

**MINUTES**  
**LINCOLN COUNTY BOARD OF COMMISSIONERS**  
**MONDAY, APRIL 20, 2009**

The Lincoln County Board of County Commissioners met in regular session on April 20, 2009 at the Citizens Center, Commissioners Room, 115 W. Main Street, Lincolnton, North Carolina, the regular place of meeting, at 6:30 P.M.

**Commissioners Present:**

Alex E. Patton, Chairman  
Bruce Carlton, Vice Chairman  
George Arena  
James A. Klein  
Carrol Mitchem

**Others Present:**

George A. Wood, County Manager  
Jeffrey A. Taylor, County Attorney  
Amy S. Atkins, Clerk to the Board  
Randy Hawkins, Zoning Administrator  
Ron Rombs, Emergency Medical Services Director  
Danté Patterson, Information Technologies Director  
Barry McKinnon, Sr. Utility Engineer  
Leon Harmon, Finance Director

**Call to Order:** Chairman Patton called the April 20, 2009 meeting of the Lincoln County Board of Commissioners to order.

**Invocation:** Reverend J. V. Allen, Boger City Wesleyan Church, gave the Invocation. 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 Klein, the Board voted unanimously to adopt the agenda as presented adding Item 7a – Dependent Eligibility.

**AGENDA**

**LINCOLN COUNTY BOARD OF COMMISSIONERS**

**APRIL 20, 2009**

6:30 PM      Call to Order

6:31 PM Invocation – Rev. J.V. Allen, Boger City Wesleyan Church

6:32 PM Pledge of Allegiance

1. 6:33 PM Adoption of Agenda

2. 6:34 PM Consent Agenda

- Budget Adjustments 80
- Tax Requests for Refunds – More than \$100
  - March 9 – 22, 2009
- Approval of Minutes
- Spring Litter Sweep 2009 Proclamation
- Public Safety Telecommunicator's Week 2009 Proclamation

3. 6:35 PM Public Comments

4. 6:50 PM Recommendations from Planning Board – Randy Hawkins  
CUP #288 – Silas Hart, Jr. applicant

5. 7:05 PM Public Hearing – Scattered Site Housing Closeout – James Luster

6. 7:15 PM Public Hearing – Stimulus Package Grant for TLC Capital Outlay and approval of Resolution 2009-13: American Recovery and Reinvestment Act of 2009 Resolution– Ron Rombs

7. 7:30 PM Motion to approve First Amendment to 88x Lincoln County Regional Transit Service Contract Between the City of Charlotte and Lincoln County – Ron Rombs

8. 7:40 PM Security of Sensitive and Confidential Information and Breach Response Plan (Identity Theft Prevention) – Danté Patterson

9. 7:55 PM Resolution 2009-12: Resolution Amending the Classification Compensation Plan for Lincoln County, North Carolina – George Wood

9a. Charter School Sign Easement – Jeff Taylor

10. 8:05 PM Capital Project Report – Barry McKinnon

11. 8:15 PM Finance Officer's Report

12. 8:20 PM County Manager's Report

13. 8:25 PM County Commissioners' Report

14. 8:30 PM County Attorney's Report

15. 8:35 PM Vacancies/Appointments

16. 8:40 PM Calendar

17. 8:45 PM Other Business

Adjourn

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

- Budget Adjustments 80

No. 80: Reallocate water fund budget to cover estimated expenses

- Tax Requests for Refunds – More than \$100

- March 9 – 22, 2009

LINCOLN COUNTY TAX DEPARTMENT  
ANNUALS

**REQUEST FOR REFUNDS**

PERIOD COVERED (March 9, 2009-March 22, 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
Colonial Village of Linc. LLC	2007-08	CITY	0192632	4,327.17
<b>TOTAL \$ 4,327.17</b>				

COUNTY TAX DEPARTMENT  
MOTOR VEHICLES

**REQUEST FOR REFUNDS**

PERIOD COVERED (March 9, 2009-March 22, 2009)

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

NAME	YEAR	DIST	A/C#	AMOUNT
Canady, Jeffrey H.	2008	AFD	0134393	120.13
<b>TOTAL \$120.13</b>				

