

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, APRIL 19, 2010

The Lincoln County Board of County Commissioners met on April 19, 2010 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
George Arena
James A. Klein
Carrol D. Mitchem

Others Present:

George A. Wood, County Manager
Martha W. Lide, Assistant County Manager
Jeffrey A. Taylor, County Attorney
Amy S. Atkins, Clerk to the Board
Kelly Atkins, Planning and Inspections Director
Randy Hawkins, Zoning Administrator
Leon Harmon, Finance Director

Call to Order: Chairman Patton called the April 19, 2010 meeting of the Lincoln County Board of Commissioners to order.

Commissioner Carlton gave the Invocation. Chairman Patton 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
APRIL 19, 2010

6:30 PM Call to Order

Invocation – Commissioner Carlton

Pledge of Allegiance

1. 6:32 PM Adoption of Agenda
2. 6:33 PM Consent Agenda

- Approval of Minutes
- April 5, 2010
- Tax Requests for Refunds Over \$100
- March 15 - 28, 2010

3. 6:35 PM Public Comments
4. 6:50 PM Planning Board Recommendations - Randy Hawkins
 - PD #2010-1 Crosland Denver Highway 16, LLC, applicant
 - VR #2010-1 Crosland Denver Highway 16, LLC, applicant
 - CZ #2010-2 Brian Hines, applicant
5. 7:10 PM Public Hearing - Private Road Name - Ellen Finger Trail - Netta Anderson
6. 7:20 PM Public Hearing - Private Road Name - W Old NC 150 Highway - Netta Anderson
7. 7:30 PM Application for Carolina Thread Trail Implementation Grant (Sally's YMCA and Community Center) - Randy Williams
8. 7:40 PM Public Hearing - Lincoln County Industrial Incentive Grant for Existing Industry - Crystal Gettys
9. 7:50 PM Presentation on Special Operations on Teams for Emergency Response Countywide - Jay Flynn
10. 8:05 PM Update Concerning Fire Training Facility - Jay Flynn
11. 8:15 PM Request for Reduced Capacity Development Fee, Lakewood Care Center - Burns Whittaker
12. 8:25 PM Capital Project Report - Burns Whittaker
13. 8:30 PM Finance Officer's Report - Leon Harmon
14. 8:35 PM County Manager's Report - George Wood
15. 8:40 PM County Commissioners' Report
16. 8:45 PM County Attorney's Report
17. 8:50 PM Vacancies/Appointments
18. 8:55 PM Calendar
19. 9:00 PM Other Business

Adjourn

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

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

- Approval of Minutes
- April 5, 2010

- Tax Requests for Refunds Over \$100
- March 15 - 28, 2010

LINCOLN COUNTY TAX DEPARTMENT
ANNUALS

REQUEST FOR REFUNDS

PERIOD COVERED (MARCH 15, 2010-MARCH 28, 2010)

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

NAME	YEAR	DIST	A/C#	AMOUNT	REASON
GLYNN, JOSEPH D.	2006-09	DFD	ELSD0132853	1,878.90	CORRECTION ON REAL ESTATE

TOTAL \$ 1,878.90
REQUEST FOR REFUNDS

LINCOLN COUNTY TAX DEPARTMENT
MOTOR VEHICLES

PERIOD COVERED (MARCH 15, 2010-MARCH 28, 2010)

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

NAME	YEAR	DIST	A/C#	AMOUNT	REASON
TOAD HALL IMPORTS LLC	2009	DFD	0222471	150.47	Pro-Rated Bill
TOTAL				\$150.47	

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.

Terry Brotherton stated that he would like to speak concerning the proposed Dollar General Store. He said you cannot ask for a better traffic situation than this location, since it is right at the stoplight. He said there are never more than 3 or 4 cars at the stoplight heading in the southern direction. Mr. Brotherton stated that another issue that concerns him is that several people in east Lincoln have approached a Commissioner to have cordial discussions, but the Commissioner uses profane language and is abusive to them.

