

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, MAY 21, 2012

The Lincoln County Board of County Commissioners met May 21, 2012 at the Citizens Center, Commissioners' Room, 115 West Main Street, Lincolnton, North Carolina, at 6:30 P.M.

Commissioners Present:

Alex E. Patton, Chairman
George Arena, Vice Chair
James A. Klein
Carl E. Robinson, Jr.
Carrol Mitchem

Others Present:

George A. Wood, 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 May 21, 2012 meeting of the Lincoln County Board of Commissioners to order.

Chairman Patton 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 Robinson, the Board voted unanimously to adopt the Agenda as presented.

AGENDA
Lincoln County Board of Commissioners Meeting
Monday, May 21, 2012
6:30 PM

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

Call to Order

Invocation

Pledge of Allegiance

1. Adoption of Agenda
2. Consent Agenda
 - Tax Requests for Refunds – Over \$100
 - Ordinance #2012-: An Ordinance Amending the FY 2012 Budget for the County of Lincoln, North Carolina
3. Planning Board Recommendations – Randy Hawkins
 - CUP #308 - Rose Gibson, applicant
 - CUP #310 - Kenneth Carpenter, applicant
 - CUP #311 - Bobby Smith, applicant
 - PCUR #157 - Damon Lusk, applicant
 - ZMA #595 - Living Word Ministries, applicant
 - UDO # 2012-2 - Emil Tschudin and Floyd West, applicant
- 3a. Update on Vacation Home Rental Complaints and Junk Vehicle Complaints in the Westport Community - Wesley Deaton, Kelly Atkins, and George Wood
4. Public Comments
(15 minutes allowed per Rules of Procedure – 3 minutes per person)
5. Bylaws for Community Friends Corporation- Wayne Mitchem
6. Motion to Renew and Extend Lease Between Lincoln County and the United Way of Lincoln County - George Wood
7. Motion to Approve Sheriff's Fleet Maintenance by Board of Education's Central Garage - George Wood
8. Motion to Award an Exterior Restoration/Rehabilitation Contract in the amount of \$554,923 to the lowest responsible bidder, H.C. Rummage, Inc. using donated funding: said approval contingent upon the funding being made fully available - George Wood
9. Budget Presentation - George Wood
- 9a. Resolution #2012-18: A Resolution to Amend the Resolution Authorizing Use of the NC Local Government Debt Setoff Program – George Wood
10. Finance Officer's Report
11. County Manager's Report
 - Property Tax Collection Report
12. County Commissioners' Report
13. County Attorney's Report
14. Vacancies/Appointments

15. Calendar
16. Other Business
 - Register of Deeds Report
17. Closed Session
 - Motion to enter Closed Session Pursuant to N.C.G.S. § 143-318.11.
 - (a) (6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee.

Recess to May 23, 2012 at 6:00 p.m. at LEDA building, 502 E. Main Street, Lincolnton

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

- Reclassification of Position 276 from Senior Deputy Sheriff to Investigator
- Tax Requests for Refunds – April 9 – 22, 2012
- Ordinance #2012-8: An Ordinance Amending the FY 2012 Budget for the County of Lincoln, North Carolina

LINCOLN COUNTY TAX DEPARTMENT
ANNUALS

REQUEST FOR REFUNDS

PERIOD COVERED (APRIL 9, 2012-APRIL 22, 2012)

G.S.#105-381(B) ALL REFUNDS ANNUAL MORE THAN \$100.00
(and) #105-325 including (A) (6)

NAME	YEAR DIST	A/C#	AMOUNT	REASON
LORENZ, RAE	2008- CITY	0200503	883.23	SQUARE FOOTAGE CHANGE
			TOTAL	\$ 883.23

**ORDINANCE #2012-8: AN ORDINANCE AMENDING THE FY 2012 BUDGET
FOR THE COUNTY OF LINCOLN, NORTH CAROLINA**

THAT WHEREAS, the Lincoln County Board of Commissioners adopted the FY 2012 Budget by approving Ordinance #2011-11 on June 20, 2011; 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 2012 Budget previously adopted is hereby amended as follows:

Section 1. That the budget amendments attached hereto, and incorporated herein by reference as Exhibit A to Ordinance #2012-8, are hereby approved and adopted as amendments to the FY 2012 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 21st day of May, 2012.

