

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, MARCH 19, 2012

The Lincoln County Board of County Commissioners met March 19, 2012 at the Citizens Center, Commissioners' Room, 115 West Main Street, Lincolnton, North Carolina, at 6:30 P.M.

Commissioners Present:

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

Others Present:

George A. Wood, County Manager
Martha W. Lide, Assistant County Manager
Wesley L. Deaton, County Attorney
Delores Alfaro, Assistant Clerk to the Board

Call to Order: Chairman Patton called the March 19, 2012 meeting of the Lincoln County Board of Commissioners to order.

Rev. J.V. Allen of Boger City Wesleyan Church gave the Invocation and Chairman Patton led in the Pledge of Allegiance.

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

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to adopt the agenda.

AGENDA
Lincoln County Board of Commissioners Meeting
Monday, March 19, 2012
6:30 PM

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

Call to Order

Invocation - Rev. J.V. Allen

Pledge of Allegiance

1. Adoption of Agenda
2. Consent Agenda
 - Tax Requests for Refunds - Over \$100
-February 6 2012 – February 19 2012
 - Emergency Management Performance Grant
 - Surplus/Obsolete Property
3. Recommendations from Planning Board - Randy Hawkins
 - ZMA #593 Charles Mustin Jr., applicant
4. Public Comments
(15 minutes allowed per Rules of Procedure – 3 minutes per person)
5. Creation and Revision of Library Job Descriptions – Martha Lide
6. Motion to Approve Addendum No. 1 to the Contract for Engineering Services with Goodwyn, Mills and Cawood Inc. for Improvements to the Water Treatment Plant in the amount of \$44,000 for the Design and Bidding Phases; and \$30,000 for the Construction Engineering Phase – Barry McKinnon
7. Motion to authorize the Chairman and the County Clerk to execute a Contract for \$59,300 with W. K. Dickson and Co. for the closure of the Forney Creek Wastewater Treatment Plant – George Wood
8. Motion on whether to:
 - a. Renovate the Oaklawn building if a \$500,000 Community Development Block Grant can be secured; or
 - b. Demolish the Oaklawn building if a \$500,000 Community Development Block Grant can be secured for new construction;
 - c. And to authorize the existing committee to work with those potential lessees most able to financially contribute to the renovation or new construction of the building on a lease for the property;
 - d. Alternatively, a motion to demolish the Oaklawn building and not pursue a grant for new construction – George Wood
9. Resolution In Support Of Voter Participation In The May 8, 2012 Vote To Amend The North Carolina Constitution Protecting Marriage – Alex Patton
10. Finance Officer's Report
11. County Manager's Report
 - Pre-Foreclosures/Foreclosure Procedures
12. County Commissioners' Report
13. County Attorney's Report
14. Vacancies/Appointments
15. Calendar
16. Other Business

Adjourn

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

Consent Agenda

- Tax Requests for Refunds - Over \$100
-February 6 2012 – February 19 2012
- Emergency Management Performance Grant
- Surplus/Obsolete Property

LINCOLN COUNTY TAX DEPARTMENT
ANNUALS

REQUEST FOR REFUNDS

PERIOD COVERED (FEBRUARY 6, 2012 – FEBRUARY 19, 2012)

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

NAME	YEAR	DIST	A/C#	AMOUNT
BOGER, CARL R.	2011	DFD	0218847	213.75
CARACCILOLO, LEWIS F.	2011	ELFD/ELSD	0085066	193.58
			TOTAL	\$ 407.33

Recommendations from Planning Board:

Randy Hawkins presented the following recommendations:

ZMA #593 – Charles Mustin Jr., applicant A request to rezone three acres from R-SF (Residential Single-Family) to R-R (Rural Residential). The property, a portion of a 14.3-acre parcel, is located on the south side of Maybank Lane about 1,000 feet west of June Bug Road in Howards Creek Township.

The Planning Board voted 4-3 to recommend approval.

