

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, JUNE 5, 2000

The Lincoln County Board of County Commissioners and the Planning Board met in a joint session on June 5, 2000 at the Citizens Center, Commissioners Room, 115 West Main Street, Lincolnton, North Carolina, the regular place of meeting at 5:30 PM.

Commissioners Present:

James A. Hallman, Chairman
Terry L. Brotherton, Vice-Chairman
Beth H. Saine
John R. Gamble, Jr.
W. J. Waters, Jr.

Planning Board Members Present:

James Funderburk
Stanley Roseboro
Ron Smith
Phil Hunt
Eddie Sigmon
Jerry Geymont

Others Present:

Jeffrey A. Taylor, County Attorney
Amy S. Long, Clerk to the Board
Kelly Atkins, Director of Building and Land Development
Lee Lawson, Land Use Coordinator
Sherry Mobley, Development Technician
Sherry Seagle, Administrative Secretary
Leon Harmon, Finance Director

Call to Order: Chairman Hallman called the June 5, 2000 meeting to order.

Adoption of Agenda: **UPON MOTION** by Commissioner Waters, the Board voted unanimously to approve the agenda with the following changes: delete Item 5 – Order of Collection, PCUR #15 deferred to June 19, PCUR # 60 to July 3, 2000, 3 Motions Concerning the Hospital under Other Business, and a Closed Session to discuss a potential legal claim, and economic development.

AGENDA

LINCOLN COUNTY BOARD OF COMMISSIONERS

PUBLIC HEARINGS

JUNE 5, 2000

5:30 PM Call to Order

1. 5:30 PM Adoption of Agenda

2. 5:30 PM Approval of Minutes
- May 15, 2000

3. 5:30 PM New Business / Advertised Public Hearing

- Parallel Conditional Use Rezoning No. 15 – Morrow Properties, LLC., applicant - Request for a Parallel Conditional Use Rezoning (PCUR) to rezone 31.19 acres to Conditional Use Residential Suburban (CU-RS) to accommodate Multi-Family Dwelling Units. This parcel is located at the intersection of N.C. Highway 16 and N.C. Highway 73 in the Catawba Springs Township.
- Parallel Conditional Use Rezoning No. 60 – Kathy Gantt, applicant – Request for a Parallel Conditional Use Rezoning (PCUR) to rezone 16 acres to Conditional Use Residential Suburban (CU R-S) to accommodate a doublewide mobile home. This parcel is located off of Dan Rhyne Road in the Howard's Creek Township.
- Parallel Conditional Use Rezoning No. 67 – Squires Homes, applicant – Request for a Parallel Conditional Use Rezoning (PCUR) to rezone 150.9 acres to Conditional Use Planned Residential (CU-PR) to accommodate a major subdivision with 346 Single Family Dwelling units. The parcel is presently zoned Residential Single Family (R-SF). The parcel is located on Ingleside Farm Road in the Catawba Springs Township.
- Parallel Conditional Use Rezoning No. 68 – Joseph Peterson, applicant. Request for a Parallel Conditional Use Rezoning of a parcel from Residential Single Family (R-SF) to Conditional Use Neighborhood Business (CU-BN). The applicant wishes to rezone this property in order to accommodate an office business as permitted in the B-N district. The .96 acre parcel is located at 6608 Campground Road in the Catawba Springs Township.
- Zoning Text Amendment No. 337 – Amend Section 10.3.1-R to the Lincoln County Zoning Ordinance, in Suburban Residential, to state: Mobile Homes, Class A and Class B, with the following restrictions:
 - The mobile home must be underpinned with brick or rock.
 - The mobile home must have shingle roof.
 - The mobile home must face the road.
 - The mobile home must be real property.
 - The mobile home must have at least a two (2) by twelve (12) pitched roof.

The mobile home must have at least an eight (8) inch overhang.

4. 6:20 PM Approval of Parent Education Program Assistant – Kevin Starr
5. 6:30 PM Order of Collection
6. 6:40 PM Articles of Association and Agreement for the Centralina Workforce Development Consortium and a Resolution Approving the Articles of Association and Agreement for the Centralina Workforce Development Consortium
7. 6:50 PM Resolution Authorizing Establishment of an Ordinance Levying Tax on Gross Receipts Derived from Retail Short-term Lease or Rental of Motor Vehicles.
8. 7:00 PM East Lincoln Community Center Bids
9. 7:10 PM Solid Waste Management Plan Public Hearing
10. 7:20 PM Incentive Program Public Hearing
11. 7:30 PM 2000 – 2001 Budget Public Hearing
12. 7:30 PM 2000 – 2001 East Lincoln County Water and Sewer District Public Hearing
13. 7:40 PM Recommendations from Planning Board – June 5, 2000
 - Parallel Conditional Use Rezoning No. 15 – Morrow Properties, LLC., applicant.
 - Parallel Conditional Use Rezoning No. 60 – Kathy Gant, applicant.
 - Parallel Conditional Use Rezoning No. 67 – Squires Homes, applicant.
 - Parallel Conditional Use Rezoning No. 68 – Joseph Peterson, applicant.
 - Zoning Text Amendment No. 337.
- 14. 8:15 PM At this time, the Board of Commissioners will recess the June 5, 2000 Public Hearing Meeting and open the June 5, 2000 Board of Variance and Appeals Meeting.**
15. 9:15 PM Other Business

Adjourn

Approval of Minutes: Chairman Hallman presented the minutes of the May 15, 2000 meeting for approval.

UPON MOTION by Commissioner Waters, the Board voted unanimously to approve the minutes of the May 15, 2000 meeting.

New Business: Advertised Public Hearings: Chairman Hallman announced that this was the date, Monday, June 5, 2000 and the time, 5:30 PM, which was advertised in the *Lincoln Times-News* on May 26, 2000 and June 2, 2000.

