

**MINUTES**  
**LINCOLN COUNTY BOARD OF COMMISSIONERS**  
**MONDAY, DECEMBER 3, 2012**

The Lincoln County Board of County Commissioners met on December 3, 2012, at the Citizens Center, Auditorium, 115 West Main Street, Lincolnton, North Carolina, the regular place of meeting at 6:30 PM.

**Commissioners Present:**

Alex E. Patton  
James A. Klein  
Carrol Mitchem  
Carl E. Robinson, Jr.  
Cecelia A. Martin

**Others Present:**

George A. Wood, County Manager  
Wesley Deaton, County Attorney  
Amy S. Atkins, Clerk to the Board  
Fred Hatley, Clerk of Court

**Call to Order:** George Wood, County Manager, called the December 3, 2012, meeting of the Lincoln County Board of Commissioners to order and welcomed everyone.

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

**INDUCT BOARD OF COMMISSION MEMBERS**

**By Fred Hatley, Clerk of Court**  
**Alex E. Patton**  
**Carrol D. Mitchem**  
**Cecelia A. Martin**

Fred Hatley, Clerk of Court, Administered the Oath of Office to the newly elected Commission members, Alex E. Patton, Carrol D. Mitchem, and Cecelia A. Martin.

STATE OF NORTH CAROLINA  
COUNTY OF LINCOLN

I, Alex E. Patton, do solemnly swear (or affirm) that I will support the Constitution of the United States, so help me, God.

I, Alex E. Patton, do further solemnly and sincerely swear (or affirm) that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government

thereof; and that I will endeavor to support, maintain and defend the Constitution of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; so help me, God.

I, Alex E. Patton, do further swear (or affirm) that I will well and truly execute the duties as a member of the Lincoln County Board of Commissioners, according to the best of my skill and ability, according to law; so help me, God.

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Alex E. Patton

Subscribed and sworn to before me this 3rd day of December, 2012, as witness my hand.

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Fred Hatley, Clerk of Court

STATE OF NORTH CAROLINA  
COUNTY OF LINCOLN

I, Carrol D. Mitchem, do solemnly swear (or affirm) that I will support the Constitution of the United States, so help me, God.

I, Carrol D. Mitchem, do further solemnly and sincerely swear (or affirm) that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain and defend the Constitution of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; so help me, God.

I, Carrol D. Mitchem, do further swear (or affirm) that I will well and truly execute the duties as a member of the Lincoln County Board of Commissioners, according to the best of my skill and ability, according to law; so help me, God.

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Carrol D. Mitchem

Subscribed and sworn to before me this 3rd day of December, 2012, as witness my hand.

---

Fred Hatley, Clerk of Court

STATE OF NORTH CAROLINA  
COUNTY OF LINCOLN

I, Cecelia A. Martin, do solemnly swear (or affirm) that I will support the Constitution of the United States, so help me, God.

I, Cecelia A. Martin, do further solemnly and sincerely swear (or affirm) that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain and defend the Constitution of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; so help me, God.

I, Cecelia A. Martin, do further swear (or affirm) that I will well and truly execute the duties as a member of the Lincoln County Board of Commissioners, according to the best of my skill and ability, according to law; so help me, God.

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Cecelia A. Martin

Subscribed and sworn to before me this 3rd day of December, 2012, as witness my hand.

---

Fred Hatley, Clerk of Court

**Election of Chair:** George Wood opened the floor to nominations for Chairman. Commissioner Klein nominated Commissioner Alex Patton as Chairman.

Mr. Wood called for a vote for Commissioner Patton as Chair: 4 – 1 (Mitchem against)

**Election of Vice Chair:** Chairman Patton conducted the election of Vice Chairman.

Commissioner Martin nominated Commissioner Robinson for Vice Chairman.

Chairman Patton called for votes for Commissioner Robinson: Unanimously approved.

**Recognition of Commissioner Service:** Chairman Patton presented a plaque and Commissioner Klein presented a framed East Lincoln Development District map to outgoing Commissioner George Arena

Chairman Patton called for a recess and announced that the meeting would resume in the Commissioner's Room on the third floor.

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

**AGENDA**  
**Lincoln County Board of Commissioners Meeting**  
**Monday, December 3, 2012**  
**6:30 PM**

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

Call to Order – George Wood, County Manager (In Auditorium)

Invocation – Commissioner Robinson

Pledge of Allegiance

Induct Board of Commission Members  
By Fred Hatley, Clerk of Court

Cecelia Martin  
Carrol Mitchem  
Alex Patton

Seating of Board

Election of Chair  
Election of Vice –Chair

Recognition of Commissioner George Arena's Service

Public Congratulations – The Board will recess to the first floor lobby for public congratulations.

The Board will reconvene in the Commissioners Room on the third floor at 7:30 p.m.

1. Adoption of Agenda
2. Consent Agenda
  - Ordinance #2012-29: An Ordinance Amending the FY 2013 Budget for the  
County of Lincoln, North Carolina
  - Surplus Property
  - Approval of Minutes – November 5, 2012; November 19, 2012
  - Tax Requests for Refunds – More than \$100
    - October 22 – November 4, 2012

- Tax Requests for Releases – More than \$100
  - October 16 – November 15, 2012
- 2013 Meeting Schedule
- Cat Square Parade Fee Waiver Request
- Resolution #2012-58: Resolution to Sell the NC Forestry Service a Surplus Copier for \$1.00
- Resolution #2012-59: Resolution to Sell the Lincoln County Schools a Surplus Vehicle

3. New Business/Advertised Public Hearing:  
CUP #321 Strata Solar, LLC, applicant (Parcel ID# 19916 and 19888) A request for a conditional use permit to establish a solar power generation facility in the R-T (Transitional Residential) and R-R (Rural Residential) districts. The proposed 35-acre site is located on Tripple H Lane about 1,200 feet west of Maiden Highway in Lincolnton Township.