BY:

Alex E. Patton, Chairman
Lincoln County Board of Commissioners

ATTEST:

Amy S. Atkins
Clerk to the Board

EXHIBIT A to Ordinance #2012-8

Budget Amendments numbered 122.

Recommendations from Planning Board:

Randy Hawkins presented the following recommendation:

CUP #308 – Rose Gibson, applicant:

CUP #310 – Kenneth Carpenter, applicant:

CUP #311 – Bobby Smith, applicant

PCUR #157 – Damon Lusk, applicant

ZMA #595 – Living Word Ministries, applicant

UDO #2012-2 – Emil Tschudin and Floyd West, applicant:

CUP #308 Rose Gibson, applicant (Parcel ID# 12102, 12103, 74420 and 74421) A request for a conditional use permit to provide equine-assisted therapy in the R-R (Rural Residential) district.

The proposed 53-acre site is located at 3525 Horseshoe Bend Trail, at the end of Horseshoe Bend Trail about a half mile feet south of Hwy. 182, in North Brook Township.

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

- 1) That the road be maintained in its current condition, with a review in six months and in one year.
- 2) That the schedule for clients be staggered so there's a 30-minute lapse between sessions.

UPON MOTION by Commissioner Arena, the Board voted unanimously to approve CUP #308 Rose Gibson, applicant as recommended by the Planning Board with the conditions and findings of fact.

CUP #310 Kenneth Carpenter, applicant (Parcel ID# 17097) A request for a conditional use permit to place a Class B (doublewide) manufactured home in the R-S (Residential Suburban) district. The 12.5-acre parcel is located on the east side of Westfork Trail about 300 feet south of Laboratory Road in Lincolnton Township.

The Planning Board voted 7-1 to recommend approval with the following condition:
That the home have brick underpinning and meet all other requirements.

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to approve CUP #310 Kenneth Carpenter applicant, as recommended by the Planning Board with the condition and findings of fact.

CUP #311 Bobby Smith, applicant (Parcel ID# 84058) A request for a conditional use permit to operate an Internet sweepstakes center in the B-G (General Business) district in the Eastern Lincoln Development District. The 0.8-acre parcel is located at 1236 N NC 16 Hwy., on the east side of N.C. 16 Business about 900 feet south of Unity Church Road, in Catawba Springs Township.

The Planning Board voted 6-2 to recommend the request be denied.

UPON MOTION by Commissioner Arena, the Board voted unanimously to go through the Findings of Fact.

Findings of Fact

1. The use will not materially endanger the public health or safety if located where proposed and developed according to plan. Yes_____ No_X____

Factual reason cited: As stated by the clients of the building and parents of children in the residential development. The time limits of the operation to 2 a.m. The residential area is directly to the rear of this property.

Commissioner Klein made a motion to find the fact in the negative. Motion carried unanimously.

2. The use meets all required conditions and specifications. Yes X _____
No _____

Factual reason cited: The center, as classified as an amusement center, is allowed as a conditional use in the General Business (B-G) district.

Commissioner Arena made the motion to find this in the affirmative. Motion carried unanimously.

3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity. Yes _____ No X _____

Factual reason cited: The property on both sides is zoned General Business as is the property on the opposite side of the highway. Residential property is located directly behind this site.

Commissioner Arena made the motion to find this in the negative. Motion carried unanimously.

4. The location and character of use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the Land Use Plan for the area in question. Yes _____ No X _____

Factual reason cited: The hours are extended into the early morning. The close proximity to the residential area. Businesses in that area seem to be more service-oriented.

Commissioner Arena made the motion to find this in the negative. Motion carried unanimously.

UPON MOTION by Commissioner Klein, the Board voted unanimously to approve the Planning Board's recommendation and findings of fact as voted on by the Commissioners with finding 1, 3 and 4 in the negative.

Randy Hawkins stated that the Planning Board will be looking at requirements and regulations for this type of facility.

PCUR #157 Damon Lusk, applicant (Parcel ID# 32374) A request for a parallel conditional use rezoning to rezone 1.3 acres from B-G (General Business) to CU I-G (Conditional Use General Industrial) to permit an office/warehouse for building material sales in the Eastern Lincoln Development District. The property is located on the north side of N.C. 16 Business about midway between its intersections with Denver Industrial Park Road in Catawba Springs Township.

The Planning Board voted 8-0 to recommend approval.