Sandy Hudson stated that he lives on Maiden Highway and owns the piece of property right beside the property for the Dollar General. He said he cannot believe the Board would turn down something that could bring jobs and tax revenue to this county. He said in the hard times we're going through, he cannot imagine this being turned down. Mr. Hudson said he supports this wholeheartedly.

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

Planning Board Recommendations – Randy Hawkins:

Planned Development No. 2010-1 – Crosland Denver Highway 16, LLC, applicant: The Planning Board voted 7-2 to table the request.

Vested Right No. 2010-1 – Crosland Denver Highway 16, LLC, applicant: The Planning Board voted 7-2 to table the request.

Conditional Zoning No. 2010-2 – Brian Hines, applicant: The Planning Board voted 6-3 to recommend the request be denied.

Commissioner Mitchem asked about the surrounding property and how it is zoned.

Randy Hawkins stated that it is business to the north, business and industrial across the road, residential to the south and east.

Commissioner Mitchem asked what the reason is for a conditional zoning

Randy Hawkins stated that the applicant, at their recommendation, agreed to lay all the cards on the table, instead of just asking for a rezoning. The applicant presented a site plan and opened himself up to other conditions.

Commissioner Mitchem asked if there was anything mentioned as to what was going on the site.

Randy Hawkins stated that he did not hear anything about this at the Planning Board meeting.

Commissioner Mitchem asked what the concerns were from the people who voted for the request.

Randy Hawkins stated that the three that voted for it did not give a reason, but he would say they thought this was an area that is primarily business and it was better suited for residential.

Commissioner Arena asked as Old Hwy. 16 transitions with new Hwy. 16 coming in, the Land Use Plan calls for trying to individual developments. He asked if the Board has turned down any transitions from residential to business neighborhood or business general on this highway.

Commissioner Carlton stated that the Board did turn one down on Pilot Knob Road near Hwy. 16.

Mr. Hawkins stated that he cannot remember any.

Commissioner Arena asked if the applicant has looked at other properties, especially down near Triangle where there are vacant properties.

Commissioner Klein asked if the Planning Board talked at length about it's compatibility with the Highway 16 Plan.

Randy Hawkins stated that there was discussion of the Highway 16 Plan and the need for a small area plan for the Denver area.

Commissioner Klein stated that from the northernmost commercial property coming north on 16, which is a mini-storage facility to Denver Baptist, it is predominately residential structures, albeit presumably rentals. On the other side, while it's not predominately residential, there are residential properties there lived in. He said it seems to him that this request moves us further away from trying to focus retail commercial in Denver and spread it north or south.

Commissioner Arena asked how far north of the intersection is the driveway used for this property.

Randy Hawkins stated that it is at least 200 feet, it is as far as DOT will allow it.

Commissioner Mitchem stated that there is a Highway 16 Vision Plan, but not an adopted Highway 16 Plan. He said the building is accordance with the Unified Development Ordinance.

UPON MOTION by Commissioner Mitchem, the Board voted 3 – 2 (Klein, Carlton against) to deny the Planning Board's recommendation and approve staff's recommendation and approve CZ #2010-2 Brian Hines, applicant with the site plan and statement and consistency and reasonableness.

Discussion:

Jeff Frushtick stated that one of the reasons it was voted down was that the area needs a small area plan developed to understand what the future of the area should be. The Highway 16 Plan, which the Board of Commissioners endorsed, came back with the directive to staff to put together small area plans in this area according with the Highway 16 Vision Plan. He said they felt it was premature at this time to rezone single family residential. He said there were concerns with location of the driveway to the location of the light. Mr. Frushtick said there are concerns with the neighborhood behind this property and there wasn't an adequate way to shade this from view. He said a small area plan needs to be developed for this area of Highway 16.

Chairman Patton asked Jeff Taylor if this could be considered a moratorium, denying projects until a small area plan is put into place.

Jeff Taylor stated that this could be considered an –moratorium, if that was the basis for the decision. He said the minutes and other information would be reviewed in a court case and consideration would be given to what factors the Board used for the decision. The court may find that it would be essentially a moratorium without calling it that.