NOTICE OF PUBLIC HEARING

The Lincoln County Board of Commissioners and Planning Board will hold a joint meeting and public hearing at 5:30 P.M. on Monday, June 5, 2000 to consider the following zoning related matters:

PCUR # 15 – Morrow Properties, LLC.: A request for a Parallel Conditional Use Rezoning (PCUR) to rezone 31.19 acres to Conditional Use Residential Suburban (CUR-S) to accommodate Multi-Family Dwelling Units. The request was approved by the Planning Board and the Board of Commissioners on December 2, 1996 with a condition that the Board of Commissioners would need to approve the final plat. The applicant has not applied for a building permit to be issued one (1) year after approval or the Planning Board shall make a recommendation to the County Commissioners to rescind the application and rezone the said parcel to a general zoning district. This parcel is located at the intersection of N.C. Highway 16 and N.C. Highway 73 in the Catawba Springs Township.

PCUR# 60 – Kathy Gantt, applicant: A request for a Parallel Conditional Use Rezoning (PCUR) to rezone 16 acres to Conditional Use Residential Suburban (CU R-S) to accommodate a doublewide mobile home. The request was approved by the Planning Board and the Board of Commissioners on February 1, 1999 with conditions. The conditions were: 1) Only one (1) mobile could be placed on the said parcel, 2) The front setback from the street right-of-way shall be 100 feet, and 3) If the use changed or if the property was ever subdivided the zoning would revert back to Residential Single Family (R-SF). The applicant has not applied for a building permit for this parcel. The Lincoln County Zoning Ordinance requires a building permit to be issued one (1) year after approval or the Planning Board shall make a recommendation to the County Commissioners to rescind the application and rezone the said parcel to a general zoning district. This parcel is located off of Dan Rhyne Road in the Howards Creek Township.

PCUR #67 – Squires Homes, applicant: A request for a Parallel Conditional Use Rezoning (PCUR) to rezone 150.9 acres to Conditional Use Planned Residential (CU-PR) to accommodate a major subdivision with 346 Single Family Dwelling Units. This parcel

is presently zoned Residential Single Family (R-SF). The parcel is located on Ingleside Farm Road in the Catawba Springs Township.

PCUR #68 – Joseph Peterson, applicant: A request for a Parallel Conditional Use Rezoning of a parcel from Residential Single Family (R-SF) to Conditional Use Neighborhood Business (CU-BN). The applicant wishes to rezone this property in order to accommodate an office business as permitted in the B-N district. The .96 acre parcel is located at 6608 Campground Road in the Catawba Springs Township.

ZTA #337: Amend Section 10.3.1-R to the Lincoln County Zoning Ordinance, in Suburban Residential, to state: Mobile Homes, Class A and B, with the following restrictions.

- The mobile home must be underpinned with brick or rock.
- The mobile home must have shingle roof.
- The mobile home must face the road.
- The mobile home must be real property.
- The mobile home must have at least a two (2) by twelve (12) pitched roof.
- The mobile home must have at least an eight (8) inch overhang.

Parallel Conditional Use Rezoning No. 67 – Squires Homes, applicant: Lee Lawson, Land Use Coordinator, presented the following information concerning Parallel Conditional Use Rezoning No. 67 – Squires Homes, applicant.

The applicant is requesting a Parallel Conditional Use Rezoning (PCUR) to rezone 150.9 acres to Conditional Use Planned Residential (CU-PR) to accommodate a major subdivision with 346 Single Family Dwelling Units. This parcel is presently zoned Residential Single Family (R-SF).

The parcel is joined on Ingleside Farm Road in the Catawba Springs Township. The property is joined on the north, southwest, and east sides by properties that are zoned R-T and to the northwest and south by R-SF. The Lincoln County Land Development Plan calls for moderate residential density in this area.

Chairman Hallman opened the Public Hearing for Parallel Conditional Use Rezoning No. 67 – Squires Homes, applicant.

Robin Evans stated that her family lives across from the proposed subdivision. She stated that Mecklenburg County has snuck in and taken over. Ms. Evans stated that this area is not able to handle the growth.

David McCord with Squires Homes stated that the development would be aimed at first time homebuyers with houses starting at around \$125,000.

Being no additional speakers, Chairman Hallman declared the Public Hearing on Parallel Conditional Use Rezoning No. 67 – Squires Homes, applicant.

Chairman Hallman called for a five-minute recess.
Chairman Hallman called the meeting back to order.

Parallel Conditional Use Rezoning No. 68 – Joseph Peterson, applicant:

Lee Lawson, Land Use Coordinator, presented the following information concerning Parallel Conditional Use Rezoning No. 68 – Joseph Peterson, applicant.

The applicant is requesting a Parallel Conditional Use Rezoning of a parcel from Residential Single Family (R-SF) to Conditional Use Neighborhood Business (CU-BN). The applicant wishes to rezone this property in order to accommodate an office business as permitted in the B-N district.

The .96 acre parcel is located at 6608 Campground Road in the Catawba Springs Township. The property is joined on all sides by parcels that are zoned R-SF. The Lincoln County Land Development Plan calls for higher density development in this area.

Chairman Hallman opened the Public Hearing for Parallel Conditional Use Rezoning No. 68 - Joseph Peterson, applicant.

Being no one wishing to speak, Chairman Hallman declared the Public Hearing for Parallel Conditional Use Rezoning No. 68—Joseph Peterson, applicant, closed.

Zoning Text Amendment No. 337: Lee Lawson, Land Use Coordinator, presented the following information concerning Zoning Text Amendment No. 337.

Amend Section 10.3.1-R to the Lincoln County Zoning Ordinance, in Zoning Permits, to state: Mobile Homes, Class A and Class B, with the following restrictions:

- The mobile home must be underpinned with brick or rock.
- The mobile home must have shingle roof.
- The mobile home must face the road.
- The mobile home must be real property.
- The mobile home must have at least a two (2) by twelve (12) pitched roof.
- The mobile home must have at least an eight (8) inch overhang.