UPON MOTION by Commissioner Robinson, the Board voted unanimously to approve the Statement of Consistency and Reasonableness.

UPON MOTION by Commissioner Klein, the Board voted unanimously to rezone 1.3 acres from B-G to CU I-G for PCUR #157.

UPON MOTION by Commissioner Klein, the Board voted unanimously to approve the Planning Board's recommendation and Findings of Fact.

ZMA #595 Living Word Ministries, applicant (Parcel ID# 50702) A request to rezone 2.7 acres from I-G (General Industrial) to R-T (Transitional Residential). The property is located at 1062 S. NC 16 Hwy., on the west side of N.C. 16 Business about 1,100 feet north of the Sifford Road intersection, in Catawba Springs Township.

The Planning Board voted 8-0 to recommend approval.

UPON MOTION by Commissioner Robinson, the Board voted unanimously to approve the Statement of Consistency and Reasonableness for ZMA #595.

UPON MOTION by Commissioner Robinson, the Board voted unanimously to approve ZMA #595 – Living Word Ministries, applicant which rezones 2.7 acres from I-G to R-T.

UDO Proposed Amendment #2012-2 Emil Tschudin and Floyd West, applicants. A proposal to amend Section 3.2.4.A of the Lincoln County Unified Development Ordinance so that road façade requirements would not apply to lots in the I-G district in subdivisions recorded prior to August 31, 2009, that do not front on an arterial or collector road.

The Planning Board voted 8-0 to recommend approval.

UPON MOTION by Commissioner Klein, the Board voted 4 – 1 (Arena against) to adopt the Statement of Consistency and Reasonableness for UDO Amendment #2012-2.

UPON MOTION by Commissioner Klein, the Board voted 4 – 1 (Arena against) to approve UDO Proposed Amendment #2012-2.

Update on Vacation Home Rental Complaints and Junk Vehicle Complaints in the Westport Community - Wesley Deaton, Kelly Atkins, and George Wood:

Wesley Deaton, County Attorney, gave an update on vacation home rentals. He spoke concerning the grandfathering of homes that are already in existence.

Kelly Atkins, Director of Planning and Inspections, presented information concerning inspection problems with the house on Howard Lane. He said there are around 14 vacation rentals in the area currently.

Randy Hawkins spoke concerning vacation home regulations in surrounding areas. He said the decisions need to be made of whether to allow it, where to allow it, etc.

The Board discussed the different options concerning vacation home rentals and asked the Planning Board to bring back recommendations from the Planning Board. Chairman Patton and Mr. Wood will meet with the Sheriff to discuss this situation.

Kelly Atkins discussed junk vehicle complaints in Westport. He said two vehicles were on blocks and will have to be removed.

Public Comments: Chairman Patton opened Public Comments.

Robert Avery asked about the county survey. He said it is time to look closer at the airport.

Rudy Bauer said he would volunteer his services to go around to places that have conditions to make sure they are following them. He said if something is not done at the vacation party house, something really bad will happen there. He said that there was stink coming from the pump station at Blades and Burton over the weekend. He asked the Board to remember Burton Creek.

Glenn Fiscus spoke concerning the Howard Lane house. He said that when you rent out by the night, week or a couple days, it is a commercial operation.

Martin Oakes said the Board may want to check into Duke's restrictions on how many boats parked at a dock. He worried about stealth entertainment centers, such as Triangle Mini Mart.

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

Bylaws for Community Friends Corporation – Wayne Mitchem: Wayne Mitchem presented the following:

Lincoln County Community Friends Corporation was created to serve as an umbrella 501(c)(3) for all Lincoln County Departments and Agencies. The Corporation will function under the leadership of a Board of Directors composed of 9 members. These bylaws were drafted to guide the operation of the Corporation. We are requesting approval of the bylaws, so the Corporation may move forward in the process of applying to the Internal Revenue Service for official designation as a 501(c)(3) organization.

BYLAWS OF LINCOLN COUNTY COMMUNITY FRIENDS CORPORATION

PREAMBLE:

These Bylaws, dated the ____ day of _____, 2012, are executed by Lincoln County, a Body Corporate and Politic, which executes these bylaws for the purpose of establishing the Lincoln County Community Friends Corporation.

ARTICLE I - OFFICES

The principal office of the corporation in the State of North Carolina shall be located at 115 West Main St., Lincolnton, NC 28092, or such other location as may be decided by the votes of the directors.

