

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, FEBRUARY 18, 2013

The Lincoln County Board of County Commissioners met February 18, 2013 at the Citizens Center, Commissioners' Room, 115 West Main Street, Lincolnton, North Carolina, at 6:30 P.M.

Commissioners Present:

Alex E. Patton, Chairman
Carl E. Robinson, Jr., Vice Chair
James A. Klein
Carrol D. Mitchem
Cecelia A. Martin

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 February 18, 2013 meeting of the Lincoln County Board of Commissioners to order. Commissioner Robinson 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 Meeting
Monday, February 18, 2013
6:30 PM

James W. Warren Citizens Center
115 West Main Street
Lincolnton, North Carolina

Call to Order

Invocation – Commissioner Robinson

Pledge of Allegiance

1. Adoption of Agenda
2. Consent Agenda

- Ordinance #2013-3: An Ordinance Amending the FY 2013 Budget for the

- County of
Lincoln, North Carolina
 - Ordinance #2013-4: An Ordinance Amending the FY 2013 Budget for the
County of
Lincoln, North Carolina
 - Approval of Minutes -
 - Sponsored Group Status
 - Temple of Truth
 - Records Retention Policy for Sheriff
 - Resolution #2013-8: Resolution to Sell the Lincoln Lifesaving Crew Two
Surplus County Vehicles for \$1.00 each
 - Resolution #2013-9: Resolution Granting East Lincoln Volunteer Fire
Department a Surplus County Vehicle for \$1.00
 - Tax Requests for Refunds
 - December 24, 2012 - January 6, 2013; January 7 - 20, 2013
 - Automatic Aid Agreement and Mutual Assistance Contract with the City of
Lincolnton
3. Continuation of Public Hearing to discuss whether Lincoln County should finance a
speculative (shell) building for industrial use for the Lincoln Economic
Development Association
 4. Motion to table decision on publicly funded speculative (shell) building pending
negotiations with private contractor
 5. Motion to authorize the Chairman to execute a contract with the apparent low
bidder, Dellinger, Inc. in the amount of \$1,350,717 for the construction of the
Lincoln County Airport Sewer Project - Don Chamblee
 6. Motion to Approve 2013-14 LSTA EZ Literacy and Lifelong Learning Grant
Application for the Lincoln County Public Library - Jennnifer Sackett
 7. Motion to Adopt Resolution #2013-10: A Resolution Ordering the Advertising of
Delinquent Real Estate Property Tax Liens
 8. Request for Two Part-time Farmer's Market Positions - Kevin Starr, Leigh Guth
 9. Public Comments (15 minutes allowed per Rules of Procedure - 3 minutes per
person)
 10. Motion to adopt Resolution #2013-11: Resolution to Request Legislation to Exempt
Certain Records of the Sheriff's Office from the Public Records Act
 11. Motion to adopt Resolution #2013-12: Resolution Approving North Carolina
Department of Transportation Lincoln County Secondary Roads Construction
Program 2012-2013 Paving Priority
 12. Appointment of committee to review certain HR Department Policies regarding
employee benefits
 13. Motion to approve the Contract to Audit Accounts with Martin Starnes and
Associates, CPAs, P.A. - Deanna Rios
 14. Finance Officer's Report - Deanna Rios
 15. County Manager's Report

- Property Tax Collection Report

16. County Commissioners' Report
17. County Attorney's Report
18. Vacancies/Appointments
19. Calendar
20. Other Business
 - Register of Deeds Report

Recess until February 22, 2013 at 8:00 a.m.