4. Public Hearing on North Carolina Small Cities Community Development Block Grant (CDBG) funds. The purpose of the public hearing is to explain the CDBG Program and the programs that it funds, and to allow the citizens of the County an opportunity to express their views concerning community development needs and priorities – Martha Lide

5. Capital Project Ordinance Related to Capital Improvements for the Oaklawn Facility – Martha Lide

6. Public Comments (15 minutes allowed per Rules of Procedure - 3 minutes per person)

7. Centralina Mobility Management Project Grant Application and Resolution #2012-60: Resolution of Support – Bjorn Hansen

8. Motion to approve Stewart, Inc. to continue as the Architect on the Rescue Squad Park and to authorize the County Manager and Public Works Director to negotiate a fee for final plans and construction documents – George Wood

9. Motion to Authorize County Manager to execute an amended Courts-Continuation of Operations Plan with the State of North Carolina – George Wood

10. Motion to Authorize the County Manager to work with the Board of Education and Architect on possible installation of a freezer facility at the old Hospital for the School's Food Service Division – George Wood

11. Motion to nominate Commissioner Klein as Voting Delegate for NCACC Legislative Goals Conference

12. Motion to Approve Criminal and Driving Background Checks for Volunteer Fire Departments – Martha Lide

13. Other Business

Adjourn

**UPON MOTION** by Commissioner Robinson, the Board voted unanimously to adopt the agenda, adding Item 5a.

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

- Ordinance #2012-29: An Ordinance Amending the FY 2013 Budget for the County of Lincoln, North Carolina
- Surplus Property
- Approval of Minutes – November 5, 2012; November 19, 2012
- Tax Requests for Refunds – More than \$100
  - October 22 – November 4, 2012
- Tax Requests for Releases – More than \$100
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**ORDINANCE #2012-29: AN ORDINANCE AMENDING THE FY 2013 BUDGET  
FOR THE COUNTY OF LINCOLN, NORTH CAROLINA**

THAT WHEREAS, the Lincoln County Board of Commissioners adopted the FY 2013 Budget by approving Ordinance #2012-11 on June 28, 2012; 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 2013 Budget previously adopted is hereby amended as follows:

Section 1. That the Capital Project Ordinance Amendment attached hereto, and incorporated herein by reference as Exhibit A to Ordinance #2012-29 is hereby approved and adopted as an amendment to the FY 2013 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 3rd day of December, 2012.

BY: \_\_\_\_\_

Alex E. Patton, Chairman  
Lincoln County Board of Commissioners

ATTEST:

Amy S. Atkins  
Clerk to the Board

LINCOLN COUNTY TAX DEPARTMENT  
MOTOR VEHICLES

REQUEST FOR  
REFUNDS

PERIOD COVERED (OCTOBER 22, 2012-NOVEMBER 4, 2012)

G.S. # 105-381(B) ALL REFUNDS OVER \$100.00  
(AND) # 105-325 INCLUDING (A) (6)

<u>NAME</u>	<u>YEAR</u>	<u>DISTRICT</u>	<u>A/C #</u>	<u>AMOUNT</u>	<u>REASON</u>
HESS, GARY R.	2012	N321	0216781	\$111.73	PRO-RATED BILL
				<b>TOTAL</b>	<b>\$111.73</b>

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

PERIOD COVERED  
(October 16, 2012 - November 15, 2012)

<u>NAME</u>	<u>YEAR</u>	<u>DIST</u>	<u>A/C NO</u>	<u>AMOUNT</u>	<u>REASON</u>
Bryant, Michael W	2011	DFD/ELSD	0221020	\$268.20	Personal property in Catawba County as of 1/1/2011.
Elkins, Estel E Jr.	2012	N-321	0215239	\$2,088.86	Land-use approved.
Forney, Andrew Heirs of	2011-2012	BCFD	0215957	\$156.48	Adjustment of value of real property.
Harrill, Dorothy Carpenter	2012	SFFD	0177458	\$1,009.64	Land-use approved.
Harrill, Michael Henry	2012	SFFD	0218824	\$3,117.94	Land-use approved.
Quality Automotive	2008-2012	N-321	0200973	\$508.39	Did not own business personal property as of 1/1/2008.
Riley, Tom	2012	ELFD/ELSD	0213797	\$153.64	Personal property in Mecklenburg County as of 1/1/2012.
			<b>TOTAL</b>	<b>\$7,303.15</b>	

NAME	YEAR	DIST	A/C NO	AMOUNT	REASON
Acker, Peter William	2012	City	0214373	\$101.91	Pro-rated bill.
Buff, Leroy III	2012	City	07520	\$168.05	Pro-rated bill.
Clark, David Jr	2012	City	0172296	\$173.09	District correction.
Crawford, Danny Michael	2012	City	0193813	\$136.41	Vehicle taxable in Catawba County.
Dobbins, Timothy Edward	2012	N-321	0238102	\$127.62	Pro-rated bill.
Gibson, James Henry Jr	2012	City	0242017	\$104.34	Vehicle taxable in Catawba County.
Good, Donald Alan	2011	City	0195372	\$408.70	Vehicle taxable in Catawba County.
Goodnight, James Thomas	2012	BCFD	0092283	\$113.81	Pro-rated bill.
Gray, Sean Christian	2012	City	0242276	\$316.48	Vehicle taxable in Catawba County.
Hillemann, Carl Byron	2012	City	0242223	\$104.68	Vehicle taxable in Gaston County.
Hyundai Lease Titling Trust	2012	City	0216070	\$259.04	Vehicle taxable in Catawba County.
Kearney, John L	2012	City	0138823	\$248.62	Vehicle taxable in Catawba County.