ARTICLE II - SHAREHOLDERS

This non-profit corporation shall have directors, but no shareholders.

ARTICLE III - BOARD OF DIRECTORS

1. GENERAL POWERS.

The business and affairs of the corporation shall be managed by its board of directors. The directors shall in all cases act as a board, and they may adopt such rules and regulations for the conduct of their meetings and the management of the corporation, as they may deem proper, not inconsistent with these bylaws and the laws of this State.

2. NUMBER, TENURE AND QUALIFICATIONS.

The number of directors of the corporation shall be nine (9). Each director shall hold office until his or her successor shall have been appointed as provided herein and qualified by the directors. The directors shall be comprised of the following representatives:

- a. One director at large from each of the five townships of Lincoln County, to be appointed by the Board of Commissioners.
- b. One director at large from the County, appointed by the Board of Commissioners.
- c. The Chair of the Historic Properties Commission, or a designee thereof.
- d. The Library Director, or the designee thereof.

e. The Director of Parks and Recreation, or the designee thereof.

3. ANNUAL MEETINGS.

An annual meeting of the board of directors shall be held on the second Tuesday of each August each year at 7:00 o'clock p.m., beginning with the year 2012 at 7:00 o'clock p.m. for the purpose of electing directors, officers and for the transaction of such other business that may come before the meeting. If the day fixed for the annual meetings shall be a legal holiday, such meeting shall be held on the next succeeding business day.

4. REGULAR MEETINGS.

A regular meeting of the directors shall be held without other notice than that provided by these bylaws, quarterly, at a time mutually agreed upon by the Directors. The directors may provide, by resolution, the time and place for the holding of additional regular meetings without other notice than such resolution. Notwithstanding the foregoing, at all times the directors shall comply with the provisions of N.C.G.S. §143-318.9 et seq.

5. SPECIAL MEETINGS.

Special meetings of the directors may be called by or at the request of the Chair or any two directors. The person or persons authorized to call special meetings of the directors may fix the place for holding any special meeting of the directors called by them. Notwithstanding the foregoing, at all times the directors shall comply with the provisions of N.C.G.S. §143-318.9 et seq.

6. NOTICE.

Notice of any special meeting shall be given at least three (3) days previously thereto by written notice delivered personally, or by telegram, email, or mailed to each director at his home address. If mailed, such notice shall be deemed to be delivered when deposited in the United States mail so addressed, with postage thereon prepaid. If notice be given by telegram, such notice shall be deemed to be delivered when the telegram is delivered to the telegraph company.

The attendance of a director at a meeting shall constitute a waiver of notice of such meeting, except where a director attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened.

7. QUORUM.

At any meeting of the directors, any five directors, or at least 50% of all filled positions, shall constitute a quorum for the transaction of business. At any meeting of the directors, any directors present shall constitute a quorum for the transaction of business.

8. MANNER OF ACTING.

The act of a quorum of the directors present at a meeting shall constitute an act thereof.

9. REMOVAL OF DIRECTORS.

Any or all of the directors may be removed for cause by vote of the Board of

Commissioners or may be removed for any reason or no reason at all by a vote of the Board of Commissioners.

10. RESIGNATION.

A director may resign at any time by giving written notice to the board, the president or the secretary of the corporation. Unless otherwise specified in the notice, the resignation shall take effect upon receipt thereof by the board or such officer, and the acceptance of the resignation shall not be necessary to make it effective.

11. COMPENSATION.

No compensation shall be paid to directors, as such, for their services, but by resolution of the board, expenses actually incurred doing business for the Board may be authorized. Nothing herein contained shall be construed to preclude any director from serving the corporation in any other capacity and receiving compensation therefor.

12. PRESUMPTION OF ASSENT.

A director of the corporation who is present at a meeting of the directors at which action on any corporate matter is taken shall be presumed to have assented to the action taken unless his dissent shall be entered in the minutes of the meeting or unless he shall file his written dissent to such action with the person acting as the secretary of the meeting before the adjournment thereof or shall forward such dissent by registered mail to the secretary of the corporation immediately after the adjournment of the meeting. Such right to dissent shall not apply to a director who voted in favor of such action.

ARTICLE IV - OFFICERS

1. NUMBER.

The officers of the corporation shall be a Chair, a vice-Chair and a secretary, each of whom shall be elected by the directors. Such other officers and assistant officers as may be deemed necessary may be elected or appointed by the directors.

