

**MINUTES**  
**LINCOLN COUNTY BOARD OF COMMISSIONERS**  
**MONDAY, MAY 6, 2013**

The Lincoln County Board of County Commissioners met May 6, 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

Planning Board Members:

Christine Poinsette, Chair  
Darrell Gettys, Vice-Chair  
John Anderson  
Keith Johnson  
Dr. Crystal Mitchem  
Dr. Richard Pence  
Tom Campbell  
Brian Rabalais  
Cathy Davis

**Call to Order:** Chairman Patton called the May 6, 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, May 6, 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
    - March 16 - April 15, 2013
  - Tax Requests for Refunds - Over \$100
    - March 25 - April 7, 2013
  - Minutes for Approval - April 15, 2013
  - Surplus Property
  - CDBG Monthly Status Update
  - NC Department of Insurance, Division of SHIP Grant and Contract
  - Surplus Vehicles for Sheriff's Office
  - Older American's Month Proclamation
  - Agreement between Lincolnton Police Department and Lincoln County Regarding Security Cameras

3. Zoning Public Hearings - Randy Hawkins

ZMA #601 Lincoln Economic Development Association, applicant (Parcel ID# 87124 and 90017) A request to rezone 44.6 acres from R-T (Transitional Residential) to I-G (General Industrial). The property is located on the west side of N.C. 16 bypass about 3,500 feet north of N.C. 73 in Catawba Springs Township.

ZMA #602 Lincoln Economic Development Association, applicant (Parcel ID# 86038) A request to rezone 3.6 acres from R-T (Transitional Residential) to I-G (General Industrial). The property is located on the west side of N.C. 16 bypass about 5,800 feet north of N.C. 73 in Catawba Springs Township.

ZMA #603 Lincoln Economic Development Association, applicant (Parcel ID# 57305) A request to rezone 0.23 acre from R-T (Transitional Residential) to I-G (General Industrial). The property is located about 1,200 feet west of N.C. 16 bypass and about 5,000 feet north of N.C. 73 in Catawba Springs Township.

ZMA #604 Lincoln Economic Development Association, applicant Parcel ID# 86037) A request to rezone 0.09 acre from R-T (Transitional Residential) to I-G (General Industrial). The property is located on the west side of N.C. 16 bypass about 7,100 feet north of N.C. 73 in Catawba Springs Township.

4. Public Hearing - Debt Issuance- Deanna Rios  
Motion to Approve Declaration of Official Intent to Reimburse
- 4a. Presentation of the Board of Education's Proposed Budget for FY 2014
5. Resolution #2013-22: Authorizing Resolution Lincoln County Denver  
Global Products Water/Sewer Project Community Development Block Grant
6. Public Comments (15 minutes allowed per Rules of Procedure – 3 minutes  
per person)
- 6a. Resolution #2013-24: A Resolution Opposing Senate Bill 142 and the  
Companion House Bill 186 that Infringe Upon the Legal Authority of the  
Lake Norman Marine Commission – George Wood
7. Motion to Approve Agreement with Howards Creek - Martha Lide
8. Motion to Adopt Resolution #2013-23: A Resolution Accepting the Tax  
Settlement with the Lincoln County Interim Tax Administrator - George  
Wood
9. Motion to Approve Order Directing the Tax Collector to Collect Taxes  
Charged in the Tax Records and Receipts- George Wood
10. Request for Revocation of Franchise and Cancellation of County Contract -  
Martha Lide
11. Other Business

Set Budget Work Sessions – May 22 and May 29 at 6:30 p.m.

Recess to May 9 at 6:30 p.m. for a work session concerning a County  
Manager Profile

**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.

Tax Requests for Releases - Over \$100

- March 16 - April 15, 2013

- Tax Requests for Refunds - Over \$100

- March 25 - April 7, 2013

- Minutes for Approval - April 15, 2013

- Surplus Property

- CDBG Monthly Status Update

- NC Department of Insurance, Division of SHIP Grant and Contract

- Surplus Vehicles for Sheriff's Office
- Older American's Month Proclamation
- Agreement between Lincolnton Police Department and Lincoln County Regarding Security Cameras