- Approval of Minutes
- Spring Litter Sweep 2009 Proclamation

- Public Safety Telecommunicator's Week 2009 Proclamation LINCOLN

**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.

Rick McSwain, Director of Soil and Water, stated that there has been some discussion over the past several weeks about insurance and some county employees have gotten aggravated and disappointed so a petition was started. Some employees came to him and asked him to present the petition. There are around 150 names on the petition, which says the following: I understand you are evaluating the potential to have each county employee pay a portion of our insurance for the next budget year of 2009-2010. As a Lincoln County employee, I feel we have been punished for doing a great job for Lincoln County citizens over the past couple of years. We have not had a cost of living increase now for 2 years and rumor has it we will not receive a cost of living for the budget year 2009-2010. This year we have had to take a 5 day furlough, which has hurt many without much complaint. It seems when the County is looking to save money, the county employee salary and benefits are the first thing looked at to cut cost, even in years of a good economy. Lincoln County has a professional staff and I would like to see that we continue the professional service with a high morale. I would like for you to consider this issue for Lincoln County employees.

Chairman Patton stated that the Board does appreciate the county employees and what they do. He said this is not a stab at county employees to ask them to pay a portion of their health insurance. He said this was merely an attempt to keep from laying off county employees or raising the tax rate, neither of which the board wants to do. He said other counties are laying people off and they are trying by the furloughs and insurance contributions to keep from laying off 21 employees. He said there is nowhere for those 21 people to get a job in Lincoln County. He said Lincoln County taxpayers cannot absorb healthcare increases as fast as the increases are happening. He stated that he wishes the county could continue to provide the insurance at no cost, but it is just not an option.

Being no one wishing to speak, Chairman Patton declared the public comments section closed.

**Recommendations from Planning Board – Randy Hawkins:** Randy Hawkins stated that the Planning Board voted 7-0 to recommend approval with no special conditions.

Commissioner Arena asked if there was a condition concerning the right of way. Mr. Hawkins stated that there was a suggestion concerning the right of way, but it was not a condition.

Application #	<u>CUP #288</u>	Date	<u>April 6, 2009</u>
Applicant Name	<u>Silas Hart Jr.</u>		

Applicant  
Address

1873 Westridge Lane, Lincolnton, NC 28092

Property Location

south of Springdale Park Drive Existing Zoning R-S

Proposed Conditional Use

Class E (singlewide) mobile home

### **FINDINGS OF FACT**

1. The use will not materially endanger the public health or safety if located where proposed and developed according to plan. YES 7-0 NO \_\_\_\_\_

FACTUAL REASON CITED: will not endanger the public health or safety

2. The use meets all required conditions and specifications. YES 7-0 NO \_\_\_\_\_

FACTUAL REASON CITED: does meet all required conditions and specifications  
or will meet them by the time it's set up

3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity  
YES 7-0 NO \_\_\_\_\_

FACTUAL REASON CITED: is in harmony with surrounding property

4. The location and character of use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the Land Use Plan for the area in question.

YES 7-0 NO \_\_\_\_\_

FACTUAL REASON CITED: based on information presented by staff

After having held a Public Hearing on April 6, 2009 and in light of the Findings of Facts listed herein, the following action was taken by the Lincoln County Planning Board:  
**voted 7-0 to recommend approval**

In recommending such Conditional Use Permit, the following conditions were recommended by the Lincoln County Planning Board:  
**no special conditions**

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UPON MOTION by Commissioner Carlton, the Board voted unanimously to approve CUP #288 and the findings of fact as presented by the Planning Board.

**Public Hearing – Scattered Site Housing Closeout:** James Luster thanked the Board for the opportunity to work with Lincoln County on the Scattered Site Housing.

This public hearing is to closeout the 2006 program which included the substantial renovation of four homes for families across Lincoln County.

Chairman Patton opened the public hearing concerning the public hearing for the Scattered Site Housing Closeout.

Being no one wishing to speak, Chairman Patton declared the public hearing closed.

**Public Hearing – Stimulus Package Grant for TLC Capital Outlay and approval of Resolution 2009-13: American Recovery and Reinvestment Act of 2009 Resolution –**

**Ron Rombs:** Ron Rombs presented information concerning the Stimulus Package Grant for TLC Capital Outlay. This grant covers capital outlay as well as maintenance. The total application for the Stimulus grant is \$821,000.

Chairman Patton opened the public hearing concerning the public hearing for the Stimulus Package Grant for TLC Capital Outlay and approval of Resolution 2009-13: American Recovery and Reinvestment Act of 2009 Resolution.

Being no one wishing to speak, Chairman Patton declared the public hearing closed.

Commissioner Klein asked what is simulative about this.

