

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, AUGUST 15, 2011

The Lincoln County Board of County Commissioners met on August 15, 2011 at the Citizens Center, Commissioners Room, 115 West Main Street, Lincolnton, North Carolina, the regular place of meeting at 6:30 PM.

Commissioners Present:

Alex Patton – Chairman
George Arena – Vice Chairman
James A. Klein
Carrol D. Mitchem
Carl E. Robinson, Jr.

Others Present:

George A. Wood, County Manager
Martha W. Lide, Assistant County Manager
Wesley Deaton, County Attorney
Amy S. Atkins, Clerk to the Board
Randy Hawkins, Zoning Administrator
Burns Whittaker, Public Work Director
Leon Harmon, Finance Director

Call to Order: Chairman Patton called the August 15, 2011 meeting of the Lincoln County Board of Commissioners to order.

Chairman Patton 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

AUGUST 15, 2011

- 6:30 PM Call to Order
- Invocation - Rev. J.V. Allen, Boger City Wesleyan Church
- Pledge of Allegiance
1. 6:32 PM Adoption of Agenda
2. 6:33 PM Consent Agenda
- Ordinance #2011-13: Budget Adjustments
- Resolution Honoring Eagle Scout Robert Charles Rudisill

3. 6:35 PM Presentation to Robert Charles Rudisill - Eagle Scout
4. 6:40 PM Planning Board Recommendations - Randy Hawkins

CUP #302 George Tucker, applicant
CUP #303 Bob Stilp, applicant
ZMA #586 Dorothy Sherrill, applicant
ZMA #588 Lincoln County Planning and Inspections Department, applicant
5. 6:50 PM Public Comments
6. 7:05 PM Vehicle Purchase Request - Sheriff David Carpenter
7. 7:15 PM Employee Award Recognition Program - Martha Lide
8. 7:25 PM Register of Deeds Renovations, Recommendations for Contract Award - Burns Whittaker
9. 7:35 PM Discussion of Gaston County's Request to Support Senate Bill 729
10. 7:45 PM Recommendation on Changes to Formula Factors in Lincoln County Industrial Incentive Grants Program - George Wood
11. 7:55 PM Finance Officer's Report - Leon Harmon
12. 8:00 PM County Manager's Report - George Wood
13. 8:05 PM County Commissioners' Report
14. 8:10 PM County Attorney's Report
15. 8:15 PM Vacancies/Appointments
16. 8:20 PM Calendar
17. 8:25 PM Other Business
- Register of Deeds Report
18. 8:30 PM Closed Session - Pursuant to NCGS 143.318.1 (a)(3) - To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged.

Adjourn

UPON MOTION by Commissioner Mitchem, 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 #2011-13: Budget Adjustments
- Resolution Honoring Eagle Scout Robert Charles Rudisill
- Approval of Minutes
- August 1, 2011

**ORDINANCE #2011-13: AN ORDINANCE AMENDING THE FY 2011 BUDGET
FOR THE COUNTY OF LINCOLN, NORTH CAROLINA**

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

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

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

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

Section 1. That the budget amendments attached hereto, and incorporated herein by reference as Exhibit A to Ordinance #2011-13, are hereby approved and adopted as amendments to the FY 2012 Budget.

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

Passed and adopted this 15th day of August, 2011.

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

ATTEST:

Amy S. Atkins
Clerk to the Board

EXHIBIT A to Ordinance #2011-13

Budget Amendments numbered 11 through 17, inclusive.

**RESOLUTION
HONORING EAGLE SCOUT
ROBERT CHARLES RUDISILL**

WHEREAS, on behalf of all of the Citizens of Lincoln County we, the Board of Commissioners of Lincoln County, wish to recognize the attainment of high honor by young Citizens of Lincoln County and,

WHEREAS, Robert Charles Rudisill has demonstrated strong leadership abilities and has exhibited a strong sense of duty, honor and patriotism making him a clear example of the best qualities of American youth and,

WHEREAS, Robert Charles Rudisill has completed the arduous and demanding requirements necessary to be awarded the rank of **EAGLE SCOUT**, the highest honor given by the Boy Scouts of America,

BE IT RESOLVED, and it hereby is that the Lincoln County Board of Commissioners recognize and congratulate Robert Charles Rudisill upon his attainment of the rank of **EAGLE SCOUT**.