LINCOLN COUNTY TAX DEPARTMENT  
MOTOR VEHICLES

**REQUEST FOR  
REFUNDS**

PERIOD COVERED (MARCH 25, 2013 - APRIL 7, 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>
HYUNDAI LEASE TITLING TRUST	2012	HCFD	0216070	\$100.05	PRO-RATED BILL
PAYNE, WALTER S.	2012	HCFD	0213100	\$154.88	PRO-RATED BILL
			<b>TOTAL</b>	\$254.93	

LINCOLN COUNTY  
TAX DEPARTMENT

G.S. #105-381 (B) ALL RELEASES MORE THAN \$100  
AND #105-325 INCLUDING (A) (6)

**REQUEST FOR RELEASES**

PERIOD COVERED  
(March 16, 2013 - April 15, 2013)

<b>NAME</b>	<b>YEAR</b>	<b>A/C NO</b>	<b>AMOUNT</b>
Currin Patterson Partners	2012	0236731	\$636.90
Fulbright, Charles Henry	2013	0076926	\$839.47
Hill, Ricky Bryant	2013	0111668	\$892.98
		<b>TOTAL</b>	<b>\$2,369.35</b>

<b>NAME</b>	<b>YEAR</b>	<b>A/C NO</b>	<b>AMOUNT</b>
Ayer, Melissa Marie	2012	0242713	\$173.70
Bolch, Louwana Beaty	2012	0240566	\$221.53
Brandenburg, Charles Andrew	2012	0214116	\$145.64
Carpenter, Shana Rae Little	2012	0244908	\$373.11

Collins, Teresa Mauney	2012	0244853	\$390.59
Creative Employee Benefits Inc	2012	0144088	\$100.89
Cresco Capital Inc	2012	0233232	\$145.70
Cruser, Holly Larain	2012	0244835	\$102.72
Dellinger Precast Inc	2012	0166020	\$509.71
Green, Lisa Lockridge	2012	0244017	\$105.61
Green, Robert Brandon	2012	0244848	\$149.61
Johnson, Natalie Ruth	2012	0244887	\$206.00
Mayne, Michael Memphis	2012	0225826	\$206.19
McQueen, John Michael Jr	2012	0233189	\$144.75
Parnell, Kelly Marie	2012	0244793	\$167.68
Plank, Sandra Turner	2012	0244768	\$221.53
Robinson, Katherine Meredith	2012	0244422	\$121.24
Scronce, Marie Ritchie	2012	0244885	\$369.75
Smith, Christopher Alan	2012	0185384	\$120.75
Spice, Douglas W	2012	0208897	\$104.26
Wigglesworth, Sean Barton	2011	0237088	\$579.12
<b>TOTAL</b>			<b>\$4,660.08</b>

**Zoning Public Hearings:** Randy Hawkins presented the following:

**Zoning Map Amendment #601 - Lincoln Economic Development Association, applicant:**

The applicant is requesting the rezoning of 44.6 acres from R-T (Transitional Residential) to I-G (General Industrial). The owner of the property has authorized the rezoning request.

The property is located on the west side of N.C. 16 bypass about 3,500 feet north of N.C. 73 in Catawba Springs Township. On its west side, the property borders a railroad. It is adjoined by property zoned I-G. The properties on the opposite sides of the bypass and the railroad are zoned R-T. The Lincoln County Land Use Plan designates this area for industrial development.

Staff recommends approval of the rezoning request.

Chairman Patton opened the public hearing.

Liz Craig, 7318 Timber Creek Court, read a list of concerns about the rezoning.

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

**Zoning Map Amendment #602 - Lincoln Economic Development Association, applicant:**

The applicant is requesting the rezoning of 3.6 acres from R-T (Transitional Residential) to I-G (General Industrial). The owner of the property has authorized the rezoning request.

The property is located on the west side of N.C. 16 bypass about 5,800 feet north of N.C. 73 in Catawba Springs Township. It is surrounded by property zoned I-G. The Lincoln County Land Use Plan designates this area for industrial development.

Staff recommends approval of the rezoning request.

Chairman Patton opened the public hearing.

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

**Zoning Map Amendment #603 - Lincoln Economic Development Association, applicant:**

The applicant is requesting the rezoning of 0.23 acre from R-T (Transitional Residential) to I-G (General Industrial). The owner of the property has authorized the rezoning request.

