

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

The Lincoln County Board of County Commissioners met on July 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
Burns Whittaker, Public Works Director
Maggie Dollar, Health Director
Kelly Bragg, Health Educator
Rick McSwain, Soil & Water Director
Ron Rombs, EMS Director
Leon Harmon, Finance Director

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

Reverend J. V. Allen of 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.

AGENDA

LINCOLN COUNTY BOARD OF COMMISSIONERS

JULY 19, 2010

6:30 PM Call to Order

Invocation - Rev. J.V. Allen, Boger City Wesleyan Church

Pledge of Allegiance

1. 6:32 PM Adoption of Agenda
2. 6:33 PM Consent Agenda
 - Tax Requests for Refunds - More than \$100
 - June 7, 2010 - June 20, 2010
 - Tax Requests for Releases - More than \$100
 - May 16 - June 15, 2010
 - Ordinance #2010-8: An Ordinance Amending the FY 2010 Budget for the
 - County of Lincoln, North Carolina
 - Sponsored Group Status
 - Carolinas Cross Connection
 - Resolution #2010-33: Resolution of Support for Watershed Reclassification - Rob Carson
3. 6:35 PM Public Comments
4. 6:50 PM Allied Waste Grant Recommendations
5. 7:00 PM Approval of Contract - AE Services for Renovation of Hospital - Burns Whittaker
6. 7:10 PM Architectural Contract for Patio Area of Warren Center - Burns Whittaker
7. 7:20 PM Grant Approvals - Maggie Dollar
 - Heart Disease and Stroke Prevention Grant
 - WIC Breastfeeding and Mini-Grant Proposal
8. 7:30 PM Resolution #2010-34: Resolution to Support the CONNECT Regional Vision and Action Agenda - George Wood
9. 7:40 PM Community Health Assessment (CHA) Report - Kelly Bragg, Health Educator
10. 7:50 PM Resolution #2010-32: Resolution Concerning Workers' Compensation - George Wood
11. 8:00 PM Farmland Protection Plan Stakeholders Committee Appointment - Rick McSwain
12. 8:10 PM Transportation Advisory Board Bylaws - Ron Rombs
13. 8:15 PM Contract for Vehicle Maintenance Services - Martha Lide
14. 8:25 PM Public Hearing - Proposed Industrial Development Incentive Grant for a Prospective New Industry and Motion to Approve Resolution #2010-36 Resolution to Adopt Economic Incentive Grant and Lincoln County Incentive Grant Agreement - Crystle Gettys
15. 8:35 PM Resolution #2010-35: A Resolution Accepting the Tax Settlement with the Lincoln County Tax Administrator
16. 8:45 PM Order Directing the Tax Collector to Collect the Taxes Charged in the Tax Records and Receipts
17. 8:50 PM Capital Project Report - Burns Whittaker
18. 8:55 PM Finance Officer's Report - Leon Harmon
19. 9:00 PM County Manager's Report - George Wood
20. 9:05 PM County Commissioners' Report

- 21. 9:10 PM County Attorney's Report
- 22. 9:15 PM Vacancies/Appointments
- 23. 9:20 PM Calendar
- 24. 9:25 PM Other Business
- 25. 9:30 PM Closed Session

Adjourn

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

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

- Tax Requests for Refunds - More than \$100
 - June 7, 2010 - June 20, 2010
- Tax Requests for Releases - More than \$100
 - May 16 - June 15, 2010
- Ordinance #2010-8: An Ordinance Amending the FY 2010 Budget for the County of Lincoln, North Carolina
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LINCOLN COUNTY TAX DEPARTMENT
ANNUALS

REQUEST FOR REFUNDS

PERIOD COVERED (JUNE 7, 2010-JUNE 20, 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
Carter, Barbara J.	2004-08 BCFD	0121008	306.44	Value Change from Corrected Square Footage
		TOTAL	\$ 306.44	

LINCOLN COUNTY TAX DEPARTMENT
MOTOR VEHICLES

REQUEST FOR REFUNDS

PERIOD COVERED (JUNE 7, 2010-JUNE 20, 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
GMAC	2009	CITY	0203255	177.47	PRO-RATED BILL
			TOTAL	\$177.47	

G.S. #105-381 (B) ALL RELEASES MORE THAN \$100
AND #105-325 INCLUDING (A) (6)

PERIOD COVERED (May 16 2010-June 15 2010)