A MOTION by Commissioner Arena to table this case until the next meeting. Commissioner Arena withdrew his motion to discuss the case.

Commissioner Arena asked for the Planning Board’s minutes on this meeting. Randy Hawkins distributed the Planning Board minutes and Christie Poinsette spoke to the Board concerning their decision.

UPON MOTION by Commissioner Mitchem, the Board voted 4 – 1 (Klein against) to approve ZMA #593 – Charles Mustin Jr., applicant.

Public Comments: Chairman Patton opened Public Comments.

Mary Sneed, 3925 Jasmine Lane, would like to give her time to Sister Pat.

Sister Patricia Ann, 3861 Azalea Trail, said she is speaking on behalf of a group. She thanked the Board for praying. She said she hears foul language in stores on a regular basis and this is freedom of speech. She congratulated the Board on their decision to pray.

Deborah Williams, 1370 Buffalo Shoals Road, spoke on behalf of the Oaklawn School. She asked where the proposal, letter and petition stand if the building will be demolished.

Frankie Rhinehart, 1538 Buck Oak Road, stated that she is here on behalf of the Coalition of Churches for the Oaklawn School. She said it recently came up that the school may be demolished. She said there is a lot of history there and they hate for the building to be demolished. She said there are grants out there that can be obtained.

Stanley Roseboro, member of the Coalition of Churches, stated renovating this building would be a great thing for the county. He spoke of the history of the building.

Alan Hoyle, 319 North Poplar Street, stated that he appreciates the Board serving the County and the way they open the meeting with prayer and the Pledge of Allegiance. He said he also thanks the Board for thinking about going on record in support of defense of the Marriage Amendment. He said he commends Commissioner Mitchem for going out to see the property rezoned earlier. He read Scripture cautioning the Board about individual's own property rights and county debt.

Ola Mae Foster, spoke on behalf of the Coalition of Churches. She said the Coalition is asking the County to work with them on restoring the Oaklawn building. She requested that the lease be continued with the Coalition. They are not asking for County funds.

Robert Hamilton stated that he commends the Board for opening with prayer. He said this is a historical site in Lincoln County and is well worth preserving. He said the Coalition is not asking for County funds to get the site restored.

George Creed, 751 Georgia Trails, said he is a member of Coalition of Churches and NAACP. He said he agrees with everything that has been said. He said they are not asking for money. He said this is the last black school and is a Rosenwald School.

Being no additional speakers, Chairman Patton declared the Public Comments section closed.

Creation and Revision of Library Job Descriptions – Martha Lide: Martha Lide, Assistant County Manager, presented the Creation and Revision of Library Job Descriptions.

It is recommended that the Board approve the attached job descriptions and Resolution amending the Pay Plan to reflect the adoption of the job descriptions for the Library.

On August 1, 2011, the Board approved the dissolution of the Gaston-Lincoln Regional Library System and the creation of a stand-alone Library system for Lincoln County. With this change, Lincoln County will now be responsible for purchasing, cataloging and managing all materials and resources, which requires the addition of two new positions which were also approved by the Board on August 1, 2011. The attached new job descriptions for a Senior Library Associate - Technical Services Manager and a Library Assistant-Technical Services will support these new functions.

Also attached is a revised job description for a Library Senior Associate - Branch Manager and a revised job description for the Library Associate. The Library Senior Associate – Branch Manager will be responsible for managing the Jonas Library, a large branch (Shanklin) or a department within the system. The Library Associate will be responsible for managing our smaller branch in West Lincoln. There is a different level of responsibility and complexity involved in managing the different size branches. A bachelor's degree will be required to manage one of our major branches, but a Masters in Library Science will be preferred. The qualifications for the Library Associate position will be to have the knowledge and level of competency commonly associated with completion of specialized training in the field of work, in addition to basic skills typically associated with a high school education, but a Bachelor's degree will be preferred

The positions will be grades as follows:

Library Senior Associate - Technical Services Manager – Grade 17

Library Senior Associate - Branch Manager Grade 17

Library Associate - Grade 14

Library Assistant – Technical Services – Grade 9

These job descriptions have been reviewed and approved by Condrey and Associates. The cost of these changes were included in the analysis and cost estimates for becoming a stand-alone Library system, and will also be included in the 2012-13 Budget.

