AMOUNT
Cook, Linda M. & Charles E.	06-07	DFD	0169361	276.00
			TOTAL	\$ 276.00

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

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

Jamey Barnes, 3449 Petite Lane, Denver, presented pictures of his neighbor's home, which has about 100 dogs in small cages. He stated that they have been having problems with this neighbor for around 8 years, but according to Randy Hawkins, this is up to state code. He said that something needs to be done about the quality of life in Lincoln County. Mr. Barnes stated that they cannot be outside due to the smell and his four year old daughter gags when she goes out of the house.

Karen Dunn, 2075 Hines Circle, Stanley, stated that she has been in front of the Board before concerning dangerous dog and animal control issues. She stated that the Board should consider moving Animal Control from the Sheriff, due to the fact that the Sheriff does not care.

Bill Ballard stated that he lives off Hager's Ferry Road. He expressed concerns that the phone books being thrown out at driveways is littering and an eye sore. He stated that he is not sure if there is an ordinance against this, but it is one the county should consider to have this stopped or at least make them come back and pick them up if people don't get them from the driveway.

Judy Barnes, 3449 Petite Lane, Denver, stated that she wants to reiterate what her husband, Jamey, said. She said that you buy property, thinking you are going to raise your family there, but this does not always happen. She asked the Board to consider limiting the number of dogs people have. She stated that it is not fair to allow someone else to control their quality of life. She said there are days they cannot even be outside due to the smell and nastiness of their neighbors animals.

Vicky Rogers, 6967 Forney Hill Road, Denver, stated that she lives through the woods from Petite Lane. She stated that when they were building Highway 16, the men working on the highway were upwind 200' from the property with the dogs and they were getting sick while building the road. She stated that she cannot enjoy her deck or pool due to these animals barking and the smell. Mr. Rogers stated that there are dogs on top of dogs at this property, with 20 dogs in little cages. She asked the Board for anything they can do to help the residents.

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

Recommendations from Planning Board – Andrew Bryant:

Lincoln County Transportation Plan – The Planning Board voted 8-0 to recommend approval as presented with the three changes recommended: to increase the maximum length of a cul-de-sac from 600 to 1000', to include the text addition that states that the required improvements must correspond directly to the impact of the development proposal and to change the independent review from level of service D to level of service C.

UPON MOTION by Commissioner Carlton, the Board voted unanimously to accept the Planning Board's recommendation and approve the Lincoln County Transportation Plan.

Request for Sponsorship for Event Honoring Vietnam Veterans – Dale Punch: Dale Punch presented a request for sponsorship for an event honoring Vietnam Veterans.

Commissioner Carlton asked Mr. Punch if there was anyway to look ahead and be able to request funds for this type of event during the budget discussions.

UPON MOTION by Commissioner Patton, the Board voted unanimously to approve the Request for Sponsorship for Event Honoring Vietnam Veterans.

Source Water Protection Plan – Ron Bost: Ron Bost presented the Source Water Protection Plan for the purchase of 115 acres owned by Crescent Resources on Little Creek in eastern Lincoln County to use as a county park and to protect our water supply. Mr. Bost stated that they are asking to make an application for a PARTF grant and a Source Water Loan.

He asked the Board to approve the funding strategy to purchase the 115 acres, approve Erma Deen Hoyle proceeding with the PARTF Grant application and related public hearings, and any costs associated with updating appraisals; approve submission of this plan to NC D&R, and seek the maximum funding from the Sourcewater Loan Program of \$1.6 million.

Commissioner Carlton stated that in the plan, it mentions another agency is set up to handle this at a cost of over \$250,000. Commissioner Carlton asked if another agency could not be expanded by another employee or two to handle this.

Commissioner Carlton stated that he finds it hard to believe that we are spending that kind of money for a park that will have no picnic tables and 12 parking spaces.

Mr. Bost stated that this plan is still a work in progress and can be changed.

Erma Deen Hoyle presented the PARTF Grant Application for Pine Ride/Rock Springs Park.

A MOTION by Commissioner Carlton to table this matter. Unanimously approved.

UPON MOTION by Commissioner Klein, the Board voted unanimously to rescind the previous motion and table the Source Water Protection Plan.

UPON MOTION by Commissioner Klein, the Board voted unanimously to authorize staff to proceed with the PARTF application.

It was the consensus to place the Source Water Protection Plan on the agenda for the budget retreat.

Request for Position – Quality Assurance Officer – Ron Rombs: Ron Rombs presented a request for the position of Quality Assurance Officer.

With the continued rapid increase in call volume within Lincoln County and the increased documentation requirements placed upon Emergency Medical Services to meet federal, state and third party payer requirements, there is an increased back log of patient care report audits.

Over the last five years, the call volume and incidents of patient criticality for EMS has quadrupled in Lincoln County. Historically, LCEMS has planned for a 10% increase, however the first quarter of FY 2007-2008 has produced a 13% increase in responses which is typically our lower call volume period. This increase is expected to generate a 4-8% increase in revenue.