NAME	YEAR	DIST	A/C NO	AMOUNT	REASON
Bell, Janie Hildebran	2009	City	0225936	\$176.40	Vehicle taxable in Catawba County.
Carpenter, Alexandria Nicole	2009	City	0225711	\$263.97	Vehicle taxable in Cherokee County.
Charles, Lincoln Lemuel II	2010	City	0226342	\$174.36	Vehicle taxable in Cumberland County.
Daimler Trucks NA	2009	DFD/ELSD	0222008	\$722.82	Vehicle taxable in Iredell County.
Freightliner Corp	2009	DFD/ELSD	0125088	\$143.08	Vehicle taxable in Iredell County.
Hollar, Robin Dennis	2009	City	0093604	\$259.45	Vehicle taxable in Gaston County.
ICX Corp	2009	City	0191338	\$194.24	Duplicate billing.
Loftis, Nadine Bennett	2009	ELFD/ELSD	0151656	\$172.06	Vehicle sold prior to tag/tax year.
Moose, Reva Hemphill	2009	City	0225737	\$111.08	Vehicle taxable in Catawba County.
National City Commercial	2009	City	0199482	\$128.26	Duplicate billing.
Smith, Ricky Lee	2009	City	0174942	\$113.00	Vehicle taxable in Catawba County.
Vann, Kenneth Adrian Jr	2009	City	0220827	\$181.37	Vehicle taxable in Cumberland County.
			TOTAL	\$2,640.09	

G.S. #105-381 (B) ALL RELEASES MORE THAN \$100
AND #105-325 INCLUDING (A) (6)

PERIOD COVERED
(May 16, 2010 - June 15, 2010)

NAME	YEAR	DIST	A/C NO	AMOUNT	REASON
Big Dog Holdings Inc.	2009	N-321	0192807	\$13,668.13	Business personal property double-listed on A/C 0210866.
Diaz, Robert	2006-2009	ELFD/ELSD	0177655	\$679.52	Personal property in Mecklenburg County as of 1/1/06.
Yamato Japanese Steakhouse	2009	ELFD/ELSD	0216616	\$1,069.37	Did not own business personal property as of 1/1/09.
			TOTAL	\$15,417.02	

**ORDINANCE #2010-07: AN ORDINANCE AMENDING THE FY 2011 BUDGET
FOR THE COUNTY OF LINCOLN, NORTH CAROLINA**

THAT WHEREAS, the Lincoln County Board of Commissioners adopted the FY 2011 Budget by approving Ordinance #2010-05 on June 21, 2010; and

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

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

NOW THEREFORE BE IT ORDAINED AND ESTABLISHED by the Board of Commissioners of Lincoln County, North Carolina, that the FY 2011 Budget previously adopted is hereby amended as follows:

Section 1. That the budget adjustments attached hereto, and incorporated herein by reference as Exhibit A to Ordinance #2010-07, are hereby approved and adopted as amendments to the FY 2011 Budget.

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

Passed and adopted this 19th day of July, 2010.

BY:

Alex E. Patton, Chairman
Lincoln County Board of Commissioners

ATTEST:

Amy S. Atkins
Clerk to the Board

EXHIBIT A to Ordinance #2010-07

Budget Adjustments numbered 1 through 2, inclusive.

A RESOLUTION TO SUPPORT THE RECLASSIFICATION OF MAIDEN CREEK AND ALLEN CREEK

WHEREAS, the North Carolina General Assembly ratified the Watershed Protection Act of 1989 which required local jurisdictions to adopt watershed protection regulations to protect drinking water supplies in the State; and

WHEREAS, Maiden Creek and Allen Creek were designated by the State as WS-II watersheds to protect the Town of Maiden's water supply reservoir; and

WHEREAS, Lincoln County adopted watershed protection regulations in January 1994, which included land use controls for the Maiden Creek and Allen Creek watersheds; and

WHEREAS, in the Fall of 2002, the Town of Maiden abandoned the City Reservoir as its municipal water supply and contracted with the City of Hickory to purchase water; and

WHEREAS, Maiden Creek and Allen Creek no longer serve as a drinking water supply for the Town of Maiden; and

WHEREAS, the Town of Maiden has requested Lincoln County's support for the reclassification of Maiden Creek and Allen Creek to a WS-V watershed classification; and

WHEREAS, Lincoln County affirms its support for environmental protection and clean water in the rivers and lakes in the County balanced with development in accordance with the County's Future Land Use Plan;

THEREFORE BE IT RESOLVED that Lincoln County hereby requests the North Carolina Environmental Management Commission's reclassification of Maiden Creek and Allen Creek from a WS-II water supply watershed classification to a WS-V watershed designation; and

FURTHERMORE BE IT RESOLVED that Lincoln County does not support a supplemental classification for Maiden Creek and Allen Creek because the water quality parameters in the creeks do not meet the State's requirements for designation of a supplemental classification.

Adopted this 19th day of July 2010

Alex E. Patton, Chairman

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.

Rudy Bauer, 8252 Blades Trail, asked who owns Burton Creek.

Jeff Taylor responded that the sale was postponed until August 16.

Chris Altemose, asked the Board to consider the Allied Waste Grant recommendation for the West Lincoln Band Boosters. He said the truck they currently used is bad shape and is no longer safe.