**RESOLUTION #2012-
RESOLUTION TO AMEND THE CLASSIFICATION AND COMPENSATION PLAN
FOR LINCOLN COUNTY, NORTH CAROLINA**

WHEREAS, the Board of County Commissioners previously has adopted a Classification and Compensation Plan for Lincoln County, North Carolina, which was prepared by Condrey and Associates, Inc.; and

WHEREAS, the County Manager is charged with assuring the Plan remains current and up to date; and

WHEREAS, the Lincoln County Library System will become a stand-alone Library system as approved by the Board of County Commissioners on August 1, 2011 and this has necessitated the creation of two new positions to carry out the purchasing, cataloging and managing of materials and resources; and

WHEREAS, it is also necessary to revise the Library Senior Associate and the Library Associate positions in order to attract qualified candidates to perform the required duties; and

WHEREAS, the attached job descriptions have been developed or revised and approved by the County Manager;

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED, that the Classification and Compensation Plan for Lincoln County, North Carolina is hereby amended as follows:

- Create a Library Senior Associate - Technical Services Manager position (Grade 17)
- Revise a Library Senior Associate Branch Manager position (Grade 17)
- Create a Library Assistant - Technical Services position (Grade 9)
- Revise the Library Associate position (Grade 14)

That this amendment shall become effective on _____.

Adopted this _____ day of _____ 2010.

LINCOLN COUNTY

By: _____
Alex Patton, Chairman
Board of Commissioners

ATTEST:

Amy S. Atkins, Clerk to the
Board of Commissioners

UPON MOTION by Commissioner Arena, the Board voted unanimously to approve the Resolution to Amend the Classification and Compensation Plan for Lincoln County, North Carolina.

Motion to Approve Addendum No. 1 to the Contract for Engineering Services with Goodwyn, Mills and Cawood Inc. for Improvements to the Water Treatment Plant in the amount of \$44,000 for the Design and Bidding Phases; and \$30,000 for the Construction Engineering Phase – Barry McKinnon: Barry McKinnon said the plant needs some work and there are several improvements to make it function better. It will modernize some areas that have needed maintenance for 20 years.

UPON MOTION by Commissioner Robinson, the Board voted unanimously to approve Addendum No. 1 to the Contract for Engineering Services with Goodwyn, Mills and Cawood Inc. for Improvements to the Water Treatment Plant in the Amount of \$44,000 for the Design and Bidding Phases and \$30,000 for the Construction Engineering Phase.

Motion to authorize the Chairman and the County Clerk to execute a Contract for \$59,300 with W. K. Dickson and Co. for the closure of the Forney Creek Wastewater Treatment Plant – George Wood: Mr. Wood presented the following information:

At the February 20, 2102 Lincoln County Board of Commissioner meeting, the Board voted to proceed with the closure and demolition of the old Forney Creek Waste Water Treatment Plant. The contract is an amendment to the contract with W.K. Dickson and Company, who developed the study used to decide to close the facility, to develop a plan to close and then demolition the facility. The breakdown of the cost is as follows:

• Design and Permitting Phase Services	\$33,000 (Lump Sum)
• Bid Phase Services	\$5,300 (Lump Sum)
• Construction Administration Services	\$13,000 (Lump Sum)
• Construction Observation Services	\$8,000 (Lump Sum)
Total Contract	\$59,300

Public Works recommends approval of this contract.

UPON MOTION by Commissioner Arena, the Board voted unanimously to authorize the Chairman and the Assistant County Clerk to execute a Contract for \$59,300 with W. K. Dickson and Co. for the closure of the Forney Creek Wastewater Treatment Plant.