**UPON MOTION** by Commissioner Carlton, the Board voted 4 – 1 (Klein opposed) unanimously to approve the Stimulus Package Grant for TLC Capital Outlay and approval of Resolution 2009-13: American Recovery and Reinvestment Act of 2009 Resolution.

**American Recovery and Reinvestment Act of 2009 Resolution**  
**Federal Section 5311**  
**FY 2010 RESOLUTION**

Applicant seeking permission to apply for American Recovery and Reinvestment Act of 2009 funding, enter into agreement with the North Carolina Department of Transportation and to provide the necessary assurances.

A motion was made by *(Board Member's Name)* Carlton and seconded by *(Board Member's Name or N/A, if not required)* N/A for the adoption of the following resolution, and upon being put to a vote was duly adopted.

WHEREAS, the "American Recovery and Reinvestment Act, 2009" (Pub. L. 111-5; "ARRA"), signed into law by President Barack Obama on February 17, 2009, includes \$8.4 billion for transit capital improvements, for which the intent of the legislation is to: a) preserve and create jobs and promote economic recovery; b) assist those affected negatively by the recession; c) provide investments needed to increase economic efficiency by spurring technological advances; d) invest in transportation infrastructure that will provide long-term economic benefits; and e) stabilize State and local government budgets, in order to minimize reductions in essential services and counterproductive State and local tax increases; and

WHEREAS, the ARRA provides \$680 million of the \$6.9 billion available under the Transit Capital Assistance Program, to nonurbanized areas based on 49 U.S.C. section 5311; and

WHEREAS, the nonurbanized area funds are apportioned based upon the nonurbanized population of each state relative to the national urbanized area and land area in nonurbanized areas, of which the State of North Carolina has been apportioned \$33 million, and, after required set-asides for intercity projects and state administration costs, North Carolina has announced the availability of approximately \$24.7 million to fund eligible transit capital projects, as defined in 49 U.S.C. 5302(a)(1), in nonurbanized areas; and

WHEREAS, Article 2B of Chapter 136 of the North Carolina General Statutes and the Governor of North Carolina have designated the North Carolina Department of Transportation (NCDOT) as the agency responsible for administering federal and state public transportation funds; and

WHEREAS, the purpose of these ARRA transportation funds is to provide grant monies to local agencies for rural public transportation capital improvement projects consistent with the intent of the legislation and to support efforts to stimulate the economy; and

WHEREAS, (*Legal Name of Applicant*) Lincoln County hereby assures and certifies that it will comply with the federal and state Statutes, regulations, executive orders, Section 5333 (b) Warranty, and all special Federal and State reporting requirements (at least quarterly) which relate to the applications made to and grants received from the Federal Transit Administration, as well as the provisions of Section 1001 of Title 18, U. S. C.

NOW, THEREFORE, be it resolved that the (*Authorized Official's Title*)\* County Manager of (*Name of Applicant's Governing Body*) Lincoln County is hereby authorized to submit a grant application for federal funding, make the necessary assurances and certifications and be empowered to enter into an agreement with the NCDOT to provide rural public transportation capital.

I (*Certifying Official's Name*)\* Amy Atkins (*Certifying Official's Title*) Clerk to the Board of Commissioners do hereby certify that the above is a true and correct copy of an excerpt from the minutes of a meeting of the (*Name of Applicant's Governing Board*) Lincoln County Board of Commissioners duly held on the 20<sup>th</sup> day of April, 2009.

*Signature of Certifying Official \*Note that the authorized official, certifying official, and notary public must be three separate individuals.*

Seal/ Subscribed and sworn to me (date) \_\_\_\_\_

*Affix Seal Here*

\_\_\_\_\_  
*Notary Public \**

\_\_\_\_\_  
*Address*

My commission expires (date) \_\_\_\_\_

**Motion to approve First Amendment to 88x Lincoln County Regional Transit Service Contract Between the City of Charlotte and Lincoln County:** Ron Rombs presented the First Amendment to 88x Lincoln County Regional Transit Service Between the City of Charlotte and Lincoln County. He stated that this is for the CATS Express Route that covers the 16 corridor in East Lincoln to Charlotte. He said that last year the net cost was \$169,825 of which Lincoln County received a grant for \$65,710, leaving the County portion to be \$52,057. This year, the net cost of the CATS contract is \$145,558, with Lincoln County's portion with a slight increase to \$72,779. That increase is due to the fact that we did not qualify for the CMAC grant monies this year.