Adopted this 15th day of August, 2011.

Alex E. Patton
Chairman

George Arena
Vice Chairman

Carrol D. Mitchem
Commissioner

Carl E. Robinson, Jr.
Commissioner

James A. Klein
Commissioner

Planning Board Recommendation – Randy Hawkins: Randy Hawkins presented the following information:

Conditional Use Permit No. 302 – George Tucker, applicant:

A request for a conditional use permit to place a Class C (singlewide) manufactured home in the R-S (Residential Suburban) district. The proposed 4.5-acre site is located on the west side of Old Lincolnton-Crouse Road about 600 feet north of Hwy. 150 in Howards Creek Township.

The Planning Board voted 7-0 to recommend approval with the condition that they steps outlined in the applicant's letter be completed within 12 months.

UPON MOTION by Commissioner Klein, the Board voted unanimously to approve CUP #302 – George Tucker, applicant as recommended by the Planning Board, with the Findings of Fact presented and the conditions attached therein.

Conditional Use Permit No. 303 – Bob Stilp, applicant:

A request for a conditional use permit to sell vehicles in the B-G (General Business) district. The proposed 0.86-acre site is located at 4317 N. Hwy. 16, on the west side of Hwy. 16 about 200 feet south of Mundy Road, in Catawba Springs Township.

The Planning Board voted 7-0 to recommend approval.

UPON MOTION by Commissioner Robinson, the Board voted unanimously to approve Conditional Use Permit No. 303 – Bob Stilp, applicant with the Findings of Fact presented.

Zoning Map Amendment No. 586 – Dorothy Sherrill, applicant:

A request to rezone 2.0 acres from B-G (General Business) to R-SF (Residential Single-Family). The property is located at 3250 N. Hwy. 16, on the east side of Hwy. 16 about 500 feet south of Denver Drive, in Catawba Springs Township.

The Planning Board voted 7-0 to recommend approval.

UPON MOTION BY Commissioner Mitchem, the Board voted unanimously to approve Zoning Map amendment No. 586 – Dorothy Sherrill, applicant.

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

Robert Avery asked if there had been any consideration given to the survey to citizens or carpooling with the Tax Department to Raleigh. He mentioned the well and septic tank item on the Schedule of Values. He asked the Board to take a closer look at the Tax Department and the numbers.

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

Vehicle Purchase Request: Sheriff David Carpenter presented the following information:

I am respectfully requesting the Board of Commissioners' approval of a Sole Source purchase of twelve (12) 2011 Ford Crown Victoria police cruisers from Vic Bailey Ford located in Spartanburg, SC. The total purchase price for these vehicles is \$263,900.

There are several contributing factors to this request. First, the Crown Vic is and has been the car of choice for the majority of all law enforcement agencies across the state as well as nationally for over 20 years. The 2011 model year is the last year the Crown Vic was produced and therefore, the availability for purchase is extremely limited. Vic Bailey Ford is the only dealership that I have been able to find that had this quantity available for purchase. Secondly, due to the poor performance of the Dodge Charger as a police pursuit vehicle and the unknown quality and performance of other police vehicles it is my opinion that we remain in the Crown Vic until there is sufficient data for us to make an informed buying decision for other police vehicles. Finally, it is more cost effective for us to remain in the Crown Vic if possible, in order to reduce our overall cost due to the compatibility of accessories necessary to outfit the vehicles,

UPON MOTION by Commissioner Robinson, the Board voted unanimously to approve the sole source purchase of the 12 Ford Crown Victoria's from Vic Bailey Ford.

Employee Award Recognition Program: Ms. Lide presented the following information.

Lincoln County is very fortunate in having employees that are loyal, hard working and very dedicated to providing the best possible service to the citizens. One of the goals approved by the Board at the December 2010 annual workshop was to create an employee recognition program to acknowledge, and show our appreciation to those employees. An “Employee of the Year” Award is one mechanism to recognize our exemplary individuals.