NAME	YEAR	DIST	A/C NO	AMOUNT	REASON
McMickle, Tracy Lee	2012	City	0241978	\$272.01	Vehicle taxable in Catawba County.
Meyer, Anesia Leigh	2012	City	0172075	\$162.00	Assessment adjustment of vehicle.
Parker, Codey Wayne	2012	City	0241672	\$182.16	Vehicle taxable in Catawba County.
Parker, Jennifer Signmon	2012	Union	0175702	\$122.30	Pro-rated bill.
Root, Donald James	2012	DFD/ELSD	0126707	\$129.48	Pro-rated bill.
Sanders, Lisa Renee	2012	City	0241991	\$298.19	Vehicle taxable in Catawba County.
Scruggs, Margaret Joann	2012	City	0242285	\$193.62	Vehicle taxable in Gaston County.
Shelton, Harry Gene	2012	BCFD	0091051	\$110.41	Pro-rated bill.
Smith, Colin Emmett	2011	City	0208420	\$260.18	Vehicle taxable in Gaston County.
West, Anita Wells	2012	City	0242230	\$188.52	Vehicle taxable in Iredell County.
			<b>TOTAL</b>	<b>\$4,181.62</b>	

## **LINCOLN COUNTY 2013 BOC MEETINGS SCHEDULE**

**\*\*\*ALL MEETINGS BEGIN AT 6:30 P.M.\*\*\***

January 7      Public Hearing - Zoning

February 4      Public Hearing - Zoning  
 February 18      Regular Meeting

March 4      Public Hearing - Zoning  
 March 18      Regular Meeting

April 1      Public Hearing - Zoning  
 April 15      Regular Meeting

May 6      Public Hearing - Zoning  
 May 20      Regular Meeting

June 3      Public Hearing - Zoning

June 17        Regular Meeting  
July 15        Regular Meeting  
August 5        Public Hearing - Zoning  
August 19       Regular Meeting  
September 9    Public Hearing - Zoning  
September 16    Regular Meeting  
October 7       Public Hearing - Zoning  
October 21       Regular Meeting  
November 4      Public Hearing - Zoning  
November 18      Regular Meeting  
December 2       Public Hearing - Zoning  
December 16       Regular Meeting

**RESOLUTION #2012- 58**  
**RESOLUTION TO SELL THE NORTH CAROLINA FORESTRY SERVICE**  
**A SURPLUS COPIER FOR \$1.00**

**WHEREAS**, the County Commission is authorized to sell any real or personal property owned or held by the County, which is not needed for governmental or other public purposes (GS 160A, Article 12 and G.S.153A-176); and

**WHEREAS**, Lincoln County's process for disposal of surplus property was approved in March, 2010 as part of the Purchasing Policy; and

**WHEREAS**, on a regular basis, lists are submitted to the Board of County Commissioners for approval to dispose of surplus property, and these lists often include copiers; and

**WHEREAS**, the North Carolina Forestry Service is a State funded organization which provides a valuable service to the residents of our County; and

**WHEREAS**, the North Carolina Forestry Service has requested to purchase a surplus copier model WC4118 from the County which would be used for day to day operations;

**NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED,**

That Lincoln County agrees to sell the North Carolina Forestry Service a copier that has been deemed surplus by the Board of County Commissioners for the price of \$1.00.

That this resolution shall become effective on December 3, 2012.

Adopted this 3 day of December 2012.

LINCOLN COUNTY

By: \_\_\_\_\_

Alex Patton, Chairman

Board of Commissioners

ATTEST:

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Amy S. Atkins, Clerk to the  
Board of Commissioners

**RESOLUTION #2012- 59**  
**RESOLUTION TO SELL LINCOLN COUNTY SCHOOLS A SURPLUS VEHICLE**

**WHEREAS**, the County Commission is authorized to sell any real or personal property owned or held by the County, which is not needed for governmental or other public purposes (GS 160A, Article 12 and G.S.153A-176); and

**WHEREAS**, Lincoln County's process for disposal of surplus property was approved in March, 2010 as part of the Purchasing Policy; and

**WHEREAS**, on a regular basis, lists are submitted to the Board of County Commissioners for approval to dispose of surplus property, and these lists often include vehicles; and

**WHEREAS**, the Lincoln County Board of Education has a need for this surplus vehicle County; and

**WHEREAS**, the Lincoln County Board of Education has requested to purchase a surplus vehicle:

2006 Ford F250 Van VIN # 1FTNE24L96DB05273

**NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED,**

That Lincoln County agrees to sell the Lincoln County Board of Education a 2006 Ford F250 Van VIN # 1FTNE24L96DB05273 that has been deemed surplus by the Board of County Commissioners for the price of \$10,000.00.

That this resolution shall become effective on December 3, 2012.

Adopted this 3 day of December 2012.

LINCOLN COUNTY  
By: \_\_\_\_\_  
Alex Patton, Chairman  
Board of Commissioners

ATTEST:

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Amy S. Atkins, Clerk to the  
Board of Commissioners

**Public Hearing on North Carolina Small Cities Community Development Block Grant (CDBG) funds. The purpose of the public hearing is to explain the CDBG Program and the programs that it funds, and to allow the citizens of the County an opportunity to**

**express their views concerning community development needs and priorities – Martha Lide:** Martha Lide presented the following:

This Public Hearing is a requirement of the grant and is to have public give input. This is the first of two public hearings. CDBG has different categories: Disaster Relief and Recovery, NC Catalyst, NC Tomorrow, Economic Development, Infrastructure, Scattered Site Housing, Small Business Entrepreneurial Assistance, Talent Enhancement Capacity Building, CDBG-Recovery, and Neighborhood Stabilization Program.