Chairman Hallman asked the difference in the amendment and the current ordinance.

Mr. Lawson stated that right now in the Residential Suburban zoning district, only a Class A mobile home is permitted as a use by right. A Class B is a use by right.

Commissioner Waters asked why this is being done.

Mr. Lawson stated that he looked at zoning ordinances from other counties, and their definitions of Class A mobile homes are less stringent. He stated that this would make it more contiguous with other counties.

Chairman Hallman opened the Public Hearing for Zoning Text Amendment No. 337.

David Choate stated that he purchased a lot from Ken McCurry in a subdivision off of Hwy. 274. He stated that he purchased this lot with the understanding that it would only be Class A mobile homes. He stated that he purchased the lot because of the restrictions. He stated that he is speaking against this, and he feels this is undermining the intent of the subdivision. Mr. Choate stated that he would be very much disappointed if this level of structure was compromised. He stated that he was under the impression from the Zoning Office that singlewides would be allowed.

Ben Siler stated that he bought lot number 12, which is 10.5 acres in the neighborhood. He stated that this was not an issue until they pulled a trailer out there that does not meet the restrictions. He stated that he would like to see it stay the way it is.

Ken McCurry stated that he is the one that has the subdivision. He stated that when he started it, it was Class A mobile homes only, and he would hate for it to be changed halfway through.

Tim Saunders stated that about 2 months ago, they went through the Zoning Department, going through all the right channels. He stated that construction was stopped because it did not have the proper specifications. He stated that he is just trying to provide for his family and would like to see the amendment passed.

Being no additional speakers, Chairman Hallman declared the Public Hearing for Zoning Text Amendment No. 337 closed.

The Planning Board reconvened to the 2nd floor balcony.

Approval of Parent Education Program Assistant – Kevin Starr: Mr. Starr stated that in March, he had the opportunity to appear before the Board to provide a brief explanation of the “Very Important Parents” (V.I.P.) project. This is a parenting education program being carried out jointly by the Cooperative Extension Service in Lincoln and Gaston counties. The project is supported by Smart Start funds. Earlier, we were giving serious consideration to contracting with a staffing agency in order to obtain the Parent Education Program Assistant which will serve Lincoln County as a part of this project. However, Gaston County has chosen to hire their project employees as county employees. In discussions with the program coordinator for Smart Start in Lincoln/Gaston Counties, she has recommended that we follow this same route of hiring our Parent Education Program Assistant as a county employee. She feels that we will have less difficulty in obtaining and retaining a reliable employee. This would be consistent, not only in with our colleagues in Gaston County, but with other county departments (Health and Social Services) which also have county positions funded by Smart Start. He requested that the Board of Commissioners approve the position of “Parent Education Program Assistant” for the Cooperative Extension Service with the position being funded by Smart Start.

UPON MOTION by Commissioner Gamble, the Board voted unanimously to approve the position subject to the hiring process being contingent upon Smart Start funding.

Articles of Association and Agreement for the Centralina Workforce Development Consortium and a Resolution Approving the Articles of Association and Agreement for the Centralina Workforce Development Consortium: **UPON MOTION** by Commissioner Brotherton, the Board voted unanimously to approve the Articles of Association and Agreement for the Centralina Workforce Development Consortium and a Resolution Approving the Articles of Association and Agreement for the Centralina Workforce Development Consortium.

**ARTICLES OF ASSOCIATION AND AGREEMENT FOR
THE
CENTRALINA WORKFORCE DEVELOPMENT
CONSORTIUM**

ARTICLE I. TITLE AND PURPOSE

The contiguous units of local government listed below, being desirous of agreeing to an undertaking pursuant to the provisions of N.C. G. S. Section 160A-464 (1), do hereby agree to establish a workforce development consortium to act jointly as a Local Workforce Investment Area for workforce development under the Workforce Investment Act (WIA) of 1998, P.L. 105-220; the North Carolina Employment and Training Grant Program (NCETGP), NC GS 143B-438.6; and under the Welfare0to-Work (WtW) Grant provisions of Title IV, Part A of the Social Security Act (P.L. 74-271), as amended. This consortium shall be known as the Centralina Workforce Development Consortium.

ARTICLE II. MEMBERSHIP

The consortium shall be composed of the following independent and contiguous units of general purpose local government: Anson, Cabarrus, Iredell, Lincoln, Rowan, Stanly, and Union Counties.

ARTICLE III. CERTIFICATION OF AUTHORITY

1. AUTHORITY UNDER STATE AND LOCAL LAW

In accordance with N.C.G.S. Sections 160A-460 et.seq., the member counties of the Centralina Workforce Development Consortium certify that they possess full legal authority, as provided by state and local law, to enter into this agreement and to fulfill the legal and financial requirements of operating as a Local Workforce Investment Area under the Workforce Investment Act, the NCETGP, and the Welfare-to-Work Grant for the entire geographic area covered by this agreement.

2. SPECIFIC RESOLUTIONS TO ENTER INTO AGREEMENT

In accordance with N.C.G.S. Section 160A-461, a copy of the duly executed resolution and appropriate board meeting minutes giving the respective counties specific authority to enter into this consortium agreement will be attached to this document and are incorporated herein by reference.

3. DESIGNATION OF CHIEF ELECTED OFFICIALS FROM EACH MEMBER UNIT OF GOVERNMENT

Each member unit of government designates as chief elected official for Workforce Investment Act, NCETGP, and Welfare-to-Work purposes, upon whose representations the State, the Workforce Development Board, the administrative entity and the other member units may rely, the duly elected Chairman of each respective County Board of Commissioners. If any county member of the consortium desires, it may designate any member of its Board as its "Chief Elected Official" for WIA, NCETGP, an WtW purposes, in lieu of having its Chairman serve in such capacity. Unless otherwise notified of such designation of another member of its Board, each county shall be deemed to have designated its Chairman as its "Chief Elected Official" for WIA, NCETGP, and WtW purposes. Such person shall be the signatory of this agreement and shall be authorized to execute such other agreements as are necessary for Workforce Investment Act purposes, North Carolina Employment and Training Grant purposes, and for purposes of the Welfare-to-Work Grant provisions at Title IV, Part A of the Social Security Act (P.L. 74-271), as amended.