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

Allied Waste Recommendations:

01 July 2010

Board of Commissioners
Lincoln County
115 W. Main St.
Lincolnton NC 28092

Re: Allied Waste Grant (pka BFI Grant)

As you requested, the Allied Waste Grant Committee held a second meeting June 30 to redistribute the \$7,500 disapproved at your June 21 meeting. The recommendations disapproved were as follows:

<u>Catawba Springs Township:</u>	
Christmas in Denver 2010 Committee	\$ 2,000
<u>Howards Creek Township:</u>	
Christmas in Denver 2010 Committee	\$ 500
W Lincoln Band Boosters *WLBB must match funds awarded	\$ 2,000
<u>North Brook Township:</u>	
W Lincoln Band Boosters *WLBB must match funds awarded	\$ 3,000
	\$ 7,500

The committee unanimously approved redistribution of the funds as follows:

<u>Catawba Springs Township:</u>	
Christmas in Denver 2010 Committee	\$ 1,000
Helping Hands Health Clinic Inc	\$ 250
Hesed House of Hope Inc	\$ 250
Hospice & Palliative Care LC	\$ 250
L C Coalition Against Child Abuse	\$ 250
	\$ 2,000
<u>Howards Creek Township:</u>	
Helping Hands Health Clinic Inc	\$ 500
W Lincoln Band Boosters *WLBB must match funds awarded	\$ 2,000
	\$ 2,500
<u>North Brook Township:</u>	
Hesed House of Hope Inc	\$ 1,000
Hospice & Palliative Care L C	\$ 1,000
W Lincoln Band Boosters *WLBB must match funds awarded	\$ 1,000
	\$ 3,000

Once again, on behalf of the Allied Waste Grant Committee, I respectfully request your approval of these awards so that we can proceed with disbursement. Thank you in advance for your consideration.

Sincerely,

Harry Huss

Harry Huss, Chair

A MOTION by Commissioner Klein to approve the Allied Waste Grants as recommended by the Committee.

Commissioner Mitchem asked if any of this money is tax money. Mr. Wood stated that this is money received from Allied Waste as payment in the Franchise Agreement.

Commissioner Mitchem said there seems to be some confusion as to whether this is tax money.

Commissioner Carlton said he is good with the changes made except the Christmas in Denver. He said he sees Helping Hands and Hospice getting \$250 and we're spending \$1000 on banners. He said that in these times, this money should be used for other things.

A SUBSTITUTE MOTION by Commissioner Carlton to eliminate the \$1000 to the 2010 Christmas in Denver Committee, this money will be redistributed by the Allied Waste Committee.

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

VOTE ON ORIGINAL MOTION MINUS THE \$1000 TO CHRISTMAS IN DENVER:

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

Harry Huss asked if the Committee should redistribute this money.

Chairman Patton stated that his thoughts would be that it would go to one of the organizations that only got \$250 that feed people.

Mr. Huss stated that some of the organizations that only got \$250 also got money from other townships.

Approval of Contract – AE Services for Renovation of Hospital – Burns Whittaker:
The initial phase is for Schematic Design in the amount of \$155,688. There would also be additional costs brought later of less than \$20,000 for a construction manager at risk on this project. The total would not exceed \$175,000.

This will result in a comprehensive plan to develop an actual floor plan with actual square footages assigned to various departments and offices within each department. This phase will also evaluate existing systems (mechanical, electrical, etc.) to determine any needed revisions or improvements. Working drawings will be provided so that the County may make decisions for the final design. Included in the information provided at the end of this phase will be floor layouts, perspectives, and preliminary selections of construction methods, materials, and details.

Upon completion of the Schematic Design phase, there will be a detailed estimate to allow the BOC to make a decision to move forward in the design process or look for other options. The current estimate of the cost of construction is \$13 - \$15 million. The estimate will be refined further during the Schematic Phase.

Should the BOC decide to move forward with the entire project, the total Architectural fee will range from \$1,040,000 to \$1,160,000 (depending on the final construction cost.) The contract includes all phases through completion of the project but restricts work by the Architect to only the Schematic Phase unless directed in writing to proceed further.

Commissioner Klein stated that he understands the Schematic Design is the next logical step, but to him the timing with the economy is not good. He said if this is moved out a year, he doesn't see any harm. He said it does not make a lot of sense to him from an economic standpoint.

Commissioner Carlton stated that he had the same thoughts, but the courts need more office space. He said if something is not done with the Courthouse, the County will be forced to do something.

UPON MOTION by Commissioner Arena, the Board voted 4-1 (Klein against) to approve the contract with AE Services for renovation of the old hospital.

Architectural Contract for Patio Area of Warren Center – Burns Whittaker: Burns Whittaker said that the State indicated that we need to improve the handicapped access at the Warren Center for voting. There is a problem with the current ramp and railing. He said they applied for and received a state grant for this work. He said in preparing to address this issue, they realized the railing is in bad shape. There has been water leakage through the bricks on the patio. This has weakened the front wall and caused settlement of the brick pavers, and the railing has been loosened in several places.

Mr. Whittaker said he has worked with Dennis Williams on a solution and is proposing a design contract for \$13,100 to correct this ongoing problem. He said we need to get this structural problem taken care of in a proper manner, then install the railing and ADA ramps to be in compliance with voting requirements. This contract would be paid from the building maintenance fund.

Mr. Whittaker estimated the total cost of the project at \$100,000 to \$150,000.

