

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, NOVEMBER 17, 2014

The Lincoln County Board of County Commissioners met November 17, 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
Wesley L. Deaton, County Attorney
Amy S. Atkins, Clerk to the Board

Call to Order: Chairman Patton called the November 17, 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 adding item 13a, 13b and removing closed session.

AGENDA
Lincoln County Board of Commissioners Meeting
Monday, November 17, 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
 - October 20 - November 2, 2014
- DMV Refunds Over \$100
- Lease Renewal - Gaston Community Action, Inc. for Headstart Program
- Approval of Additional Social Worker IV Position in Children's Services
- Approval of Minutes
- Resolution #2014-26: Resolution of Support of Centralina Mobility Management and Volunteer Transportation Services
- Budget Ordinance Amendment #5

3. Public Hearing - Lincoln County Community Transportation Plan
 - Motion to Approve Community Transportation Plan Resolution
 - Motion to Approve Human Service Agency Transportation Resolution
 - Motion to Approve CTP Application in the sum of \$574,759
4. Public Hearing - Road Name Change from Hunter Rhyne Road to Helton Farm Road - Netta Anderson
5. Public Hearing for Road Name Gilbert Estates Ln - Netta Anderson
6. Public Hearing for Road Name Chariot Lane - Netta Anderson
7. Public Comments (15 minutes allowed per Rules of Procedure - 3 minutes per person)
8. Audit Report - Tonya Marshall, Martin Starnes and Associates
9. Motion to Approve Resolution #2014-25: Resolution for Sale of Timber on County and City Property - Tracy Jackson
10. Motion to Approve Contract with Trane to replace Citizen Center HVAC - John Henry and Don Chamblee
11. Motion to Approve Bid from Trailerlogic for \$67,250 for a Command Trailer - Bill Summers and John Henry
12. Motion to Approve Contract to provide Architectural Services by Stewart Cooper Newell (SCN) for relocating the Health Department to the old hospital - Don Chamblee
13. Motion to Rebuild a Caterpillar Compactor at Carolina CAT in Charlotte, NC in the amount of \$402,638.06 - Don Chamblee

13a. Raw Water Feed – Tracy Jackson

13b. Project Jim – Tracy Jackson

14. Finance Officer's Report

15. County Manager's Report

16. County Commissioners' Report

17. County Attorney's Report

18. Vacancies/Appointments
19. Calendar
20. Other Business
 - Register of Deeds Report
 - Property Tax Collection Report
- ~~21. Closed Session pursuant to NCGS~~
- Adjourn

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

- Tax Requests for Refunds Over \$100
 - October 20 - November 2, 2014
- DMV Refunds Over \$100
- Lease Renewal - Gaston Community Action, Inc. for Headstart Program
- Approval of Additional Social Worker IV Position in Children's Services
- Approval of Minutes
- Resolution #2014-26: Resolution of Support of Centralina Mobility Management and Volunteer Transportation Services
- Budget Ordinance Amendment #5

Items listed in the Consent Agenda are on file in the office of the Clerk to the Board and are hereby made a part of these minutes as though fully set forth herein.

Public Hearing – Lincoln County Community Transportation Plan: Ron Rombs presented the following:

North Carolina Department of Transportation (NCDOT) administers all state and federal funds applicable to providing public transportation.

Mr. Rombs requested the Board of Commissioners' approval of the 2016 CTP application in the sum of **\$574,759.**

Lincoln County is required to provide matching funds to support the Community Transportation Program. Matching funds are 15% of the Administrative cost and 10% of the Capital cost.

Total NC DOT Budget
Administrative \$218,163
Capital \$356,596
TOTAL \$574,759

Lincoln County Matching Funds
15% match \$32,725
10% match \$35,662
Match \$68,386

The Administrative cost will cover the salaries and benefits for the Transportation Manager, Transportation Supervisor, Administrative Secretary and 50% of the Medicaid Transportation Coordinator positions of TLC.

Capital cost will cover the replacement of five wheelchair vans, mobile data terminals and office furniture for TLC.

Chairman Patton opened the Public Hearing.

Being no speakers, Chairman Patton closed the Public Hearing.

COMMUNITY TRANSPORTATION PROGRAM RESOLUTION
Section 5311
FY 2016 RESOLUTION

Applicant seeking permission to apply for Community Transportation Program funding, enter into agreement with the North Carolina Department of Transportation, provide the necessary assurances and the required local match.

A motion was made by *Commissioner Klein* and seconded by Commissioner Robinson for the adoption of the following resolution, and upon being put to a vote was duly adopted.

