

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, APRIL 21, 2014

The Lincoln County Board of County Commissioners met April 21, 2014 at the Citizens Center, Commissioners Room, 115 West Main Street, Lincolnton, North Carolina, at 6:30 P.M.

Commissioners Present:

Alex E. Patton, Chairman
Carl E. Robinson, Jr., Vice Chair
James A. Klein
Carrol D. Mitchem
Cecelia A. Martin

Others Present:

W. Tracy Jackson, County Manager
Martha W. Lide, Assistant County Manager
Wesley L. Deaton, County Attorney
Amy S. Atkins, Clerk to the Board

Call to Order: Chairman Patton called the April 21, 2014 meeting of the Lincoln County Board of Commissioners to order. Commissioner Robinson gave the Invocation and led in the Pledge of Allegiance.

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

UPON MOTION by Commissioner Martin, the Board voted unanimously to adopt the agenda as presented.

AGENDA
Lincoln County Board of Commissioners Meeting
Monday, April 21, 2014
6:30 PM

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

Call to Order

Invocation – Commissioner Robinson

Pledge of Allegiance

1. Adoption of Agenda
2. Consent Agenda

- Tax Requests for Refunds - Over \$100
 - March 17 - 30, 2014
 - Capital Project Ordinance Amendment #9
 - Relay for Life Proclamation
 - Approval of Sole Source Purchase of Rapid Tag Triage from Salamander Technologies
 - Surplus Property
 - G4S Contract Addendum
 - Revision to Library Board of Trustees Bylaws
 - Consent to Assignment of Ground Lease - Lincoln Nursing Center
3. Planning Board Recommendations - Randy Hawkins
- ZMA #609 Ralph Dickson, applicant
 CUP #334 American Marine Liquidators, Inc., applicant
 WSCUP #18 Dr. Matt Motteler, applicant
- 4. Public Comments (15 minutes allowed per Rules of Procedure - 3 minutes per person)
 - 5. Approval of 2 new Building Inspector positions - Andrew Bryant
 - 6. Approval of 2014 NCACC Legislative Goals - Tracy Jackson
 - 7. Set Public Hearing on debt issuance for May 5, 2014 at 6:30 p.m.
 - 8. Ordinance to Regulate Pawnbrokers, Metal Dealers and Scrap Dealers in Lincoln County – Sheriff Carpenter
 - 9. Owls Den Road Antenna Space Contract - Martha Lide
 - 10. Finance Officer's Report
 - 11. County Manager's Report
 - 12. County Commissioners' Report
 - 13. County Attorney's Report
 - 14. Vacancies/Appointments
 - 15. Calendar
 - 16. Other Business
 - Register of Deeds Report
 - Property Tax Collection Report
 - NC 16/NC150 Small Area Plan

Adjourn

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

- Tax Requests for Refunds - Over \$100
 - March 17 - 30, 2014
- Capital Project Ordinance Amendment #9
- Relay for Life Proclamation
- Approval of Sole Source Purchase of Rapid Tag Triage from Salamander Technologies
- Surplus Property
- G4S Contract Addendum

- Revision to Library Board of Trustees Bylaws
- Consent to Assignment of Ground Lease - Lincoln Nursing Center

Recommendations from Planning Board:

Randy Hawkins presented the following recommendations:

ZMA #609 Ralph Dickson, applicant (Parcel ID# 02224) A request to rezone a 0.92-acre parcel from I-G (General Industrial) to B-N (Neighborhood Business). The property is located at 4110 N. NC 16 Hwy., on the north side of N.C. 16 Business and west side of Denver Industrial Park Drive, in Catawba Springs Township.

The Planning Board voted 6-0 to recommend approval.

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to approve the Statement of Consistency and Reasonableness for ZMA #609 – Ralph Dickson, applicant.

UPON MOTION by Commissioner Klein, the Board voted unanimously to approve ZMA #609 – Ralph Dickson, applicant as presented.

CUP #334 American Marine Liquidators, Inc., applicant (Parcel ID# 31266) A request for a conditional use permit to sell boats and cars in the I-G (General Industrial) district in the Eastern Lincoln Development District (ELDD). The 16-acre parcel is located at 4879 N. NC 16 Hwy., on the south side of N.C. 16 Business and west side of Burnwood Trail, in Catawba Springs Township.

The Planning Board voted 6-0 to recommend approval.

UPON MOTION by Commissioner Robinson, the Board voted unanimously to approve CUP #334 – American Marine Liquidators, Inc., applicant and the Findings of Fact submitted by the Planning Board.

WSCUP #18 Dr. Matt Motteler, applicant (Parcel ID# 89693) A request for a conditional use permit to allow the use of the high-density option in the WS-IV Critical Area of the Catawba/Lake Norman Watershed. The applicant is proposing to expand an office building and add parking. The high-density option would allow the development to have a built-upon surface area covering up to 50 percent of the site, with the use of engineered stormwater controls. The 0.9-acre parcel is located at 623 N. NC 16 Hwy., on the west side of N.C. 16 Business about 350 feet north of Townsend Drive, in Catawba Springs Township.