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

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

- Ordinance #2013-3: An Ordinance Amending the FY 2013 Budget for the County of Lincoln, North Carolina
- Ordinance #2013-4: An Ordinance Amending the FY 2013 Budget for the County of Lincoln, North Carolina
- Approval of Minutes -
- Sponsored Group Status
 - Temple of Truth
- Records Retention Policy for Sheriff
- Resolution #2013-8: Resolution to Sell the Lincoln Lifesaving Crew Two Surplus County Vehicles for \$1.00 each
- Resolution #2013-9: Resolution Granting East Lincoln Volunteer Fire Department a Surplus County Vehicle for \$1.00
- Tax Requests for Refunds
 - December 24, 2012 - January 6, 2013; January 7 - 20, 2013
- Automatic Aid Agreement and Mutual Assistance Contract with the City of Lincolnton

Items listed in the Consent Agenda are on file in the office of the Clerk to the Board and are hereby made a part of these minutes as though fully set forth herein.

**ORDINANCE #2013-3: AN ORDINANCE AMENDING THE FY 2013 BUDGET
FOR THE COUNTY OF LINCOLN, NORTH CAROLINA**

THAT WHEREAS, the Lincoln County Board of Commissioners adopted the FY 2013 Budget by approving Ordinance #2012-11 on June 28, 2012; 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 2013 Budget previously adopted is hereby amended as follows:

Section 1. That the Capital Project Ordinance Amendment attached hereto, and incorporated herein by reference as Exhibit A to Ordinance #2013-3, is hereby approved and adopted as amendments to the FY 2013 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 18th day of February, 2013.

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

ATTEST:

Amy S. Atkins
Clerk to the Board

EXHIBIT A to Ordinance #2013-3

Capital Project Ordinance Amendment numbered 6

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**ORDINANCE #2013-4: AN ORDINANCE AMENDING THE FY 2013 BUDGET
FOR THE COUNTY OF LINCOLN, NORTH CAROLINA**

THAT WHEREAS, the Lincoln County Board of Commissioners adopted the FY 2013 Budget by approving Ordinance #2012-11 on June 28, 2012; 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 2013 Budget previously adopted is hereby amended as follows:

Section 1. That the Capital Project Ordinance Amendment attached hereto, and incorporated herein by reference as Exhibit A to Ordinance #2013-4, is hereby approved and adopted as amendments to the FY 2013 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 18th day of February, 2013.

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

ATTEST:

Amy S. Atkins
Clerk to the Board

EXHIBIT A to Ordinance #2013-2

Capital Project Ordinance Amendment numbered 11

Continuation Public Hearing to discuss whether Lincoln County should finance a speculative (shell) building for industrial use for the Lincoln Economic Development Association: Chairman Patton reopened the public hearing.

James Hallman spoke in support and encouraged the Board to proceed with the spec building.

Being no additional speakers, Chairman Patton closed the public hearing.

Motion to table decision on publicly funded speculative (shell) building pending negotiations with private contractor: Mr. Wood informed the Board that a private contractor has expressed interest in building the speculative (shell) building and they are doing due diligence at this time. He asked the Board to table this item.

UPON MOTION by Commissioner Klein, the Board voted unanimously to table the decision on a speculative building.

Motion to authorize the Chairman to execute a contract for the construction of the Lincoln County Airport Sewer Project: Don Chamblee, Director of Public Works, presented the following:

Dellinger, Inc. has requested their bid be withdrawn for the Airport Sewer Project. This was based on a clerical error with the asphalt item. The unit price for asphalt repairs appears to be an error based on review of other bids. Staff recommends allowing Dellinger, Inc. to withdraw their bid as requested.

The second low apparent bidder is Monroe Roadways.

UPON MOTION by Commissioner Martin, the Board voted unanimously to release Dellinger Inc. from the bid and release the bid bond.

UPON MOTION by Commissioner Klein, the Board voted unanimously to award to Monroe Roadways Contractors, Inc. in the amount of \$1,533,991.04.

Mr. Wood commended Don Chamblee for his hard work on this project.

