

**MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, FEBRUARY 2, 2009**

The Lincoln County Board of County Commissioners met on February 2, 2009 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 E. Patton, Chairman
Bruce Carlton, Vice Chairman
George Arena
James A. Klein
Carrol Mitchem

Planning Board Members Present:

Jerry Geymont, Chairman
Louis McConnell, Vice-Chairman
Tom Campbell
Karl Dearnley
Gary Garlow
Keith Johnson
James Mauney
Jeff Frushtick

Others Present:

George A. Wood, County Manager
Jeffrey A. Taylor, County Attorney
Amy S. Atkins, Clerk to the Board
Kelly Atkins, Building and Land Development Director
Randy Hawkins, Zoning Administrator
Leon Harmon, Finance Director
Steve Gilbert, Public Works Director
Barry McKinnon, Sr. Utility Engineer

Call to Order: Chairman Patton called the February 2, 2009 meeting of the Lincoln County Board of Commissioners to order.

Invocation: Commissioner Patton gave the Invocation and led in the Pledge of Allegiance.

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

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

****AMENDED AGENDA****

LINCOLN COUNTY BOARD OF COMMISSIONERS

FEBRUARY 2, 2009

- 6:30 PM Call to Order
- 6:31 PM Invocation – Chairman Patton
- 6:32 PM Pledge of Allegiance
1. 6:33 PM Adoption of Agenda
2. 6:34 PM Consent Agenda
- Approval of Minutes
 - January 12, 2009
 - Approval of Retirement of K-9
 - Proposed Changes to the LNRC Bylaws
 - Tax Requests for Releases
 - More than \$100 – 12/16/08 – 1/15/09
 - Tax Requests for Refunds
 - More than \$100 – 12/29/08 – 1/11/09
 - Budget Adjustments 47, 48, 51, 52, 53, 55, 57, 60, 61, 62, 63,
 - Waived fees
 - Rotary Auction
 - Sponsored Group Status
 - Chamber of Commerce
- 2a. Discussion of Budget Adjustment 59
3. 6:36 PM Public Hearing – Community Development Block Grant – James Luster, Centralina
4. 6:40 PM Revaluation for 2011 – Madge Huffman and Michael Brown, Real Estate Section Manager for the Department of Revenue
5. 6:55 PM Request for Replacement of Water System Telemetry and Control System – Steve Gilbert
6. 7:05 PM Records Retention and Disposition for Register of Deeds – Elaine Harmon
7. 7:10 PM Highway 16 Committee – Commissioner Bruce Carlton
8. 7:20 PM Public Comments

9. 7:35 PM State of the County Message – Kelly Blanchfield
10. 7:50 PM Report from the Division of Forest Resources – Elizabeth Snyder
11. 8:05 PM CLOSED SESSION
12. 8:25 PM Motion to Award the Animal Shelter Construction Project to David E. Looper Company in the amount of \$1,055,100.00, with the work to be completed within 180 days of Notice to Proceed
13. 8:30 PM Motion to Award the Animal Shelter Incinerator Bid to the Crawford Industrial Group in the amount of \$70,300.00
14. 8:35 PM Motion to Award the Animal Shelter Equipment Bids for Kennels and Stacks to the Mason Company in the amount of \$129,890.59
15. 8:40 PM Other Business

Adjourn

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

Consent Agenda

- Approval of Minutes
 - January 12, 2009
- Approval of Retirement of K-9
- Proposed Changes to the LNRC Bylaws
- Tax Requests for Releases
 - More than \$100 – 12/16/08 – 1/15/09

NAME	YEAR	A/C NO	AMOUNT
Auton, Tammy L	2008	30854	\$155.79
Baker, Patricia Midkiff	2008	0216047	\$312.45
Barlowe Brothers LLC	2008	0207897	\$203.97
Blake, Lynn Boone	2008	0207991	\$132.33
Bowlin, Kenneth Brian	2008	0169067	\$111.15
Brown, Richard Allen	2008	0215543	\$148.37
Crockett, Issac Eugene	2008	0181187	\$155.65
Deragon US Leasing Inc.	2008	0153166	\$114.43
Doors By Nalley	2008	0207165	\$113.79
Hagler, Eric A	2008	0162423	\$113.04
Harman, Walter Cornelius III	2008	0207002	\$126.56
Hill, Jennifer Hope	2006-2007	0142857	\$229.45
Jennings, Clara Hoig	2008	0206985	\$183.18