Commissioner Arena stated that he does not particularly think this is the best location for the Dollar General Store and thinks there are several better suited commercial plots down near Triangle, but there is no legal precedence and there is no development district, the Highway 16 Plan was accepted, not adopted. He said the Board has to go back to the basic documentation and nobody else has been turned down.

Chairman Patton stated that this area is residential, but he understands this is 2 rental houses. He stated that he does not think anybody would tear down those 2 houses and build a larger house there. He said the Land Use Plan says it's residential, but the reality is that something else will go there at some point. He said if you look across and up the street, a Dollar General there and make that the very minimum standard with anything else developed, he thinks it would be better than 2 old houses that are currently there.

Commissioner Mitchem said the Planning Board is basing the decision on what could be in the future, not what is there now. He said there is no small area plan or adopted Vision Plan. He said the Planning Board cannot be making decisions on something they want in the future. Commissioner Mitchem said if the Board wants to deny a tax base, sales tax, and jobs they have a problem.

Commissioner Carlton stated that we have done our best to put together a plan for Highway 16. He said it may not have been adopted, but that does not mean that a vision does not exist. He said that the purpose is to end up with quality of life. He said there is one person in the audience tonight whose vision is for Highway 16 to look like Independence Boulevard and he doesn't think that is a good idea. The fact of the matter is that the Commissioners are trying to do the right thing. He said this is not a moratorium issue, but the findings of a group of people put together to make sure we have a fair and proper zoning process and the quality of life down the road in Lincoln County. He said to demonize the Board put together for this is juvenile. He said he is all for every man in America doing what he can to get rich, but your rights end when you infringe upon the public safety.

Chairman Patton stated that he did not receive any phone calls or emails against this, everything he got was in favor of it.

Randy Hawkins presented a Statement of Consistency and Reasonableness put together by staff.

Commissioner Klein stated that he couldn't agree with Commissioner Carlton more and is disappointed that Mr. Hines spent a lot of time working on process, all the while there was substance and depth to a 2 year process that said this isn't what we want to do. He said apparently nobody had a decision with Mr. Hines to say this is not what we want to do. He said to suggest that a 2 block rezoning denial is a moratorium is way over the top. He said his vote against this will be for the reasons stated by the Planning Board in writing.

Public Hearing – Private Road Name – Ellen Finger Trail – Netta Anderson : Netta Anderson presented the following information:

This road is located off of Car Farm Road and requires naming due to the fact that there are now four (4) structures that access Car Farm Road via this private road. The name proposed is Ellen Finger Trail and was agreed to by all residents. The name is not a duplicate or sound –alike and has been approved by Communications.

Chairman Patton opened the public hearing concerning the public hearing on the private road name of Ellen Finger Trail.

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

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to approve the private road name of Ellen Finger Trail.

Public Hearing – Private Road Name – W Old NC 150 Highway – Netta Anderson:

Netta Anderson stated that this road is located off of W NC 150 Highway and requires naming due to the fact that there have been some concerns expressed to them by property owners as to the proper name for the portion of W NC 150 Highway that runs through Crouse. The Road Review Committee members recommended that we rename that portion of the road: W Old NC 150 Highway. The name is not a duplicate or sound-alike and has been approved by the Communications and the Road Review Committee.

Chairman Patton opened the public hearing concerning the public hearing on the private road name of W. Old NC 150 Highway.

Cecilia Martin stated that she lives in Crouse off the proposed West Old NC 150 Highway. She said several of the residents would like the name worded Old NC 150 West instead of West Old NC 150 Highway.

Netta Anderson stated that the road West cannot be the last word, it has to end with the word Highway. She said they would also have to change their addresses if this change is made.

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

Chairman Patton asked for the group in attendance to meet with Ms. Anderson and come back in to the meeting with a consensus.

Netta Anderson stated that the residents want to do Old NC 150 West Highway.

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to approve the road name Old NC 150 West Highway.