The County will be applying for funds in the Economic Development Category, which provides grants or loans to local governments for creating and retaining jobs and is administered by the Commerce Finance Center. Funding for projects is based on the number of jobs to be created and the level of distress in the community applying for the funds. Sixty percent of the jobs created or retained in a project must be for persons qualifying as prior low and moderate income (LMI). CDBG funds are granted to local governments for various types of infrastructure improvements to assist for profit businesses create or retain jobs. A local funding match of at least 25% of the determined need is required except in the 27 most distressed counties as defined in the Article 3J Tax Credit Act and current 21<sup>st</sup> Century Communities. Under certain conditions, financial assistance to private companies is available as loans to be negotiated by the local government applicant and a participating North Carolina commercial bank at a level not to exceed 50% of the total loan need.

Loans for publicly owned industrial shell buildings are available from the CDBG Revolving Loan Fund (RLF) based on the projected number of jobs to be created. The funds are provided in the form of a 2% simple interest loan with a five-year term with interest only payments during the first two years beginning on the July 1<sup>st</sup> after closing. The principal will amortize over the remaining three years. A dollar for dollar match is required by the local government applicant. Up to \$500,000 from the RLF is available for the industrial site certification. Loans to eligible communities can assist with the costs associated with certifying industrial sites.

Chairman Patton opened the public hearing concerning the North Carolina Small Cities Community Development Block Grant (CDBG funds).

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

**Capital Project Ordinance Related to Capital Improvements for the Oaklawn Facility:** Martha Lide presented the following:

It is recommended that the Board approve the attached Capital Project Ordinance concerning renovations of the Oaklawn facility. Approval of this Ordinance is a requirement of the CDBG grant which Lincoln County was awarded.

The budgets for the public portion of this project are:

Revenues:

NC Department of Commerce CDBG Grant	\$500,000
Local Match – Roof	85,000
Boys and Girls Club	100,000
Total	<b>\$685,000</b>

Expenditures:

Oaklawn Renovation Costs	\$635,000
Administration	50,000
Total	<b>\$685,000</b>

**Capital Project Ordinance**

BE IT ORDAINED by the Board of County Commissioners of Lincoln County, North Carolina, that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section 1. The project authorized is the renovation of the Oaklawn facility located at 410 Linden Street, Lincolnton. Funds for the renovation have been secured through a \$500,000 North Carolina, Department of Commerce, Community Development Block Grant, a local match of \$85,000 to replace the roof, and the Boys and Girls Club will be contributing \$100,000 to the project.

Section 2. The County Manager is hereby directed to proceed with the capital project within the terms of the grant documents, and the budget contained herein.

Section 3. The following amounts are appropriated for the project:

Oaklawn Facility Renovation	\$635,000
Planning and Administration	50,000
Total	\$685,000

Section 4. The following revenues are anticipated to be available to complete this project:

NC Department of Commerce CDBG Grant	\$500,000
Local Match – Roof Replacement	85,000
Boys and Girls Club	100,000
Total	\$685,000

Section 5. The Finance Officer is hereby directed to maintain within the Capital Project Fund sufficient specific detailed accounting records to satisfy the requirements of the grantor agency, the grant agreements, and federal regulations. The terms of the bond resolution also shall be met.

Section 6. Funds may be advanced from the General Fund for the purpose of making payments as due. Reimbursement requests should be made to the grantor agency in an orderly and timely manner.

Section 7. The Finance Officer is directed to report, on a quarterly basis, on the financial status of each project element in Section 3 and on the total grant revenues received or claimed.

Section 8. The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on this capital project in every budget submission made to this Board.

Section 9. Copies of this capital project ordinance shall be furnished to the Clerk to the Governing Board, and to the Budget Officer and the Finance Officer for direction in carrying out this project.

Adopted this the 3<sup>rd</sup> day of December 2012

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Alex E. Patton, Chairman

ATTEST:

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Amy S. Atkins  
Clerk to the Board

**UPON MOTION** by Commissioner Martin, the Board voted unanimously to approve.

**Recognition for East Lincoln High School Football Team:** Commissioner Robinson said he would like to recognize the East Lincoln High School Football Team and Coach Mike Byus for winning the state championship.

**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.

Martin Oakes, 8057 Lucky Creek Lane, spoke about the County's debt level.

Robert Avery, 843 Newton Lane, spoke concerning the Airport.

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

**Centralina Mobility Management Project Grant Application and Resolution #2012-60: Resolution of Support – Bjorn Hansen:** Bjorn Hansen presented the following information:

Since late 2011 the Centralina Council of Governments (COG) has worked under contract with the North Carolina Department of Transportation's Division of Public Transportation to develop a mobility management agency for the nine-county Centralina region. Centralina applied for this grant in early 2011 at the request of several public transportation agencies in the region to address the rapidly aging population, decreased funding, and increased demands due to a lack of coordination by the area community transportation system in the region.

The National Resource Center for Human Transportation Coordination defines mobility management as a systems approach to managing transportation resources that emphasizes:

- Movement of people instead of vehicles,
- Customer needs and the discrete travel needs of individual consumers,
- The entire trip, not just that portion of the trip on one mode or another,
- Improvements to the effectiveness, efficiency, and quality of the travel services being delivered, and
- Improvements in the information that is available about those services.

Staff from Lincoln County Department of Social Services and Transportation Lincoln County have been active participants in the monthly stakeholder meetings held to guide the development of this project. With the help of these stakeholders Centralina has been able to identify a series of activities that together will provide value to the residents of Lincoln County and elsewhere in the region. The list of activities the Mobility Management Agency, which would be housed within Centralina COG, should perform include:

- Develop a website and 800 number with information available for all area transit systems
- Connect appropriate clients to travel training for clients to use area fixed-route systems
- Develop, implement and operate a volunteer transportation system
- Assist with writing and administering multi-county grants
- Conduct community outreach and education on transportation issues
- Coordinate supplemental training for transit drivers and staff
- Coordinate regular regional transit agency meetings

Volunteer transportation is by far the most important single activity proposed as a part of this program, and a handout that explains the service in greater detail is attached.