4. DESIGNATION OF CHIEF ELECTED OFFICIAL FOR WORKFORCE INVESTMENT AREA

In accordance with N.C.G.S. Section 160A-463(b), the Chairmen (or their designee) of the Boards of Commissioners of the undersigned units of local government shall annually elect one of their number by a vote to serve as Chairman of the Centralina Workforce Development Consortium for a one year term. The Chairman of the Centralina Workforce Development Consortium shall be authorized to represent the Consortium and to act on behalf of the undersigned units of local government with respect to any matter adopted or passed by the Consortium and shall be authorized to exercise the functions of the Centralina Workforce Investment Area chief elected official which are required under the Workforce Investment Act, the North Carolina Employment and Training Grant Program, and the Welfare-to-Work Grant.

ARTICLE IV. DURATION

In accordance with N.C.G.S. Section 160A-464(2), this agreement shall become effective on the date of the last chief elected official's signature and shall continue in effect until the Local Workforce Investment Area is re-designated by the Governor of North Carolina or by termination of this Agreement by a member unit of government as provided for in Article XI.

ARTICLE V. ASSURANCES AND CERTIFICATIONS

The member units will comply with the requirements of the Workforce Investment Act, the requirements of the Welfare-to-Work Grant provided for at Title IV, part A of the Social Security Act, as amended, as well as requirements of the North Carolina Employment and Training Grant provided at G.S. 143B-438.6, and regulations promulgated thereunder, all other applicable federal regulations, the statutes of the State of North Carolina, and written directives and instructions relevant to Workforce Investment Area operation from the Governor of North Carolina or his/her designee.

ARTICLE VI. FINANCING/LIABILITY

In accordance with N.C.G.S. Section 160A-464(5), it is anticipated that funding necessary to implement this agreement shall be derived from federal grant and/or state funds received through the Governor. In the event it is necessary to appropriate non-federal funds for the purpose of implementing this agreement, the parties agree, as between themselves, that the state fair share allocation formula shall be used.

The undersigned units of local government hereby acknowledge that they are jointly and severally accountable for liabilities arising out of activities under the Workforce Investment Act, the Welfare-to-Work Grant, and the North Carolina Employment and Training Grant, and for all funds received by the Workforce Investment Area grant recipient pursuant to WIA, the Welfare-to-Work Grant, and the North Carolina Employment and Training Grant. Liability includes, but is not limited to, responsibility for prompt repayment from nonprogram funds of any misexpenditures by the administrative entity of the Local Workforce Investment Area, or any of its subrecipients or contractors, or the Workforce Development Board. As between the consortium members themselves, liability shall be apportioned in the following manner: (a) to the extent that a particular county benefits from costs disallowed (e.g. an ineligible participant from a particular county received training, the cost of which is subsequently disallowed) that county may be liable for those disallowed costs; (b) any disallowed cost for which the benefiting county cannot be determined shall be divided equally among the undersigned units of local government.

Any entity or joint agency created or designated by this Local Workforce Investment Area, including the Workforce Development Board (WDB), and Administrative Entity shall be considered a public agency for the purposes of the Local Government Budget and Fiscal Control Act.

ARTICLE VII. ESTABLISHMENT OF CENTRALINA WORKFORCE DEVELOPMENT BOARD (WDB)

A. Upon designation by the Governor of North Carolina of the Centralina area as a local workforce investment area, the Chairmen of the Boards of County Commissioners of each of the undersigned units of local government shall certify that the current Centralina Workforce Development Board (hereinafter Centralina WDB) as such entity is defined in Section 117 of the WIA and Sections 102 and 103 of the Job Training Partnership Act (JTPA) and accompanying regulations and in accordance with the State of North Carolina Executive Order 90 (December, 1995) will serve as the region's

workforce investment board. The members of the Centralina WDB are to be selected in accordance with the nominating process and representative scheme set forth in Section 117 of the WIA and Section 102 of the JTPA.

B. The Centralina WDB shall consist of at least twenty-three (23) members. A minimum of thirteen (13) of these members shall represent the private sector as that term is defined in Section 117 of the WIA and Section 102 of the JTPA. Of these thirteen private sector members, two shall represent each of the six undersigned units of local government, when feasible. Of the ten (10) remaining members, one shall represent community colleges, one shall represent public educational institutions, one shall represent social service agencies, one shall represent organized labor, one shall represent economic development agencies, one shall represent public employment service agencies, one shall represent vocational rehabilitation agencies, and three shall represent community based organizations.

C. The initial terms of ten members of the initial Centralina WDB shall expire after one year and the initial terms of the remaining members shall expire after two years. Thereafter, the terms of service of all members of the Centralina WDB shall be two years.

D. Successors to the initial members of the Centralina WDB who die, resign, or otherwise cease to serve, shall be selected by Chairmen of the Boards of Commissioners of the undersigned units of local government. If the Chairmen desire to reappoint a current member of the Centralina WDB to another two (2) year term, the nominating process described in Section 117 of the WIA and Section 102 of the JTPA need not be followed. If the Chairmen do not desire to reappoint a current member of the Centralina WDB to another two-year term, then nominations to fill the vacancy shall be sought in accordance with the process described in Section 117 of the WIA and Section 102 of the JTPA and accompanying regulations.

E. Private sector representatives on the Centralina WDB shall be selected by Chairmen of the Boards of Commissioners of the undersigned units of local government from a slate of individuals nominated by general purpose business organizations after consulting with, and receiving recommendations from, other business organizations in the Local Workforce Investment Area. The number of such nominations shall be at least 150 percent (150%) of the number of individuals to be appointed. Such nominations, and the individuals selected from such nominations, shall reasonably represent the industrial and demographic composition of the business community. Whenever possible, at least one-half of such business and industry representatives shall be representatives of small business, including minority business.