Mauney, James Harvey II	2008	0165220	\$258.69
Saddler, Reginald G	2006	0138641	\$394.60
Smith, Deborah Susan	2008	0215400	\$276.73
Speagle, Mathew Mark	2008	0215522	\$171.08
Ward, Janet Nolen	2008	0216342	\$167.02
Warlitner, Betty Land	2007	0079397	\$104.05
Williams, Clifford Ronnie Jr.	2008	0215493	\$106.56
		TOTAL	\$3,578.89

NAME	YEAR	A/C NO	AMOUNT
Cannonball Express LLC	2008	0195704	\$578.64
Cherry Enterprises	2008	24538	\$1,380.00
George Bo / Beijing Palace	2008	0207303	\$267.04
Hecht Development Co.	2008	0181425	\$149.46
Jenny Brogden, Inc.	2008	0200738	\$124.30
Lineberger, Laura Fleta	2008	10433	\$1,431.57
Lineberger, Robert Henry Jr.	2008	0090710	\$1,885.61
McKimm, Robert Bruce	2008	0175411	\$178.77
Planinac, Michael Francis	2008	0165123	\$165.57
Showmars of Denver NC	2008	0208218	\$1,073.49
Ward, Jonathan R	2008	0213688	\$238.10
		TOTAL	\$7,472.55

- Tax Requests for Refunds
- More than \$100 – 12/29/08 – 1/11/09

LINCOLN COUNTY TAX DEPARTMENT **REQUEST FOR REFUNDS**
 ANNUALS

PERIOD COVERED (DECEMBER 29, 2008-JANUARY 11, 2009)

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

NAME	YEAR	DIST	A/C#	AMOUNT
Smith, Elizabeth D.	2008	ELFD/ELSD	0176837	133.95
Too Ponds, LLC	2008	ELFD/ELSD	0179234	240.92
		TOTAL		\$ 374.87

LINCOLN COUNTY TAX DEPARTMENT **REQUEST FOR REFUNDS**
 MOTOR VEHICLES

PERIOD COVERED (DECEMBER 29, 2008-JANUARY 11, 2009)

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

NAME	YEAR	DIST	A/C#	AMOUNT
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Dellinger Precast, Inc.	2008	DFD	0166020	198.01
Eskridge, William Jr.	2008	BCFD	0145527	402.59

TOTAL \$600.60

- Budget Adjustments 47, 48, 51, 52, 53, 55, 57, 59, 60, 61, 62, 63, 64

- No. 47: Increase in: revenues resulting from increase call volume; part-time cost due to increase in workload
- No. 48: Increase in: revenues resulting from increase call volume; part-time cost due to workmans comp and personal injuries; fuel usage relating to increase in call volume; mandated off site educational activities/conferences; cost of OSHA mandated immunizations; linen cost due to increased call volume; dues NCAREMS
- No. 51: To budget \$9,800 for payment received in July 2008 for HAVA grant
- No. 52: To budget \$17,646 for payment received in July 2008 for HAVA grant
- No. 53: To reduce salaries from Duke Budget – not approved in our budget and to increase other line items for extra \$10,000 we received from Duke
- No. 55: To budget for settlement of funds shown as due between Water/General Funds
- No. 57: Increasing expenditure and revenue line items for available funds to be used for Adult Day Care Services. Allocation received from State office
- No. 59: 2% budget reductions identified with exception of schools reduction
- No. 61: (1-5) Budget cuts from Environmental Health due to lower work load temporary funded position deleted for FY 08-09; (6-7) Rollover of Well Program funds from FY 08 budgeted in FY 09, and anticipated Food & Lodging revenues which are received in late spring; (8-9) Rollover from fund balances to cover expenses coded to this year from funds received before June 30 2008
- No. 62: Increasing expenditure and revenue line items for additional allocations of funds for Crisis Intervention Program (no county funds involved)
- No. 63: Increasing expenditure and revenue line items for additional allocation of funds for new Income Maintenance Position approved by Commissioners 01/12/09
- No. 64: 2% budget reductions for school current expense and capital outlay along with reductions in sales tax revenues

Discussion of Budget Adjustment 59:– George Wood presented budget adjustment number 59, which is the 2% reduction in budget. When this is approved, Leon Harmon will make these changes.

UPON MOTION by Commissioner Arena, the Board voted unanimously to approve budget adjustment no. 59.