**Funding Sources and Estimated Costs:** The two identified sources of funding for these supported activities are Section 5310 transit funds and private foundation funding. The primary intent of the 5310 program is to provide transportation in both the urban and non-urban (rural) areas of the state that are planned, designed and carried out to meet the special transportation needs of elderly individuals and individuals with disabilities. Eighty percent of the Mobility Management Agency would be paid for through the NCDOT grant, although the long-term goal is to utilize private grants as well as public transit funds. The initial source will be a NCDOT grant, with a transition to a balance of public and private funding sources. The NCDOT recently released the grant application process for Section 5310 transit funds, with applications due on December 28. Projects applying for these funds are required to originate in a coordinated public transportation plan. There is no plan for the nine-county region, which is a major impetus for the original grant to initiate the mobility management project. The NCDOT has advised that endorsements of the application by county commissions and governing boards for affected public transportation agencies in the nine counties will be sufficient in this instance.

The first-year cost of the Mobility Management Agency is projected at \$250,000 in recurring annual costs and \$50,000 in start-up costs, for a total of \$300,000. These start-up costs are related to volunteer transportation initiation activities, such as procuring and implementing scheduling software, establishing policies and procedures, and conducting significant outreach to register volunteers and interested citizens. **Centralina is requesting no money from Lincoln County or any other county or agency, and will provide the 10 to 20 percent local match out of internal funds.**

**Staffing Requirements:** The work to perform this project would likely be performed by existing Centralina staff working on the Mobility Management Project. Their work would include outreach, administration, and training activities. The volunteer transportation program scheduling would be staffed primarily by Title V (Older Americans Act) participants, with oversight and backup scheduling resources provided by Centralina's Area Agency on Aging staff.

**Requested Action:** The Transportation Lincoln County Transit Advisory Board recommended this project to the Board of Commissioners at their October 17, 2012 meeting. The Lincoln County Board of Commissioners are therefore asked to endorse this Centralina application for funding through the attached resolution.

RESOLUTION OF SUPPORT FOR CENTRALINA MOBILITY MANAGEMENT AGENCY  
NCDOT Targeted Transit Assistance Program FY 13-14 Grant Application

WHEREAS, Article 2B of Chapter 136 of the North Carolina General Statues 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 North Carolina Department of Transportation will apply for a grant from the US Department of Transportation, Federal Transit Administration and received funds from the North Carolina General Assembly to provide assistance for public transportation projects; and

WHEREAS, the purpose of the Targeted Transit Assistance Program is to provide financial assistance for transportation services planned, designed, and carried out to meet the special transportation needs of elderly individuals and individuals with disabilities in all areas- urbanized, small urban, and rural; and

WHEREAS, the Centralina Council of Governments has been working under contract to the North Carolina Department of Transportation to develop a Mobility Management Agency for the nine-county region to improve services for elderly individuals, individuals with disabilities, and veterans; and

WHEREAS, the Transit Advisory Board for Transportation Lincoln County reviewed and endorsed the funding proposal for Targeted Transit Assistance funds to implement a Mobility Management Agency for the region; and

WHEREAS, no funds are being requested from Lincoln County to help implement this agency.

NOW, THEREFORE, be it resolved that the Lincoln County Board of Commissioners hereby approves a resolution of support for Centralina's funding proposal to the North Carolina Department of Transportation.

Adopted this the 3<sup>rd</sup> day of December, 2012.

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Alex E. Patton, Chairman

ATTEST:

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Amy S. Atkins, Clerk to the Board

**A MOTION** by Commissioner Mitchem to deny Resolution #2012-60. VOTE: 1 – 4  
FOR: Mitchem  
AGAINST: Patton, Robinson, Klein, Martin

**A MOTION** by Commissioner Klein to approve Resolution #2012-60. VOTE: 4 – 1  
FOR: Patton, Robinson, Klein, Martin  
AGAINST: Mitchem

**Motion to approve Stewart, Inc. to continue as the Architect on the Rescue Squad Park and to authorize the County Manager and Public Works Director to negotiate a fee for final plans and construction documents – George Wood:**

Mr. Wood presented the following:

Erma Deen Hoyle has been working with Guy Cline, President of the Denver Lake Norman Rotary Club Foundation, inc. on the details of final plans and construction documents for Phase I of the Rescue Squad Park.

The Rotary Foundation previously contracted with an architectural firm for design of the park, which they have paid for. The County received a PARTF grant for over \$350,000 to match their fund-raising and are in a position to finish design and construction documents and bid the project out. Combined there is a little over \$700,000 for this construction.

They have requested to continue to use Architect Jon Wood, PLA, ASLA, and his firm Stewart. Staff is recommending authorization to select this firm to continue the design and contract documents, subject to successful negotiation of terms.

**UPON MOTION** by Commissioner Klein, the Board voted unanimously to approve Stewart, Inc. to continue as the Architect on the Rescue Squad Park and to authorize the County Manager and Public Works Director to negotiate a fee for final plans and construction documents.

**Motion to Authorize County Manager to execute an amended Courts-Continuation of Operations Plan with the State of North Carolina – George Wood:**

In March of 2011, the County approved a Courts-Continuation of Operation Plan (C-COOP), which was required by the Chief Justice of the NC Supreme Court in an effort to plan effectively for the continuation of operations in the event of catastrophes such as hurricanes, tornados or fires that might damage or destroy court facilities. It takes into account possible alternative locations so that the courts, as an essential government function, can continue with only minimal disruptions.

The Court System has made some modifications to the information required, and has prepared a revised document dated November 1, 2012.

Mr. Wood recommended approval of this contract.

**UPON MOTION** by Commissioner Martin, the Board voted unanimously to authorize the County Manager to execute an amended Courts-Continuation of Operations Plan with the State of North Carolina.