Application for Carolina Thread Trail Implementation Grant (Sally's YMCA and Community Center): Randy Williams presented the following information:

On November 16, 2009, the Board of Commissioners adopted the Carolina Thread Trail Plan for Lincoln County Communities by resolution. The adoption included several stipulations which did not make the map a part of the plan, did not allow the County to use eminent domain to acquire property and did not permit County funds to be used to develop the trail network. The Carolina

Thread Trail Foundation offers grants to design, acquire and construct trails through a 2-step process annually. The first step is the submittal of a Letter of Interest, followed by a grant application for specific funding.

On January 4, 2010 the Lincoln County Board of Commissioners approved sending the Letter of Interest to the Carolina Thread Trail Foundation. On February 8, 2010 The Carolina Thread Trail accepted and invited Lincoln County to submit an application for an implementation grant for our 2010 cycle. It was also noted that the CTT Grants Committee has requested that Lincoln County only apply for a corridor design grant at this time. The Letter of Interest indicated the county's interest in applying for both corridor design and acquisition, but the CTT Grants Committee felt that it was a little early for acquisition during this grant cycle. If awarded a grant for corridor design, this will allow for further outreach and interaction with the landowners along the corridor. Complete applications are due by April 30, 2010, with award notification expected in September 2010. This invitation in no way implied that a grant will be awarded.

The Lincoln County Plan includes several types of pathways including sidewalks, paved, and natural-based trails and serves as a guide when opportunities emerge. The plan identifies several options for implementation. The Carolina Thread Trail Implementation Grant Application for Lincoln County requests funds for corridor design totaling \$13,750.

Staff has identified a potential project that will connect the East Lincoln Community Center and the site for Sally's YMCA for a proposed trail segment length of approximately 1.7 miles. This potential project will require the acquisition of approximately 700 feet of right-of-way along Optimist Club Road from private land owners. The remainder of the proposed trail will be located on land owned by Lincoln County, East Lincoln Optimist Club and Catawba Lands Conservancy. See the attached map which depicts the proposed trail segment. It is anticipated that the trail on the Community Center and Optimist Club properties will be gravel based, the portion along Optimist Club Road and crossing the railroad will be a paved section, and the portion on the CLC property be natural base.

One of the primary reasons the trail segment was identified as a potential project was the planned business park south of Optimist Club road and east of new NC16. This proposed trail segment could be part of the entrance to the business park and become an amenity to those companies locating in the park. Furthermore this project will also serve as a safe off-road alternative to connect 3 recreation facilities and a demonstration project for potential future trail segments. This demonstrates that a relatively long trail segment can be constructed without major land acquisition and reasonable construction costs.

As part of the application, Lincoln County has received Letters of Endorsement

from Sally's YMCA, East Lincoln Optimist Club and the Lincoln Economic Development Association.

STAFF RECOMMENDATION

The Lincoln County Planning and Inspections staff has worked closely with the Carolina Thread Trail Foundation, LNRC and the City of Lincolnton during this process. In order to apply for CTT grant funding, the Grant Application must be submitted by April 30, 2010. The Grant Application is the second step in the application process, and DOES NOT OBLIGATE Lincoln County the use of any public funds for this project.

In light of the opportunities that this proposed project will bring, including:

- connecting 3 recreation facilities (East Lincoln Community Center, Optimist Club and Sally's YMCA),
- a future amenity to as proposed business park,
- a trail segment using multiple types of surfaces,
- the use of publicly owned lands for the majority of the trail segment, and
- a comparatively short segment of land to acquire

It is requested that the submittal of the attached map and Grant Application for grant funding in the amount of \$13,750 for corridor design to the Carolina Thread Trail Foundation be approved by the Board of Commissioners.

Commissioner Carlton asked who will maintain the trail.

Randy Williams said that will be done through the Catawba Lands Conservancy on the major part of the trail, the other sections will be coming through the East Lincoln Optimist Club on their property and the section on the East Lincoln Community Center will be maintained by Parks and Recreation. This section is 350 feet.

Commissioner Carlton asked how much staff time has been committed to this.

Randy Williams said approximately 20 hours so far has been used for the grant.

UPON MOTION by Commissioner Klein, the Board voted unanimously to approve the grant application.

Public Hearing – Lincoln County Industrial Incentive Grant for Existing Industry – Crystal Gettys: Crystal Gettys presented the Incentive Grant Agreement for Cataler North America.