Public Hearing – Community Development Block Grant – James Luster, Centralina: James Luster, with Centralina COG, stated that this is a transfer of funds in the Scattered Site Housing Program. It is to remove the line items for clearance (\$10,000) and relocation (\$180,000), transferring these funds into rehabilitation.

Chairman Patton opened the public hearing concerning the Community Development Block Grant.

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

Revaluation for 2011 – Madge Huffman and Michael Brown, Real Estate Section Manager for the Department of Revenue: Madge Huffman introduced Michael Brown, Real Estate Property Specialist Manager for the North Carolina Department of Revenue. Ms. Huffman stated that they are here tonight to answer questions about the 2008 revaluation and to address the goal of the 2011 revaluation, along with the cost of in-house revaluation, in-house revaluation with out-sourced support, and out-sourced revaluation.

The cost per parcel for in-house 2008 revaluation (real estate and mfg. homes) was \$28.92. The cost per parcel including an out-sourced revaluation for same revaluation increased the cost to \$39.88 or an increase of \$10.96 per parcel with a total overall budget increase of \$552,000 for the same revaluation.

Ms. Huffman stated that in the event the decision is made to out-source the 2011 revaluation; it remains necessary to maintain a reappraisal office. Staff must be provided to measure, list and appraise all new construction annually, review and approve exemption applications, perform land use audits, conduct appeals for non-revaluation years, and maintain an office for the public from 8:00 to 5:00.

Ms. Huffman stated that the last outsourced revaluation was in 1992 and the product received was very poor with a huge outcry from across the entire county.

Mr. Michael Brown gave information concerning reappraisals in North Carolina. He stated that a lot of counties are on 8 year cycles with 4 year reappraisals. About 40 counties now are on shorter cycles.

Mr. Brown stated that there have been no problems in the past appraisals. He stated that appeals and phone calls are an indication that there are problems. He stated that the county has about 46,000 parcels and informally only had about 3500 appeals. That's about 7.6%, 10% used to be typical. Appeals to the Board of Equalization and Review were only about 5.7% of the 3500.

Mr. Brown stated that he does not know of any county in the state that has gone from in-house appraisals to out-sourcing. He stated that this would be a big step backward.

Commissioner Mitchem spoke about how unfriendly the appeal process is to citizens. Commissioner Arena asked about the makeup of the Board of Equalization and Review.

Mr. Brown stated that the Tax Assessor handles information appeals and the Board of Equalization and Review have power to adjust the values. The County Commissioners or an appointed board serves as the Board of Equalization and Review.

Chairman Patton asked about the terms for the Board of Equalization and Review. He asked Commissioner Carlton to have this for the next meeting.

A **MOTION** by Commissioner Arena to move to a 3-year cycle, doing in-house, then going back to a 4-year cycle using RS&M as needed.

VOTE: 3 – 2 **AYES: Patton, Arena, Carlton**
NOES: Klein, Mitchem

Request for Replacement of Water System Telemetry and Control System – Steve Gilbert: Steve Gilbert and Larry Warren presented the request of replacement of water system telemetry and control system. This equipment is supposed to allow the water plant personnel to monitor tank levels at five elevated tanks as well as to remotely turn booster pumps off and on. The current system is old, unreliable and is no longer supported by any manufacturers. This lack of reliability is hindering our ability to efficiently operate the water distribution system.

Public Works has received quotes from Revere Systems and from Dorsett Technologies for replacement of the entire system. Revere's quote was \$155,000 and Dorsett's quote was \$80,224.00. Public Works recommended the quote from Dorsett be accepted, not only because of the lower price, but also because they are located in Yadkinville, NC and will provide support and upgrades to the system as long as needed.

This item was not included in this year's CIP budget, but there are funds available in the Water Fund to cover the purchase. CIP items will be held to a bare minimum in the FY 2010 budget.

Commissioner Arena stated that in the wastewater treatment plant bid there is a scata system in there. Mr. Wood came up with the idea that we are going to alter the bid the for the WWTP system to include Dorsett Technologies bid as an alternate because it is a cost-effective system. This way we will start to drive toward one control system for all of our water and wastewater. By switching to this technology, money could be saved on the WWTP bid. He asked the Board to approve the ability to approve this contract, waiting for the bids on the WWTP with this alternate in it.

UPON MOTION by Commissioner Klein to approve the request for replacement of water system telemetry and control system as recommended, delaying the procurement until bids are received.