Motion to Approve 2013-14 LSTA EZ Literacy and Lifelong Learning Grant Application for the Lincoln County Public Library:

Jennifer Sackett presented the following:

The Lincoln County Public Library is requesting approval to apply for a \$50,000 LSTA EZ Literacy & Lifelong Learning Grant from the State Library of North Carolina. The purpose of this grant program is to encourage and enhance the role of North Carolina libraries as community leaders in advancing literacy and lifelong learning. The library intends to request funds for a mobile laptop/tablet training lab to assist with computer literacy courses, on-line resource instruction, after-school programming, and other topics relevant to community needs. The library plans to partner with other county and community agencies that can provide volunteers to assist with classes, workshops, and one-on-one assistance. Securing one or more partners for the project will lower the match requirement to 10% of the grant amount requested. The library intends to use a portion of the \$11,358 received from the Gaston-Lincoln Regional Library fund balance to meet the funding match required for this grant.

UPON MOTION by Commissioner Robinson, the Board voted unanimously to approve the 2013-14 LSTA EZ Literacy and Lifelong Learning Grant Application for the Lincoln County Public Library.

Motion to Adopt Resolution #2013-10: A Resolution Ordering the Advertising of Delinquent Real Estate Property Tax Liens: **UPON MOTION** by Commissioner Robinson, the Board voted unanimously to adopt Resolution #2013-10: A Resolution Ordering the Advertising of Delinquent Real Estate Property Tax Liens.

**Resolution #2013-10: A RESOLUTION ORDERING THE ADVERTISING OF
DELINQUENT REAL ESTATE PROPERTY TAX LIENS**

THAT WHEREAS, NCGS 105-369(a) requires the Tax Administrator to report to the Board of Commissioners the delinquent tax liens on real property; and

WHEREAS, the same statute requires the Board of Commissioners to order that these liens be published on a date established by the Board; and

WHEREAS, the Tax Administrator has submitted said listing of the delinquent tax liens on real property, and recommended an advertisement date of April 10, 2013 in the Lincoln Times News;

NOW THEREFORE, BE IT RESOLVED by the Lincoln County Board of Commissioners that the Tax Administrator is hereby ordered to publish the list of delinquent tax liens on real property on April 10, 2013 in the Lincoln Times News.

Passed and adopted this 18th day of February, 2013

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

ATTEST:

Amy S. Atkins, Clerk to the Board

Request for Two Part-time Farmer's Market Positions: Kevin Starr, County Extension Director, requested the approval of two part-time, temporary positions for the farmer's market managers for Denver and Lincolnton. Based on an estimated salary of \$10 per hour, the annual cost for the Denver manager would be approximately \$3500. The annual cost for the Lincolnton manager would be approximately \$5000.

These markets have been operated for a number of years using Master Gardeners as volunteer coordinators. Leigh Guth obtained approval for both markets to have EBT/credit/debit card readers in 2013. This will require a full-time person at both markets. The volunteers at Denver only open and close the market.

Mr. Starr requested approval of this manager position and advertisement to fill the position prior to the beginning of the season on April 6, 2013. They should be able to cover the cost of this position from April-June without requesting a budget amendment.

At the Lincolnton market, Giles Martin serves as the volunteer coordinator. He stays through the entire market and has been operating the previous EBT/credit/debit card reader. He has indicated a preference to remain as a volunteer coordinator rather than be conserved for a part-time manager's position. They asked that the paid manager's position be approved for Lincolnton but that it is not advertised until Mr. Martin no longer wishes to serve as a volunteer.

There was a discussion concerning whether Cooperative Extension's current staff could man these markets and if the fees paid by the farmers could fund the positions. Mr. Starr said they did not have the staff to handle this and the money from farmers was mostly used for advertising and would not be enough to fund the positions.

UPON MOTION by Commissioner Mitchem, the Board voted 3 – 2 (FOR: Patton, Mitchem, Martin; AGAINST: Robinson, Klein) to contribute half of the expense of the Denver manager.

Public Comments: Chairman Patton opened public comments.

Jena Healey spoke concerning Lincoln County Animal Services.

Jan Cachillo spoke concerning Lincoln County Animal Services.

Robert Avery spoke concerning airing County Commissioners meetings live, the uniform act and a countywide survey.

Being no additional speakers, Chairman Patton closed public comments.