WHEREAS, Article 2B of Chapter 136 of the North Carolina General Statutes 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 receives funds from the North Carolina General Assembly to provide assistance for rural public transportation projects; and

WHEREAS, the purpose of these transportation funds is to provide grants to local agencies for the provision of rural public transportation services consistent with the policy requirements for planning, community and agency involvement, service design, service alternatives, training and conference participation, reporting and other requirements (drug and alcohol testing policy and program, disadvantaged business enterprise program, and fully allocated costs analysis); and

WHEREAS, Lincoln County hereby assures and certifies that it will provide the required local matching funds; that its staff has the technical capacity to implement and manage the project, prepare required reports, obtain required training, attend meetings and conferences; and agrees to comply with the federal and state statutes, regulations, executive orders, Section 5333 (b) Warranty, and all administrative requirements related to the applications made to and grants received from the Federal Transit Administration, as well as the provisions of Section 1001 of Title 18, U. S. C.

NOW, THEREFORE, be it resolved that the County Manager of Lincoln County is hereby authorized to submit a grant application for federal and state funding, make the necessary assurances and certifications and be empowered to enter into an agreement with the NCDOT to provide rural public transportation services.

I, Amy S. Atkins, Clerk to the Board do hereby certify that the above is a true and correct copy of an excerpt from the minutes of a meeting of the Lincoln County Board of Commissioners duly held on the 17th day of November, 2014.

Signature of Certifying Official

***Note that the authorized official, certifying official, and notary public should be three separate individuals.**

Seal Subscribed and sworn to me
(date) _____



*Notary Public **

115 W. Main Street, Lincolnton, NC, 28092

Printed Name and Address

My commission expires
(date) _____

HUMAN SERVICE AGENCY TRANSPORTATION RESOLUTION

State Funds

FY 2016 RESOLUTION

Applicant seeking permission to apply for Human Service Transportation funding, enter into agreement with the North Carolina Department of Transportation, provide the necessary assurances, and the required local match.

A motion was made by Commissioner Martin and seconded by Commissioner Robinson, for the adoption of the following resolution, and upon being put to a vote was duly adopted.

WHEREAS, Article 2B of Chapter 136 of the North Carolina General Statutes 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 receives funds from the North Carolina General Assembly to provide assistance for rural public transportation projects; and

WHEREAS, the purpose of these transportation funds is to provide grant monies to local agencies for the provision of rural public transportation services; and

WHEREAS, Lincoln County hereby assures and certifies that it will provide the required local matching funds; that its staff has the technical capacity to implement and manage the project, prepare required reports, obtain required training, attend meetings and conferences; and agrees to comply with the federal and state statutes, regulations, executive orders, and all administrative requirements related to the applications made to and grants received from the North Carolina Department of Transportation;

NOW, THEREFORE, be it resolved that the County Manager of Lincoln County is hereby authorized to submit a grant application for state funding, make the necessary assurances and certifications and be empowered to enter into an agreement with the NCDOT to provide rural public transportation services.

I, Amy S. Atkins, Clerk to the Board do hereby certify that the above is a true and correct copy of an excerpt from the minutes of a meeting of the Lincoln County Board of Commissioners duly held on the 17th day of November, 2014.

Signature of Certifying Official

***Note that the authorized official, certifying official, and notary public should be three separate individuals.**

Seal Subscribed and sworn to me
(date) _____



*Notary Public **

115 West Main Street, Lincolnton, NC, 28092

Printed Name and Address

My commission expires
(date) _____

UPON MOTION by Commissioner Klein, seconded by Commissioner Martin, the Board voted unanimously to approve the CTP Application in the sum of \$574,759.

Public Hearing – Road Name Change from Hunter Rhyne Road to Helton Farm Road – Netta Anderson: Netta Anderson presented the following:

Proposed Road Name Change- **Helton Farm Rd**

This road is located off of the Northern Segment of the existing Hunter Rhyne Rd that lies between Amity Church Rd and King Wilkinson Rd, (**Formerly known as Hunter Rhyne Rd**) and requires renaming due to the Road Naming Ordinance 93.05 Road Naming (section I). The proposed road name change is **Helton Farm Rd**. The name is not a duplicate or sound-alike and has been approved by the Addressing Department.

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

UPON MOTION by Commissioner Martin, the Board voted unanimously to approve the road name change from Hunter Rhyne Road to Helton Farm Road.

Public Hearing – Road Name Gilbert Estates Lane – Netta Anderson: Netta Anderson presented the following:

This road is located off of W NC 27 Hwy and requires naming due to the fact that there is going to be three (3) structures that access W NC 27 Hwy via this private road. The name proposed is **Gilbert Estates Lane** and was agreed to by all residents. The name is not a duplicate or sound-alike and has been approved by the Addressing Department.