2. ELECTION AND TERM OF OFFICE.

The officers of the corporation to be elected by the directors shall be elected annually at the annual meeting of the directors. Each officer shall hold office until his successor shall have been duly elected and shall have qualified or until his death or until he shall resign or shall have been removed in the manner hereinafter provided.

3. REMOVAL.

Any officer or agent elected or appointed by the directors may be removed by the directors whenever in their judgment the best interests of the corporation would be served thereby, but such removal shall be without prejudice to the contract rights, if any, of the person so removed.

4. VACANCIES.

A vacancy in any office because of death, resignation, removal, disqualification or otherwise, may be filled by the Board of Commissioners for the unexpired portion of the term.

5. CHAIR

The Chair shall be the principal executive officer of the corporation and, subject to the control of the directors, shall, in general, supervise and control all of the business and affairs of the corporation. He shall, when present, preside at all meetings of the directors. He may sign, with the secretary or any other proper officer of the corporation thereunto authorized by the directors, any deeds, mortgages, bonds, contracts, or other instruments which the directors have authorized to be executed, except in cases where the signing and execution thereof shall be expressly delegated by the directors or by these bylaws to some other officer or agent of the corporation, or shall be required by law to be otherwise signed or executed; and in general shall perform all duties incident to the office of president and such other duties as may be prescribed by the directors from time to time.

6. VICE-CHAIR.

In the absence of the chair or in event of his death, inability or refusal to act, the vice chair shall perform the duties of the chair, and when so acting, shall have all the powers of and be subject to all the restrictions upon the chair. The vice chair shall perform such other duties as from time to time may be assigned to him by the chair or by the directors.

7. SECRETARY.

The secretary shall keep the minutes of the directors' meetings in one or more books provided for that purpose, see that all notices are duly given in accordance with the provisions of these bylaws or as required, be custodian of the corporate records and of the seal of the corporation and keep a register of the post office address of each director which shall be furnished to the secretary by such director, have general charge of the directorship transfer books of the corporation and in general perform all duties incident to the office of secretary and such other duties as from time to time may be assigned to him by the president or by the directors.

8. TREASURER.

There shall be no appointed Treasurer. In the event that a Treasurer is needed, the Lincoln County Finance Director, or the Director's designee, may act as Treasurer.

9. SALARIES.

No officer shall receive a salary.

ARTICLE V - CONTRACTS, LOANS, CHECKS AND DEPOSITS

1. CONTRACTS.

The directors may authorize any officer or officers, agent or agents, to enter into any contract or execute and deliver any instrument in the name of and on behalf of the corporation, and such authority may be general or confined to specific instances.

2. CHECKS, DRAFTS, ETC.

All checks, drafts or other orders for the payment of money, notes or other evidences of indebtedness issued in the name of the corporation, shall be signed by such officer or officers, agent or agents of the corporation and in such manner as shall from time to time

be determined by resolution of the directors and shall be submitted to Lincoln County Finance for allocation to the respective County department or agency.

3. DEPOSITS.

All funds of the corporation not otherwise employed shall be deposited to the credit of the corporation in the County Accounts

ARTICLE VI - FISCAL YEAR

The fiscal year of the corporation shall begin on **July 1** of each year and end on **June 30** of each year.

ARTICLE VII - SEAL

The directors shall provide a corporate seal which shall be circular in form and shall have inscribed thereon the name of the corporation, the state of incorporation, year of incorporation and the words, "Corporate Seal."

ARTICLE VIII - WAIVER OF NOTICE

Unless otherwise provided by law, whenever any notice is required to be given to any director of the corporation under the provisions of these bylaws or under the provision of the articles of incorporation, a waiver thereof in writing, signed by the person or persons entitled to such notice, whether before or after the time stated therein, shall be deemed equivalent to the giving of such notice.

ARTICLE IX - AMENDMENTS

These bylaws may be altered, amended or repealed and new bylaws may be adopted by a 100% vote of the directors at any meeting of the directors when the proposed amendment has been set out in the notice of such meeting.

ARTICLE X - DISTRIBUTION OF EARNINGS

No part of the net earnings of the corporation shall inure to the benefit or be distributed to the directors, trustees, officers or other private persons, except to pay reasonable compensation for the services rendered and to make payments and distributions in furtherance of the purposes as set out in the Articles of Incorporation.