**Motion to Authorize the County Manager to work with the Board of Education and Architect on possible installation of a freezer facility at the old Hospital for the School's Food Service Division – George Wood:**

Mr. Wood said he has been working with Dr. Sherry Hoyle, Finance Chairman Bob Silver, Assistant Superintendent Steve Zickefoose, Food Services Director Byron Sackett, and Facilities Director Darrell Gettys on trying to find space for the Board of Education to construct a major freezer locker to store frozen foods. This would give them the ability to buy in larger quantities, making significant savings on a number of their food products.

In looking at various locations, they believe the location near the loading docks at the Old Hospital is a suitable site. This location is not part of the County's renovation plans and may work for them. The next step is to bring in Stewart, Cooper, Newell to evaluate this possibility and design if it is feasible.

There would be no cost to the County. The funding would come completely from the BOE's Cafeteria Fund (which funds their food services operation separate from their General Fund). They would also pay electricity for this facility.

Given the amount of savings possible for the BOE, Mr. Wood recommended authorizing work with the architect to determine feasibility of the project.

**UPON MOTION** by Commissioner Robinson, the Board voted unanimously to authorize the County Manager to work with the Board of Education and Architect on possible installation of a freezer facility at the old Hospital for the School's Food Service Division.

**Update on Zoning Issues:**

Andrew Bryant updated the Board on Zoning issues including the lights and parking situation at Cedar Street from Denver United Methodist Church's ballfields. He also updated on the use of time limits with quasi-judicial cases, which will no longer be allowed with standing with the case. Repetitive comments can be limited. He spoke concerning the need for evidence in these cases as opposed to someone just saying that an issue will injure their property values.

The Board asked for a joint work session with the Planning Board and for information to be added to the County website with the new information concerning quasi-judicial cases and evidence as presented.

**Motion to nominate Commissioner Klein as Voting Delegate for NCACC Legislative Goals Conference:** **UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to nominate Commissioner Klein as the Voting Delegate for NCACC Legislative Goals Conference.

**Motion to Approve Criminal and Driving Background Checks for Volunteer Fire Departments – Martha Lide:** Martha Lide presented the following:

It is recommended that the Board approve the attached Ordinances, DCI Servicing Agreements and ORI Issuance Request forms to allow the Fire Marshal to conduct criminal record checks on applicants applying for positions with the 11 Fire Departments serving our County as provide under North Carolina G.S 114-19.12. These documents also allow for periodic criminal record checks as requested by the Fire Departments. The North Carolina Administrative Code 12 NCAC 04F.0701 provides that governmental agencies can also conduct driving background checks to evaluate perspective or current employees for positions involving the operation of public owned vehicles. This driver history check can be done at the same time as the criminal history check.

All paid and volunteer personnel from the 11 fire departments serving our County are required to have criminal history and driving background checks prior to being accepted for a position. The fire departments also need to do periodic backgrounds if there is an incident or cause. Currently, the Fire Marshal coordinates criminal history and driving record background checks through the Lincoln County Clerk of Court for all of the fire departments. This background check only includes an individual's criminal and driving record history in Lincoln County. The individual is not checked for either State or National criminal activities or driving violations.

We have submitted a preliminary application to the State Bureau of Investigation to allow the Fire Marshal to conduct background checks. This application has been approved, pending the Board of County Commissioner's adoption of the attached ordinance, DCI Servicing Agreement and ORI Issuance Request form.

By allowing the Fire Marshal to conduct background checks, we will now be able to get State and national background information for all fire department applicants and personnel. Fire departments will be able to get information that is more complete through the state and national background check and they will not have to pay the \$48 fee per applicant if they worked directly with DCI. If the background check conducted results in any activity that needs to be further investigation, the Department or the individual will be required to pay a \$48 fee for an additional written background investigation report from DCI based on fingerprints.

In order to be able to perform the criminal record and background checks, the State Bureau of Investigation requires the County to approve the following documents:

- Lincoln County Criminal History Check Ordinance (Volunteer and Paid Fire Departments)  
(Attachment 1)

The following attachments are incorporated by reference into the minutes:

- DCI Servicing Agreement between Lincoln County Communications Center and Lincoln County Fire Marshal's Office (Attachment 2)
- ORI Issuance Request - Lincoln County Fire Marshal's Office (Attachment 3)
- Attachment 4 - North Carolina G.S 114-19.12 Criminal history record checks of applicants to fire departments and emergency medical services.
- Attachment 5 – North Carolina Administrative code 12-NCAC 04F.0701 Dissemination of Driver History Information
- Attachment 6 - A list of criminal activity which would disqualify an applicant for a firefighting position
- Attachment 7- A sample of the Driver History Log which the Fire Marshal is required to keep per the State Bureau of Investigation
- Attachment 8- Sample Authorization and release for Criminal and Driving History Report which must be signed by applicants in order for the Fire Marshal to conduct a background check

This background check process was reviewed several times and approved by the Emergency Services Committee.

#### Attachment 1

**LINCOLN COUNTY  
CRIMINAL HISTORY  
CHECK ORDINANCE  
(VOLUNTEER AND PAID FIRE DEPARTMENTS)**

WHEREAS, the County desires to ensure the health, safety and well-being of its citizens; and

WHEREAS, the County desires to ensure that individuals who might be associated or affiliated with the County are trustworthy and do not constitute a risk to the health, safety and welfare of its citizens; and

WHEREAS, the County desires that applicants for full - or part-time or volunteer positions within local volunteer fire departments and paid fire departments undergo criminal history checks through the State Bureau of Investigation's Division of Criminal Investigation ("SBI/DCI") network; and

WHEREAS, the County desires to create, by ordinance, a policy and procedures for conducting criminal history checks via the office of the County Fire Marshal through the Lincoln County Communications by SBI/DCI on final applicants for part - or full-time employment with its Crisis Response Team and the Crisis Response Emergency Support Team, and all applicants or volunteers for full or part-time positions with the Fire Department or any Volunteer Fire Department which operates in Lincoln County; and

WHEREAS, the County desires to provide, by ordinance, a policy and procedures pursuant to which the Lincoln County Fire Marshal's Office shall obtain criminal history checks.