Proposed Private Road –Road Name- **Gilbert Estates Lane**

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

UPON MOTION by Commissioner Martin, the Board voted unanimously to approve the road name Gilbert Estates Lane.

Public Hearing – Road Name Chariot Lane – Netta Anderson: Netta Anderson presented the following:

This road is located off of Amity Church Rd and requires naming due to the fact that there is going to be three (3) structures that access Amity Church Rd via this private road. The name proposed is **Chariot Lane** and was agreed to by all residents. The name is not a duplicate or sound-alike and has been approved by the Addressing Department.

Proposed Private Road –Road Name- **Chariot Lane**

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

UPON MOTION by Commissioner Robinson, the Board voted unanimously to approve the road name Chariot Lane.

Public Comments: Chairman Patton opened Public Comments.

Rudy Bauer, 8252 Blades Trail, said he counted 11 self storage units from 73 to the county line north, 10 car lots and a bunch of cars in yards, driveways and gas stations, 7 boat repair and storage places on 16. He said please no more.

Being no additional speakers, Chairman Patton closed public comments.

Audit Report: Tonya Marshall, with Martin Starnes and Associates, gave the Audit Report with the Audit Highlights of an unmodified opinion, which is a clean opinion - they found no material misstatements that led them to believe the financial statements would be misleading to the reader and a cooperative staff. She said revenues increased \$3.2 million or about 4% over the prior year and expenditures increased about \$1 million, or about 1% over the prior year. Ms. Marshall reviewed the purpose of the fund balance and reported that Lincoln County's fund balance is at 17.32% - up from 16.22%. The Total Fund Balance, General Fund, increased \$3,810,108, which is an 8% increase over the prior year. The total fund balance increased due to general increases in revenue over expenditures. The increase in available fund balance is \$1,129,244. Typically the Local Government Commission considers 1 months' worth of expenses to be 8%, so 17% is a little more than 2 months' worth of expenditures and is a slight increase over prior year.

The top 3 revenue sources, which make up 87% of total revenues are 1 – Property taxes (59%), 2 – Sales taxes (15%), and 3 – Restricted Intergovernmental (grants) (13%). Property taxes increased by \$1.9 million or 3.9% due to increases in motor vehicle taxes due to tax and tag together. Restricted intergovernmental had a decrease of approximately \$140,000 or 1.29%, which is fairly consistent. The majority of these funds are federal and state grants. Local Option Sales Taxes have increased approximately \$847,000 or 6.9%, which is due to an increase in retail sales due to the improvement in the economy.

The top expenditures from the General Fund make up 70% of expenditures: Human Services (24%), Public Safety (24%), Education (22%) and Other (30%). Human Services had a slight decrease of \$343,000 or about 1.5%. Public Safety had an increase of \$405,000, approximately 2%. Education had an increase of \$300,000 or 1.9%.

Governmental debt is \$109 million with business type debt at \$21.7 million. Legal debt margin is a calculation of property value times 8% less debt.

The Board discussed the Audit Report. Commissioner Mitchem asked about the difference in fund balance between the projected amount that was to be taken out of the fund balance versus what was actually added. He asked how we can get closer when budgeting with the estimations.

Ms. Rios said a big part of this calculation is the sales tax revenue, which you really do not want to overestimate, because if sales taxes do not come in as expected, you have to figure out where that money comes from at the end of the year. She said property tax collections were also higher than expected.

Motion to Approve Resolution #2014-25: Resolution for Sale of Timber on County and City Property – Tracy Jackson: Tracy Jackson, County Manager, presented the following:

This Resolution is needed to advertise for bids for the harvesting of timber on land deeded to Lincoln County and the City of Lincolnton at the Lincolnton/Lincoln County Airport. Funds from the sale of the timber are proposed for funding part of the Airport Business Park project if approved.

**RESOLUTION #2014-25:
RESOLUTION FOR SALE OF TIMBER ON COUNTY AND CITY PROPERTY**

WHEREAS, Lincoln County and the City of Lincolnton are co-owners of those tracts or parcels of land, together with all improvements located thereon, as more particularly described in Exhibit "A"; and

WHEREAS, Lincoln County desires to sell the timber on said Property, the sale of which is estimated to be greater than \$30,000.00; and

WHEREAS, The City of Lincolnton desires to sell the timber on said Property, the sale of which is estimated to be greater than \$30,000.00; and

WHEREAS, the sale of any surplus property valued more than \$30,000.00 must do so pursuant to N.C.G.S. 160A-266; and

WHEREAS, Lincoln County and the City of Lincolnton have agreed to advertise for sealed bids to determine the timber company willing to pay the highest price for the timber on the Property.