Attached are the proposed selection process, eligibility criteria, and program guidelines for a new Lincoln County “Employee of the Year” Award. The annual recipient of this award will be announced at the annual employee recognition luncheon in December. They will also receive a certificate and a small cash award, and their name will be included on a plaque that will be updated annually.

It is my recommendation that the Board adopt the attached program as a means of employee recognition.

EMPLOYEE OF THE YEAR AWARD RECOGNITION PROGRAM

The Lincoln County “Employee of the Year” award shall be presented annually. The County Manager will appoint a Selection Committee to make the selection of the award recipient. The Selection Committee will be comprised of five members: previous year’s recipient, one member of management, and three staff members. Once the selection of the recipient of the annual “Employee of the Year” award has been made, the award will be presented at the annual employee recognition luncheon.

Eligibility Criteria:

1. Displays, on a consistent basis, excellence in performance in all of the following: Positive attitude, loyalty, cooperation, initiative, leadership, and timely completion of duties, and/or
2. Consistently goes “above and beyond” what is expected in his/her job or displays exceptional merit on a consistent, long term basis, and/or
3. Worked on a single project or who, through an act of exceptional performance, resulted in one of the following: Increased department/division productivity or efficiency, significant cost savings, resolved a significant problem, or increased morale and motivation of employees.

These contributions should have been made in the current calendar year.

Program Guidelines:

1. Eligibility For Award
Employees who have had a minimum of one (1) year of permanent service with the County. *Employees that are part time or part time temporary are not eligible. Department Directors are not eligible.*
2. Who May Nominate
Nominations may be made by any individual staff member or group of staff members. Any department head, supervisor or fellow employee may submit a nomination of an individual who qualifies under the eligibility guidelines.

3. Procedure To Nominate
 - o Complete the Employee of the Year Nomination Form
 - o Attach the form to the front of a narrative giving specific examples of how the employee has shown exemplary service or job performance.
 - o Narrative should be no more than one page and double-spaced.
 - o Nominations should be submitted to the Human Resources Department no later than 5:00 p.m. on September 15th.
 - o Nominations may be submitted via inter-office or by e-mail.

4. Award
 The employee selected by the Selection Committee as Employee Of The Year will be recognized at the Annual Employee Luncheon and will receive a certificate and a cash award. In addition, their name will be added to the Lincoln County Outstanding Employee plaque proudly displayed by the County.

EMPLOYEE OF THE YEAR NOMINATION FORM

Nominees Name: _____

Job Title of Nominee: _____

Department: _____

Years of Permanent Service Nominee has with the County: _____

Person Nominating: _____
 (Print)

Person Nominating: _____
 (Signature)

Department: _____

Telephone Number: _____

Category of Eligibility: (Check all that apply)

- Displays, on a consistent basis, excellence in performance in all of the following: Positive attitude, loyalty, cooperation, initiative, leadership, and timely completion of duties, and/or

- Consistently goes “above and beyond” what is expected in his/her job or displays exceptional merit on a consistent, long term basis, and/or

- Worked on a single project or who, through an act of exceptional performance, resulted in one of the following: Increased department/division productivity or efficiency, significant cost savings, resolved a significant problem, or increased morale and motivation of employees.

UPON MOTION by Commissioner Arena, the Board voted unanimously to approve the Employee of the Year Award Recognition Program as presented.

Register of Deeds Renovations, Recommendation for Contract Award: Mr. Whittaker presented the following information:

Bids were opened on July 25, 2011 for the Renovations to Register of Deeds and replacement of the HVAC system in the Bank of America facility. Nine bids were received. Stewart, Cooper, Newell is recommending award to the low bidder, Louis Gais Construction Co. of Denver in the amount of \$535,873.89.

Commissioner Klein asked if he should be excused from voting because he is friends with Mr. Gais. Wesley Deaton said it would be fine for him to vote on it.

UPON MOTION by Commissioner Arena, the Board voted unanimously to approve the bid to the low bidder, Louis Gais Construction Co. of Denver in the amount of \$535,873.89.

Mr. Whittaker stated that the Drought Management Commission has met and changed the drought condition from stage 1 to 0, from voluntary back to watch. This will mean there will no longer be a premium charged for use over 15,000 gallons per month. This will be effective with the next billing cycle.