BE IT ORDAINED that the Lincoln County Code of Ordinances is hereby amended to include the following additional ordinance:

SECTION 1. In order to protect the citizens of Lincoln County and their properties, the procedures herein are established to provide for fingerprinting and criminal history checks on all final applicants for paid or volunteer fire department positions. Subject to Section 1(E) herein, employment with the paid volunteer fire departments services may be denied for those persons convicted of any crime against a person, or crime against property where intent is an element, or any drug or gambling related offense.

1(A) The County, either in its own stead or by and through any of its agencies, may conduct an investigation of any final candidate for a paid/volunteer fire department position and it shall be a precondition of employment that an applicant for such a position shall, upon request, provide fingerprints and all other necessary personal identification including a birth certification, social security number and driver's license, if available, so that the Fire Marshal may cause a thorough search to be made of local, state criminal records to determine if the applicant has a history of criminal convictions or crimes by the use of the Division of Criminal Information Network (DCI). The County, either in its own stead or by and through any of its agencies, may conduct an investigation of any fire department paid employee or volunteer if required by funding or certifying agencies, or if cause is suspected.

1(B) All applicants for any position described above must fill out an Authorization and Release Criminal History Report form and have it notarized in order for the requesting agency to allow the Lincoln County Fire Marshal's Office to request the criminal history check to be done.

1(C) The Lincoln County Communications Director, or designee, shall provide the

findings from the use of the DCI to the Fire Marshal provided that all necessary agreements with the State Bureau of Investigations Division of Criminal Information has been executed.

1(D) An evaluation of any crime for purpose of employment will take into account the nature and the circumstances of the offense and the time frame of the offense as it relates to the essential job functions or position for which the applicant applied.

1(E) **DISQUALIFIERS FOR NEW FIREFIGHTER**

The following enumerated items, though not exclusive, shall be considered just cause for disqualifying an applicant or denying an applicant the position for which said applicant applied:

- (1) A conviction of or admission to any of the crimes as defined in Attachment 4
- (2) Use of marijuana within 36 months of the date of application.
- (3) Use of other illegal or illicit drugs within five years of the date of application.
- (4) Admission or conviction of perjury.
- (5) No current North Carolina driver's license or driver's license currently suspended, canceled, revoked, or with modified driving privileges at the time of the application.
- (6) Not a high school graduate or lacks a North Carolina General Equivalency Degree (GED).
- (7) Not a citizen of the United States of America.
- (8) Failure of the department's qualifying physical requirements.
- (9) A DUI conviction within the past five years from the date of application.
- (10) If a current domestic violence or personal restraining or protection order, ordering the applicant to not contact another individual, is in effect, the processing of the application will be suspended until the order is no longer in effect. The applicant is responsible for advising the Fire Department Agency when the order is no longer in effect.
- (11) If any major traffic violation charges or any criminal charges are pending, the processing of the application will be suspended until final disposition of the charge(s). The applicant is responsible for advising the Fire Department Agency when the order is no longer in effect.
- (12) The above list is not all-inclusive and does not constitute a complete and total listing of disqualifiers but is listed for illustrative purposes only.

1(F) Prior to denial or termination of employment based upon criminal history record information (CHRI) received from Lincoln County Communication Director or designee, the fire marshal or their designee shall verify the existence of a record by either obtaining a certified public record or by submitting a fingerprint card of the individual to the criminal information and identification section for verification that the CHRI record belongs to the individual.

1(G) If there is any cost involved in attaining the information either through the background check(s) or fingerprint card check(s) the applicant shall be responsible for paying the cost and shall pay for services before they are performed.

1(H) An Access Agreement called STATE BUREAU OF INVESTIGATION SPECIAL OPERATIONS DIVISION NON-CRIMINAL JUSTICE ACCESS AGREEMENT shall be signed by the Lincoln County designee(s), Lincoln County Fire Marshal, the Lincoln County Communications Director.

SECTION 2. If this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given separate effect and to that end the provisions of this Ordinance are declared to be severable.

SECTION 3. Any Ordinance or any part of an Ordinance in conflict with this Ordinance, to the extent of such conflict, is hereby repealed.

SECTION 4. This Ordinance is adopted in the interest of public health, safety, and general welfare of the inhabitants of Lincoln County, North Carolina, and shall be in full force and effect from and after this adoption.

ADOPTED the \_\_\_\_\_ day of \_\_\_\_\_, 2012.

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Clerk of the Board Chairperson

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County Board of Commissioners

**CERTIFICATION**

\_\_\_\_\_, Clerk to Board, do hereby certify that the above is a true copy of the CRIMINAL HISTORY CHECK ORDINANCE adopted and approved Lincoln County Board of Commissioners on the \_\_\_\_\_ day of \_\_\_\_\_, 2012.

**Attachment 2**

**DCI SERVICING AGREEMENT**  
between  
**LINCOLN COUNTY COMMUNICATIONS CENTER**  
and  
**LINCOLN COUNTY FIRE MARSHAL'S OFFICE**

This AGREEMENT made and entered into by and between the LINCOLN COUNTY COMMUNICATIONS CENTER, a governmental agency providing Emergency Management Services and Communications for Lincoln County under the management control of Rick Ellis Communications Director, (hereafter referred to as "Servicing Agency"), and the LINCOLN COUNTY FIRE MARSHAL'S OFFICE (hereafter referred to as the "Recipient Agency") for the purposes and considerations hereafter set out:

**I. PURPOSE**

The purpose of this agreement is to outline the responsibilities of each agency in regards to record transactions to the Division of Criminal Information (DCI); the verification, validation, and "hit" confirmations of such transactions; and the use of information obtained from the Division of Criminal Information terminal through this agency.