ARTICLE XI - CARRYING ON OF PROPAGANDA

No substantial part of the activities of the corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the corporation shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office. Notwithstanding any other provision of these articles, the corporation shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code of 1954 (or the corresponding provision of any future U.S. Internal Revenue Law) or (b) by any corporation, contributions to which are deductible under section 170(c)(2) of the Internal Revenue Code of 1954 (or the corresponding provision of any future U.S. Internal Revenue Law).

ARTICLE XII - DISSOLUTION

Upon the dissolution of the corporation, the board of directors shall, after paying or making provision for the payment of all the liabilities of the corporation, dispose of all of the assets of the corporation exclusively for the purposes of the corporation to the Lincoln County Community Foundation for their Community Endowment Fund in such a manner, or to such organization or organizations which shall at the time qualify as an exempt organization or organizations under section 501(c)(3) of the Internal Revenue Code of 1954 (or the corresponding provision of any future U.S. Internal Revenue Law), as the board of directors shall determine. Any such assets not so disposed of shall be disbursed by the appropriate Court of the county in which the principal office of the corporation is then located, exclusively for such purposes or to such organization or organizations, as said court shall determine, which are organized and operated exclusively for such purposes.

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

Motion to Renew and Extend Lease Between Lincoln County and the United Way of Lincoln County – George Wood: Mr. Wood said the lease for the two-story wooden house next to the Farmer's Market to United Way will soon expire. He said Wes Deaton has prepared the lease, which is for three years, with an option to renew for an additional five-year term. The rent is \$1.00. It is recommended that the Board renew the lease.

Wayne Vinzant thanked the Board for considering the lease renewal.

UPON MOTION by Commissioner Arena, the Board voted unanimously to renew and extend the lease between Lincoln County and the United Way of Lincoln County.

Motion to Approve Sheriff's Fleet Maintenance by Board of Education's Central Garage – George Wood: Mr. Wood said they have been working with the Board of Education on a pilot program to have them do preventive maintenance on some of our fleet. Sheriff Carpenter and he have been meeting with the BOE administration and central garage director on this program and are proposing that the Board authorize the BOE to maintain the Sheriff's fleet beginning July 1, 2012. The BOE will be hiring an additional employee to handle this work and they have agreed to provide enough work to pay his salary and benefits. This may necessitate taking additional departments' vehicles in as well. These departments have already been identified (DSS, Health, and Planning and Inspections).

The terms would be as follows:

- We would be charged for parts at the rate they are purchased, with no added markup.
- They would charge us \$22.00 per hour for the mechanic's time.
- They would charge us \$275.00 per month for the administrative time, particularly keeping the records on vehicle servicing.
- We would compare the costs for FY 2013 versus FY 2012 to determine the level of savings from this partnership at the end of the fiscal year. The County would then provide the BOE

with 50% of the savings as an additional appropriation for FY 2014. This is an incentive for this program to work, thereby reducing our costs. And it shares the savings with the BOE, who are doing the work. The BOE has taken large hits to its budget from the State of NC over the last three years, and will take another hit in FY 2013. They need additional funding, and this is a way to get some of it without asking the taxpayers for additional money.

The BOE's central garage is not equipped to handle every repair, either for their or our fleet. Some repairs require specialized equipment that is not cost effective to own. Consequently, some of the larger repairs will still be contracted out to local garages. However, we will have the benefit of ASE-certified mechanics at the school garage assessing the need for these additional repairs on the front end. That should also save some money.

Both Sheriff Carpenter and he recommend entering into this pilot program with the BOE. Mr. Wood expressed his appreciation to Dr. Hoyle and her staff for working with them cooperatively on this program.

UPON MOTION by Commissioner Arena, the Board voted unanimously to approve Sheriff's Fleet Maintenance by Board of Education's Central Garage.

Motion to Award an Exterior Restoration/Rehabilitation Contract in the amount of \$554,923 to the lowest responsible bidder, H.C. Rummage, Inc. using donated funding: said approval contingent upon the funding being made fully available:

Mr. Wood said this is not county money, it is being funded by an anonymous donor. He recommended the Board approve the low bid of H.C. Rummage, Inc. and make it in the motion that this contract is contingent upon the money being deposited prior to the notice to proceed.