Commissioner Mitchem said there should be a contractor out there who could look at this and give estimates, instead of paying somebody \$13,000 to do this.

Mr. Whittaker said there that under state bid law, the county has to take bids. He said they do not know what to ask for bids for without this.

Commissioner Klein asked if this is budgeted.

Mr. Wood explained that there is money budgeted in building maintenance, but it's not earmarked for any specific project. He said the money is in the budget to handle this and they feel this is an important enough project to use these funds.

UPON MOTION by Commissioner Carlton, the Board voted unanimously 3 – 2 (Patton, Carlton, Arena for; Klein, Mitchem against) to approve the architectural contract for the patio area of the Warren Center.

Grant Approvals – Maggie Dollar: Martha Lide presented information on two grants.

WIC Breastfeeding Mini-Grant Proposal \$4,000

The Lincoln County Health Department is requesting permission to apply for a WIC Breastfeeding Mini-Grant offered by the North Carolina Division of Public Health Nutrition Services Branch. The purpose of these mini-grants is to help local agencies implement projects that will enhance breastfeeding promotion and support efforts in their communities. The long-term goal of the projects is to improve initiation, duration, and exclusivity of breastfeeding within the WIC population. Each local WIC agency may apply for a one-time mini-grant up to \$10,000. The application deadline is July 30, 2010 and the funding cycle is October 1, 2010 through May 31, 2011.

Regional Grant – Heart Disease and Stroke Prevention

The Lincoln County Health Department is requesting permission to participate in a regional grant administered by the Cabarrus County Health Alliance regarding Heart Disease and Stroke Prevention. The Lincoln County Health Department will agree to work with the Cabarrus County Health Alliance in the HDSP Public Awareness/Media Campaign to:

- Distribute and evaluate the effectiveness of the Faces of Stroke DVD
- Coordinate and host one focus group/lunch-and-learn utilizing the Faces of Stroke DVD; including administering a pre- and post survey on the video with a minimum of ten participants.
- Distribute 100 Faces of Stroke DVD's to partnering worksites, churches, health care providers, and other partners within the target county.
- All requirements must be completed by September 15, 2010.
-

The Cabarrus Health Alliance will act as the lead agency and administrator of the HDSP Public Awareness/Media Campaign and will:

- Be responsible for overall administration of the campaign including financial reporting, monitoring of activities, and reporting of results to the CDC.
- Purchase and coordinate delivery of 100 Faces of Stroke DVD's to the target county's health department (\$3.50 each)

- Provide pre-and post surveys for the focus group/lunch-and-learn
- Coordinate and purchase two billboards with space rental for one month each, professionally designed and approved by Regional HDSP Director and relevant staff (\$1,670). Two designs each: hypertension and high cholesterol prevention.
- Provide a minimum of \$700 to the Lincoln County Health Department for expenses to facilitate the Faces of Stroke viewing, focus group, and evaluation data collection.
- This represents a total of \$2,720 value to the Lincoln County Health Department.

UPON MOTION by Commissioner Klein, the Board voted unanimously to approve the Heart Disease and Stroke Prevention Grant, and the WIC Breastfeeding and Mini-Grant Proposal.

Community Health Assessment (CHA) Report – Kelly Bragg, Health Educator:

Kelly Bragg, Health Educator, gave the 2009 Lincoln County Community Health Assessment to the Board. She said every four years local health departments and Healthy Carolinians groups throughout North Carolina conduct a Community Health Assessment (CHA) in their communities.

- The purpose of the CHA is to:
 - Evaluate the health status of each county in relation to the State's health objectives
 - Identify and prioritize health issues within individual counties that do not meet state objectives and/or pose a threat to the health of the community
 - Develop strategies to address priority health concerns

Additionally, the CHA is a required document that must be submitted for accreditation by local health departments and is utilized by agencies and organizations to educate the public about the health of the community, obtain grant funding, and form partnerships.

She said the population is growing and the largest group of minorities is Hispanics.

In education, dropouts have decreased and LCS had higher scores than CMS, Gaston, Iredell, and Catawba. There are 738 homeschooled children and Lincoln Charter has 1200 high and middle school children.

In Economics, per capita income decreased greatly between 2007 and 2008, decreased slightly more from 2008 and 2009, uninsured is about even with the State, with high unemployment. Foreclosures are steady between 2005 and 2008, 17% increase between 2000 and 2008, which is a greater increase than the state over the same period

In Health Statistics, infant mortality was way up in 2008, no trend was identified. Prenatal care is down. Chlamydia is increasing each year and Lincoln County is above peer counties in Gonorrhea. Heart Disease and stroke are major issues and 27.4% have hypertension. Statewide, stroke is decreasing, Lincoln County stroke is increasing. Adult

smoking is down, 33% of middle schoolers have tried tobacco and 57.6% of high schoolers have. There is a lower prevalence in Diabetes than the state, but a higher mortality rate. Kidney disease hospitalization rate is high. Cancer is higher prevalence than state, but lower mortality. 65.2% of adults are overweight and obese. Childhood obesity and overweight are lower than the state. Asthma rates have improved since last CHA, no longer Healthy Carolinians priority.