Mr. Whittaker reported on water main breaks over the weekend.

Discussion of Gaston County's Request to Support Senate Bill 729: There was a discussion of Senate Bill 729 and the requirement for vehicles to be impounded until proof of insurance is provided.

Chairman Patton asked for this to be added to the next agenda and for the Sheriff to make a recommendation on this.

Discussion on Changes to Formula Factors in Lincoln County Industrial Incentive Grants Program: Mr. Wood presented the following:

The current policy for industrial incentives sets out factors for calculating the actual grants. The factors are based upon the percentage of tax reduction times the tax rate. While percentage of tax reduction would not change, the tax rate may change from year to year. Since it has changed this year, factors need to be adjusted.

Rather than have the Board re-adopt the policy with a change in the factors every year that the tax rate may go up or down, Mr. Wood recommended that the Board allow the Executive Director of LEDA to adjust the factors to the same percentage change up or down as the percentage change that the tax rate went up or down. His mathematical calculations would be reviewed and approved by the County Manager, with the Board of Commissioners provided a copy of this approval within 30 days.

The reason for this change is the factor is simply an administrative fuction of changing the tax rate in the formula.

RESOLUTION #2011-___: A RESOLUTION REGARDING FORMULAS FOR
THE LINCOLN COUNTY INDUSTRIAL DEVELOPMENT INCENTIVE GRANT PROGRAM FOR
NEW AND EXISTING INDUSTRIES

THAT WHEREAS, the Board of Commissioners previously adopted, and amended as recently as June 7, 2004, the Lincoln County Industrial Development Incentive Grant Program for New and Existing Industries; and

WHEREAS, Section IV of that Program document sets out the various levels for grants, which are then computed using a factor based upon the existing tax rate; and

WHEREAS, if that tax rate is changed, as it has been in the FY 2012 Budget, the factor needs to be adjusted accordingly; and

WHEREAS, the County Manager and the Executive Director of the Lincoln Economic Development Association (LEDA) are recommending a change in the policy that would allow for the factor adjustment by LEDA whenever the tax rate changes, subject to review and approval by the Lincoln County Manager to assure mathematical accuracy;

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

Section 1. That the Executive Director of the Lincoln Economic Development Association is authorized to change the factors called for in Section IV of the Lincoln County Industrial Development Incentive Grant Program for New and Existing Industries in any year that the tax rate changes, so that the factors reflect the same percentage change either up or down as the percentage change in the tax rate from the previous year.

Section 2. That this change in the factors shall not take effect until the County Manager has reviewed the mathematical calculations showing the existing tax rate and the new tax rate, and the existing factors and the new factors, and has given written approval of them. A copy of said written approval shall be furnished to the Board of Commissioners within 30 days of said approval.

Section 3. That this change in the factors shall be effective for the full fiscal year in which the tax rate has changed, and in all subsequent fiscal years, until the tax rate is subsequently changed.

Section 4. That this resolution shall become effective immediately upon its adoption.

Adopted this 15th day of August, 2011.

Alex E. Patton
Chairman, Board of Commissioners

Attested by: Amy S. Atkins
Clerk to the Board

UPON MOTION by Commissioner Arena, the Board voted unanimously to approve the Resolution.

Finance Officers Report – Leon Harmon: Leon Harmon presented the Finance Officer’s Report.

County Manager's Report – George Wood: Mr. Wood gave an update on the library.

Calendar: Chairman Patton presented the September calendar.

Other Business:

- Register of Deeds Report

Closed Session: **UPON MOTION** by Commissioner Mitchem, the Board entered Closed Session pursuant to § 143-318.11(a)

(3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged.

Chairman Patton announced that no action was taken in closed session.

UPON MOTION by Commissioner Klein, the Board voted unanimously to approve the Release and Settlement Agreement as submitted by the County Attorney.

ADJOURN: **UPON MOTION** by Commissioner Robinson, the Board voted unanimously to adjourn.

Amy S. Atkins, Clerk
Board of Commissioners

Alex E. Patton, Chairman
Board of Commissioners