

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, APRIL 1, 2013

The Lincoln County Board of County Commissioners met April 1, 2013 at the Citizens Center, Commissioners' Room, 115 West Main Street, Lincolnton, North Carolina, at 6:30 P.M.

Commissioners Present:

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

Commissioners Absent:

Alex E. Patton, Chairman

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: Vice Chairman Robinson called the April 1, 2013 meeting of the Lincoln County Board of Commissioners to order. Vice Chairman Robinson gave the Invocation and led in the Pledge of Allegiance.

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

AGENDA
Lincoln County Board of Commissioners Meeting
Monday, April 1, 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

- Tax Requests for Releases - Over \$100 - February 25 - March 10, 2013
 - Surplus Vehicles for Sheriff's Office
 - Monthly Status Report for Community Development Catalyst Program
 - FY 14 HCCBG Designation of Lead Agency and Council on Aging Committee Membership
 - Minutes for Approval
3. Partners Behavioral Health Management Update and Consideration of Resolution #2013-17
 4. Public Comments (15 minutes allowed per Rules of Procedure – 3 minutes per person)
 5. Public Hearing to consider approval of a Lease Agreement between Lincoln County and Borghetti Turbos North America, Inc – Crystal Gettys
 6. Public Hearing to consider conveyance of certain property to the Lincoln County Historical Association (Mundy House) – Jason Harpe
 7. Forney Creek Closure Update -Don Chamblee
 - 7a. Resolution #2013-16: A Resolution to Maintain and Support the Current Integrity and Funding for the Parks and Recreation Trust Fund (PARTF) - Erma Deen Hoyle
 8. Other Business
- Recess to April 4, 2013 at 6:30 p.m. in the Commissioners Room for a work session with the Planning Board

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

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

- Tax Requests for Releases - Over \$100 - February 25 - March 10, 2013
- Surplus Vehicles for Sheriff's Office
- Monthly Status Report for Community Development Catalyst Program
- FY 14 HCCBG Designation of Lead Agency and Council on Aging Committee Membership
- Minutes for Approval – March 4, 2013

LINCOLN COUNTY TAX DEPARTMENT
MOTOR VEHICLES

REQUEST FOR REFUNDS

PERIOD COVERED (FEBRUARY 25, 2013-MARCH 10, 2013)

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

<u>NAME</u>	<u>YEAR</u>	<u>DISTRICT</u>	<u>A/C #</u>	<u>AMOUNT</u>	<u>REASON</u>
SIGNAL POINT SYSTEMS, INC.	2012	CITY	0215555	\$125.25	PRO-RATED BILL
			TOTAL	<u>\$125.25</u>	

LINCOLN COUNTY TAX DEPARTMENT
ANNUALS

REQUEST FOR REFUNDS

MAR 21 2013

PERIOD COVERED (FEBRUARY 25, 2013-MARCH 10, 2013)

MANAGER'S OFFICE

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

<u>NAME</u>	<u>YEAR</u>	<u>DISTRICT</u>	<u>A/C #</u>	<u>AMOUNT</u>	<u>REASON</u>
HALL, JACOB	2008-2012	BCFD	0060962	\$1,094.12	ERROR IN ASSESSMENT
			TOTAL	\$1,094.12	

Partners Behavioral Health Management Update and Consideration of Resolution
#2013-17: Martha Lide presented the following:

Partners Behavioral Health Management
Changes Mandated to the Composition of the Board of Directors

- North Carolina General Statute 122c-118.1 outlines the requirements for the board of directors for a Local Management Entity (Partners Behavioral Health Management).
- The merger agreement executed by the eight Boards of County Commissioners which constitute Partners BHM and the by-laws which have governed the board of directors since merger have been in compliance with 122c-118.1.
- NC Session Law 2012-151 (Senate Bill 191) ratified July 12, 2012, significantly modified the requirements for the structure of Local Management Entity boards and requires full compliance by 2013.
- The Partners BHM Board of Directors has studied this issue in depth and has made the necessary modifications to its by-laws to comply with the new legislation.
- Highlights of the new requirements are:
 - The board may have between 11 and 21 voting members. Partners BHM Board of Directors currently has 26 members.
 - There are 13 required categories of individuals that must be represented on the LME board. Eleven of the 13 are voting members and the other two (the president of the local Provider Council and an administrator of a hospital

- providing mental health, developmental disabilities and substance abuse services) are non-voting members.
- Of the eleven mandated categories to be represented by voting members, one is directly appointed by the Secretary of the NC Department of Health and Human Services.
- The board must have at least one member who is a county commissioner.
- No one person can be counted as filling more than two of the mandated categories even if they meet the requirements of additional classifications.
- The Partners BHM Board of Directors voted to have the maximum board members permitted under the new legislation; 21.
- The revised by-laws maintained the distribution philosophy agreed to by the eight member counties during the merger and formation of Partners BHM. The 21 members will be distributed among the eight member counties proportionate to the population of the individual county.
- Eight of the 21 members are designated as a county commissioner or designee from each county. Since the revised statute only requires one commissioner to be on the board, it allows for counties to have flexibility on using these designated seats for a commissioner member or to appoint an at large individual.