Education representatives on the Centralina WDB shall be selected from among individuals nominated by the local educational agencies, vocational education institutions, institutions of higher education, or general organizations of such agencies or institutions, and by private and proprietary schools or general organizations of such schools, within the Local Workforce Investment Area.

Labor representatives shall be recommended by recognized State and local labor organizations or appropriate building trade councils. The remaining members of the Centralina WDB shall be selected from individuals recommended by interested organizations.

F. The composition of the Centralina WDB shall at all times conform with the requirements of Section 117 of the WIA and Section 102 of the JTPA and accompanying regulations, including N.C.G.S. Section 160A-464(3).

ARTICLE VIII. APPOINTMENT OF PERSONNEL

The Chairmen of the Boards of Commissioners of the undersigned units of local government are hereby authorized to enter into agreements with the Centralina Workforce Development Board specifying procedures for development of the workforce development and welfare-to-work plans; agreements relating to the section of a grant recipient and entity to administer the workforce development and welfare-to-work plans; and any other agreements necessary to advance the administration of the Workforce Investment Act, the Welfare-to-Work Grant, and the North Carolina Employment and Training Grant, within the Centralina Local Workforce Investment Area, in accordance with N.C.G.S. Section 160A-464(4)

ARTICLE IX. OWNERSHIP OF RAL PROPERTY

In accordance with N.C.G.S. Section 160A-464(6) and applicable WIA, NCETGP, WtW, and Federal property guidelines, the Centralina Workforce Development Consortium shall adhere to the procedures outlined in DET Issuance 92-3, Change 1 for all property transactions under WIA, NCETGP, and WtW including the buying or selling of real property. The Centralina Workforce Development Consortium will neither acquire nor dispose of real property.

ARTICLE X. AMENDMENTS

In accordance with N.C.G.S. Section 160A-464(7), this agreement may be amended at any time upon the consent of all parties as evidenced by resolution of the Chairmen of the Boards of Commissioners of the undersigned units of local government and as approved by the State. Whenever the position of designated Chief Elected Official for the Centralina Local Workforce Investment Area becomes vacant, the individual selected as a replacement shall be approved through an amendment to this agreement by resolution of the Chairmen of the Boards of Commissioners of the undersigned units of local government.

ARTICLE XI. TERMINATION

In accordance with N.C.G.S. 160A-464(9), the undersigned units of local government may request termination of this agreement at any time upon six months prior written

notice, such termination to be effective when the Governor considers Local Workforce Investment Area redesignation at the end of the then current subgrant agreement year.

ARTICLE XII. RATIFICATION

This agreement shall be effective upon ratification by the Boards of Commissioners of each of the undersigned units of local government.

ANSON COUNTY

By: _____ / _____
Chairman, Board of Commissioners, Date
Anson County

CABARRUS COUNTY

By: _____ / _____
Chairman, Board of Commissioners, Date
Date
Cabarrus County

IREDELL COUNTY

By: _____ / _____
Chairman, Board of Commissioners,
Iredell County

LINCOLN COUNTY

By: _____ / _____
Chairman, Board of Commissioners, Date
Date
Lincoln County

ROWAN COUNTY

By: _____ / _____
Chairman, Board of Commissioners,
Rowan County

STANLY COUNTY

By: _____ / _____
Chairman, Board of Commissioners, Date
Date
Stanly County

UNION COUNTY

By: _____ / _____
Chairman, Board of Commissioners,
Union County

**RESOLUTION APPROVING THE ARTICLES
OF ASSOCIATION AND
AGREEMENT FOR THE CENTRALINA WORKFORCE DEVELOPMENT
CORSORTIUM**

WHEREAS, the counties of Anson, Cabarrus, Iredell, Lincoln, Rowan, Stanly, and Union as independent and contiguous units of general purpose local government do hereby agree to continue as the Centralina Workforce Development Consortium to act jointly as a Workforce Investment Area under the Workforce Investment Act of 1998.

WHEREAS, certain technical revisions to the original "Articles of Association" and subsequent amendments, including the addition of requirements of the Workforce Investment Act and the addition of Anson County to the Consortium, have been made for Program Year 2000 and have been executed by the Chairman of this Board on behalf of this county, subject to ratification of such action by this Board.

WHEREAS, the "Articles of Association" designates the signatory official for the Consortium and the administrative/fiscal agent to administer the program on behalf of the Consortium, and requests certification of the current Centralina Workforce Development Board as the local "Workforce Investment Board" as required by the Act; now, therefore it is

RESOLVED, that the execution of the aforesaid Articles of Association and Agreement For The Centralina Workforce Development Consortium" by our Chairman is ratified and adopted by this Board.

The foregoing resolution is adopted
by the _____
County Board of Commissioners on
this date

Clerk to the Board

**Resolution Authorizing Establishment of an Ordinance Levying Tax on Gross
Receipts Derived from Retail Short-term Lease or Rental of Motor Vehicles: UPON
MOTION by Commissioner Water, the Board voted unanimously to approve the
Resolution Authorizing Establishment of an Ordinance Levying Tax on Gross Receipts
Derived from Retail Short-term Lease or Rental of Motor Vehicles.**

**RESOLUTION AUTHORIZING ESTABLISHMENT OF AN ORDINANCE
LEVYING TAX ON GROSS RECEIPTS DERIVED FROM RETAIL SHORT-
TERM LEASE OR RENTAL OR MOTOR VEHICLES**

WHEREAS, the North Carolina General Assembly has ratified Senate Bill 1076, signed into law as Session Law 2000-2 (S.L. 2000-2) and effective for taxable years beginning on or after July 1, 2000; and

WHEREAS, this act repealed the property tax on certain vehicles leased or rented under retail short-term leases or rentals and authorized counties to replace the lost tax revenue through enactment of a local tax on gross receipts derived from retail short-term leases or rentals.