The property is located about 1,200 feet west of N.C. 16 bypass and about 5,000 feet north of N.C. 73 and adjoins a railroad on its west side. It is part of a 49-acre parcel, the major portion of which is located on the opposite side of the railroad. It is adjoined by property zoned I-G. The property on the opposite side of the railroad is zoned R-T.

The Lincoln County Land Use Plan designates this area for industrial development.

Staff recommends approval of the rezoning request.

Chairman Patton opened the public hearing.

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

**Zoning Map Amendment #604 - Lincoln Economic Development Association, applicant:**

The applicant is requesting the rezoning of 0.09 acre from R-T (Transitional Residential) to I-G (General Industrial). The owner of the property has authorized the rezoning request.

The property is located on the west side of N.C. 16 bypass about 7,100 feet north of N.C. 73 in Catawba Springs Township. On its west side, the property borders a railroad. It is adjoined on the south side by property zoned I-G. The property on the opposite side of the bypass is zoned I-G. The property on the opposite side of the railroad is zoned R-T. The Lincoln County Land Use Plan designates this area for industrial development.

Staff recommends approval of the rezoning request.

Chairman Patton opened the public hearing.

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

Andrew Bryant, Director of Planning and Inspections, reached out to the residents of Prospect Hills and the surrounding area, to inform them that there would be community meetings on this project once the plans are submitted and questions can be answered at that point.

Chairman Patton released the Planning Board to the second floor balcony to continue their meeting.

**Public Hearing – Debt Issuance:** Deanna Rios, Finance Director, stated that this is a required public hearing for some debt the County intends to issue for various projects.

Chairman Patton opened the public hearing concerning the issuance of approximately \$6,500,000 in installment purchase financing.

Being no speakers, Chairman Patton closed the public hearing.

**UPON MOTION** by Commissioner Martin, the Board voted unanimously to approve the Declaration of Official Intent to Reimburse.

#### COUNTY OF LINCOLN, NORTH CAROLINA DECLARATION OF OFFICIAL INTENT TO REIMBURSE

This declaration (the “Declaration”) is made pursuant to the requirements of the United States Treasury Regulations Section 1.150-2 and is intended to constitute a Declaration of Official Intent to Reimburse under such Treasury Regulations Section.

The undersigned is authorized to declare the official intent of the County of Lincoln, North Carolina (the “Issuer”) with respect to the matters contained herein.

1. Expenditures to be Incurred. The Issuer anticipates incurring expenditures (the “Expenditures”) for multiple projects, including a picnic shelter, Board of

Commissioner Video, West Park improvements, East Lincoln Community Center, Bank of America building purchase, Airline Park improvements, Rock Springs Park construction, Phase II Radio System, computers and landfill equipment (the "Projects").

2. Plan of Finance. The Issuer intends to finance the costs of the Projects with the proceeds of debt to be issued by the Issuer (the "Borrowing"), the interest on which is to be excluded from gross income for Federal income tax purposes.
3. Maximum Principal Amount of Debt to be Issued. The maximum principal amount of the Borrowing to be incurred by the Issuer to finance the Projects is \$6,500,000.
4. Declaration of Official Intent to Reimburse. The Issuer hereby declares its official intent to reimburse itself with the proceeds of the Borrowing for any of the Expenditures incurred by it prior to the issuance of the Borrowing.

Adopted this 6<sup>th</sup> day of May, 2013.

SEAL

By: \_\_\_\_\_  
Clerk  
County of Lincoln, North Carolina

By: \_\_\_\_\_  
Finance Director  
County of Lincoln, North Carolina

**Presentation of the Board of Education's Proposed Budget for FY 2014:** Dr. Sherry Hoyle, Superintendent, Steve Zickefoose, Assistant Superintendent for Business Affairs, and Bob Silver, School Board Member presented the proposed budget for FY 2014.

Dr. Hoyle requested \$244,293 for true up costs for utilities and unemployment insurance for this budget year.

