

**MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, SEPTEMBER 20, 2010**

The Lincoln County Board of County Commissioners met on September 20, 2010 at the Citizens Center, Commissioners Room, 115 West Main Street, Lincolnton, North Carolina, regular place of meeting at 6:30 PM.

Commissioners Present:

Bruce Carlton – Vice Chairman
George Arena
James A. Klein
Carrol D. Mitchem

Commissioners Absent:

Chairman Alex Patton

Others Present:

Martha W. Lide, Assistant County Manager
Jeffrey A. Taylor, County Attorney
Amy S. Atkins, Clerk to the Board
Randy Hawkins, Zoning Administrator
Burns Whittaker, Public Works Director
Leon Harmon, Finance Director

Call to Order: Vice-Chairman Carlton called the September 20, 2010 meeting of the Lincoln County Board of Commissioners to order.

Reverend J. V. Allen of Boger City Wesleyan Church gave the Invocation. Vice-Chairman Carlton led in the Pledge of Allegiance.

Adoption of Agenda: Vice-Chairman Carlton presented the agenda for the Board's approval.

AGENDA

LINCOLN COUNTY BOARD OF COMMISSIONERS

SEPTEMBER 20, 2010

6:30 PM Call to Order

Invocation - Rev. J.V. Allen, Boger City Wesleyan Church

Pledge of Allegiance

1. 6:32 PM Adoption of Agenda

2. 6:33 PM Consent Agenda
 - Approval of Minutes
 - September 13, 2010
 - Ordinance #2010-13: An Ordinance Amending the FY 2010 Budget for
 - the County of Lincoln, North Carolina
 - Sponsored Group Status
 - YMCA Prayer Breakfast
 - Fall Litter Sweep 2010
 - FY 11 4-H Science Program Grant
 3. 6:35 PM Public Comments
 4. 6:50 PM Planning Board Recommendations – Randy Hawkins
 - CUP #298 Nelta Sain, applicant
 5. 7:00 PM Professional Assistance for the Annual Audit of Business Personal Property Tax Listings - Madge Huffman
 6. 7:10 PM Maintenance Service Agreement - Lincoln County Emergency Communication System - Martha Lide
 7. 7:15 PM Capital Project Report - Burns Whittaker
 8. 7:20 PM Finance Officer's Report - Leon Harmon
 9. 7:25 PM County Manager's Report - George Wood
 10. 7:30 PM County Commissioners' Report
 11. 7:35 PM County Attorney's Report
 12. 7:40 PM Vacancies/Appointments
 13. 7:45 PM Calendar
 14. 7:55 PM Other Business
- Adjourn

UPON MOTION by Commissioner Klein, the Board voted unanimously to adopt the agenda.

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

Ordinance # 2010-13: An Ordinance Amending the FY 2010 Budget for the County of Lincoln, North Carolina

ORDINANCE #2010-13: AN ORDINANCE AMENDING THE FY 2011 BUDGET FOR THE COUNTY OF LINCOLN, NORTH CAROLINA

THAT WHEREAS, the Lincoln County Board of Commissioners adopted the FY 2011 Budget by approving Ordinance #2010-05 on June 21, 2010; 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 2011 Budget previously adopted is hereby amended as follows:

Section 1. That the budget adjustments attached hereto, and incorporated herein by reference as Exhibit A to Ordinance #2010-13, are hereby approved and adopted as amendments to the FY 2011 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 20th day of September 2010.

Alex E. Patton, Chairman
Lincoln County Board of Commissioners

ATTEST:

Amy S. Atkins
Clerk to the Board

- Sponsored Group Status
 - YMCA Prayer Breakfast
- Fall Litter Sweep 2010

FALL LITTER SWEEP 2010 A PROCLAMATION

WHEREAS, the North Carolina Department of Transportation's Office of Beautification annually organizes roadside cleanup campaigns to ensure clean roadsides throughout our State; and

WHEREAS, a FALL LITTER SWEEP campaign has been planned for

September 18-October 2, 2010, to clean our roadsides, help educate the public about the harmful effects of litter on the environment, and give every organization, business, government agency and individual the opportunity to take responsibility for cleaner roads in Lincoln County and North Carolina; and

WHEREAS, Adopt-A-Highway volunteers, community and civic organizations, inmates, community service workers, local governments, and many concerned citizens participate in these cleanups and may receive a Certificate of Appreciation for their hard work; and

WHEREAS, the natural beauty and a clean environment are a source of great pride for Lincoln County and North Carolina, attracting tourists and aiding in recruiting new industries; and

WHEREAS, the 2010 Fall cleanup will improve the quality of life for all of Lincoln County and North Carolina and will help promote the North Carolina Adopt-A-Highway program;

Now, THEREFORE, the LINCOLN COUNTY BOARD OF COMMISSIONERS does hereby proclaim September 18-October 2, 2010, as "**FALL LITTER SWEEP**" in Lincoln County, and urge all citizens to participate in keeping our roadsides clean and to reduce solid wastes.

- FY 11 4-H Science Program Grant

Public Comments: Vice-Chairman Carlton advised that this was the time the Board of Commissioners would receive comments from the citizens regarding any matter they desired to address.

Joann Hager, 6587 Highway 27, Iron Station, asked for an investigation into the processes and procedures of Animal Services. She also requested a job description for each position at Animal Services and the responsibilities of each position such as Director, Shelter Supervisor, kennel workers, etc.

Being no additional speakers, Vice-Chairman Carlton declared the public comments section closed.