NOW, THEREFORE BE IT RESOLVED, by the Lincoln County Board of Commissioners that the following ordinance is enacted;

SECTION 1. Tax on Gross Receipts derived from retail short term motor vehicle leases or rentals. The County of Lincoln hereby imposes and levies a tax of one and one half percent (1 ½ %) of the gross receipts from the short-term lease or rental of vehicles at retail to the general public.

SECTION 2. Administration. The County will administer and collect from operators of leasing and rental establishments the taxes levied hereby and the county may promulgate additional rules and regulations necessary for implementation of the taxes.

SECTION 3. Payment of Taxes and Filing of Returns. The taxes levied hereby are due and payable to the County in monthly installments on or before the fifteenth (15th) day of the month following the month in which the tax accrues. Every taxable establishment required to collect the tax shall, on or before the fifteenth (15th) day of each month, prepare and render a return to the County. The County shall design, print, and furnish to all taxable establishments the necessary forms for filing returns and instructions to insure the full collection of the tax. A return filed for this purpose is not a public record as defined by Section 132-1 of the North Carolina General Statutes and may not be disclosed except as required by law.

SECTION 4. Penalties. In case of failure or refusal to file a return or pay the tax for a period of thirty (30) days after the time required for filing the return or paying the tax, there shall be an additional tax, as a penalty, of five percent (5%) of the tax due, with an additional tax of five percent (5%) for each additional month or fraction thereof until the tax is paid. The County Board of Commissioners for good cause shown, may compromise or forgive any penalty or additional tax imposed hereunder.

SECTION 5. Misdemeanor for Willful Violation. Any person, firm, corporation or association who willfully attempts in any manner to evade a tax imposed herein or who willfully fails to pay the tax or make and file a return shall, in addition to the

penalties provided by law and herein, be guilty of a misdemeanor punishable as provided by law.

SECTION 6. Effective Date. The short term rental or leased vehicle gross receipts tax levied herein shall become effective July 1, 2000.

Signed this _____ day of _____, 2000.

Manager

Chairman

East Lincoln Community Center Bids: Erma Deen Hoyle stated that the bids were a little higher than they had hoped. She stated that they may be able to make some changes. She recommended the Board wait and discuss the bids on June 19, 2000.

Chairman Hallman called for a brief recess.

Chairman Hallman called the meeting back to order.

Other Business – Commissioner Gamble’s motions: Commissioner Gamble presented the following motions.

1. I move that the Lincoln County Board of Commissioners demand and request that the Lincoln Medical Center remit 1st each month to the Bank of America the amount due monthly for the principal and interest secured by the Lincoln Medical Center properties before any other debts or bills are paid. The reason for this motion is to prevent the possible foreclosure of the bank on the hospital property. Such a foreclosure would assure that the hospital would slip into and out of property ownership. All we'd have to do is let them get behind in their property payment or debt payment, and they could foreclose. He stated that it is a very important possibility that we prevent that.
2. I move that the Lincoln County Board of Commissioners demand and request that the Lincoln Medical Center immediately freeze the employee benefits accounts, thereby not allowing a raid on these funds to pay other debts. This will allow the medical center employee, who is retiring to receive his/her legitimate benefits. I would also allow the timely addition of required funds to the employment/employee benefit accounts, thereby keeping them solvent and up to date. This is a very important factor found out by talking with consultants.
3. I move that the Lincoln County Board of Commissioners demand and request that the Lincoln Medical Center cease paying bills not directly to the hospital function, that is pay no part of salaries for time spent on YMCA, Lincoln Medical Services (physicians working there), or any other ancillary activity, nor a part of any

physicians salaries, nor any of the physician's benefits such as health insurance, nor should any leases nor facility expense except that expressly for hospital use. Paying enough for quality staff, paying for supplies, paying for hospital equipment, paying employee benefits, and running a good quality hospital should come first.

Chairman Hallman pointed out the fact that the Board has signed an agreement with the hospital to not meddle in the affairs of the hospital until December 2000. He stated that the Board needs to honor it's commitment.

Commissioner Waters stated that surely the Hospital Board realizes that the hospital is not being managed properly.

Commissioner Gamble stated that he was told three weeks ago by a high official of that Board that they had been operating three years and did not know they were losing money.

Commissioner Brotherton stated that he views this as Lincoln County does not have a hospital, as far as it being owned by Lincoln County. He stated that a previous Board of Commissioners gave the hospital away. He stated that the only authority this Board has is that if they decide to sell or merge, the Board of Commissioners would have to approve it.

Commissioner Saine stated that this is catching her off guard. She asked if she can get these motions in writing, and have time to review them.

AN AMENDMENT TO THE MOTION to defer this until June 19, 2000 and vote on the motions and vote on them then.

Vote: 3 – 2 AYES: Saine, Hallman, Brotherton
NOES: Waters, Gamble

Solid Waste Management Plan Public Hearing: Larry Parks with Centralina Council of Government, presented the Solid Waste Management Plan.

Chairman Hallman opened the Public Hearing for the Solid Waste Management Plan.

Being no one wishing to speak, Chairman Hallman declared the Public Hearing closed.

LINCOLN COUNTY
RESOLUTION TO APPROVE THE LINCOLN COUNTY SOLID WASTE PLAN
UPDATE

WHEREAS, better planning for solid waste will help protect public health and the environment, provide for an improved solid waste management system, better utilize our natural resources, control the cost of solid waste management; and

WHEREAS, NC General Statute 130A-309.09A(b) requires each unit of local government, either individually or in cooperation with other units of local government, to develop a 10-year comprehensive solid waste management plan; and,

WHEREAS, Lincoln County was adequately represented on the Lincoln County Planning Advisory Committee and has been actively involved in the planning process;

NOW, THEREFORE, BE IT RESOLVED that the County Commissioners of Lincoln County hereby approve the Lincoln County comprehensive solid waste management plan update.