Mr. Bob Silver presented the budget requests for FY 2014. Fixed costs are budgeted at \$207,947. He said after polling teachers and principals to find out what items were most significant in achieving academic improvement and excellence. The Board then decided which items were imperative in achieving these goals. There is \$130,000 added over each budget for the next 4 years for restoring first grade Teacher Assistants. There has been \$211,000 added for supplement increases to retain good teachers in the school system. To restore technology local funds at \$7,000 per school, \$84,000 has been budgeted. Four School Resource Officers have been recommended in middle schools. An amount has not been assigned to this item yet, because they are awaiting the action from State Legislature.

The total budget increase requested is \$632,947 or a 3.5% increase.



Steve Zickefoose stated that they have lost \$12 to \$13 million in state monies over the past several years. Local funds have been redirected to help cover the fixed costs.

**Resolution #2013-22: Authorizing Resolution Lincoln County Denver Global Products Water/Sewer Project Community Development Block Grant -** Martha Lide presented the following:

It is recommended that the Board approve the attached Resolution which authorizes the County Manager to execute and file an application on behalf of Lincoln County with the North Carolina Department of Commerce for Community Development Block Grant Funds for water and sewer improvements related to Denver Global Products Inc.

- The Lincoln Economic Development Association has been working to attract Denver Global Products, Inc. to Lincoln County. They identified a property just west of Airlie Business Park that was suitable, but there is no water and sewer infrastructure.
- The total cost of the public infrastructure improvements related to the Denver Global Inc. project is \$855,050 as shown in the attached project budget.
- The County will be applying for \$407,250 in CDBG Funding for this project. There are no additional local match funds required.
- On March 12, 2013, the Board approved the filing of an application and all the related documents required for the application to the NC Rural Center for this project. The NC Rural Center grant application is for \$406,900 and a \$40,900 local match is required.
- We submitted a “pre-application” for the CDBG funds. The total project cost estimate has changed from \$843,000 in the pre application to \$855,000.
- The attached resolution is one of the requirements of the full application. It grants authority to complete the application and provide necessary information, and stipulates that we will comply with all federal, State and local laws, rules, regulations and ordinances concerning this project.

**RESOLUTION # 2013-22:  
AUTHORIZING RESOLUTION  
LINCOLN COUNTY  
DENVER GLOBAL PRODUCTS WATER/SEWER PROJECT  
COMMUNITY DEVELOPMENT BLOCK GRANT**

**WHEREAS**, the Board of Commissioners has previously indicated its desire to assist in economic development efforts within the County; and,

**WHEREAS**, the Board of Commissioners has held two public hearings concerning the proposed application for a Community Development Block Grant to benefit Denver Global Products, Inc.; and,

**WHEREAS**, the Board of Commissioners wishes the County to pursue a formal

application for a Community Development Block Grant to benefit Denver Global Products, Inc.; and,

**WHEREAS**, the Board of Commissioners certifies it will meet all federal regulatory and statutory requirements of the Small Cities Community Development Block Grant Program,

**NOW, THEREFORE BE IT RESOLVED**, by the Lincoln County Board of Commissioners that Lincoln County is authorized to submit a formal application to the North Carolina Department of Commerce for approval of a Community Development Block Grant for Economic Development to benefit Denver Global Products, Inc.; and,

**BE IT FURTHER RESOLVED**, that George Wood, County Manager and successors so titled, is authorized to execute any additional documents pertaining to the grant application as requested by the North Carolina Department of Commerce.

This Resolution, duly adopted this the 6<sup>th</sup> day of May, 2013 at Lincoln County, North Carolina.

By: \_\_\_\_\_  
Alex Patton, Chairman

Attest:

\_\_\_\_\_  
Clerk to the Board

**UPON MOTION** by Commissioner Robinson, the Board voted unanimously to approve Resolution #2013-22: Authorizing Resolution Lincoln County Denver Global Products Water/Sewer Project Community Development Block Grant.

**Public Comments:** Chairman Patton opened public comments.

Rudy Bauer, 8252 Blades Trail, thanked the Board for the time he has given to Lincoln County and wished him well in retirement.

Rich Permenter, 4509 Rustling Woods Drive, spoke concerning the Bill introduced concerning the counties on Lake Norman enforcing their rules on the lake. He thanked the Board for their support on this issue.

Ola Mae Foster, representing the Coalition of Churches, spoke concerning the removal of book from the Oaklawn building.