Due to the strict requirements to meet the statutory requirements of the eleven categories described above, a standing nominating committee will function for the Partners BHM Board of Directors and will need to work collaboratively with the clerks to the commission to balance the geographic distribution and the mandated representation.

Resolution #2013-17:
Support for Revision of the Composition of the Partners Behavioral Health Management Board of Directors

WHEREAS, Partners Behavioral Health Management (“Partners BHM”) was established by joint agreement between the Commissioners of Burke, Catawba, Cleveland, Gaston, Iredell, Lincoln, Surry and Yadkin counties on July 1, 2012 by merging the former Mental Health Partners, Crossroads Behavioral Healthcare, and Pathways LME Area Authorities; and

WHEREAS, the board of directors for Partners BHM was established at the time of the merger to be a 26 member board distributed proportionately according to the population of each individual county as a percentage of the combined merged population; and

WHEREAS, North Carolina Session Law 2012-151 (Senate Bill 191) codified as NC Gen Stat{ 122C-118.1 enacted new requirements for Area Authority boards in both size and composition of members and requires Area Authorities to be in full compliance with the new requirements no later than October 1, 2013; and

WHEREAS, the Board of Directors for Partners BHM has thoroughly discussed and explored various options to come into compliance with the statute and to maintain fidelity to the will of the commissioners expressed at the time of the merger; and

WHEREAS, Partners BHM's Board of Directors has modified its by-laws to maintain an equitable distribution of members among the eight counties that comprise the organization; and

WHEREAS, Partners BHM requests that the modifications to the governance structure be supported by the respective Boards of County Commissioners;

THEREFORE, be it resolved that the Board of County Commissioners supports and approves the modifications made to the governance structure of Partners BHM that is in compliance with NC Gen Stat {122C-118.1 and will work collaboratively with the Partners BHM Board of Directors to appoint the members with the requisite backgrounds and qualifications to maintain compliance with state statutes.

UPON MOTION by Commissioner Martin, the Board voted unanimously to adopt Resolution #2013-17.

Public Comments: Vice Chairman Robinson opened Public Comments.

Rudy Bauer, 8252 Blades Trail, thanked Mr. Wood for getting someone out there to follow up on his complaints. He said they are having their cove dredged and they are taking pictures of the bottom of the lake before and after they dredge. He said if it is found the damage is from Burton Creek, the residents will sue Lincoln County for damages.

Robert Avery, 843 Newton Lane, approached the Board concerning a taxpayer survey.

Being no additional speakers, Vice Chairman Robinson closed public comments.

Resolution #2013-18: A Resolution Regarding the Proposed Charlotte Regional Airport Authority: George Wood, County Manager, and Senator David Curtis addressed the Board concerning the Proposed Charlotte Regional Airport Authority.

UPON MOTION by Commissioner Klein, the Board voted unanimously to adopt Resolution #2013-18: A Resolution Regarding the Proposed Charlotte Regional Airport Authority.

**RESOLUTION #2013-18: A RESOLUTION REGARDING THE
PROPOSED CHARLOTTE REGIONAL AIRPORT AUTHORITY**

THAT WHEREAS, bills in the NC Senate and House have been introduced to create the Charlotte Regional Airport Authority; and

WHEREAS, the Senate bill, SB 81, includes an authority member appointed by the Lincoln County Board of Commissioners; and

WHEREAS, the approved SB 81 contains some language that could give this regional airport authority control over the operations of the Lincolnton-Lincoln County Airport, which was not the intent of the legislation; and

WHEREAS, efforts are underway in the NC House of Representatives to remove the language from the bill that would give the proposed Charlotte Regional Airport Authority any control or involvement in the ownership, operations, planning, or governance of the Lincolnton-Lincoln County Airport; and

WHEREAS, the operation of Charlotte Douglas International Airport is vital to the continued economic prosperity of this region;

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

Section 1. That the Board asks our legislative delegation to approve of the creation of the Charlotte Regional Airport Authority, with Lincoln County having a seat on the authority, which shall be appointed by the Lincoln County Board of Commissioners.