Adopted by the Lincoln County Board of Commissioners during regular session on this 5th day of June 2000.

James A. Hallman, Chairman

ATTEST:

Amy S. Long, Clerk to the Board

UPON MOTION by Commissioner Gamble, the Board voted unanimously to approve the Resolution to Approve the Lincoln County Solid Waste Plan Update.

Incentive Program Public Hearing: Barry Matherly stated that RSI Home Products in the 9th largest taxpayer in Lincoln County. He stated that that RSI is going to build an addition investment.

Allen Lewis, with the Keith Corporation, stated RSI will be getting a 31.3 acre site in the Industrial Park, a building of 320,000 square feet, which will ultimately be expanded to 464,000 square feet. The initial investment in the building and land will be approximately \$6.5 million, with an additional \$1 million investment in equipment for the facility. They will employ a minimum of 100 additional people, and their plans call for a doubling of that number. Their average wage at their current facility is \$13 per hour. He stated that they are willing to commit to an average hourly wage of \$10 per hour. If the tax incentive grant and some other issues are resolved, the groundbreaking will commence mid to late July, and the facility will be completed by March of 2001.

Chairman Hallman opened the Public Hearing for the Incentive Program for RSI Home Products.

Jerry Sellers stated that he is a resident of Lincoln County and owns and operates a small business. He stated that he objects to these programs.

Being no additional speakers, Chairman Hallman declared the Public Hearing closed.

2000 – 2001 Budget Public Hearing: Chairman Hallman opened the Public Hearing concerning the 2000 – 2001 Budget Public Hearing.

Jack Stallery stated that he lives in Denver, and urges the Board to exercise fiscal restraint in the new budget, relative to the increases in property values. He stated that when you look at decreasing tax rate, it hurts to pay \$300 - \$400 more per year in taxes. He stated that maybe some of the requests could be spread out over several years, instead of doing it all this year.

Being no additional speakers, Chairman Hallman declared the Public Hearing closed.

Commissioner Brotherton stated that he has concerns about the person's tax bill going up each year. He stated that he has learned something in the last couple months, and that's the fund balance of Lincoln County. He stated that the average person does not know anything about the fund balance. He stated that the fund balance has grown, but in order for it to grow, people have been overtaxed. He stated that he would rather the money be in the citizen's pockets, than in the bank accounts of Lincoln County. Commissioner Brotherton stated that the County cannot adopt this budget even though there has been a public hearing, because there isn't a budget ordinance at this time. The Board can adopt a tax rate.

A MOTION by Commissioner Brotherton to set the tax rate at .51 cents, with the difference removed from the fund balance.

Commissioner Waters stated that he has a hard time voting on that without having access to some figures.

Commissioner Gamble stated that he can understand that Commissioner Brotherton's making a political statement like that because he is going out and does not have to face what the deficiencies would be or anything else. He stated that with all due respect, he cannot go along with this logic.

Vote: 3 – 2 **AYES:** Brotherton, Hallman, Saine
 NOES: Waters, Gamble

Chairman Hallman stated that at the last meeting, there was a sentiment to give an additional 2.5% to employees, and give a larger raise to lower paid employees.

Jeff Taylor stated that since there is a graded pay scale, the Board could say that one grade could get one amount, and another grade could get another amount.

Commissioner Waters suggested doing a 2.5% raise across the board, and then giving a \$1500 bonus.

A MOTION by Commissioner Saine to give an extra 2.5% raise, straight across the Board to county employees.

Commissioner Gamble asked how school teachers and Librarians will be affected.

AN AMENDMENT by Commissioner Gamble to get a list of all employees with the amount of the pay increase.

Vote: 1 – 4 **AYES:** Gamble
 NOES: Hallman, Brotherton, Saine, Waters

Vote on Commissioner Saine's motion: 4 – 1

AYES: Hallman, Brotherton, Saine, Waters
NOES: Gamble

2000 – 2001 East Lincoln County Water and Sewer District Public Hearing: Stan Kiser, County Manager, stated that the total tax value of the areas recently annexed would be \$6,430,132. After adding that into the current tax rate, that would be an additional \$9,379. He suggested that the \$9,379 be put into contingency.

Mr. Kiser stated that the proposed tax rate is .15 cents.

Chairman Hallman opened the Public Hearing for the 2000 – 2001 East Lincoln County Water and Sewer District Public Hearing.

Being no one wishing to speak, Chairman Hallman declared the Public Hearing closed.

Recommendations from the Planning Board – June 5, 2000:

Parallel Conditional Use Rezoning No. 67 – Squires Homes, applicant:

Lee Lawson, Land Use Coordinator, stated that the Planning Board unanimously recommended (5 –0) approval with the following 5 conditions:

- 1 - Berm be used for Grade C screening that runs parallel to Ingleside Farm Road
- 2 - Street lighting be provided per staff's recommendation
- 3 - Turn lane added per staff's recommendation after meeting with NCDOT.
- 4 - Follow all traffic study recommendations.
- 5 - Bring back each phase for review.

A MOTION by Commissioner Waters to rezone from Residential Single Family to Parallel Conditional Use Rezoning PCUR #67 – Squires Homes, applicant, subject to Conditional Use Permit being approved.

Commissioner Brotherton stated that his position on this has not changed. He stated that the Planning Board looked at berms, lights, turn lanes, and traffic. He stated that 116 homes built per year for 3 years, at 1.6 kids per household is 553 kids. He stated that the people of Lincoln County just approved a 36 million bond for schools. He stated that he does not see where Lincoln County benefits from this. He stated that he would not have a problem with this if the build-out was over 10 years.

Commissioner Waters stated that he doesn't see how progress can be stopped.

Commissioner Saine stated that the Lincoln County Land Use Plan calls for moderate density development. She stated that 360 homes is not moderate density.