Lucius Rice, 539 Stoney Point Road, spoke on behalf of the Lincoln County Lifesaving Crew. He pleaded for the Board to keep this lifesaving crew open.

Candy Walker, 3816 Walker Road, spoke on behalf of the Lincoln County Lifesaving

Crew and pleaded for the Board to keep it open.

Robert Avery, 843 Newton Lane, said the Board should have town hall meetings concerning the budget.

Being no additional speakers, Chairman Patton closed public comments.

**Resolution #2013-24: A Resolution Opposing Senate Bill 142 and the Companion House Bill 186 that Infringe Upon the Legal Authority of the Lake Norman Marine**

**Commission:** UPON MOTION by Commissioner Robinson, the Board voted unanimously to approve Resolution #2013-24: A Resolution Opposing Senate Bill 142 and the Companion House Bill 186 that Infringe Upon the Legal Authority of the Lake Norman Marine Commission with the Resolution being sent to the leadership in Senate and the House.

**RESOLUTION #2013-24: A RESOLUTION OPPOSING SENATE BILL 142 AND THE COMPANION HOUSE BILL 186 THAT INFRINGE UPON THE LEGAL AUTHORITY OF THE LAKE NORMAN MARINE COMMISSION**

THAT WHEREAS, the counties of Lincoln, Catawba, Iredell, and Mecklenburg have been the parties that had the Lake Norman Marine Commission established by the NC General Assembly in 1969, appoint its members, and provide the financial funding on an equal basis; and

WHEREAS, the four counties have worked cooperatively to effectively manage public safety issues on and near Lake Norman, which shoreline touches all four counties; and

WHEREAS, the Commission has allowed the lake to have uniform regulations in regard to boating safety and other matters; and

WHEREAS, Senate Bill 142 and the companion House Bill 186 have been introduced into the 2013-2014 General Assembly, seeking to give five municipalities (Cornelius, Davidson, Huntersville, Mooresville, and Troutman) the authority to enforce their own ordinances within 2,500 feet of the shoreline, which is outside of their municipal corporate limits, and infringes on the authority of the Lake Norman Marine Commission; and

WHEREAS, the four counties already pay to patrol the lake, and this measure would add to taxpayer costs for the five municipalities, and create a duplication of services that is totally unnecessary; and

WHEREAS, the bills were introduced due to some noise nuisance issues in Cornelius, which legally can be addressed by the Lake Norman Marine Commission and the affected county; and

WHEREAS, the Lake Norman Marine Commission has jurisdiction over the entire Lake Norman, which makes determining jurisdiction for filing complaints and prosecuting violations clear; but, five jurisdictions with overlapping and unclear boundaries out into Lake Norman will undermine enforcement efforts as determining jurisdiction in many cases will be debatable; and

WHEREAS, the partitioning of the lake for enforcement of ordinances of five separate cities would be confusing to the numerous recreational boaters, skiers, and fishermen who use the lake;

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

Section 1. That the action of the Lake Norman Marine Commission in opposing both of these bills is hereby endorsed and approved, and we ask that the Commission continue to oppose both bills.

Section 2. That the Lincoln County Legislative Delegation is hereby asked to oppose both bills as a usurpation of the existing Lake Norman Marine Commission's legislatively delegated authority, a waste of taxpayer money due to its duplication of costs, confusion for the boating public, and the inability to adequately enforce differing ordinances due to jurisdictional issues.

Section 3. The County Clerk is hereby directed to send a signed copy of this resolution to the Lincoln County Legislative Delegation, the Chairman of the Lake Norman Marine Commission, and the Chair of the Board of Commissioners and the County Managers in Catawba, Iredell, and Mecklenburg counties.

Section 4. The provisions of this resolution shall become effective immediately upon its adoption.

Adopted this 6th day of May, 2013.

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

ATTEST:

\_\_\_\_\_  
Amy S. Atkins  
Clerk to the Board

**Motion to Approve Agreement with Howards Creek – Martha Lide:** Martha Lide presented the following information:

In June 2011, the Board approved a License Agreement with Howard's Creek Fire Department concerning the use of space in their new station for the Lincoln County Sheriff's Office and Lincoln County EMS for the next 40 years. The intent was that the County would pay our share of the debt for the space over twenty five years, but be allowed to remain in the facility over its 40 year anticipated useful life, an additional 15 years. The County also agreed to pay our share of utilities and buildings and grounds maintenance. The County will be using 18% of the square footage of the facility, and therefore will be paying 18% of the debt service and maintenance costs. At the time that the License Agreement was approved, we estimated the cost to be approximately \$27,000 - \$31,000 annually or \$2,250 - \$2,583 per month.