Motion on whether to:

- a. **Renovate the Oaklawn building if a \$500,000 Community Development Block Grant can be secured; or**
- b. **Demolish the Oaklawn building if a \$500,000 Community Development Block Grant can be secured for new construction;**
- c. **And to authorize the existing committee to work with those potential lessees most able to financially contribute to the renovation or new construction of the building on a lease for the property;**
- d. **Alternatively, a motion to demolish the Oaklawn building and not pursue a grant for new construction – George Wood:**

County Manager George Wood presented the above noted options to the Board of Commissioners. He said the Board asked him to prepare the options for the Oaklawn Building. He said they started meeting about this in September after the lease expired. A committee was formed to come up with a recommendation on the building. Two stakeholder meetings were held and moderated by Leigh Guth. At these meetings, they went over what the community would like to see in the building. There is a lot of sentimental attachment to the building. When the Committee met, they asked him to get some figures on what it would take to renovate the building. The building is in fairly bad shape. Stewart, Cooper, Newell went through the building and said it could cost upward of \$500,000 – maybe more depending on the asbestos and lead paint. He asked if it made that kind of sense to renovate this old building versus demolishing and rebuilding.

Martha Lide researched grant possibilities and there is a grant available for up to \$500,000 for a community center.

Before deciding who will go in the building, the Board needs to make a decision on renovating this building versus a new building.

For the grant, a proposal must be submitted for either remodeling or a new building. The grant will not be awarded until September.

He said they are not here to talk about who will occupy the building, only the decisions above. He said some of the groups requesting the building have indicated they can put some money toward this.

Commissioner Arena stated that he appreciates Martha Lide working on the grants. He said he would like to separate the specific grant from the question of renovation or build new. He asked Ms. Lide her opinion if the County would be more likely to get a grant for new construction or renovation.

Ms. Lide said there are benefits to both with the grant.

Commissioner Arena said he thinks they may look more favorable toward a renovation. His thought is to go after which grant is more likely to be given to us, reconstruct the shell, leave the inside as flexible as possible, then work with the tenants on how to use the space inside.

Commissioner Arena said Lincoln County needs to assume some responsibility for letting the roof get in poor shape.

Commissioner Robinson said there is a bigger risk in renovating. With building new, you have more fixed costs. Although with that choice, you lose the historical appeal.

Commissioner Mitchem said he does not believe tearing the building down to a footprint is what the people are wanting. He said it may be to that point, with all the unknowns, To go back to the footprint is basically tearing it down.

Commissioner Arena said we need to separate what the grant says to do and what the Board wants to do. The grant says to take it down to the footprint but the Board could agree to take it down to whatever level is most secure. He said he thinks we are more likely to get the grant for renovation.

Chairman Patton said the Board has to weigh the safety aspect versus the historical value and there is not an easy answer.

Commissioner Klein said he is not prepared to move forward because the Board does not know about the lead paint. He said perhaps the Board can get an answer on the asbestos. He said this building is 6,000 square feet and he would like to see a cost estimate for a 6,000 square feet building. He said he does not know enough to make a decision, but additional information will help him make a better decision.

Mr. Wood said with renovation, you have to renovate the whole building. With a new building, you may start with a smaller building and add to it. You could also limit the building to the funding received. This is much harder on a renovation, because you always run into something you didn't expect.

There was a question as to whether the school is listed as a historical building on the register.

UPON MOTION by Commissioner Arena, the Board voted unanimously to go with option 1, the CDBG Renovation Grant in the amount of \$500,000, with the understanding that even if the grant is approved, additional work will need to be done before the grant is accepted; go with option 3 and work with the existing committee to determine potential leases; and limiting county funding in the future to the amount necessary to construct a new roof on the building..

Commissioner Klein asked if Commissioner Arena would consider adding to the motion making application after asbestos/lead paint removal costs are obtained.

Commissioner Arena said they can turn the grant down if the costs are too high.

Commissioner Mitchem said he would like to see what each organization would like to do with the building. He said it would have been better to have that information.