Mental Health/Developmental Disabilities/Substance abuse there is a major gap in services, suicide is on the rise, emotional disturbances are high, and substance abuse is high. There is a low number of clinicians.

There were 791 surveys collected.

The data collected shows a distrust of doctors in the community, obesity, diabetes, teen pregnancy, affordability, access to care, and H1N1 are the biggest health concerns. County needs more parks, more healthcare providers, and better public transportation.

Resolution #2010-32: Resolution Concerning Workers' Compensation – George Wood:

**RESOLUTION #2010-32:
RESOLUTION CONCERNING WORKERS' COMPENSATION**

WHEREAS, Lincoln County provides workers' compensation for all Lincoln County employees; and

WHEREAS, it was determined that it would be in the best interest of Lincoln County to change from the NCACC pool to a self insurance program; and

WHEREAS, on May 3, 2010 the Lincoln County Board of Commissioners authorized County Manager George Wood to contract with a third party administrator to administer the program; and

WHEREAS, Compensation Claims Solutions of Concord, North Carolina, has been selected as the third party administrator to administer the program and handle the claims; and

WHEREAS, in serving as the administrator of the program, Compensation Claims Solution will be making payments for the workers' compensation claims and related expenses that may arise; and

WHEREAS, Compensation Claims Solutions currently provides this service to 19 other units of local government and in doing so established a checking account in the name of each unit of government to account for the workers' compensation expenses; and

THEREFORE BE IT RESOLVED, that Doug Doreen of Compensation Claims Solutions be authorized to establish an account on behalf of Lincoln County to deposit

funds and make appropriate disbursements from this account. That Fifth Third Bank be designated an official depository of Lincoln County, and that Doug Doreen of Compensation Claims be designated a deputy finance officer of Lincoln County, for this account only, in carrying out his duties related to our workers' compensation claims administration.

Adopted the 19th day of July, 2010.

Alex E. Patton, Chairman
Board of Commissioners

ATTEST:

Amy S. Atkins, Clerk to the Board

UPON MOTION by Commissioner Carlton, the Board voted unanimously to approve Resolution #2010-32: Resolution Concerning Workers' Compensation.

Farmland Protection Plan Stakeholders Committee Appointment – Rick McSwain:

Rick McSwain stated that a cooperative effort between several Lincoln County Departments including the Soil & Water Conservation District, North Carolina Cooperative Extension and Lincoln County Planning has begun with the beginning phases of the drafting of a county-wide farmland protection plan

The purpose of a Lincoln County Farmland Protection Plan is to bring together information on past, current, and future farming trends, the state of agriculture in the county, current protection efforts, tools for future protection efforts, educational opportunities as well as sound recommendations to promote growth of the local agricultural industry and protection of farming resources in Lincoln County. An adopted farmland protection plan holds weight in future efforts to receive grant monies from State and Federal sources that assist agricultural producers.

The plan is being overseen by the Voluntary Agricultural District Board. A steering committee of various staff through the County has been assembled to provide the technical expertise needed to draft a plan which exceeds the State model, and remains focused on the aspects that make Lincoln County agricultural production unique.

A strong guiding force throughout the planning process will be a stakeholders committee made up of various individuals from different areas of the county. These stakeholders will represent a multitude of different industries related to agriculture, agricultural commodities, and citizens groups.

He asked that the following individuals be appointed to the stakeholders committee by the Board.

Stakeholders Committee Member Recommendations:

<u>Name</u>	<u>Group/Organization/Dept. Representation</u>
Tommy Houser	Soil and Water Conservation District Board
Gary Davis	Voluntary Agricultural District Board
Sylvia Wallace	Lincoln County Natural Resources Committee
Jerry Wyant	Farm Bureau
Link Grass	Lincoln Sportsman Club
Andrew Kota	Foothills Conservancy
Scott Bryant	Lincoln County Tax Department
Cathy Davis	Lincoln County Planning Board
Milton H. Sigmon	Farm Machinery/Commercial Sales
Steven Secrest	Poultry
Gerald Frye	Livestock
Alan Davis	Fruit
Harold Lineberger	Fruit/Truck Farming
Steve Cherry	Horse
Corey Lutz	Dairy
Amy Foster	Value Added Agriculture
David Ledford	Nursery
Dave McCart	Turf Grass

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to approve the Farmland Protection Plan Stakeholders Committee Appointment.

Transportation Advisory Board Bylaws – Ron Rombs: Ron Rombs presented the following information:

RLS & Associates conducted a compliance audit for Transportation Lincoln County on March 18, 2010. During the audit, several findings were noted by Mr. Kevin Mischler.

Corrective actions were implemented immediately following the conclusion of the audit.

Two of the findings were corrected by updating the Transportation Advisory Board Bylaws.

Finding A-1: TLC does not have a conflict of interest statement in its bylaws for the TAB.

Corrective Action: Transportation Lincoln County revised the TAB bylaws (SOG 230-06) to include a conflict of interest statement.