Motion to adopt Resolution #2013-11: Resolution to Request Legislation to Exempt Certain Records of the Sheriff's Office from the Public Records Act: **UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to adopt Resolution #2013-11: Resolution to Request Legislation to Exempt Certain Records of the Sheriff's Office from the Public Records Act.

RESOLUTION #2013-11: RESOLUTION TO REQUEST LEGISLATION TO EXEMPT CERTAIN RECORDS OF THE SHERIFF'S OFFICE FROM THE PUBLIC RECORDS ACT

WHEREAS, the Sheriff's Office in each county in the State of North Carolina is required to maintain records of the handgun purchase permits issued by the Sheriff's Office pursuant to N.C.Gen.Stat.§14-405 and concealed carry permits issued pursuant to N.C.Gen.Stat.§14-415.17; and,

WHEREAS, these records include information such as name, address, age and other information as may be requested by the Sheriff's Office; and,

WHEREAS, the Lincoln County Board of Commissioners finds and declares that it is in the best interests of the citizens of the County and the State of North Carolina to prevent public access to this information; and,

WHEREAS, the Lincoln County Board of Commissioners recommends and supports legislation which exempts handgun purchase permits and concealed carry permits from the list of records of Sheriff's Offices which are accessible by the public at large.

NOW, THEREFORE, BE IT RESOLVED that the Lincoln County Board of Commissioners hereby requests that the Lincoln County delegation to the North Carolina General Assembly introduce and support legislation to exempt handgun purchase permits and concealed carry permits from the records of Sheriff's Offices that are accessible by the public at large.

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to the Honorable Pat McCrory, NC Governor, the Lincoln County Legislative Delegation to the NC General Assembly, the North Carolina Association

of County Commissioners, and to the other 99 NC counties.

Alex E. Patton, Chairman

ATTEST:

Amy S. Atkins, Clerk

Motion to adopt Resolution #2013-12: Resolution Approving North Carolina Department of Transportation Lincoln County Secondary Roads Construction Program 2012-2013 Paving Priority: UPON MOTION by Commissioner Mitchem, the Board voted unanimously to adopt Resolution #2013-12.

**Resolution 2013-12: Resolution Approving North Carolina Department of Transportation
Lincoln County Secondary Roads Construction Program
2012-2013 Paving Priority**

WHEREAS, representatives from the North Carolina Department of Transportation appeared before the Lincoln County Board of Commissioners on Monday, February 4, 2013 and presented the Secondary Roads Improvement Program for 2012-2013 for Lincoln County.

THEREFORE, BE IT RESOLVED BY THE LINCOLN COUNTY BOARD OF COMMISSIONERS that the Board has reviewed said program and concurs with the Secondary Roads Improvement Program for the fiscal year 2012-2013 as presented by the representatives of the North Carolina Board of Transportation as follows:

North Carolina Department of Transportation
Lincoln County Secondary Roads Construction Program
2012– 2013 Paving Priority.

FY 2012-2013 Allocation	
Highway Fund (G.S 136-144b, c)	\$ 277,293.30
Trust Fund (G.S. 136-182)	\$ 367,884.11
Total	\$ 645,177.41

I. Paving Unpaved Roads

Programmed Paving Goal: 0.51 Miles

A. Rural Paving Priority

Priority Number	SR No.	Length (Miles)	Road Name and Description	Est. Cost
1	SR 1421	0.51	Reep Brothers Road (Complete Funding)	\$320,000

Total Miles 0.51

Subtotal \$320,000.00

* Rural Paving Alternates

<u>Priority Number</u>	<u>SR No.</u>	<u>Length (Miles)</u>	<u>Road Name and Description</u>	<u>Est. Cost</u>
HL	SR 1921	0.75	Leonard Road	\$385,000
2	SR 1415	0.25	White Oak Farm Road	\$135,000
3	SR 1288	0.28	McDaniel Springs Road	\$150,000
4	SR 1188	0.19	JW Huss Road	\$100,000
5	SR 1684	0.21	Indian Creek Primitive Church Road	\$115,000
6	SR 1234	0.05	Harvey Road	\$30,000
7	SR 1429	0.22	Bob Dellinger Road	\$120,000
8	SR 1163	0.40	Vellis Wright Road	\$220,000
9	SR 1440	0.10	Hauss Road	\$55,000

* In the event that any roads in priority have to be placed on the "Hold List" due to unavailable right of way or environmental review, or if additional funding becomes available, funds will be applied to the roads listed in priority order in the paving alternate list.