**II. RESPONSIBILITIES OF SERVICING AGENCY**

Servicing agency agrees to provide Division of Criminal Information access to recipient twenty-four (24) hours per day, seven (7) days per week, three hundred sixty-five (365) days per year. The

telecommunication service includes:

- (A) Making all necessary transactions requested by recipient agency to the Division of Criminal Information system concerning stolen property, wanted persons and missing persons, DMV transactions, and necessary switch messages.
- (B) Providing recipient agency with a copy of all transactions made through the Division of Criminal Information system on behalf of the recipient agency (if requested).
- (C) Entering complete and accurate data into the DCI/NCIC files as provided by the recipient agency.
- (D) Making all transactions to the DCI system in a timely manner, which means immediately following receipt of request and all necessary information.
- (E) Verifying and documenting any DCI/NCIC records entries, cancellations, clears, or modifications made with recipient agency's ORI number.
- (F) Providing "Hit Confirmations" transactions for data entered into DCI/NCIC files for recipient agency twenty-four (24) hours per day in the manner agreed upon in section III (F) of this agreement.

### **III. RESPONSIBILITIES OF THE RECIPIENT AGENCY**

The recipient agency agrees to comply with DCI/NCIC policies and procedures and in order for the servicing agency to provide proper information to the Division of Criminal Information for the recipient agency.

- (A) Data provided by the servicing agency to be entered into the Division of Criminal Information system shall be factual information collected by criminal justice personnel in the performance of the administration of criminal justice.
- (B) Data provided by the servicing agency to be entered into DCI shall be complete, accurate and substantiated by a written report.
- (C) In order for the servicing agency to make all transactions to the DCI system in a timely manner, all requests for transactions should be made immediately after receiving valid reports or locating/recovering stolen or missing/wanted persons.
- (D) The printout copy of record transactions made by servicing agency on behalf of recipient agency should be verified by recipient agency for accuracy and completeness. If any discrepancies are noted, servicing agency should be notified immediately.
- (E) DCI/NCIC validates shall be performed in the manner required by DCI. A copy of the violations shall be provided to the servicing agency to verify their records and make any necessary changes.
- (F) In order for servicing agency to provide "Hit Confirmation" information through the DCI system twenty-four (24) hours per day,

on records belonging to the recipient agency, the following procedure will be followed:

- (1) Servicing agency, upon receipt of a “Hit Confirmation” Message, shall contact recipient agency to confirm record (must be able to contact someone 24 hours per day).

#### **IV. USE OF ORI'S IN TRANSACTIONS**

Both agencies agree that in DCI/NCIC record transactions, the ORI number of the official holder of the record should be used in record entries and updates, and the ORI of the initial user shall be used when making inquiries. It is also agreed that the designated official record holder is LINCOLN COUNTY FIRE MARSHAL'S OFFICE and such agency shall be liable for record accuracy, completeness, and verification for hit confirmations.

#### **V. DISSEMINATION AND USE OF CRIMINAL HISTORY RECORD INFORMATION AND DRIVER HISTORY RECORDS**

- (A) The servicing agency agrees to disseminate criminal history and/or driver history information to such authorized criminal justice recipient agency upon receipt of required information.
- (B) The recipient agency agrees to only request a criminal history and/or driver history record pursuant to a criminal justice “need-to-know” while in the scope of a fire investigation.
- (C) Recipient agency also agrees to only use the obtained information for the requested purpose and agrees not to re-disseminate such information for any other purpose.
- (D) The recipient agency shall be held liable for any misuse or unauthorized dissemination of criminal history information of driver history record obtained from servicing agency.
- (E) Recipient agency further represents that it is aware of those regulations of the Division of Criminal Information published in Title 12, Chapter 4, of the North Carolina Administrative Code pertaining to criminal and driver history records and agrees that it is bound to the current provisions thereof and subsequent revisions.

#### **VI. TERMINATION OF AGREEMENT AND SERVICES**

- (A) Either agency may terminate this agreement upon determining that an applicable law, rule, or regulation has been violated and/or the terms of this agreement have been violated. It is further agreed that transactions made to the Division of Criminal Information on behalf of the recipient agency are provided as a service and this service may be discontinued by the servicing agency if at any time this service becomes a burden due to personnel, manpower, or computer system availability.

#### **VII. ATTACHMENTS**

- (1) Email confirmation from NC-SBI confirming the Lincoln County Fire Marshal's Office's (full access) assigned ORI, from the FBI.

I certify I have read and understand the requirements of this agreement and I will uphold this agreement. This agreement becomes effective November 1st, 2012. In witness

whereof the parties hereto have cause to be affixed their signatures and seals by and through officers having authority to bind the agencies party to this agreement, this 28th day of September, 2012.

**Lincoln County Communications Center**

by \_\_\_\_\_, Director  
**Rick Ellis**

**Lincoln County Fire Marshal's Office**

by \_\_\_\_\_, Fire Marshal  
**Charles M. Futrell**

Sworn to and subscribed Sworn to and subscribed  
before me this \_\_\_\_\_ day before me this \_\_\_\_\_ day  
of \_\_\_\_\_, 2012 of \_\_\_\_\_, 2012

\_\_\_\_\_  
Notary Public  
My Commission Expires:  
\_\_\_\_\_

**UPON MOTION** by Commissioner Robinson, the Board voted unanimously to approve criminal and driving background checks for volunteer fire departments.

**Other Business:**

The Board set the budget retreat for Monday, December 17 at 8:30 a.m. at LEDA.

Mr. Wood announced that Lincoln County will move up to Tier 2 with Economic Development.

He said bids on the Water Treatment plant were received and they came in below the budgeted amount.

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

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Amy S. Atkins, Clerk  
Board of Commissioners

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Alex Patton, Chairman  
Board of Commissioners