Mr. Wood said there is a contingency of about 8% for change orders. He said he has made it clear the county will put no money into this so if there are change orders, the county will not fund them.

UPON MOTION by Commissioner Klein , the Board voted unanimously to award an Exterior Restoration/Rehabilitation contract in the amount of \$554,923 to the lowest responsible bidder, H.C. Rummage, Inc. using donated funding, said approval is contingent upon the funding being made fully available.

Budget Presentation – George Wood: Mr. Wood presented the 2013 budget with the same tax rate of \$.598 per \$100 of assessed valuation. The East Lincoln Water and Sewer District Tax will increase from \$.0199 to \$.0355 per \$100 of assessed valuation.

Resolution Concerning Debt Setoff Program: **UPON MOTION** by Commissioner Arena, the Board voted 4 – 1 (Mitchem against) to approve the Resolution.

**RESOLUTION #2012-18: A RESOLUTION TO AMEND THE
RESOLUTION AUTHORIZING USE OF THE NC LOCAL
GOVERNMENT DEBT SETOFF PROGRAM**

Whereas, North Carolina General Statute Chapter 105A, Setoff Debt Collection Act, authorizes the North Carolina Department of Revenue to cooperate in identifying debtors who owe money to local governments and who qualify for refunds from the Department of Revenue; and

Whereas, the law authorizes the setting off of certain debts owed to local governments against tax refunds; and

Whereas, the North Carolina Association of County Commissioners and the North Carolina League of Municipalities have jointly established a clearinghouse to submit debts on behalf of Lincoln County, as provided by law; and

Whereas, the Lincoln County Board of Commissioners previously adopted a resolution authorizing the Tax Administrator as the person to hold hearings, conduct necessary proceedings, and to manage the program in Lincoln County for the collection of property taxes, fees and charges, and other debts; and

Whereas, the Lincoln County Board of Commissioners desires to amend its previously adopted resolution to designate a different person to hold such hearings and conduct the necessary proceedings therefor; and

Whereas, the Lincoln County Board of Commissioners wishes to utilize this program to collect delinquent utility bills also, as the City of Lincolnton already does, and utility billing and collection may be moved under the Finance Director in the future;

NOW, THEREFORE, BE IT RESOLVED by the Lincoln County Board of Commissioners that Lincoln County will participate in the debt setoff program for the collection of all delinquent debts owed the County, including but not limited to real and personal property taxes, fees and charges, availability fees, capacity development fees, tap fees, and utility bills; and hereby designates the following position-holders employed by the County to hold hearings and conduct necessary proceedings for Lincoln County:

1. The County Manager shall hold hearings and conduct the proceedings for said hearings as they relate to utility bills.
2. The County Finance Director shall otherwise be designated to hold all hearings and conduct the proceedings for said hearings involving the debt setoff program.

Except as otherwise amended, the County adopts by incorporation the terms and conditions of its previous resolutions.

The Chairman, County Manager, and County Clerk are hereby authorized to execute such documents and agreements as are necessary to participate in the debt setoff program.

Adopted by the Lincoln County Board of Commissioners on the ____ day of May, 2012.

BY: _____

Alex E. Patton, Chairman

ATTEST: _____

Amy S. Atkins, County Clerk

Finance Officer's Report: Deanna Rios, Finance Director, gave the Finance Officer's Report.

County Manager's Report: Mr. Wood presented the County Manager's Report.

County Commissioners' Report: Commissioner Klein presented information concerning SB433 and asked for it to be discussed Wednesday night at the budget work session.

County Attorney's Report: Wesley Deaton, County Attorney, gave an update on his recent activities.

Vacancies/Appointments: None reported.

Calendar: Chairman Patton presented the June calendar.

Closed Session: **UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to enter Closed Session pursuant to NCGS § 143-318.11

(a)(6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee. General personnel policy issues may not be considered in a closed session. A public body may not consider the qualifications, competence, performance, character, fitness, appointment, or removal of a member of the public body or another body and may not consider or fill a vacancy among its own membership except in an open meeting. Final action making an appointment or discharge or removal by a public body having final authority for the appointment or discharge or removal shall be taken in an open meeting.

Recess: **UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to recess to May 23, 2012 at 6:00 p.m. at LEDA building, 502 E. Main Street, Lincolnton.

Amy Atkins, Clerk
Board of Commissioners

Alex E. Patton, Chairman
Board of Commissioners