II. General Secondary Road Improvements

A. Paved and Unpaved Road Improvements

<u>SR No.</u>	<u>Project Description</u>	<u>Est. Cost</u>
SR 1361	Grade, Drain, and Rehabilitate SR 1361 (Paysour Pond Road) from SR 1360 to Mountain Creek Road (0.90 mi.).(PARTIAL FUNDING)	\$290,000
None	Maintenance functions on various roads as needed. Functions may include spot stabilization, paved road improvements, replacement of small bridges with pipes, safety projects, etc.	\$0

Total Miles 0.90

Subtotal \$ 290,000.00

B. Unpaved Road Spot Improvements

None		\$0
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Subtotal \$ 0.00

III. Funds reserved for surveying, right of way acquisition, road additions, contingencies, overdrafts, and paving entrances to certified fire departments, rescue squads, etc.

Subtotal \$35,177.41

GRAND TOTAL \$645,177.41

NOTES:

1. PROGRAM SUBJECT TO AVAILABILITY OF FUNDING, RIGHT OF WAY, AND ENVIRONMENTAL REVIEW.

18th day of February, 2013.

Alex Patton, Chairperson
Lincoln Co. Board of Commissioner

ATTEST, _____
Amy Atkins, Clerk to the Board

Appointment of committee to review certain HR Department Policies regarding employee benefits: Chairman Patton said Commissioner Martin and Commissioner Robinson have agreed to serve on this committee.

Motion to approve the Contract to Audit Accounts with Martin Starnes and Associates, CPA's, P.A.: Deanna Rios asked the Board's approval on the Contract to Audit Accounts for the Fiscal Year ended June 30, 2013 with Martin Starnes & Associates, CPAs PA.

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

Finance Officer's Report: Deanna Rios presented the Finance Officer's Report.

County Manager's Report: Mr. Wood asked the Board to be thinking of a date for a joint meeting with the Planning Board.

County Attorney's Report: Wesley Deaton said the case with the Register of Deeds software appears to be settled.

Vacancies/Appointments: **UPON MOTION** by Commissioner Robinson, the Board voted to make the following appointments:

Nursing and Adult Care Home Community Advisory Committee:
Reappoint:
Dawn Senter

Local Fireman's Relief Fund:

CROUSE:
Tim Ledford
Charles Hayes

DENVER:

Erich Rawlins

Marty Hovis

EAST LINCOLN:

Jeffrey Todd Gilley

William Blair Anderson

HOWARDS CREEK:

Richard David Houser

Preston Hefner

UNION:

Jeremy Gilbert

Bruce Yount

Commissioner Robinson presented the following Vacancies:

- Nursing and Adult Home Community Advisory Committee
- Recreation Commission
 - o Lincolnton Township
- Lincoln Natural Resources
- Industrial Revenues Bond Board
- Library Board – North Brook Township
- Region F Aging Advisory Board – 2 vacancies
- Board of Adjustment – 2 Alternate positions
- Centralina Economic Development Commission (CEDC)
- Local Fireman's Relief Fund:
 - o Boger City
 - o South Fork
 - o North 321
 - o North Brook
 - o Ore Bank Pumpkin Center

Calendar:

Other Business:

Recess: UPON MOTION by Commissioner Robinson, the Board voted unanimously to recess to February 22, 2013 at 8:00 a.m. in the Board of Commissioner's Room to hold a Closed Session Pursuant to N.C.G.S. 143-318.11

(5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option,

exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract.

(6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee.

Amy S. Atkins, Clerk
Board of Commissioners

Alex E. Patton, Chairman
Board of Commissioners