Commissioner Mitchem stated that he does not feel comfortable spending tax dollars that is only servicing part of the county. He stated that he cannot get on the bus and go to Charlotte from his place.

Ron Rombs stated that there will be a TLC connection between Lincolnton and the stops on 73 and 16. He said this will take place during this year.

The Board discussed the costs versus the citizens using the service. They requested ridership numbers for this service and deferred a decision on this item.

**Dependent Eligibility:** Audrey Setzer stated that Lincoln County's current health plan with Blue Cross Blue Shield of North Carolina allows for dependent children to be covered under the County's health plan until they reach age 19. If the dependent child is enrolled as a full time student, they can remain on the health plan until they reach age 26.

Our Blue Cross Blue Shield representative has informed us that Blue Cross Blue Shield has changed the standard language that will change the dependent eligibility from age 19 to 26 without the requirement of being a full time student.

Our insurance consultant, Mark Browder, of Mark III Brokerage, Inc., recommends that the County change the dependent eligibility to the standard Blue Cross Blue Shield of North Carolina language of age 26 to be effective July 1, 2009.

She said Mr. Wood is recusing himself from this discussion and recommendation because he has a dependent that would be affected by this change.

The Board discussed the impact of claims, which Ms. Setzer discussed with Mr. Browder who assured her that there would be no negative impact based on claims. There would be an impact on cost if dependents are added.

Commissioner Arena questioned the ability of an adult student who is working to turn down their insurance and remain on their parents insurance if our costs are lower.

UPON MOTION by Commissioner Carlton, the Board voted unanimously to approve the eligibility issue as presented.

**Security of Sensitive and Confidential Information and Breach Response Plan (Identity Theft Prevention) – Danté Patterson:** Danté Patterson gave a powerpoint presentation concerning the Security of Sensitive and Confidential Information and Breach Response Plan (Identity Theft Prevention).

UPON MOTION by Commissioner Arena, the Board voted unanimously to approve the Security of Sensitive and Confidential Information and Breach Response Plan.

**Resolution 2009-12: Resolution Amending the Classification Compensation Plan for Lincoln County, North Carolina:** George Wood presented the following Resolution #2009-12: A RESOLUTION AMENDING THE CLASSIFICATION AND COMPENSATION PLAN FOR LINCOLN COUNTY, NORTH CAROLINA

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

WHEREAS, the County Manager is charged with assuring that the Plan remains current and updated; and

WHEREAS, Condrey and Associates, Inc. has recommended that the GIS/Land Record Manager position title and pay grade level be changed to realign with the revised job duties reflecting the removal of the supervisory responsibilities of overseeing all duties performed by the GIS Analyst/Programmer and Senior GIS Specialist positions. The recommendation in reducing the level of supervision would equate to a 20% differential reduction in grade levels.

WHEREAS, the County Manager and the Human Resources Director have recommended a change in the grade level for this position to reflect these changes;

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

Section 1. That the Position Classification and Compensation Plan for Lincoln County, North Carolina is hereby amended as follows:

Change the GIS/Land Records Manager title to Land Records Manager, and approve the attached job description.

Change the incumbent in that position from Grade 22 to Grade 18 and place the incumbent on the corresponding step to reflect a 10% reduction in salary.

Section 2. That this Resolution shall become effective at the beginning of the next pay period following its adoption.

Adopted this 20<sup>th</sup> day of April, 2009.

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Alex E. Patton  
Chairman, Board of Commissioners

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Attested by: Amy S. Atkins  
Clerk to the Board

**UPON MOTION** by Commissioner Carlton, the Board voted unanimously to approve Resolution 2009-12: Resolution Amending the Classification Compensation Plan for Lincoln County, North Carolina.

**Charter School Sign Easement:** Jeff Taylor presented a request for an easement for the Charter School Sign. There were questions about right of ways and sight triangles.

It was the consensus of the Board to table until the next meeting to get more information, such as a plat of where the sign is proposed, the right of way information and sight distance, taking into account the possibility that a turn lane may be installed in the future for the next meeting.

**Capital Project Report – Barry McKinnon:** Barry McKinnon presented the Capital Project Report.

**Finance Officer's Report:** Leon Harmon presented the Finance Officer's Report.

**County Manager's Report:** George Wood presented the County Manager's Report. Mr. Wood stated that on the budget, there are about 3 weeks left before it goes to the printers. He said that he would like the Board to be thinking about before the next meeting, Ron Rombs has money in the current budget to add an EMS facility in the new Howard's Creek VFD building. Currently, the Sheriff rents space in West Lincoln and would like to add about 1200 square feet to this building. They are agreeable to this and this could be added to the financing, which is over a twenty or twenty-five year period.

