

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, JUNE 16, 2014

The Lincoln County Board of County Commissioners met June 16, 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 June 16, 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.

AGENDA
Lincoln County Board of Commissioners Meeting
Monday, June 16, 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 – **removing Item 7 and adding 7a**
- 2. Consent Agenda
 - Child Advocacy Center Lease

- Approval to accept Library Service & Technology Act (LSTA) Grant and job description for Library Grant Project Coordinator
 - DMV Refunds
 - JCPC Funding Allocation from State for FY15
 - Waived fees for Lincoln-Lincoln County F.O.P
 - Capital Project Ordinance Amendment #10
 - Budget Ordinance Amendment #11
 - Surplus Property
3. Planning Board Recommendations - Randy Hawkins
- CUP #338 John Bailey, applicant (Parcel ID# 30939) A request for a conditional use permit to operate an outdoor recreation facility, a paintball play area, in the R-T (Transitional Residential) district. The proposed 30-acre site is located on the east side of Old Plank Road at Mariposa Road in Catawba Springs Township.
4. Motion to Adopt An Ordinance Adopting the Lincoln County Budget for Fiscal Year 2014-2015
5. Public Comments (15 minutes allowed per Rules of Procedure - 3 minutes per person)
6. **Public Hearing** - Industrial Incentive Grant for New Industry - Crystal Gettys
- Motion to Approve Resolution #2014-18: Resolution to Adopt Economic Incentive Grant Agreement
- ~~7. Boys and Girls Club Presentation - Dr. Jermilah Martin~~
- ~~—Construction Award~~
- ~~—Lease with Boys and Girls Club~~
- 7a. Motion to Approve Contract with ES&S to purchase DS200 Tabulation machine - Bradley Putnam
8. Purchasing Manual Update - John Henry
- 2014 Lincoln County Purchasing Manual
9. Approval of Construction Contract for Upgrades to West Lincoln Booster Pump Station - Don Chamblee
10. Approval of the list of engineering firms for use in seeking Utility Engineering Services proposals as needed - Don Chamblee
11. Discussion on City / County Contracts
12. Finance Officer's Report
13. County Manager's Report
14. County Commissioners' Report
15. County Attorney's Report
16. Vacancies/Appointments
17. Calendar
18. Other Business

- Register of Deeds Report
- Property Tax Collection Report
- OFSM Reports
- Report of Surplus Vehicle Sale

Adjourn

UPON MOTION by Commissioner Robinson, the Board voted unanimously to adopt the agenda removing Item 7 and adding Item 7a – Motion to approve contract with ES&S to purchase DS200 Tabulation machine.

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

- Child Advocacy Center Lease
- Approval to accept Library Service & Technology Act (LSTA) Grant and job description for Library Grant Project Coordinator
- DMV Refunds
- JCPC Funding Allocation from State for FY15
- Waived fees for Lincoln-Lincoln County F.O.P
- Capital Project Ordinance Amendment #10
- Budget Ordinance Amendment #11
- Surplus Property

Recommendations from Planning Board:

Randy Hawkins presented the following recommendations:

CUP #338 John Bailey, applicant: (Parcel ID# 30939) A request for a conditional use permit to operate an outdoor recreation facility, a paintball play area, in the R-T (Transitional Residential) district. The proposed 30-acre site is located on the east side of Old Plank Road at Mariposa Road in Catawba Springs Township.

The Planning Board voted 7-0 to recommend approval with the following conditions:

- 1) A tree/vegetation buffer shall be left between the paintball areas and the road.
- 2) No clear cutting of trees shall be permitted except where the paintball areas are located.
- 3) A more detailed site plan shall be submitted as part of a building permit application.
- 4) No parking shall be allowed in the road right-of-way.

UPON MOTION by Commissioner Robinson, the Board voted unanimously to approve CUP #338 – John Bailey, applicant, with the Findings of Fact and conditions as presented by the Planning Board.

Motion to Adopt An Ordinance Adopting the Lincoln County Budget for Fiscal Year 2014-2015: A MOTION by Commissioner Robinson to approve the Budget Ordinance as submitted for 2014-2015.

Discussion:

Commissioner Martin asked if some items could be addressed that are a little outside the realm of the money part of the budget at a later date. She said some are for the Tax Department, but she thinks they can be handled and still have an adopted budget.

Commissioner Mitchem said he is a little reluctant to vote for this budget based on some information he has tried to receive that is still not adequate for him concerning the landfill and public works. He said he also has some issue with not being able to provide free water for the school system and he has never received a clear answer on this.