The final numbers for the loan payment and some estimates for the operating costs are in. The total amount the County will pay for 2013-14 will be \$29,423.70 (the equivalent of \$2,451.98 per month). This amount is within the range approved by the County Commission.

The Addendum to the License Agreement also calls for an additional payment for interest and operating expenses during the pre-construction and construction periods (2011-12

and 2012-13). This cost is justified because the intent of the agreement was to pay our portion of the facility as we will be utilizing space in it for the next 40 years, but only paying rent for 25 years.

The County will now make one annual payment of \$22,796.70 June 1 of each year to cover our 18% portion of the required debt service for the building. Howard's Creek's debt services payment is due June 13<sup>th</sup> of each year and this allows time for our check to clear and them to meet their payment obligations.

The County will pay Howard's Creek Fire Department \$6,625 (\$552.25 per month) for maintenance of the station based on the 2013-14 budget. The County will pay on a monthly basis and then costs will be "trued up", based on actual costs, at the end of the fiscal year.

The County will pay Howard's Creek Fire Department \$45,736.44 which is 18% of the \$281,691.33 that HC paid for interest payment and expenses during the pre-construction and construction period for their station.

The County will pay an estimated \$1,393.00 in operating costs during the pre-construction and construction period for their station. Again, this amount will be "trued up" based on actual costs, as the expenses for April, May and June are not final.

**UPON MOTION** by Commissioner Martin, the Board voted unanimously to approve the Agreement with Howard's Creek.

**Motion to Adopt Resolution #2103-23: A Resolution Accepting the Tax Settlement with the Lincoln County Tax Administrator:** **UPON MOTION** by Commissioner Robinson, the Board voted unanimously to adopt Resolution #2103-23: A Resolution Accepting the Tax Settlement with the Lincoln County Tax Administrator.

State law requires that the tax administrator be charged with the collection of the next year's taxes each year before September 1<sup>st</sup>. However, before charging him with the collection you must first settle with him on the collections to date though June 30, 2012. All of that has been done previously.

However, the same statute (NCGS 105-373) sets out the identical process in the event a vacancy occurs in the office at any time. Therefore, with Jon Stephens working as an Interim Tax Administrator through April 7, 2013, he has to settle with you, and then you have to charge the new Tax Administrator, Kep Kepley, with the collection of the outstanding taxes as of the date of his settlement.

Essentially, this is a settlement of all collections against all taxes due, minus any refunds, discounts, or other adjustments. This covers ten previous tax years, and the current tax year.

The first action item on the agenda is approval of the settlement with the former Interim Tax Administrator, Jon Stephens.

Next is the Order charging the new Tax Administrator, Kep Kepley, with the collection of the remaining outstanding taxes as listed in the Settlement. This Order follows the Resolution and the detailed Settlement Packet from Jon Stephens. The action needed is for the Board to approve the Order of collection of taxes.

**UPON MOTION** by Commissioner Robinson, the Board voted unanimously to adopt Resolution #2103-23: A Resolution Accepting the Tax Settlement with the Lincoln County Tax Administrator.

RESOLUTION #2013-~~23~~<sup>23</sup> : A RESOLUTION ACCEPTING THE TAX  
SETTLEMENT WITH THE LINCOLN COUNTY INTERIM TAX ADMINISTRATOR

THAT WHEREAS, the Lincoln County Interim Tax Administrator was charged with the collection of all real and personal property taxes for Lincoln County, the East Lincoln County Water and Sewer District, the Fire Districts, and the City of Lincolnton; and

WHEREAS, NCGS 105-373 sets out a process whereby the Interim Tax Administrator is to settle with the Board of Commissioners at the end of his term for all taxes charged for collection and those collected and remaining uncollected at that time; and

WHEREAS, such settlement is to take place before the Tax Administrator can be charged with the collection of the next year's tax collections; and

WHEREAS, the Interim Tax Administrator has prepared the required Settlement and submitted it to the Finance Officer for review; and

WHEREAS, the Tax Administrator has forwarded the required Settlement for approval by the Board of Commissioners;

NOW THEREFORE BE IT RESOLVED, and it is hereby RESOLVED that the Lincoln County Board of Commissioners hereby accepts and approves the Settlement of Taxes prepared by the Interim Tax Administrator's Office, which is attached hereto and incorporated by reference into this Resolution.