Chairman Hallman stated that he plans for vote for the motion to rezone, but has concerns about the Conditional Use Permit.

Vote: 3 – 2 AYES: Hallman, Waters, Gamble
NOES: Brotherton, Saine

RECOMMENDATION ON FINDINGS OF FACT FOR A CONDITIONAL USE PERMIT

LINCOLN COUNTY, NORTH CAROLINA

Application Number: CUP #67

Date: June 5, 2000

Applicant's Name: Squires Homes
Address: 5501 Executive Center Drive
Suite 120
Charlotte, NC 28212

Property Owner's Name: Redlands Limited Partnership
Address: P.O. Box 126
Lincolnton, NC 28092

Property Location: Ingleside Farm Road, North of 73

Existing Zoning: R-SF

Proposed Conditional Use: Single Family Subdivision with approximately 346 units, common open space, and 3 landscaped entrances.

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 X No ____
Motioned by Commissioner Waters. Vote: 4 – 1 AYES: Hallman, Waters, Saine, Gamble. NOES: Brotherton

2. The use meets all required conditions and specifications. Yes X No ____
Factual Reason Cited: The use meets all required conditions and specifications.
Motioned by Commissioner Waters. Vote: 3 – 2 AYES: Hallman, Waters, Gamble. NOES: Saine, Brotherton

3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity. Yes X No _____
Factual Reasons Cited: The use should increase the value of adjoining property.
Motioned by Commissioner Waters. Vote: 3 – 2 AYES: Hallman, Waters,
Gamble NOES: Saine, Brotherton

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 X No _____
Motioned by Commissioner Waters. Vote: 2 - 3. AYES: Waters, Gamble.
NOES: Hallman, Brotherton, Saine

After having held a public hearing on June 5, 2000, and in light of the finding of facts listed herein, the following action was taken by the Lincoln County Board of Commissioners:

A MOTION by Commissioner Brotherton to deny the Conditional Use Permit for Parallel Conditional Use Rezoning No. 67 – Squires Homes, applicant, due to the findings of fact not being all in favor.

Vote: 3 – 2 AYES: Hallman, Brotherton, Saine
NOES: Waters, Gamble

Chairman
Lincoln County Board of Commissioners

Date

Parallel Conditional Use Rezoning No. 68 – Joseph Peterson, applicant:

Lee Lawson, Land Use Coordinator, stated that the Planning Board unanimously recommended deferring until the applicant submits a site plan or a boundary survey.

Zoning Text Amendment No. 337:

Lee Lawson, Land Use Coordinator, stated that the Planning Board unanimously recommended deferring the request for further study.

Chairman Hallman called for a five minute recess.
Chairman Hallman called the meeting back to order.

Closed Session: UPON MOTION by Commissioner Brotherton, the Board voted 4 – 1 (Commissioner Gamble against) to go into Closed Session for the following purposes pursuant to N.C.G.S. 143-318.11:

- (1) To discuss a potential legal claim connected with the Nursing Home Ordinance.
- (2) To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body.

NORTH CAROLINA

AGREEMENT

LINCOLN COUNTY

THIS AGREEMENT is made and entered into as of the 5th day of June, 2000, by and among LINCOLN COUNTY, a body corporate and politic (hereinafter referred to as "the County"); RSI HOLDING CORPORATION, a Delaware corporation (hereinafter referred to as "RSI") and KEITH & KEITH, LTD., a North Carolina corporation, dba THE KEITH CORPORATION (hereinafter referred to as "Keith").

WITNESSETH:

WHEREAS, RSI has developed plans for expansion of its existing operations in Lincoln County, North Carolina, by locating new facilities in the Lincoln County Industrial Park (hereinafter referred to as the "Park"); and

WHEREAS, Keith will purchase certain real property in the Park and will construct new facilities on such property to be occupied by RSI under a long-term lease agreement; and

WHEREAS, the Board of Commissioners of Lincoln County verily believes that 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 further believes that such expansion by existing industries will help in efforts to recruit additional industrial development to Lincoln County; 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 predicted on the notion of expanding Lincoln County's tax base and providing additional jobs for Lincoln County's citizens that pay wages higher than the current prevailing average hourly wage determined by the North Carolina Employment Security Commission; 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 RSI and Keith to bind themselves 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 June 1, 2001, Keith shall purchase certain real estate and shall begin construction of an assembly and distribution center facility on such site for occupancy by RSI.
2. On or before such date, Keith and/or RSI shall make a minimum investment upon such site in building and equipment of \$7,500,000.00.
3. Within five years of the date of this agreement, RSI shall provide at such site at least 100 new jobs paying an average hourly wage of \$10.
4. In consideration of the performance of the aforesaid obligations by RSI and Keith, the County will provide cash grants to RSI of \$30,600 per year for a five-year period beginning in 2001. Such cash grants will be paid to RSI within ten (10) days after RSI has paid all property taxes owed by it for the then-current year.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals as of the day and year first above written.

RSI HOLDING CORPORATION

By: _____
President

ATTEST:

Secretary (Corporate seal)

LINCOLN COUNTY

By: _____
James A. Hallman, Chairman
Board of Commissioners

ATTEST:

Amy S. Long
Clerk to the Board of Commissioners

UPON MOTION by Commissioner Saine, the Board voted unanimously to approve the agreement between Lincoln County, the Keith Corporation, RSI Holding Corporation for the Incentive Agreement for a project at the Lincoln County Industrial Park.

UPON MOTION by Commissioner Gamble, the Board voted unanimously to provide planning, survey, design, and development services, which is Option B, with a grand total of \$963,585.

Chairman Hallman called for a recess of the Board of Commissioners meeting, and called the Board of Variances and Appeals meeting to order.

Chairman Hallman called the meeting back to order.

Adjournment: **UPON MOTION** by Commissioner Waters, the Board voted unanimously to adjourn.

Amy S. Long, Clerk
Board of Commissioners

James A. Hallman, Chairman
Board of Commissioners