Commissioner Klein said it is his intent to vote against the Budget Ordinance as it is presented due to several reasons as he outlined in a memo to the Board yesterday. He said the trend is alarming and some decisions made are not in the best interest of the taxpayer. He spoke concerning the hospital renovation and the fact that he voted against it.

Commissioner Mitchem asked about the pay raise for county employees and why it will be effective in January. He said he does not recollect this being discussed at any of the budget work sessions and feels this is important information that should have been given.

Mr. Jackson stated that part of the reason it was done this way was to offset some of the healthcare costs the county is absorbing. He said this was the best way to absorb the increase.

Commissioner Mitchem said he will not vote for this budget.

VOTE: 2 – 3 AYES: Robinson, Patton
NOES: Mitchem, Martin, Klein

A MOTION by Commissioner Klein to table until such time as the Board can schedule another workshop. The Board agreed to move the discussion to the end of the meeting and Commissioner Klein withdrew his motion.

Public Comments: Chairman Patton opened public comments.

Martin Oakes, 8057 Lucky Creek Lane, spoke concerning the issue of water and the reason you cannot subsidize the schools from the water fund.

Robert Avery, 4466 Hwy 182 West, spoke concerning the Board of Equalization and Review and equal representation on this Board.

Being no additional speakers, Chairman Patton closed public comments.

Public Hearing - Industrial Incentive Grant for New Industry - Crystal Gettys
Motion to Approve Resolution #2014-18: Resolution to Adopt Economic Incentive Grant
Agreement: Crystal Gettys presented the following information:

**RESOLUTION TO ADOPT ECONOMIC INCENTIVE
GRANT AGREEMENT WITH G&W LABORATORIES, 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 G&W Laboratories, Inc.

WHEREAS, G&W has developed plans for installation of machinery and equipment in an existing manufacturing facility 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 G&W Laboratories.

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 16 day of June, 2014.

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 16 day of June 2014, by and between LINCOLN COUNTY, a body corporate and politic (hereinafter referred to as "the County"), and G&W Laboratories Inc., a New Jersey corporation (hereinafter referred to as "G&W").

WITNESSETH:

WHEREAS, G&W has developed plans to purchase an existing facility and install manufacturing machinery and equipment in Lincoln County, North Carolina; and

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

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

WHEREAS, such incentives are predicated on the notion of expanding Lincoln County's tax base and providing additional jobs for Lincoln County's citizens that pay wages at or above 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 G&W to bind itself to the County to produce certain results in conjunction with the project described herein as conditions of the incentives being offered by the County;

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

1. On or before October 1, 2014 (actual effective date will be the start of the project) G&W shall begin installation of equipment and machinery in Lincoln County, North Carolina.
2. Within two years of the effective date of this agreement (said effective date being referred in item 1.), G&W shall make an investment upon such site in machinery and equipment of \$3,500,000, (the expected capital investment) of which \$2,450,000. will qualify for incentives under the Lincoln County Industrial Incentive Grant Policy.
3. Within two years of the effective date of this agreement, G&W shall provide at such site at least 200 jobs paying average annual wages of \$40,259 per year.
4. In consideration of the performance of the aforesaid obligations by G&W, the County will provide cash grants to G&W of \$9,523.00 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 G&W within 30

days after G&W 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. G&W shall on a no less than annual basis provide evidence satisfactory to the County of how many jobs (as provided in Paragraph 3 herein) it has maintained.

6. a. In the event that the value of the investment actually made by G&W pursuant to this agreement is greater or less than the Expected Capital Investment then the grant will be equitably adjusted upward or downward on a pro-rata basis.

b. In the event that the number of people in qualifying jobs actually employed by G&W pursuant to this Agreement in any year during the term of the Agreement is fewer than the Expected Number of Jobs, then the County may, in its discretion, reduce the amount of the Grant to be paid for the year (or seek reimbursement for the Grant already paid for said year) in the amount of \$1,000.00 per job shortfall.

7. G&W 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, G&W 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.

G&W Laboratories, Inc.

By: _____
President

LINCOLN COUNTY

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

ATTEST:

Amy S. Atkins
Clerk to the Board of Commissioners

Chairman Patton said he will not be voting on this matter since his wife is employed

Chairman Patton opened the public hearing.

Being no speakers, Chairman Patton closed the public hearing.

UPON MOTION by Commissioner Mitchem, the Board voted 4 – 0 (Patton not voting) to adopt Resolution #2014-18: Resolution to Adopt Economic Incentive Grant Agreement with G&W Laboratories.