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

That Lincoln County shall advertise for sealed bids to determine the timber company willing to pay the highest price for the timber on the Property, and upon determining said company, sell the timber on said Property. All proceeds from the sale of the timber shall go into the Capital Improvements Fund.

That this resolution shall become effective immediately.

Adopted this 17th day of November, 2014.

LINCOLN COUNTY

By: _____
Alex Patton, Chairman
Board of Commissioners

Attest:

Amy S. Atkins
Clerk to the Board

Exhibit "A"

POTENTIAL TIMBER PARCELS & ACRES AT AIRPORT

Parcel Number	Deed Acres
02077	229
23549	55
23568	32
28519	26
53363	15
	<hr/> 357

UPON MOTION by Commissioner Klein, the Board voted unanimously to approve with the language added that says that the money will be used for future capital projects and put in the general CIP for the Airport.

Motion to Approve Contract with Trane to replace Citizen Center HVAC: Don Chamblee presented the following:

Don Chamblee and John Henry presented a turnkey proposal from Trane to replace and refit the Citizen Center HVAC system. This purchase will be through The Cooperative Purchasing Network (TCPN) contract which is nationally bid. TCPN will monitor all aspects of this project to insure that the contract is being met as bid.

Commissioner Mitchem asked if there can be changes made later if renovations are made to the Citizens Center. Mr. Chamblee said the controls will be in the mechanical room and if the ductwork is redone, they can reallocate those controls to meet the needs of the building.

UPON MOTION by Commissioner Klein, the Board voted unanimously to approve as contract with Trane for the replacement of the Citizens Center HVAC as proposed by Mr. Chamblee.

Motion to Approve Bid from Trailerlogic for \$67,250 for a Command Trailer: Bill

Summers presented the following:

Lincoln County received bids on September 4, 2014 for a Command Trailer. Trailerlogic out of Belton, SC was the low bidder at \$67,250. This is for the purchase of a replacement and more useful command unit. This represents the completion of a four-year design and planning program and partnership with Duke Energy, McGuire Nuclear Station. Each year for the last 4 years, he has requested funds from Duke to be included in his budget. Annual budget requests from Duke also include the maintenance costs for the unit. The older unit has been repurposed into a mobile communications unit and is now being certified as a remote public safety answering point. The funds requested for this unit are through a Duke Energy Grant program for risk counties around the power plant. These funds are provided to help build capability in the counties for problems related to a response at the plant. The unit is designed to give Lincoln County Emergency Services a mobile command center to use during an event at McGuire but the added benefit of using it anytime Lincoln County needs as long as there is nothing wrong at McGuire. He requested the Board's approval.

UPON MOTION by Commissioner Klein, the Board voted unanimously to approve the purchase of a command trailer from Trailerlogic for \$67,250.

Motion to Approve Contract to provide Architectural Services by Stewart Cooper Newell (SCN) for relocating the Health Department to the old Hospital: Don Chamblee

Public Works recommends contracting Stewart, Cooper, Newell Architects, PA (SCN) for the design and engineering of the renovations for relocating the Health Department to the Old Hospital at 200 Gamble Drive.

If The Health Department is to remain at the Sigmon Road location, then significant repairs will be required.

County Administration and County Staff have reviewed the option to use the existing Old Hospital utilizing most of the existing layout for the Health Department. The existing second floor of the old hospital includes areas that can be utilized with existing walls in place. However, there will still be significant renovations needed to accommodate the Health Department at the old hospital. These would include removing old equipment, plumbing renovations, mechanical upgrades, ceiling replacement, painting, cabinet work, and some door and wall upfits. There are sections of the old hospital such as decontamination areas and radiological equipment rooms that may be determined to be demolished as part of this project.

SCN provided the original Study for the relocation of departments to the Old Hospital. Additionally, they collected as built conditions for the existing facility. We have requested a proposal for this design work as presented. SCN was successful in the redesign on the first floor for the relocation of the Probation Office to the Old Hospital. This contract supersedes and replaces all prior contracts for architectural services with SCN.

Initial cost estimates for this degree of remodeling are estimated at \$30 to \$45 per square foot or 1.0 to 1.5 million dollars for the Health Department renovation. Exterior renovations are not considered in this contract.

Commissioner Mitchem suggested delaying this vote until the new Board is sworn in.

Mr. Jackson pointed out problems at the Health Department that will need to be corrected if they do not move to the old hospital.