Adopted this 6<sup>th</sup> day of May, 2013.

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Alex E. Patton, Chairman  
Lincoln County Board of Commissioners

ATTEST:

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Amy S. Atkins  
Clerk to the Board

**Motion to Approve Order Directing the Tax Collector to Collect Taxes Charged in the Tax Records and Receipts:** UPON MOTION by Commissioner Robinson, the Board voted unanimously to approve the Order Directing the Tax Collector to Collect Taxes Charged in the Tax Records and Receipts.

**Order Directing the Tax Collector  
To Collect the Taxes Charged in the Tax Records and Receipts**

State of North Carolina  
County of Lincoln  
To the Tax Collector of the County of Lincoln:

You are hereby authorized, empowered, and commanded to collect the taxes set forth in the tax records filed in the office of the Tax Administrator and in the tax receipts herewith delivered to you, in the amounts and from the taxpayers likewise therein set forth, as set out in the Settlement with the former Interim Tax Administrator dated April 8, 2013. Such taxes are hereby declared to continue to be a first lien upon all real property of the respective taxpayers in the County of Lincoln, and this order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell any real or personal property of such taxpayers, for and on account thereof, in accordance with law.

Witness my hand and official seal, this 6th day of May, 2013.

\_\_\_\_\_  
Alex E. Patton, Chairman

ATTEST:

\_\_\_\_\_  
Amy S. Atkins, Clerk to the Board

**Request for Revocation of Franchise and Cancellation of County Contract – Martha Lide:** Martha Lide presented the following:

Lincoln County received notification from the Lincoln Life Saving Crew (LLSC) that they would close for business and no longer be available for emergency responses after 11:59 PM on Sunday, April 28, 2013. This decision was made by the LLSC Board of Directors. However, on Friday afternoon, April 26, we received the attached letter from Wesley Sigmon, an attorney hired by some of the LLSC members, which asked us not to accept the letter from the LLSC Board President concerning the dissolution and closing of the LLSC. The letter questions whether or not the LLSC meeting was called in accordance with the LLSC By-Laws, and whether a quorum was present when the motion to approve dissolution of the organization was approved.

We upheld our decision to discontinue dispatching calls on April 28, 2013 at 11:59 because

- We had an official letter from the person we believed to be the Board



President/Chair.

- We had serious concerns about the stability of the organization, and did not believe it was in the best interests of the taxpayers to allow LLSC to continue to respond to calls:
  - Earlier in the week we were advised that they could not make an insurance payment. We were then advised that they had made the payment, but we had no proof of that payment and therefore no proof of their insurance status as required by Contract.
  - We knew that 12 of their members moved to the Crouse Fire Department. The Crouse Fire Chief advised the members that they could not serve with both organizations. LLSC is required by contract to notify the EMS Director of any changes to their roster within 72 hours. We did not receive the required notification. With the multiple changes in leadership, we could not be certain that all members were properly trained and certified, and that required documentation was in order.
  - The possibility of serious financial implications to the taxpayers of Lincoln County if we allowed them to continue responding, and there was an injury to a LLSC member or a citizen without proper insurance coverage and operating status.
  - We believed that the problem concerning whether or not there was a quorum present at the time of the dissolution vote was an internal issue to their organization.

There have been numerous concerns brought to the County's attention over the last several years concerning the LLSC. The most recent concerns have been regarding their financial stability, a revolving door for their leadership at both the Captain/Chief and Board of Directors level, innuendo about equipment not being properly inventoried and disappearing, questions about the validity of certified current staff members on their roster, reckless driving en route to scenes, and incidents at scenes with other first responder agencies.