Motion to Approve Contract with ES&S to purchase DS200 Tabulation machine - Bradley Putnam presented a request to purchase 12 DS200 tabulation machines from ES&S with funds budgeted in the current budget.

UPON MOTION by Commissioner Martin, the Board voted unanimously to approve the contract with ES&S to purchase 12 DS200 tabulation machines.

Purchasing Manual Update - John Henry, Purchasing Agent, presented the Board with the 2014 Lincoln County Purchasing Manual. He said this has been reviewed by the County Manager, Assistant Manager and County Attorney. He asked for the Board's approval for an implementation of July 1, 2014.

UPON MOTION by Commissioner Martin, the Board voted unanimously to approve the 2014 Lincoln County Purchasing Manual.

Approval of Construction Contract for Upgrades to West Lincoln Booster Pump Station - Don Chamblee presented the following:

The West Lincoln Booster Pump Station Upgrade involves replacing of one the existing pumps with a smaller jockey pump. This new, smaller pump will maintain water service to the western zone of the County while the Northbrook Elevated Storage Tank is temporarily taken off-line for future maintenance. During normal operation, the new pump will provide more operating flexibility. In addition to the pump replacement, the project also consists of the installation of a permanent standby diesel generator and control integration with Lincoln County SCADA.

NC DNER permitting is complete and bids were received June 5, 2014. There were 5 bidders with bids ranging from \$108,150.00 to \$182,247.45. The responsive low bidder was Brushy Mountain Builders, Inc. with the bid of \$108,150.00. Funding from the Water and Sewer Fund Balance of \$32,750 is requested in addition to the original amount budgeted in the CIP.

UPON MOTION by Commissioner Klein, the Board voted unanimously to approve the Construction Contract as submitted.

Approval of the list of engineering firms for use in seeking Utility Engineering Services proposals as needed - Don Chamblee presented the following:

A request for qualifications for on call engineering services was issued on January 19th, 2014. The object was to select several firms to provide engineering consulting services for the period of (1) one year, with an optional (2) two year extension, on an as needed basis for water and wastewater projects for Lincoln County.

This list of qualified and approved Consultants would allow proposed projects to be expedited by one or more months. Statements of Qualifications from (18) eighteen Engineering Firms were received on February 21, 2014.

The selection committee of Public Works Staff, Adam M. Jolicoeur, Olan C. Henderson, and John Hawkins, carefully evaluated the submittals as outlined in the RFQ. The fifteen firms listed below provided submittals that were found acceptable and complete by the selection committee. The various sizes and types of water and wastewater related projects require the broad range of expertise and sizes of companies as reflected in the recommended quantity of firms. McKim & Creed, Willis Engineers, and McGill Associates failed to provide submittals which the minimum requirements.

Public Works Staff recommends the Award of RFQ #2014-0221 to the following (15) fifteen firms:

CES Group	274 North Hwy 16, Suite 300, Denver, NC 28037
CHA design/Construction Solutions	8720 Red Oak Boulevard, Suite 505, Charlotte, NC 28217
Davis, Martin, and Powell	6415 Old Plank Road, High Point, NC 27265
Dewberry Engineers Inc.	6135 Lakeview Road, Suite 150, Charlotte, NC 28269
Goodwyn, Mills, and Caywood, Inc.	101 East Washington Street, Suite 200, Greenville, SC 29601
Hazen and Sawyer	4944 Parkway Plaza Boulevard, Suite 375 Charlotte, NC 28217
Kimley-Horn and Associates, Inc.	2000 South Boulevard, Suite 440 Charlotte, NC 28203
Mattern & Craig	206 Cooper Street, Suite 117, Statesville, NC 28677
The Wooten Company	120 North Boylan Avenue, Raleigh, NC 27603
US Infrastructure of Carolina, Inc.	1043 East Morehead Street, Suite 203, Charlotte, NC 28204
Vaughn & Melton	3809-L Beam Road Charlotte, NC 28217
W. K. Dickson	401 4th Street SW, Suite 201, Hickory, NC 28602
Woolpert	8731 Red Oak Boulevard, Suite 101, Charlotte, NC 28217
Wright & Associates	4190 Hwy 16 South, Newton, NC 28658
WSP	128 Talbert Road, Suite A, Mooresville, NC 28117

UPON MOTION by Commissioner Robinson, the Board voted unanimously to approve the list of engineering firms for utility engineering services as proposed.