Section 2. That the Board asks our legislative delegation to approve the final House bill, and a final reconciled bill doing so, only if any language that can be interpreted to give this new authority any control or involvement in the ownership, operations, planning, or governance of the Lincolnton-Lincoln County Airport is removed in its entirety.

Section 3. The provisions of this resolution shall become effective immediately upon its adoption.

Adopted this 1st day of April, 2013.

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

ATTEST:

Amy S. Atkins
Clerk to the Board

Public Hearing to consider approval of a Lease Agreement between Lincoln County and Borghetti Turbos North America, Inc.: Vice Chairman Robinson opened the Public Hearing concerning the approval of a Lease Agreement between Lincoln County and Borghetti Turbos North America, Inc.

Martin Oakes stated that he raised the issue of the sewer pump last time and the wording concerning water and sewer capacity concerns him.

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to approve the Ground Lease between Lincoln County and Borghetti Turbos North America Inc, which is attached hereto and incorporated into the record by reference.

Public Hearing to consider conveyance of certain property to the Lincoln County Historical Association (Mundy House) – Jason Harpe:

Jason Harpe spoke on behalf of the Lincoln County Historical Association concerning the Mundy House. This house is located on North Hwy 16 at the intersection of Mundy Road. The house was purchased and donated to the County back in 2007 by an anonymous donor. There was an endowment created for the restoration of the house. Due to obstacles, restoration has not occurred. After speaking with the County Manager, it was determined that the best option would be for the Board to transfer the property to the Historical Association.

Mr. Wood said a public hearing is required for this conveyance.

Mr. Deaton asked questions of Mr. Harpe including if this house is historically significant and how. Mr. Harpe said it is and explained that one of the reasons this house was pursued for restoration is that it is an example of the 19th century I-house form, that is typical in rural parts of Lincoln County. It is one of very few remaining homes with integrity. He said the Historical Association is a non-profit corporation.

Mr. Deaton said part of the stipulation with the conveyance is a preservation agreement included in the deed. Mr. Harpe said he understood this.

Vice Chairman Robinson opened the public hearing. Being no speakers, Vice Chairman Robinson closed the public hearing.

UPON MOTION by Commissioner, the Board voted unanimously to approve Resolution #2013-19.

**RESOLUTION #2013-19: RESOLUTION FOR THE SALE OF CERTAIN REAL PROPERTY
PURSUANT TO N.C.G.S. §160A-266(b)**

WHEREAS, Lincoln County is the owner of that tract or parcel of land on NC Hwy 16, containing that house known as the “Robert Mundy House;” and

WHEREAS, Lincoln County was given the Robert Mundy House by an interested citizen who desired that said structure be preserved and renovated; and

WHEREAS, the Lincoln County Board of Commissioners finds that the Robert Mundy House is significant for its historical and cultural associations; and

WHEREAS, the Lincoln County Board of Commissioners has determined that the Lincoln County Historical Association is willing to accept said property and to accept the responsibility of preserving and renovating same, pursuant to the terms and conditions of a preservation agreement to be placed in the deed conveying said property; and

WHEREAS, the Lincoln County Historical Association is a nonprofit corporation whose purposes include the preservation or conservation of real properties of historical and cultural significance.

NOW, THEREFORE, BE IT RESOLVED that the Lincoln County Board of Commissioners shall sell the Robert Mundy House to the Lincoln County Historical Association for the sum of \$1.00, subject to the Lincoln County Historical Association accepting said conveyance pursuant to those conditions contained in that sample deed attached hereto as Exhibit "A."

Alex E. Patton, Chairman

ATTEST:

Amy S. Atkins, Clerk to the Board

Forney Creek Closure Update: George Wood presented the following:

Lincoln County and Hickory Construction entered into a contract to decommission the Forney Creek Waste Water Treatment Plant for \$510,900 in August of 2012. The final change order is to adjust quantities for sludge removal, site fill, erosion control measures and additional time for the contractor with a net deduct of \$25,811.00. The project is essentially completed other than final establishment of grass and lighting repairs.

Mr. Wood said Don Chamblee has done a very good job on this project and is requesting that the Board approve the final change order number 1.

UPON MOTION by Commissioner Martin, the Board voted unanimously to approve the final change order number 1 as recommended by Mr. Wood.

Resolution #2013-16: A Resolution to Maintain and Support the Current Integrity and Funding for the Parks and Recreation Trust Fund: Erma Deen Hoyle presented the following Resolution for the Board's consideration.