Commissioner Robinson said the county pays \$240,000 per year in utilities for that facility and the urgency is to start to leverage what the county is already paying a lot of utilities on. He said he sees no reason to wait.

Mr. Chamblee said it will take 3 months to get a good design nailed out and another 35 – 40 days to bid it out, then construction may last 6 to 8 months.

UPON MOTION by Commissioner Mitchem, the Board voted to not approve the contract with Stewart Cooper Newell (SCN) 3 – 2 (Robinson, Patton)

Motion to Rebuild a Caterpillar Compactor at Carolina CAT in Charlotte, NC in the amount of \$402,638.06: Don Chamblee presented the following:

Lincoln County Public Works requests approval from the Board of Commissioners to rebuild the Caterpillar 826G at Carolina CAT located in Charlotte, North Carolina for the amount of \$402,638.06.

The rebuild would involve replacing all components of the Caterpillar 826G that have been exposed to considerable wear and tear for less expense than purchasing a new compactor. Equipment is eleven years old with approximately 18,000 hours of use. Normal rebuild is done at 14,000-16,000 hours of use. The compactor will have a new 3 year/5000 hours warranty.

This is a budgeted item for 2014-2015 Fiscal Year. Funding will be from CIP PW-LF-10 and GL#66-4710-5552.

UPON MOTION by Commissioner Klein, the Board voted unanimously to approve rebuilding the Caterpillar 826G compactor at Carolina CAT in Charlotte in the amount of \$402,638.06.

Raw water feed: Don Chamblee presented the following:

The construction bid for the raw water pump electrical feed was advertised on October 23, 2014 and one bid was received on November 12, 2014. It is recommended and requested that Page Power Systems, Inc. be awarded the contract. A bid was submitted with estimated quantities and a recommended award amount of \$177, 584.00.

The Water Treatment Plant currently operates two pumps for the collection of raw water from Lake Norman. The electrical feed that operates the pumps failed from an electrical short; the pumps are currently run by a separate electrical feed from Duke Power but do not have a backup generator in the event of an electrical outage.

Staff recommends and requests the Board of Commissioners approval to award the contract to Page Power Systems, Inc.

UPON MOTION by Commissioner Robinson, the Board voted unanimously to approve as requested.

Project Jim: Tracy Jackson presented the following:

Project Jim is a non-woven fabrics company that produces material used in automotive and appliance soundproofing as well as foam that is used in bedding is considering locating it's operation in Lincolnton. The location is in the same complex as Spantex. The pre application for a CDBG Building Renovation Loan was due today so he had sign it and ask for approval after the fact. He said if the Board does not approve, they can withdraw the application. The grant requires that the county sign an irrevocable letter of credit in the amount of \$500,000 for a term of 5 years. The total investment of this potential project is \$5.9 million in equipment and building improvements. The number of qualifying jobs is 23 with an average hourly wage of \$25,163.

Commissioner Mitchem asked if the county would loan them \$500,000. Mr. Jackson said the CDBG will loan them the money and they will be seeking a letter of credit to cover the loan.

This application just starts the process.

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to deny Project Jim.

Finance Officer's Report: Deanna Rios presented the Finance Officer's Report.

County Manager's Report: Tracy Jackson brought attention to all the hard work by staff lately and let them know how much he appreciates them.

Mr. Jackson wished Mr. Klein and Mr. Robinson well and said he has enjoyed working with him.

County Attorney's Report: Wesley Deaton said the Board of Elections case was settled and the election went on as planned.

County Commissioners' Report: Nothing reported.

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

Scattered Site Housing Selection Committee

Andrew C. Bryant, Director, Lincoln County Planning & Inspections
Josh Grant, Planner, Lincoln County Planning & Inspections
Mike Owen, Lincolnton Housing Authority
Ben Holden, Senior Building Inspector, Lincoln County Planning & Inspections
Laura Elam, Director, City of Lincolnton Planning
Christine Poinsette, Lincoln County Planning Board, Chairman
Susan McCracken, Director, Lincoln County Department of Social Services
Mark Ingle, Owner, Ingle Builders
Terry Laney, Director, Lincoln County, Habitat for Humanity

Environmental Review Board
Dale Mosteller (Reappoint - 3 year term expiring 11/17)

Agricultural District Advisory Board
Gary Davis
Gary MacGibbon
John Beam IV

Board of Animal Appeals
Lester White - replacing Bill Beam
Diane Leatherman
Link Grass
Doug Murray
Robin Franklin - move to alternate position

Library Board
Gail Budd.

Chairman Patton thanked Commissioner Klein for his service to Lincoln County and presented him with a clock recognizing him for his service.

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

Amy S. Atkins, Clerk
Board of Commissioners