The Planning Board voted 6-0 to recommend approval.

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to approve WSCUP #18 – Dr. Matt Motteler, applicant and the Findings of Fact submitted by the Planning Board.

Chairman Patton recognized the Library Board members at the meeting tonight and thanked them for what they do.

Public Comments: Chairman Patton opened public comments.

John Dancoff, 4409 Meadow Lane, Lincolnton, spoke on behalf of Relay for Life. He thanked the Board for the Proclamation approved in the Consent Agenda. He said this is Relay's 12th year in Lincolnton. Mr. Dancoff invited everyone to Relay for Life on May 2 in downtown Lincolnton.

Rudy Bauer, 8252 Blades Trail, Denver, expressed his concern about another used car lot. He spoke about County Building Inspectors and the fact that we need more inspectors so people don't have to tie up their whole day waiting on them to show up.

Robert Avery, 4466 Hwy. 182 West, Crouse, spoke concerning a survey being sent out to the county residents.

Rebecca Powell, 1130 Salem Church Road, said she is currently Library Board Chair. She said the Library Board appreciates the Board's continued support of the Library.

Being no additional speakers, Chairman Patton closed public comments.

Approval of 2 New Building Inspector Positions – Andrew Bryant: Andrew Bryant presented the following:

As the pace of new construction and building in general continues to accelerate through the fiscal year our department has reached a point where we feel it necessary to bring on two new building inspector positions. This request is necessitated by the current workload that our current staff of 7 inspectors is under. Through much of the economic downturn each inspector made between 8 and 10 inspections per day. Through much of 2012 per day inspection averaged around 11 the last month has seen daily inspections per inspector reach 15. These position requests were included in our departmental budget request in February however we have reached a point where we feel that this request cannot hold off any longer. The longer we delay the advertising and hiring of these positions the farther behind we fall in meeting our goal of completing every inspection request every day. We acknowledge that new hires will have a training period that will take some time but the sooner we can complete that the quicker our department will be able to return to our goal of 100% inspection completion of 10-12 inspections per day.

Commissioner Mitchem asked the requirements to be a building inspector.

John Hutchins, Chief Building Inspector, said you are required to take classes at a Community College and given an exam. If you pass the exam, you are qualified to take a state exam. After this is passed and you have a job with a municipality or county, this gives you a level 1

inspection certificate. You have to be a level 1 inspector for 2 years before you are allowed to take a level 2 inspector's exam. You have to be a level 2 inspector for 1 year before you can take a level 3. The quickest you can go from no certificates to 4 level 3's is 4.5 years with the way the state has this set up. He said level 1 inspectors normally do single family dwellings and very minor commercial.

Andrew Bryant explained that when the permit volume started to pick up, they had to figure out the most efficient way to do things and essentially had to cut back the allotted time increments. He said their goal is to get back to that.

Commissioner Robinson urged Mr. Bryant to move back to scheduling appointments in time increments versus tying up citizen's whole days.

UPON MOTION by Commissioner Klein, the Board voted 4- 1 (Mitchem against) to approve 2 new Building Inspector positions per the information provided by Andrew Bryant.

Commissioner Mitchem said he may be in favor of 1, but not 2 at one time. He said they are basing a lot of decisions on what is coming and not the actual permits.

Approval of 2014 NCACC Legislative Goals: Tracy Jackson presented the following goals:

- Goal #1: Reinstate lottery funds for school construction
- Goal #2: Oppose shift of state transportation responsibilities
- Goal #3: Oppose unfunded mandates and shifts of state responsibilities to counties
- Goal #4: Endure adequate mental health funding
- Goal #5: Preserve the existing local revenue base

- Other Issue #1: Allow more cost effective methods for second primary elections
- Other Issue #2: Seek Legislation to expand county governments' use of 911 funds, protect and enhance current funding streams and maintain full operational flexibility and autonomy
- Other Issue #3: Request the reduction of detention center space requirements in existing and new detention center facilities in all counties in North Carolina.

UPON MOTION by Commissioner Martin, the Board voted unanimously to approve the 2014 NCACC Legislative Goals as presented.

Set Public Hearing on debt issuance for May 5, 2014 at 6:30 p.m.: **UPON MOTION** by Commissioner Robinson, the Board voted unanimously to set a public hearing on debt issuance for May 5, 2014 at 6:30 p.m.

Ordinance to Regulate Pawnbrokers, Metal Dealers and Scrap Dealers in Lincoln County: Sheriff David Carpenter said North Carolina General Statutes require that pawnbrokers, metal dealers and scrap dealers all be licensed by the Sheriff and permitted by the Sheriff. Their day to day activities have to be monitored by the Sheriff. He asked the Board to approve the Ordinance which gives him some teeth to enforce.