This unexpected increase along with new documentation requirements system-wide has created a back log of patient care reports and audits and billing transfers.

Mr. Rombs requested permission to establish a Performance Improvement/Quality Assurance Officer Position, Grade 86/16, Step 1.1.

This addition can be accomplished with an additional \$33,000 in the Personnel Services portion of the budget. The increase in revenues of approximately \$100,000 generated by the increased call volume will offset any cost of adding this position.

Commissioner Klein stated that he struggles with unbudgeted personnel items.

A MOTION by Commissioner Klein to deny the budget request.

A MOTION by Commissioner Patton to approve the request and create the Performance Improvement/Quality position.

Request for Approval – TLC Drug & Alcohol Testing Program – Ron Rombs: Ron Rombs presented a request for approval of a TLC Drug and Alcohol Testing Program.

The Lincoln County Board of Commissioners approved the Drug and Alcohol Testing Program for Transportation Lincoln County (TLC) April 7, 2006.

NC-DOT's recent site visit and review of this policy revealed several deficiencies with the program.

Mr. James Luster, Centralina Council of Governments, and Mr. Les Twible, NC-DOT have reviewed, changed and updated the revisions to the October 17, 2007 document.

UPON MOTION by Commissioner Carlton, the Board voted unanimously to approve the request for approval of a TLC Drug and Alcohol Testing Program.

Request for Lift Van Purchase: Ron Rombs presented the following request for a lift van.

The Lincoln County Board of Commissioners has approved money (\$99,123 line 11-4525-5324-5540-0000) in the capital improvement account for the purchase of three lift vans for FY 2007-2008.

Mr. Rombs requested that a purchase order be issued to Braun Corporation for the purchase of three Lift Equipped Vans. The total purchase is \$104,801.40 for three lift vans.

This price is \$5,678.40 over the projected purchase price of \$99,123.

UPON MOTION by Commissioner Moore, the Board voted unanimously to accept the increase in the price for the 3 lift vans.

Request for Ambulance Purchase: Ron Rombs presented the following information concerning a request for an ambulance purchase.

The Lincoln County Board of Commissioners has approved money (\$278,000 line 44-4370-5540-0000) in the capital improvement account for the purchase of three Type II GMC Cutaway Chassis for FY-2007-2008.

This purchase shall be a piggyback on the formal bid contract of Cumberland County, NC.

Mr. Rombs requested a purchase order be issued to Northwestern Emergency Vehicles for the purchase of three ambulances. The total purchase is \$334,635 with a trade-in credit of \$59,335 for one type I chassis. The total purchase price will be \$275,300.

UPON MOTION by Commissioner Patton, the Board voted unanimously to approve the ambulance purchase with the piggyback method.

Drought Update – Steve Gilbert: Steve Gilbert presented the Drought Update, including the additional information concerning residential usage numbers and the history of purchasing water from the City as requested by Commissioner Klein at the previous meeting.

The Board discussed special water rates for commercial water users and asked Mr. Gilbert to explore what other counties do and bring some other options back to the board for water-based commercial users.

Odor Control Update – Steve Gilbert: Steve Gilbert presented the Odor Control Update regarding the pump stations on Highway 16 and Blades Trail in Denver. The Odor Control measures will be installed the week following Thanksgiving.

Irrigation Meter Procedures – Steve Gilbert: Steve Gilbert presented the two letters relating to use of irrigation meters as discussed at the last meeting. He stated that one of the letters tells usage of irrigation meters during the last two billing records and asks them to cooperate with mandatory water restrictions. This also offers them the option to make their irrigation meter inactive at the current time at no cost. The second letter is to the people who have used less than 1000 gallons and have used them very lightly or with garden hoses. This letter gives them the option to make their irrigation meters inactive at no cost and offers the accounts who have had zero usage for September or October billings to be given a \$20 credit for those months.

The Board asked Mr. Gilbert to say that substantial usage on the meter will be subject to the fines, not just people who are caught using them. Mr. Gilbert stated that he will reword this and will have Mr. Taylor and Mr. Talbert review the draft before sending it.

Capital Projects Reports – Steve Gilbert: Steve Gilbert presented the Public Works Capital Projects Reports. He presented a tentative timeline on the Killian Creek WWTP.

Revenue Options: Commissioner Carlton stated that after having met with the School Board, Board of Realtors and Homebuilders representatives, he felt like a ¼ cent sales tax was decided unanimously as the choice.

Commissioner Patton stated that he would like this to be on the November ballot to have the highest voter turnout and to see what effect revaluation had on the tax rate.

Commissioner Moore stated that she would like to have this on the ballot in May with the School Bonds.

Commissioner Klein stated that he is frankly ambivalent as to which tax is voted on. He stated that the date doesn't really matter to him.

UPON MOTION by Commissioner Klein, the Board voted unanimously to approve the Resolution taking out item 1 and making item number 2 disappear.