LINCOLN COUNTY INCENTIVE GRANT AGREEMENT

NORTH CAROLINA

LINCOLN COUNTY

THIS AGREEMENT is made and entered into as of the 19th day of April, 2010, by and between LINCOLN COUNTY, a body corporate and politic (hereinafter referred to as "the County"), and Cataler North America, a North Carolina corporation (hereinafter referred to as "Cataler").

WITNESSETH:

WHEREAS, Cataler has developed plans for the expansion of their current facility and installation of manufacturing machinery and equipment in Lincoln County, North Carolina; and

WHEREAS, the Board of Commissioners of Lincoln County verily believes that the location of new industries and the expansion of existing industries is vital to the economic health of Lincoln County and to the welfare of its citizens; and

WHEREAS, the Board of Commissioners wishes to encourage such development by means of offering incentives to recruit new industries and to aid in expansion of existing industries; and

WHEREAS, such incentives are predicated on the notion of expanding Lincoln County's tax base and providing additional jobs for Lincoln County's citizens that pay wages higher than the current prevailing average hourly wage in the particular industry; and

WHEREAS, the Board of Commissioners has determined that it is appropriate and in the best interests of Lincoln County and its citizens to offer incentives in the form of both cash grants and assistance with making public services available; and

WHEREAS, the Board of Commissioners believes that it is appropriate and reasonable to expect Cataler to bind itself to the County to produce certain results in conjunction with the project described herein as conditions of the incentives being offered by the County;

NOW, THEREFORE, for and in consideration of the mutual promises and covenants herein set forth, the parties hereby agree as follows:

1. On or before October 1, 2010, Cataler shall begin the installation of manufacturing machinery and equipment at its manufacturing facility in Lincoln County, North Carolina.
2. Within two years of the date of this agreement, Cataler shall make an investment upon such building and site and machinery and equipment of \$31,000,000, of which \$22,900,000 will qualify for incentives under the Lincoln County Industrial Incentive Grant Policy.
3. Within two years of the date of this agreement, Cataler shall provide at such site at least 40 new jobs paying average weekly wages of \$520.00.
4. In consideration of the performance of the aforesaid obligations by Cataler, the County will provide cash grants to Cataler of \$110,950.50 per year for a five-year period. Lincoln County will pay such grants beginning in the tax year after the project's completion. Grants will be paid to Cataler within 30 days after Cataler has made its tax payment for the then-current year and has notified Lincoln Economic Development Association of the payment. This amount represents a Level III grant under the Lincoln County Industrial Development Incentive Grant Policy for New and Existing Industries.
5. In the event that the value of the investment actually made by Cataler pursuant to this agreement is greater or less than the aforementioned contract amount, the incentive grants to be provided hereunder will be adjusted upward or downward on a pro-rata basis.
6. Cataler specifically agrees that in the event that all or any portion of this agreement or

any incentive grant or payment to be made hereunder is declared to be unconstitutional, illegal, or otherwise enjoined by a court of competent jurisdiction, Cataler shall indemnify and hold harmless Lincoln County and its Board of Commissioners, individually and collectively, from any loss or liability and shall reimburse Lincoln County by the amount of any such grant or payment.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals as of the day and year first above written.

Cataler North America

By: _____
President

ATTEST:

Secretary (Corporate seal)

LINCOLN COUNTY

By: _____
Alex E. Patton, Chairman
Board of Commissioners

ATTEST:

Amy S. Atkins
Clerk to the Board of Commissioners

NORTH CAROLINA

_____ COUNTY

I, the undersigned Notary Public of the County and State aforesaid, certify that _____ personally came before me this day and acknowledged that ____ he is the _____ of Cataler, a North Carolina corporation, and that by authority duly give and as the act of such entity, ____ he signed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this ____ day of _____, 2010.