UPON MOTION by Commissioner Robinson, the Board voted unanimously to approve the Ordinance to Regulate Pawnbrokers, Metal Dealers, and Scrap Dealers in Lincoln County.

**AN ORDINANCE TO REGULATE PAWNBROKERS, METAL DEALERS AND
SCRAP DEALERS IN LINCOLN COUNTY**

WHEREAS, the North Carolina General Assembly has determined it necessary to regulate pawnbrokers, cash converters, and precious and scrap metal dealers in Article 45 of Chapter 66 of the North Carolina General Statutes (the “Act,” as the same may be amended from time to time); and

WHEREAS, pursuant to the Act, Pawnbrokers, Cash Converters, Dealers and Secondary Metals Recyclers (as such capitalized terms are defined by the Act) are required to keep certain records of their transactions, and to make such records available to local law enforcement agencies having jurisdiction thereof; and

WHEREAS, the Act authorizes local law enforcement agencies to determine the means and methods of transmitting certain required records to the local law enforcement agencies; and

WHEREAS, the Lincoln County Board of Commissioners finds that such records could best be organized and maintained by electronic transmission to the Lincoln County Sheriff’s Office; and

WHEREAS, the Board finds that an ordinance regulating the maintenance and transmission of such records would therefore be beneficial to the health, safety and welfare of the citizens of Lincoln County.

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

Sec. 1. Purpose

The purpose of this ordinance is to provide for a means of electronic record-keeping and record-submission of Pawnbrokers, Cash Converters, Dealers and Secondary Metals Recyclers to the Lincoln County Sheriff’s Office.

Sec. 2. Definitions

For the purposes of this ordinance, all words used herein shall have their ordinary and customary

usage, except for those capitalized terms contained herein, which shall contain the same meanings and definitions as found in the Act, the terms and conditions of which are incorporated herein by reference thereto. Without in any way limiting the foregoing:

“Cash Converter” shall be defined as provided in N.C.G.S. §66-387(2).

“Dealer” shall be defined as provided in N.C.G.S. §66-406(1).

“Pawnbroker” shall be defined as provided in N.C.G.S. §66-387(4).

“Secondary Metals Recycler” shall be defined as provided in N.C.G.S. §55-420(8).

Sec. 3 Electronic Record-Keeping and Reporting Requirements for Pawnbrokers

Pawnbrokers shall keep the records required by N.C.G.S. §66-391 in an electronic format and shall report such records electronically in a manner authorized by the Lincoln County Sheriff’s Office.

Sec. 4. Electronic Record-Keeping and Reporting Requirements for Cash Converters

Cash Converters shall keep the records required by N.C.G.S. §66-392 in an electronic format and shall report such records electronically in a manner authorized by the Lincoln County Sheriff’s Office.

Section 5. Electronic Record-Keeping and Reporting Requirements for Dealers

Dealers shall keep the records required by N.C.G.S. §66-410 in an electronic format and shall file such records electronically in a manner authorized by the Lincoln County Sheriff’s Office.

Section 6. Electronic Record-Keeping and Reporting Requirements for Secondary Metals Recyclers

Secondary Metals Recyclers shall keep the receipts and the records required by N.C.G.S. §§66-421 and 66-422 in an electronic format and shall transfer such receipts and records electronically directly to the Lincoln County Sheriff’s Office in a manner authorized by said Sheriff’s Office.

Sec. 7. Severability

If any provision of this chapter or the application thereof to any person or circumstances is for any reason held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application and to this end the provisions of this chapter are declared to be severable.

This ordinance shall become effective on April 21, 2014.

Adopted this 21st day of April, 2014.

Owls Den Road Antenna Space Contract: Martha Lide presented the following:

Phase II of the radio project identified a needed radio tower in the area of Union Fire Department. Since that study, Diamond Towers has approached the Board and been approved to construct a tower located on Owls Den Rd. This tower will fit in with the proposed need and after negotiations they have agreed to allow Lincoln Communications to have space at 105 ft. free of charge for a five year term.

UPON MOTION by Commissioner Martin, the Board voted unanimously to approve the Owls Den Road Antenna Space Contract as presented by Mrs. Lide.

Finance Officer's Report: Scott Cook presented the Finance Officer's Report.

County Manager's Report: Nothing reported.

County Attorney's Report: Nothing reported.

County Commissioners' Report: Nothing reported.

Vacancies/Appointments: Nothing reported.

Other Business:

NC 16/150 Small Area Plan: Chairman Patton said all the Commissioners received information that LEDA is good with the Small Area Plan.

UPON MOTION by Commissioner Klein, the Board voted unanimously to adopt the NC 16/150 Small Area Plan as submitted.

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

Amy S. Atkins, Clerk
Board of Commissioners

Alex E. Patton, Chairman
Board of Commissioners