RESOLUTION
TO DEFINE THE DESTINATION OF ALL REVENUES COLLECTED FROM THE
TRANSFER TAX (SALES TAX) SHOULD EITHER BE APPROVED BY THE
VOTERS OF LINCOLN COUNTY
IN THE MAY, 2008 ELECTION

WHEREAS, the Lincoln County Commission is authorized to place a referendum relating to new tax revenue options on the May, 2008 ballot for voter consideration; and

WHEREAS, the Lincoln County Commission has voted to place such a referendum on the May, 2008 ballot for voter consideration; and

WHEREAS, the residents of Lincoln County would more likely support a tax referendum whose generated revenues are earmarked for specific expense/capital expenditures.

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

1. That the Lincoln County Board of Commissioners hereby declares that it is the intention of the Board to apply any and all revenue collected from the enactment of a sales tax to Lincoln County schools for the sole and exclusive purpose of paying existing and future bond indebtedness.

This 19th day of November, 2007.

LINCOLN COUNTY

By: _____
Thomas R. Anderson, P. E., Chairman
Board of Commissioners

ATTEST:

Amy S. Atkins, Clerk to the
Board of Commissioners

Commissioner Klein presented a Resolution to attach a sunset provision to the Land Transfer Tax. He made a motion to approve this resolution, which he withdrew after some discussion.

Fiscal Forecast Model Discussion – Commissioner Klein: Commissioner Klein presented the Fiscal Forecast Model.

OBJECTIVE

To provide the BOC with regular reports on the **forecasted** current year (2007-08) spending. The Lincoln County finance director is expected to revise the forecast throughout the reporting period as the current year's financial status changes. The Board of Commissioners shall expect the forecast presented to:

1. Generally eliminate and/or reduce noted fluctuations in revenue/spending that historically have been presented late in the budget development process for the subsequent year.

PROCESS

The forecast shall be presented by the Finance Director or his designee quarterly for the first half of the fiscal year (July-Dec.) and monthly for the latter half of the fiscal year (Jul – Dec).

The director is expected to exercise due diligence in gathering current accurate data from those state and county sources whose input is critical to accurate reporting. Further, the BOC expects the forecast to reflect and increasingly accurate projection of revenue/expenses as a fiscal year progresses.

The director shall provide accompanying text for those reports in which significant shifts in trends and/or spending occur.

DATA –

The forecast shall include, but not be limited to, budget revenue and expense line items largely within the purview/control of county govt. (property/sales tax, fund balance, debt service, and contingency).

Revenue/Expense line items collected herein can be revised at any point during fiscal year by a commissioner, the county manager and/or finance director as he/she deems it appropriate to do so.

UPON MOTION by Commissioner Klein, the Board voted unanimously to implement the model beginning with the end of the second quarter, which would be December 31 and each month thereafter as the spreadsheet indicates.

Finance Officer's Report: Leon Harmon, Finance Officer, presented the Budget Performance Report for October 2007.

County Manager's Report: Michael Talbert, Interim County Manager, updated the Board in regards to the situation at the Lincoln County Animal Shelter. The shelter had a regularly scheduled inspection and did not pass 8 of the 29 criteria. There are issues with overcrowding and the structure. The report has given 60 days to come into compliance.

Mr. Talbert gave a Powerpoint Presentation concerning the repairs needed at the facility.

He stated that he would like to bring a proposal to the next meeting to engage Mr. Williams for a preliminary design for an addition to the Animal Shelter to see what the actual costs will be.

Commissioner Klein stated that the Sheriff needs to give the Board some information as to what the problem is and how to fix it.

It was decided to move forward with a proposal from Dennis Williams and place this on the agenda at the Budget Work Session. It will also be discussed at that time whether it is best to leave Animal Control with the Sheriff's Department or have it as a separate entity and the costs associated.

County Attorney's Report: Jeff Taylor updated the Board in regards to the IBT and the Martin Oakes lawsuit. He stated that it was in the lawsuit that the Board of Elections and Lincoln County should not be in the lawsuit. The case was dismissed by a unanimous decision. Mr. Oakes has filed a petition to be heard by the Supreme Court.

Vacancies/Appointments: Commissioner Klein presented the vacancies/appointments:

Vacancies:

Nursing and Adult Care Home Community Advisory Committee
LNRC

Reappointments:

Board of Health – Donnie Davis

UPON MOTION by Commissioner Klein, the Board voted unanimously to approve the reappointment of Donnie Davis to the Board of Health.

Calendar: Chairman Anderson presented the December 2007 calendar, calling attention to the Employee Appreciation Luncheon on December 5.

Recess: **UPON MOTION** by Commissioner Patton, the Board voted unanimously to recess until November 28, 2007 at 6:00 p.m.

Amy S. Atkins, Clerk
Board of Commissioners

Thomas R. Anderson, PE, Chairman
Board of Commissioners