NORTH CAROLINA
LINCOLN COUNTY

This the _____ day of _____, 2010, personally came before me Amy S. Atkins, Clerk to the Board of Commissioners of Lincoln County, North Carolina, who being by me duly sworn says that she knows the common seal of the County of Lincoln, North Carolina and is acquainted with Thomas Anderson, who is the Chairman of the Board of Commissioners of Lincoln County, North Carolina, and that she, the said Amy S. Atkins, is the Clerk to the Board of Commissioners of Lincoln County, North Carolina, and saw the Chairman of the Board of Commissioners of Lincoln County, North Carolina, sign the foregoing instrument and affix said seal to said instrument and that she, the said Amy S. Atkins, signed her name in attestation of said instrument in the presence of said Chairman of the Board of Commissioners of Lincoln County, North Carolina.

My Commission Expires: _____

Notary Public

Chairman Patton opened the public hearing.

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

Commissioner Carlton stated that he had a long talk with Barry Matherly the other day and feels funny every time the Board does it. He said as he did his homework and realized this is prevalent throughout the country. He said that even the people doing this say it should be done. He said tax dollars were never meant to subsidize business. He said that this is defended by people saying everyone else will get the jobs if we don't do this. He said eventually the other places will fill up and the people will come here. He said he will be voting against this and it has nothing to do with LEDA.

UPON MOTION by Commissioner Mitchem, the Board voted 4 – 1 (Carlton against) to approve the Lincoln County Industrial Incentive Grant for Cataler.

Presentation on Special Operations on Teams for Emergency Response Countywide

– Jay Flynn: Bill Summers stated that he and Jay Flynn were asked to look at the possibility of looking at resources and the possibility of rearranging them to make them more useful across the county. Their objective was to establish and set forth a plan of implementation of county wide SOG's (standard operating guidelines) for specialty teams and address considerations of team implementation. They looked at the water team at East Lincoln Fire Department, technical high angle team at Denver Fire Department, confined space team at Lincolnton Fire Department, Crisis Response Team at Lincoln County Fire-Rescue Association, Incident Management Team at Denver Fire Department, Radiation Response at Lincolnton Fire Department, Land Search at South Fork Fire Department, and Hazardous Materials Team at East Lincoln Fire Department.

The SOG considerations are:

1. Dispatch procedures and protocols
2. Applications for team membership
3. Entry level certifications requirements
4. Ongoing team training evolutions
5. Funding
6. Insurance and Worker's Compensation Coverage

7. Resource Allocation
8. Oversight and compliance
Dispatch Procedures and Protocols
 - EFD currently supports dispatch protocols for specialty rescue teams.
 - Existing fire siren tones can be used for dispatch of each discipline
 - Existing Motorola pagers/alpha paging can be used for dispatch of teams.
 - Two modes of dispatch:
 - Standby Mode
 - Response Mode

Basic Application for Team Membership:

- A standardized form to be returned to Emergency Management Office
- Team membership open to all County emergency service personnel.
- Made available on Emergency Management's web site.
- Reviewed and approved by Special Teams Sub-committee and host agency's department head.

Entry Level Certification Requirements:

- Most certifications are "State of North Carolina" certifications through the North Carolina Fire-Rescue Commission.
- Three specialties currently do not fall in this category.
 - 1. Land Search
 - 2. Water Rescue
 - 3. Crisis Response

Ongoing Team Training Evolutions

- To be scheduled and planned by host agency
- Quarterly team training events to be conducted with 50% annual participation requirement to maintain membership
- Can expand on the "basic" certifications through NFPA complaint training courses

Funding

- The cost of most existing disciplines is currently being funded through the individual department budgets.
- Additional specialty equipment may be needed and procurement would be managed through the County Emergency Services Committee.
- By taking a coordinated approach, funding of specialized equipment can be better managed to control duplication.

Insurance and Worker's Compensation Coverage

- Common Worker's Compensation exists through out the County. (Excluding the City of Lincoln). Coverage has been confirmed with Key Risk Management and claims would be made through the existing department structure.
- Individual department insurance policies will apply if mutual aid agreements exist and teams are dispatched through the communications center. Spoke with agents from both VFIS and Selective to confirm.
- It is imperative that these teams use the existing emergency services structure. To clarify, this is not creating a new entity within the County, but using existing resources for a more coordinated response.