Discussion on City / County Contracts: Chairman Patton reported that the Board received a letter back from the City saying that their last offer was \$1.15 for water and they are not interested in negotiating any other contracts that were on the table. He said the City currently pays \$50,000 per year for the Communications Center and that was started in the 1970's by an all Democratic City Council and a Democrat controlled County Commission. He said they thought it was important in the 1970's to pay \$50,000 per year for the 911 center. He said they were paying \$500 per month for Animal Control and this is what they are currently paying for Animal Control. Chairman Patton said it's easy to say they are county residents too, but the problem is our property tax only pays for about half of the budget and the rest comes from sales tax, which is split with the city. A lot of cities help fund schools and Lincolnton does not. Lincolnton is about 12% of the population and 18% of the animals brought to Animal Control are from the city. They should be paying \$147,000 and they are paying \$6000 per year for Animal Control.

He said this was started well over a year ago and every time they think they are close, it falls apart. The City Manager said in public meetings that it was a good deal for both sides and that's how it moved forward.

Chairman Patton said the only area around Lincoln County that lost population was the City of Lincolnton from 2000 to 2010.

The water proposal originally was that the County would buy all future water and they would be selling water basically for the entire county. This way, they would realize all the growth in the entire county, not losing population like the city has.

He said all that was asked in return was that the City take some sewer lines that the County built, but the City gets the revenue off of, for them to pay their share of Animal Control and 911. He said \$50,000 in the 70's was a lot of money and if they had just kept up with the rate of inflation, the county would be receiving a lot more revenue. He said \$500 per month to take care of 18% of the animals in the animal shelter is absurd.

He said the Board needs to decide how to move forward.

Commissioner Robinson suggested finding out other options for buying water and increasing capacity at the plant.

Commissioner Klein said this is unfortunate because it seemed like this was a win-win for both sides. He said he does not see the point in negotiating and thinks that at this point it should be assumed that we do not and will not have a contract. He said it would be best to move forward with water plans. He said it is simply not fair to ask county residents to continue to subsidize 911 and Animal Services.

Tracy Jackson said this is unfortunate and disappointing that negotiations have turned out as they have. He said staff do not believe the county will get a better deal on water situation and that is probably of the items of negotiation, the one with the most mutual benefit. He said at some point in the future, it may be worth discussing that one item and coming back to the others at a later date.

Commissioner Mitchem asked if there is a current contract in place to purchase water from the city. Chairman Patton said there had been one, but it expired about 2 years ago.

Commissioner Mitchem said he has expressed this several times, but Lincolnton City residents are also county residents and pay county taxes.

There was a discussion concerning the contracts for Animal Control and Communications.

The Board agreed to put this on the next agenda and in the meantime see if anyone else is interested in selling water to the county.

Finance Officer's Report: Deanna Rios presented the Finance Officer's Report for May, 2014.

County Manager's Report: Mr. Jackson recognized Erma Deen Hoyle and Parks & Rec staff for their work not only on the Rock Springs Park, but also all the others. He said the Grand Opening for the Rocks Springs Park went very well.

County Attorney's Report: Nothing reported.

County Commissioners' Report:

Vacancies/Appointments:

Commissioner Robinson presented the following vacancies:

- Nursing and Adult Home Community Advisory Committee
- Lincoln Natural Resources
- Industrial Revenues Bond Board
- Centralina Economic Development Commission (CEDC)
- Local Fireman's Relief Fund:
 - o Boger City
 - o South Fork
 - o North 321
 - o North Brook
 - o Ore Bank Pumpkin Center
- Board of Equalization and Review Alternate
- Planning Board
 - o Howard's Creek
 - o Ironton

The following are Commissioner Robinson's recommendations:

Reappoint:

- Partners Behavioral Health Management Board of Directors
 - o Melinda Finger – 3 year term

Appoint:

- DSS Board
 - o Cecelia Martin

UPON MOTION by Commissioner Robinson, the Board voted unanimously to reappoint Melinda Finger to the Partners Behavioral Health Board of Directors and to appoint Cecelia Martin to the DSS Board.

Other Business:

The Board discussed the use of outside professional services and the need for current contracts.

The Board discussed landfill and convenience sites, wanting to make sure that citizens would be notified of changes in fees and that the fees would be posted.

Deanna Rios explained to the Board why allowing free water to the Lincoln County Schools would not be allowed.

A MOTION by Commissioner Martin to approve the budget as written with the understanding that the information requested of the County Manager be supplied to the Commissioners.

Commissioner Mitchem said he is still having difficulty with the pay increase for employees not starting until January.

Vote: 3 – 2 AYES: Patton, Robinson, Martin
NOES: Klein, Mitchem

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