Mr. Wood said currently the Senate has completed their budget and it takes the ADM money. The lottery money should help offset this unless the state does something with the lottery money.

Rick McSwain gave an update on Burton Creek and Westport developments due to citizen complaints concerning sediment entering the lake. He presented information concerning sediment basins and said the sediment basins are working at this site. Our

soils are highly contained clays. Mr. McSwain said there is 4wheeler damage on this site and water follows those tire tracts. Mr. McSwain showed what a stream looks like coming from the subdivision and one very next to it without any construction work taking place. He said there is no way to enforce to reduce the suspended clay particles in the lake. He said that Burton Creek has had to seed the parcel, except for a few stockpiles.

Mr. McSwain stated that as he was on the site on Tuesday, there was heavy destructive action taking place on Burton Creek. A 4wheel drive truck has gone onto the site during a wet time and has torn up the site. The water is following those tracks.

Mr. McSwain stated that with the Westport basin, no sediment left the site. There were hurricane rains in September 2008 in which there was an 8 inch rain in a 24 hour period and there was pipe failure, sediment did leave the basin, covered several silt fences and went into the stream. The Division of Water Quality came out and made them clean up the buffer and we made them fix the basin so it wouldn't happen again.

Commissioner Mitchem asked how the erosion is compared with 50 years ago. Mr. McSwain stated that he has worked here 20 years and the erosion has been cut in half in farming operations.

Commissioner Mitchem asked with the recent rains if there would have been any cove running into Lake Norman that was not discolored. Mr. McSwain stated that you are going to have this, even in the South Fork River.

Commissioner Arena stated that he can look at Burton Creek from Burton Lane and Blades Trail and do not see grass like seen in the pictures. He said if you look at Westport from Fairfield Forest Road, you see no grass. He said both these parcels have been scraped and he asked the effects of scraping the acreage.

Mr. McSwain stated that they are teaching that you have to have a vegetative cover to hold the soil in place.

Mr. Wood stated that if the Board wants to check on the sediment entering the coves, a consulting engineer will need to be contacted. He said the next step if the Board questions sediment buildup or questions whether the markers are in the right place, a firm will need to be hired by the county and have them evaluate the plan submitted by their consultant. This will determine if their plan is right, the locations are right and if there has been any buildup.

Commissioner Mitchem questioned why we have to continue to spend money on consultants to figure this stuff out.

Chairman Patton asked if we could contact the consultants already hired to do this to see if they could give the Board a report on it.

Chairman Patton asked how often this site is checked.

David Ledford stated that he goes out at least twice a month and after rain events or on citizen complaints.

Commissioner Klein asked how response has been concerning violations. Mr. McSwain stated that there was a change of who oversaw construction for Burton Creek and they have no problems since then. He said there has been no trouble with Westport Development.

Commissioner Arena stated that the Board needs to get the results of the measurements for Burton Creek from the consultants hired by the developer.

**County Commissioners' Report:** Chairman Patton presented the County Commissioners' Report.

George Arena stated that the Board sat here tonight and listened to employees telling them that they aren't happy with the insurance increase. Then Blue Cross Blue Shield potentially ups our costs by adding additional coverage for dependents. He expressed his displeasure and said maybe the Board should write a letter to BCBS saying this.

**County Attorney's Report:** Jeff Taylor presented the County Attorney's Report. He said he has been tying up loose ends for property acquisition at the treatment plant.

**Vacancies/Appointments:** Commissioner Carlton presented the following vacancies and appointments.

April 20, 2009  
Lincoln County  
Board of Commissioners  
Board Vacancies/Appointments

**Vacancies:**

Nursing and Adult Care Home Community Advisory Committee  
LNRC  
Recreation Commission – North Brook Township  
Board of Equalization and Review Alternates

The following are Commissioner Carlton's recommendations:

**Appointments:**

Board of Equalization and Review

- Rich Permenter (moving from Alternate to regular position)
- Bob Goodson

**UPON MOTION** by Commissioner Arena, the Board voted unanimously to appoint Rich Permenter and Bob Goodson to the Board of Equalization and Review as regular members.

**Calendar:** Chairman Patton presented the May 2009 calendar.

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

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Amy S. Atkins, Clerk  
Board of Commissioners

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Alex Patton, Chairman  
Board of Commissioners