Planning Board Recommendations – Randy Hawkins:

Conditional Use Permit No. 298 – Nelta Sain, applicant: The Planning Board voted 8-0 to recommend approval with 2 conditions: 1 – the home be new, 2 – the home have brick underpinning.

UPON MOTION by Commissioner Arena, the Board voted unanimously to approve the Planning Board's recommendation along with the 2 conditions in the recommendation and the Findings of Fact.

Professional Assistance for the Annual Audit of Business Personal Property Tax Listings: Madge Huffman presented the information:

During the Board of Commissioners 2000/2001 budget retreat, a goal for "implementation of an audit plan for all business personal property listings" was set forth to the Tax Department.

In order to meet the new challenges without hiring additional staff, a proposal for assistance from an outside firm was made and County Tax Services was hired to provide the professional audit service. Authorization for the assessor to hire outside services for certain tax functions is provided under NCGS 105-296 (b). The Service Contract entered into by County Tax Service and Lincoln County was fee/cost based and the county was charged for each audit performed whether or not any unlisted property was discovered. This plan was very successful and provided additional revenue for the county. This service has been reviewed annually and in budget year 2008/2009 annual cost reflected that the service was no longer self-supporting. It was decided to temporarily suspend the random selection audit program and only out-source audits for accounts which were selected by our business personal property appraiser while reviewing the annual listings.

Two years have passed, and with new businesses moving to the county, there is a need for this type of program to be reinstated. After reviewing five proposals from audit firms providing this service, Evans & Associates Consulting Group, Inc. was selected. They will provide audit services under a contingency based contract. This type of contract provides no cost to the county unless a discovery of un-listed properties is made which generates a tax bill.

This would mean:

- Assurance that all businesses are complying with the annual listing requirements and the assessor has fulfilled the general charge of listing, appraising and assessing all taxable properties located in the county. (NCGS 105.296 (a).)
- Fair and equitable assessments for all taxpayers.
- Education for the persons responsible for listing, which improves any future listings.
- No investment on behalf of the county, only additional revenue; the contingency fee of 31% is not due until the taxes are paid. The contingency fee applies the discovery bill only and does not include any future listings or taxes.

This new contract would replace the existing fee based service.

Madge Huffman stated that we currently use this company on a cost-per-audit. It can be from \$500 to \$5,000 depending on the size of the company and the size of records they have to review.

Commissioner Arena asked if Mr. Wood is supportive of this request. Ms. Huffman stated that he is supportive and asked that this be presented. He has met with Evans and Associates.

Commissioner Mitchem asked if this could not be done in house.

Ms. Huffman stated that it is a cost savings to use a professional outside service.

UPON MOTION by Commissioner Arena, the Board voted 3 – 1 (For: Carlton, Klein, Arena; Against: Mitchem) to approve the contract for Evans and Associates for professional assistance for the annual audit of business personal property.

Commissioner Mitchem said it always seems like the County is outsourcing other people to do our jobs. He said he has a real problem with this.

Maintenance Service Agreement - Lincoln County Emergency Communication

System: Martha Lide stated that it is recommended that the Board approve the Maintenance Service Agreement for the Lincoln County Emergency Communications System with Two Way Radio of Carolina, Inc. The total amount of the contract is \$65,652, and it covers routine preventive maintenance and emergency response repairs for all of the County's communications infrastructure equipment located on the towers throughout the County.

The County recently transitioned from a 25 megahertz radio system to a new 12.5 megahertz radio system. Much of the equipment was replaced, but some of the old equipment is still being used. To have confidence in the radio system, it is necessary to conduct regular preventive maintenance checks on both the old and the new equipment. This approach is proactive in preventing communication outages, and prevents us from being reactive after a failure occurs. We must also prepare for unexpected problems, and have a contractor on call 24/7 to make necessary repairs if such a problem does arise.

Ms. Lide recommended a Maintenance Service Agreement with Two Way Radio of Carolina, Inc. Two Way Radio of Carolina, Inc. was selected because they completed the recent installation of the new radio system. Having recently installed the system, they are uniquely qualified to conduct this maintenance due to their knowledge of the system. We would not want another contractor to work on the system, particularly during the warranty period. The initial term of the contract is for one year beginning October 1, 2010, and may be extended for an additional period up to four years with one (1) year renewal options. Lincoln County may terminate this agreement at any time by giving 30 days written notice.

Prior to the installation of a new radio system, the County did have a maintenance and service agreement for the infrastructure/tower equipment. The total cost of that contract was \$72,120.00

Commissioner Arena stated that there are still some issues with Two Way and the final payment has not been made, but this is a separate issue.

UPON MOTION by Commissioner Arena, the Board voted unanimously to approve the Maintenance Service Agreement with Two Way Radio of Carolina, Inc.

Capital Project Report – Burns Whittaker: Burns Whittaker presented the Capital Project Report.

Finance Officer’s Report - Leon Harmon: Leon Harmon presented the Finance Officer’s Report.

County Manager’s Report: Martha Lide stated that Mr. Wood wanted to make sure everyone knew about the grant for \$1.6 million for sewer improvements at the Airport.

County Commissioners’ Report: Nothing reported.

County Attorney’s Report: Jeff Taylor updated the Board on Burton Creek, the Mullinax junkyard, and the Union County APFO case.

Vacancies/Appointments: No vacancies/appointments reported.

Calendar: Vice-Chairman Carlton presented the September 2010 calendar.

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

Amy S. Atkins, Clerk
Board of Commissioners

Alex E. Patton, Chairman
Board of Commissioners