Resource Allocation

- Distribution of resources would be based upon host agencies and in areas where they would be easily deployable
- As additional team resources become available they may be distributed across the County.

Oversight and Compliance

- The Lincoln County Emergency Management, Lincoln County Fire-Rescue Association and the host departments will provide oversight for the team concept.

Update Concerning Fire Training Facility – Jay Flynn: Jay Flynn gave an update on the Fire Training Facility. He said they are in the second year of the fundraising project and are in the middle of the annual letter drive for funding. To date, there has been over \$32,000 raised towards the goal of \$250,000. Pumpkin Center Fire Department has committed to the site property and the details worked out by the end of the year.

Request for Reduced Capacity Development Fee, Lakewood Care Center: Barry McKinnon presented the following:

Mrs. Edith Beam, President of the Lakewood Care Center in Denver has requested a reduced fee for a Sewer Capacity Development Fee (CDF). Currently the facility is served by an on-site Package Wastewater Treatment Plant. Apparently, Mrs. Beam has been directed by DENR to either upgrade the plant or connect to the County sewer system.

In June 2007, Mrs. Beam applied for sewer service and paid a CDF of \$2700. At that time, her fee should have been \$9000 but apparently she was allowed to pay a fee based on a smaller meter than she actually has installed. The file is silent about why this reduced fee was authorized.. In December of 2008, Mrs. Beam advised the County that she no longer desired to connect to the County system and requested a refund of the \$2700. This was refunded and the application cancelled on December 9, 2008.

The current fee schedule requires a CDF of \$18,000. Mrs. Beam requests that this fee be reduced to \$9000 (this is the fee that should have been paid in 2007).

Public Works recommends disapproval of this request and require that the full CDF be paid. This is based on the following observations:

- This is a commercial Assisted Living facility that has 62 residents. Average water/sewer use exceeds 100,000 gallons per month, thereby utilizing a sizeable capacity of the sewer system.
- The facility contains a kitchen, thereby adding additional stress on the sewer system. Even with a grease trap, it is inevitable that grease will be introduced into the County's sewer system.
- Arbitrarily allowing certain businesses a reduction from the published and approved fee schedule will set a precedent that will be far reaching.

As an alternative, Mrs. Beam can wait until the Rate Study is completed in hopes that the fees will be reduced. But if the new fees are based on water usage rather than size of meter, as is currently done, the large use of water could very well increase the required fee on the facility.

Commissioner Mitchem stated that the fees have doubled since 2007. He said that the Board knows how he feels about the water and sewer fees.

Mr. Wood stated that this is a judgment call. He said he understands the point of trying not to set a precedent, but this would be very limited precedence if it is tied to the fact that she was issued a permit and then rescinded it. He said in fairness to Mrs. Beam, she did not think she could get on at a reasonable rate. She now has a state agency requiring her to hook on.

UPON MOTION by Commissioner Carlton, the Board voted unanimously to approve the request for reduced capacity development fee for Lakewood Care Center for the reasons stated.

Capital Project Reports – Burns Whittaker: Barry McKinnon presented the Capital Project Reports.

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

County Manager's Report: George Wood presented the County Manager's Report. He reminded the Board of the joint meeting at the Board of Education Office April 28 at 6 p.m.

County Commissioners' Report: Nothing reported.

County Attorney's Report: Jeff Taylor gave an update on the Mullinax Case, the junkyard in Crouse and the Charles Skipper animal case.

Vacancies/Appointments: **UPON MOTION** by Commissioner Carlton, the Board voted unanimously to make the following appointments:

Board of Equalization and Review

Andrew Sain - Regular Position

Clayton Mullis - Alternate Position

Appoint Fred Lane as Chairman of Board of Equalization and Review

Appoint Andrew Sain as Vice Chairman of Board of Equalization and Review

Library Board - Approve the appointment of Devin Rhyne from Lincolnnton City Council

Calendar: Chairman Patton presented the May 2010 calendar.

Other Business:

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

Amy S. Atkins, Clerk
Board of Commissioners

Alex E. Patton, Chairman
Board of Commissioners