Finding A-2: TLC should include consumers on its TAB to provide a consumer's viewpoint of the TLC service.

Corrective Action: Transportation Lincoln County revised the TAB bylaws (SOG 230-06) to include two (2) members at large Lincoln County Residents (users of service).

UPON MOTION by Commissioner Carlton, the Board voted unanimously to approve the Transportation Advisory Board Bylaws.

Contract for Vehicle Maintenance Services – Martha Lide:

Martha Lide stated that she is recommending approval of the contract with Griffin Brothers Tire, Lincolnton for maintenance of Transportation Lincoln County (TLC) vehicles. This contract will cover the maintenance of 14 vehicles. The County received an American Recovery and Reinvestment Act (ARRA) grant, which is administered through the NC Department of Transportation (NCDOT), which includes up to \$110,000 to cover the maintenance of TLC vehicles. The term of the contract will be from July 20, 2010 through June 30, 2011 and the County shall have the option to renew the contract for up to two additional one year periods. Final approval of this contract is also still pending from NC DOT.

The County developed a Request for proposals for vehicle maintenance services which included all NCDOT and ARRA requirements for a contractor. The request for proposals allows the County to competitively price services, while still taking into account qualitative factors such as experience, credentials and location.

The process the County followed was as follows:

- The County first issued an RFP for these services on April 16, 2010. Only one bid was received by the date bids were due (May 25, 2010), so the bid was returned unopened. Staff then consulted with local businesses to determine what modifications might be needed to encourage businesses to respond to the RFP.
- A second RFP was re issued June 10, 2010 and was sent to six vendors.
- Three bids were received and opened on June 29, 2010.

- One bid, from Clark Tire, was determined to be non-responsive because the Buy America Certification was not submitted.
- A committee composed of the Purchasing Agent, the Emergency Medical Services Director and the TLC Director scored the other two proposals (The Automotive Shop and More, and Griffin Brothers Tire) on the following criteria:
 - Proposal Response (how well the issues were addressed)
 - References
 - Location
 - Qualifications and Experience
 - Cost

The review committee recommended the award of the vehicle maintenance services to Griffin Brothers Tire.

Important factors which lead to this recommendation included the positive corporate and fleet references which were on behalf of Griffin Brothers, the ASE Certification held by Griffin Brothers and not the other proposer, and the fact that Griffin Brother Tire was located closer to the TLC offices and therefore would save staff time in delivering and picking up vehicles.

UPON MOTION by Commissioner Carlton, the Board voted unanimously to approve the position reclassification.

Public Hearing – Proposed Industrial Development Incentive Grant for a Prospective New Industry and Motion to Approve Resolution #2010-36: Resolution to Adopt Economic Incentive Grant and Lincoln County Incentive Grant Agreement – Cara Brown: Cara Brown Gettys presented the proposed industrial development incentive grant for Lucky Country.

RESOLUTION TO ADOPT ECONOMIC INCENTIVE GRANT AGREEMENT WITH LUCKY COUNTRY INC.

WHEREAS, the Lincoln County Board of Commissioners verily believes that it is in the best interests of the citizens of Lincoln County to encourage and support economic development within Lincoln County through the recruitment of new industries to the County and the expansion of existing industries in the County; and

WHEREAS, Lucky Country, Inc. have developed plans for expansion of their manufacturing facility and equipment in Lincoln County; and

WHEREAS, the Board of Commissioners wishes to encourage such development by means of offering incentives to aid in such efforts;

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED AS FOLLOWS:

1. The Lincoln County Board of Commissioners hereby approves the Lincoln

County Incentive Grant Agreement (attached hereto as Exhibit A and incorporated herein by reference) among Lincoln County and Lucky Country, Inc

2. The Chairman of the Board of Commissioners and the Clerk to the Board are hereby authorized to sign all necessary documents on behalf of Lincoln County in order to effectuate this transaction.

3. This resolution shall become effective upon adoption.

This 19th day of July, 2010.

Alex Patton, Chairman
Lincoln County Board of Commissioners

ATTEST:

Amy S. Atkins, Clerk to the Board

LINCOLN COUNTY INCENTIVE GRANT AGREEMENT

NORTH CAROLINA

LINCOLN COUNTY

THIS AGREEMENT is made and entered into as of the 19th day of July 2010, by and between LINCOLN COUNTY, a body corporate and politic (hereinafter referred to as "the County"), and LUCKY COUNTRY, INC, a Nevada corporation (hereinafter referred to as "LUCKY COUNTRY")

WITNESSETH:

WHEREAS, LUCKY COUNTRY has developed plans for an expansion manufacturing facility and equipment in Lincoln County, North Carolina; in the Lincoln County Industrial Park (hereinafter referred to as the "Park"); 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 LUCKY COUNTRY 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 2010, LUCKY COUNTRY shall begin construction of an expansion to the manufacturing facility and manufacturing equipment in Lincoln County, North Carolina.
2. Within two years of the date of this agreement, LUCKY COUNTRY shall make an investment upon such site in building machinery and equipment of \$3,000,000, of which \$2,152,500 will qualify for incentives under the Lincoln County Industrial Incentive Grant Policy.
3. Within two years of the date of this agreement, LUCKY COUNTRY shall provide at such site at least 3 new jobs paying average weekly wages of \$400.00.
4. In consideration of the performance of the aforesaid obligations by LUCKY COUNTRY the County will provide cash grants to LUCKY COUNTRY of \$7,975.01 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 LUCKY COUNTRY within 30 days after LUCKY COUNTRY 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 I 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 LUCKY COUNTRY 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. LUCKY COUNTRY and TKC 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, LUCKY COUNTRY and TKC 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.