Commissioner Arena said they really need to go ahead and apply for this grant.

Resolution In Support Of Voter Participation In The May 8, 2012 Vote To Amend The North Carolina Constitution Protecting Marriage – Alex Patton: Chairman Alex Patton presented the Resolution In Support Of Voter Participation In The May 8, 2012 Vote to Amend The North Carolina Constitution Protecting Marriage.

**RESOLUTION 2012-8: RESOLUTION IN SUPPORT OF VOTER PARTICIPATION IN
THE MAY 8, 2012
VOTE TO AMEND THE NORTH CAROLINA CONSTITUTION PROTECTING
MARRIAGE**

WHEREAS, in 1995 the North Carolina legislature enacted NCGS Section 51-1.2, which states that Marriages, whether created by common law, contracted, or performed outside of North Carolina, between individuals of the same gender are not valid in North Carolina; and

WHEREAS, the United States Congress enacted 1 USCS Section 7, which states “in determining the meaning of any Act of Congress, or of any ruling, regulation, or interpretation of the various administrative bureaus and agencies of the United States, the word “marriage” means only a legal union between one man and one woman as husband and wife, and the word “spouse” refers only to a person of the opposite sex who is a husband or a wife”; and

WHEREAS, in 2011 the North Carolina General Assembly allowed the people of this great State the right to vote on whether or not to amend the North Carolina Constitution to preserve marriage as the legal union of one man and one woman; and

WHEREAS, North Carolina is the only state in the South that has not defined marriage in its constitution; and

WHEREAS, every state in the country that has allowed the people to vote, 30 in all, has defined marriage in its constitution as the union of one man and one woman, including North Carolina’s bordering states of Virginia, Tennessee, Georgia and South Carolina; and

WHEREAS, the Lincoln County Commissioners encourage the people of Lincoln County and North Carolina to voice their opinion by exercising their right to vote; and

WHEREAS, the proposed amendment reads: “Marriage between one man and one woman is the only domestic legal union that shall be valid or recognized in this State. This section does not prohibit a private party from entering into contracts with another private party; nor does this section prohibit courts from adjudicating the rights of private parties pursuant to such contracts.”;

NOW, THEREFORE, BE IT RESOLVED that the Lincoln County Board of Commissioners endorses the Marriage Amendment to the North Carolina Constitution which

states that the only domestic legal union that is valid or recognized in North Carolina is marriage between one man and one woman; and

BE IT FURTHER RESOLVED that the Lincoln County Board of Commissioners encourages voter participation on this important issue to be voted upon on May 8, 2012.

This the 19th day of March, 2012.

Alex E. Patton, Chairman

Lincoln County Board of Commissioners

ATTEST: _____

Delores Alfaro

Assistant Clerk to the Board of Commissioners

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to approve the Resolution In Support of Voter Participation In The May 8, 2012 Vote To Amend The North Carolina Constitution Protecting Marriage.

Finance Officer's Report: Deanna Rios, newly appointed Finance Director, gave the Finance Officer's Report.

County Manager's Report: Mr. Wood presented some information on the old hospital building. He suggested setting up a meeting with the Clerk of Court and the head Judges for Superior and District courts to discuss what they need. He said this is not as time sensitive, but would like to decide before budget. He said they will try to set this up as soon as possible.

County Commissioners' Report: Commissioner Arena reported on the 4.9 million housing and urban development sustainable communities grant Centralina received recently.

County Attorney's Report: Wesley Deaton, County Attorney, gave an update on his recent activities.

Vacancies/Appointments: Commissioner Robinson presented the following vacancies:

**Lincoln County
Board of Commissioners
Board Vacancies/Appointments**

March 19, 2012

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

Calendar: Chairman Patton presented the April calendar.

Adjourn: **UPON MOTION** by Commissioner Arena, the Board voted unanimously to adjourn.

Delores Alfaro, Assistant Clerk
Board of Commissioners

Alex E. Patton, Chairman
Board of Commissioners