Records Retention and Disposition for Register of Deeds – Elaine Harmon: Elaine Harmon, Register of Deeds, asked for the Board's approval of the Records Retention and Disposition Schedule for the Register of Deeds office.

RESOLUTION

ADOPTION OF REGISTER OF DEEDS RECORDS RETENTION AND DISPOSITION SCHEDULE

WHEREAS, Lincoln County previously adopted the “Register of Deeds Records Retention and Disposition Schedule” drafted and published by the North Carolina Department of Cultural Resources, Division of Archives and History, in accordance with Chapters 121 and 132 of the North Carolina General Statutes; and

WHEREAS, the aforementioned Schedule is used by the Register of Deeds Office as the authoritative resource in determining which Register of Deeds records neither have, nor will have further use or value for official business, research, or reference purposes after the respective minimum retention period specified; and

WHEREAS, it is prudent for the Register of Deeds not to destroy County records prior to the time periods stated in the aforementioned Schedule; and

WHEREAS, it is furthermore prudent for the Register of Deeds to retain, for sufficient reason, certain records for longer periods of time than those set forth in the aforementioned Schedule, depending upon the content of such records; and

WHEREAS, on August 15, 2003, the Department of Cultural Resources, Division of Archives and History, published a revised and restated “Register of Deeds Retention and Disposition Schedule” to reflect certain changes to the guidelines for minimum retention of records; and

WHEREAS, on April 1, 2004, the Department of Cultural Resources, Division of Archives and History, published an Amendment to the August 15, 2003, Register of Deeds Schedule; and

WHEREAS, it is prudent for the Lincoln County Register of Deeds Office to continue the use of the aforementioned Schedule in its amended form;

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the Board of County Commissioners for Lincoln County, that the August 15, 2003, “Register of Deeds Retention and Disposition Schedule” as amended on April 1, 2004, is adopted as the official guide for the minimum retention of our Register of Deeds records.

Adopted this ____ day of February, 2009.

Alex Patton, Chairman
Lincoln County Board of County Commissioners

ATTESTED:

Amy Atkins, Clerk to the Board

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to approve the Resolution for Adoption of Register of Deeds Records Retention and Disposition Schedule.

Highway 16 Committee – Commissioner Bruce Carlton: Commissioner Carlton stated that he wanted it clear and on the record that he supports the Highway 16 Committee and the efforts they have put into what has been done. He stated that he looks forward to their findings.

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.

Jerry Lackey stated that he is here to support the County in the decision made concerning the reappraisal. He stated that there is a good staff here that knows what they are doing and he supports the decision to do this in-house.

Martin Oakes thanked the Board for voting for a revaluation. He pointed out that it needs to be done right. He stated that one property that sold in July 2007 was valued at 17% more than what it sold for. Another person appealed his valuation and got it raised 10%, the Board of Adjustment raised it another 8% and could not afford to hire a lawyer to go to Raleigh.

Being no other speakers, Chairman Patton declared public comments closed.

State of the County Health Message – Kelly Bragg: Kelly Bragg gave the State of the County Health Message. Ms. Bragg gave a presentation which included the following: County Demographic Statistics, Economic Factors, County Health Statistics, Heart Disease, Asthma and Lung Health, Cancer, Maternal and Child Health (HIV/STD's) and Other Information.

Report from the Division of Forest Resources – Elizabeth Snyder: Liz Snyder presented the report from the Division of Forest Resources.

Closed Session: **UPON MOTION** by Commissioner Carlton, the Board voted unanimously to enter into closed session pursuant to N.C.G.S. § 143-318.11. Closed sessions.

(a) Permitted Purposes. – It is the policy of this State that closed sessions shall be held only when required to permit a public body to act in the public interest as permitted in this section. A public body may hold a closed session and exclude the public only when a closed session is required:

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

- 6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee. General personnel policy issues may not be considered in a closed session. A public body may not consider the qualifications, competence, performance, character, fitness, appointment, or removal of a member of the public body or another body and may not consider or fill a vacancy among its own membership except in an open meeting. Final action making an appointment or discharge or removal by a public body having final authority for the appointment or discharge or removal shall be taken in an open meeting.

UPON MOTION by Commissioner Carlton, the Board voted unanimously to table the Animal Shelter bids until a later meeting.

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

Amy S. Atkins, Clerk
Board of Commissioners