LUCKY COUNTRY

By: _____
President

ATTEST:

_____ (Corporate Seal)

Secretary

LINCOLN COUNTY

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

ATTEST:

_____ Amy S. Atkins
Clerk to the Board of Commissioners

NEVADA

_____ COUNTY

This the _____ day of _____, 2010, personally came before me _____ and acknowledged that he/she is Secretary of LUCKY COUNTRY a North Carolina corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its President, sealed with its corporate seal, and attested by him/her as its Secretary.

Witness my hand and official stamp or seal, this _____ day of _____, 2010.

My Commission Expires: _____

_____ Notary Public

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 Alex E. Patton, 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.

UPON MOTION by Commissioner Arena, the Board voted 4 – 1 (Carlton against) to approve the Lincoln County Industrial Development Incentive Grant for Lucky Country and Motion to Approve Resolution #2010-36: Resolution to Adopt Economic Incentive Grant and Lincoln County Incentive Grant Agreement.

Resolution #2010-35: A Resolution Accepting the Tax Settlement with the Lincoln County Tax Administrator: George Wood said that settling up with the Tax Collector is something required annually by state law. He said there is one slight change since Jeff Taylor advised that with some of the 1999 taxes, there is still a chance of going after them. He recommended approving the resolution as printed with the exception of the phrase that says with the write-off of \$57,025.08 for 1999 taxes. This would give the County an additional year to go after those. He said there is a ten-year statute of limitations on those, but if liens are filed, that can be extended.

RESOLUTION #2010-35: A RESOLUTION ACCEPTING THE TAX
SETTLEMENT WITH THE LINCOLN COUNTY TAX ADMINISTRATOR

THAT WHEREAS, the Lincoln County Tax Administrator is charged with the collection of all real and personal property taxes for Lincoln County, the East Lincoln County Water and Sewer District, the Fire Districts, and the City of Lincolnton; and

WHEREAS, NCGS 105-373 sets out a process whereby the Tax Administrator is to settle with the Board of Commissioners on an annual basis for all taxes charged for collection and those collected and remaining uncollected at year-end; and

WHEREAS, such settlement is to take place before the Tax Administrator can be charged with the collection of the next year's tax collections; and

WHEREAS, the Tax Administrator has prepared the required Settlement and submitted it to the Finance Officer for review; and

WHEREAS, the Tax Administrator has forwarded the required Settlement for approval by the Board of Commissioners;

NOW THEREFORE BE IT RESOLVED, and it is hereby RESOLVED that the Lincoln County Board of Commissioners hereby accepts and approves the Settlement of Taxes prepared by the Tax Administrator's Office, which is attached hereto and incorporated by reference into this Resolution; which includes the write off of \$57,025.08 of Tax Year 1999 property taxes.

Adopted this 19th day of July, 2010.

Alex E. Patton, Chairman
Lincoln County Board of Commissioners

ATTEST:

Amy S. Atkins
Clerk to the Board

UPON MOTION by Commissioner Carlton, the Board voted unanimously to approve Resolution #2010-35: A Resolution Accepting the Tax Settlement with the Lincoln County Tax Administrator.

Order Directing the Tax Collector to Collect the Taxes Charged in the Tax Records and Receipts: **UPON MOTION** by Commissioner Arena, the Board voted unanimously to approve the Order Directing the Tax Collector to Collect the Taxes Charged in the Tax Records and Receipts.

**Order Directing the Tax Collector
To Collect the Taxes Charged in the Tax Records and Receipts**

State of North Carolina

County of Lincoln

To the Tax Collector of the County of Lincoln:

You are hereby authorized, empowered, and commanded to collect the taxes set forth in the tax records file in the office of the Tax Administrator and in the tax receipts herewith delivered to you, in the amounts and from the taxpayers likewise therein set forth. Such taxes are hereby declared to be a first lien upon all real property of the respective taxpayers in the County of Lincoln, and this order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell any real or personal property of such taxpayers, for and on account thereof, in accordance with law.

Witness my hand and official seal, this 19th day of July, 2010.

Alex E. Patton, Chairman

ATTEST:

Amy S. Atkins, Clerk to the Board

Capital Project Report – Burns Whittaker: Burns Whittaker presented the Capital Project Reports.

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

County Manager's Report: George Wood presented the County Manager's Report. He asked the Board to take \$250,000 from fund balance and increase the transfer to the capital projects fund to pave the parking lot at Gaston College.