We have been meeting regularly with LLSC leadership over the past several years to try and support them so they could continue to serve the public. Regular updates were given to the Emergency Services Committee. The County recognizes the countless volunteer hours that LLSC members have dedicated to this community over the years.

#### Impact on Services:

We do not envision that the closing of the LLSC will have any impacts to the citizens in the Lincoln Life Saving Crew's District. There will be no disruption in service; all of their medical 911 emergencies will continue to be answered by Lincoln County EMS (LCEMS) and their local fire district personnel where they are certified for EMT/AED

response.

The LLSC has been serving Lincolnton, North 321, and portions of the Howard's Creek, Union, and Crouse Fire Districts since 2009 when their district boundaries were modified. The dispatch protocols have called for LCEMS, the local Fire District who are certified for EMT/AED response and LLSC to be dispatched to medical calls. LCEMS responds to 100% of calls. Lincolnton Fire Department has paid staff who responds to all medical calls in the City. North 321, Howard's Creek and Union Fire Departments are Rescue Certified and have responders that are EMT or AED certified. Many of the members of LLSC will now be moving to Crouse Fire Department which will improve the response capability in that district.

Lincoln County contracted with the LLSC to provide: 1) backup ambulance support; 2) technical rescue; 3) traffic control; 4) search & rescue; 5) evacuation; 6) debris removal; 7) assist Lincoln County Emergency Medical Services (LCEMS), other Rescue Squads and other emergency service organizations as needed. In 2012-13, the County provided \$51,000 to support the Squad. The Contract with LLSC provides that any assets of the LLSC that remain after all debts of the organization are paid, will be distributed to other local nonprofit entities or government entities providing the same or similar services within the LLSC district.

The Lincoln Life Saving Crew was not certified in rescue until February of this year. Rescue Certification ensures those responding are manned and equipped for extrication from vehicles and other emergencies. They had worked for many years to attain that certification. They have been responding as EMT level First Responders, providing basic level medical care. They have also been providing back up transport support for EMS and providing coverage for local special events.

#### Some Historical Perspective

The LLSC has provided service to the County since the late 1950s, but the environment for emergency medical response has changed dramatically over the years.

- Our population has increased from 28,800 in 1960 to over 79,000 in 2012.
- Our emergency medical calls have increased 17% over the last five years.
- The number of EMS Units in service has increased, and we have been able to station them strategically throughout the County.
- More Volunteer Fire Departments have personnel who are qualified as medical first responders, and most have necessary extrication equipment.
- The ability to attract and man units with volunteers has become increasingly difficult. Volunteers do not always work locally, and are unable to respond during their work hours. Those volunteers that do work locally are not as likely to be able to leave work to respond to calls.
- In 2009 they were responding to only about 37% of their calls. We determined that their chances of responding to calls where we needed them to respond would be greater if we reduced their district boundaries. There are not needed in areas where the VFD has medical first responder capabilities. We determined that they

were still needed in N321, Howard's Creek, Crouse and Union. Lincoln FD has medical first responder capabilities, and no longer wanted them to respond in the City limits, but they wanted to continue to respond in those areas. Their station was located in Lincoln, and they needed enough call volume to attract volunteers.

- In 2011, at the direction of our Emergency Services Committee, we advised the LLSC that we needed them to 1) respond to 100% of calls in the 5 VFD district areas, 2) improve their paperwork related to call response and 3) to become rescue certified.
- In late 2011, they began to improve their call response, and throughout 2012 they maintained the response at close to 100%, they improved their chart records, and they became rescue-certified.
- However, in 2013 we began to see a decline again. They were at 73% when this last phase began, 12 members left, the questions about finance intensified and in a five day period they responded to 3 out of 28 calls.

In light of the above, we are recommending that the Lincoln Life Saving Crew contract be terminated for cause. Pursuant to the contract with LLSC, we can terminate the contract at any time by giving 90 days notice, or we can terminate it immediately for cause.

**UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to revoke the franchise and terminate the contract.

**Recess:** **UPON MOTION** by Commissioner Martin, the Board voted unanimously to recess to May 9, 2013 at 6:30 p.m. for a work session concerning a County Manager Profile.

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Amy S. Atkins, Clerk  
Board of Commissioners

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Alex E. Patton, Chairman  
Board of Commissioners