A RESOLUTION TO MAINTAIN AND SUPPORT THE CURRENT INTEGRITY AND FUNDING FOR THE PARKS AND RECREATION TRUST FUND (PARTF)

WHEREAS, North Carolina is known for its unique and scenic natural resources and opportunities for recreation with a long tradition of its citizens and visitors enjoying parks, mountains, rivers, greenways, beaches and more. Generations of residents and visitors have delighted in these landscapes and park facilities; and

WHEREAS, The Parks and Recreation Trust Fund (PARTF) was established with bi-partisan support on July 16, 1994 to fund improvements in the state's park system, to fund grants for local governments and to increase the public's access to the state's beaches and coastal waterways; and

WHEREAS, since its inception The Parks and Recreation Trust Fund has provided \$161 million via 722 grants to 370 local governments in 99 counties and has been matched with \$312 million of local

and private dollars for the purchase of local park land, building and renovation of facilities and development of greenways and trails; and

WHEREAS, North Carolina's population has grown to make it the 10th most populous state in the nation with projections for the significant growth to continue in the coming decades, and more state and local parks are needed to meet the increased demands; and

WHEREAS, parks are identified as key contributors to North Carolina's tourism industry that generates nearly \$20 billion in annual economic impact; and

WHEREAS, parks in North Carolina are experiencing record visitation levels including over 14.25 million to state parks in both 2011 and 2012; and

WHEREAS, The Parks & Recreation Trust Fund has leveraged funds that allowed our State to acquire land for state parks and state natural areas and protected nearly 83,000 acres and made major additions to the Mountains-to-Sea State Trail; and

WHEREAS, The Parks & Recreation Trust Fund has funded capital improvement projects in the state parks such as visitor centers and exhibit halls which provide tremendous opportunities to educate students and all citizens about North Carolina's outstanding natural resources, and other capital projects including campgrounds, picnic areas, boating facilities, trails and swimming beaches; and local capital projects including construction of community centers, athletic fields and greenways; and

WHEREAS, the annual economic impact to local economies of all tourists visiting the state parks system was estimated at more than \$400 million in sales and income, as well as nearly 5,000 jobs according to a 2008 study.

WHEREAS, a portion of The Parks & Recreation Trust Fund is designated for the Public Beach and Coastal Waterfront Access Program to improve access to beaches and coastal waterways by funding public boat ramps and public beaches accesses; and

WHEREAS, access to parks, recreation facilities and open space provides cost-effective opportunities for citizens of all ages to participate in health and wellness activities thereby reducing costs associated with obesity, heart disease, diabetes and high blood pressure; and

WHEREAS, research has documented that structured park and recreational opportunities in local communities can prevent crime and provide positive activities and directions for young people; and

WHEREAS, dedicated, recurring funding of the Parks & Recreation Trust Fund allows for structured and objective planning and efficient management of the system at both the state and local levels for today and future generations; and

WHEREAS, the success of The Parks and Recreation Trust Fund is due to the dedicated funding source provided by a portion of the deed stamp tax, and is recognized nationally as a model for efficiency and accountability; and

NOW, THEREFORE, BE IT RESOLVED, that the (city/town/county) does call on the members of the General Assembly to maintain dedicated revenues generated by seventy-five cents of the deed stamp tax for The Parks and Recreation Trust Fund.

The Clerk is directed to send a copy of this resolution to each of the members of the General Assembly representing the people of (city/town/county) and the North Carolina Recreation and Park Association.

This the _____ day of _____, 2013

Mayor/Chair

Attest:

Clerk

A MOTION by Commissioner Klein to approve Resolution #2013-16: A Resolution to Maintain and Support the Current Integrity and Funding for the Parks and Recreation Trust Fund.

Commissioners Robinson and Mitchem both explained they could not support this resolution.

Vote: 1 – 3

AYES: Klein

NOES: Robinson, Mitchem, Martin

Other Business: Mr. Wood announced the appointment of Andrew Bryant as the Planning Director.

Mr. Wood gave a budget update.

Mr. Wood gave an update on the MPO meetings he and Andrew Bryant attended recently. The consensus has previously been to go with Gaston MPO if Cleveland was going to join. Progress is being made on this issue and in the future a Memorandum of Understanding will be brought for the Board's approval to basically create a Tri-county Metropolitan Planning Organization.

Recess: UPON MOTION by Commissioner Mitchem, the Board voted unanimously to recess the meeting to April 4, 2013 at 6:30 p.m. for a work session with the Planning Board.

Amy S. Atkins, Clerk
Board of Commissioners

Alex E. Patton, Chairman
Board of Commissioners