UPON MOTION by Commissioner Carlton, the Board voted 4 – 1 (Klein against) to take \$250,000 from fund balance to pave the parking lot at Gaston College.

Martha Lide gave an update on the lightening strike at the 911 Center. This took out all 8 trunk lines, 3 radio consoles, and the 800 radio console. She said Bill Gibbs, Senior Telecommunicator, was on a call at the time, which was dropped. He used his cell phone and called them back so there was no interruption. They instantly called AT&T to have the calls roll over to the administrative lines at the Sheriff's Office. They got the radio consoles up in about 3 hours. The trunk lines were a problem. They called AT&T

immediately, but they did not come until noon the next day. One of the trunk lines was repaired, but the bottom line was that they did not have the parts on-hand to make these repairs. Finally today, at 12:30. all trunk lines were restored. Ms. Lide said she called AT&T today and talked with their 911 Service Manager, who apologized. She said they will rectify the situation by having ample spare parts. Ms. Lide will ask them for a written response and confirmation that they will respond quicker in the future.

County Commissioners' Report: Nothing reported.

County Attorney's Report: Jeff Taylor said the Burton Creek Foreclosure sale that was originally scheduled in June and postponed until July 16 was again postponed until August 16. He said under foreclosure law, a delay of sale has to be advertised for 30 days. He said it is not clear why it was postponed again, but it was at the request of Fifth-third Bank. He said at last month's meeting, he was instructed to research what the County could do. He said the County has the option as a creditor in the bankruptcy proceedings to request relief. He said in the meantime, he has learned this may not be necessary as the property may be coming out of foreclosure soon.

Commissioner Arena asked how much it would cost to file this.

Jeff Taylor said that it does not appear to be real complicated and if he does not need the assistance of a Foreclosure Attorney, he would estimate a couple thousand dollars based on filing it and going to court.

Commissioner Arena asked how quickly this could be filed.

Jeff Taylor stated that it will not take long to file this, but he does not know when it would be heard.

UPON MOTION by Commissioner Carlton, the Board voted unanimously to pursue the legal process against Burton Creek.

Mr. Taylor gave an update on the Mullinax case and the fact that the property reverted to the previous owner in his death. The previous owner has expressed interest into bringing it into compliance.

Mr. Taylor stated that he was elected the First Vice President of the North Carolina County Attorney's Association. He said next year, he should be elected President of the association.

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

Vacancies:

Nursing and Adult Care Home Community Advisory Committee
LNRC
Pathways

Appointments:

Pathways

- Melinda Finger
- Clifidean Bethea

LNRC

- Byron Bahr

Centralina Workforce Development Board

- Reinaldo Panico Peres

Calendar: Chairman Patton presented the August 2010 calendar.

Other Business:

Closed Session: **UPON MOTION** by Commissioner Carlton, the Board voted unanimously to go into Closed Session pursuant to N.C.G.S. 143.318-11(A)(4) to discuss matters relating to the location or expansion of industries or other business in Lincoln County.

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

George Wood stated that the Board of Commissioners will enter into an agreement in principle with LEDA to put in the water, sewer, and roads for Phase I of Airlie Business Park. The County will put those in and they are agreeing that as they make any profits off of the sale of property, it will go to offset the County's costs. This is very similar to the process used on the Lincoln County Industrial Park. There will be a 10-year option on the property at a set price they can draw down as a project wants to come in with. The project will start on Optimist Club Road, a road will be developed going in there, a water line will go past at least the first project interested in going there, and the gravity sewer, pump station and force main will be developed for the first phase. Mr. Wood and Mr. Taylor would be authorized to develop the contract with LEDA and to bring it back before the Board.

UPON MOTION by Commissioner Arena, the Board voted 4 – 1 (Carlton against) to authorize the County to enter an agreement, in principle, with LEDA for the County to provide water, sewer and roads for Phase I of the Airlie Business Park.

Commissioner Carlton expressed concerns about traffic at this location and the fact that it is not in writing that this will not be a distribution center.

UPON MOTION by Commissioner Klein, the Board voted 4 – 1 (Carlton against) to approve Resolution #2010-36: Resolution to Award Engineering Contract.

Resolution 2010-36:
Resolution to Award Engineering Contract

WHEREAS, the Lincoln Economic Development Association (LEDA) has entered into an agreement with an unnamed Industry to sell said Industry property in Airlie Industrial Park; and

WHEREAS, the said agreement requires Lincoln County to have an access road constructed no later than Dec 31, 2010; and

WHEREAS, time is of the essence;

NOW, THEREFORE, BE IT RESOLVED that, in accordance with the Lincoln County Purchasing Policy and State of North Carolina law, that requirements to formally solicit for professional services for the access road is hereby waived.

BE IT FURTHER RESOLVED that the County Manager shall select a qualified firm from firms known to the County and who have satisfactorily performed work previously for the County.

Alex E. Patton, Chairman

ATTEST:

Amy S. Atkins
Clerk to the Board

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

Amy S. Atkins, Clerk
Board of Commissioners

Alex E. Patton, Chairman
Board of Commissioners