

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, MAY 2, 2011

The Lincoln County Board of County Commissioners met May 2, 2011 at the Citizens Center, Commissioners Room, 115 West Main Street, Lincolnton, North Carolina, the regular place of meeting, at 6:30 P.M.

Commissioners Present:

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

Planning Board Members Present:

Gary Garlow, Vice-Chairman
John Anderson
Tom Campbell
Cathy Davis
Keith Johnson
Shelly Johnston
Dr. Richard Pence
Christine Poinsette

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
Kelly Atkins, Planning and Inspections Director
Randy Hawkins, Zoning Administrator
Burns Whittaker, Public Works Director

Call to Order: Chairman Patton called the May 2, 2011 meeting of the Lincoln County Board of Commissioners to order.

Invocation: 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.

AGENDA

LINCOLN COUNTY BOARD OF COMMISSIONERS

MAY 2, 2011

6:30 PM Call to Order

6:31 PM Invocation – Chairman Patton

6:32 PM Pledge of Allegiance

1. 6:33 PM Adoption of Agenda

2. 6:35 PM Consent Agenda

- Tax Requests for Releases – More than \$100

- March 16 - April 15, 2011

- Tax Requests for Refunds - More than \$100

- March 28 - April 11, 2011

- Ordinance #2011-7: An Ordinance Amending the FY 2011
Budget

for the County of Lincoln, North Carolina

3. 6:40 PM Zoning Public Hearings - Randy Hawkins

ZMA #585 Lincoln County Planning and Inspections Department, applicant A proposal to amend the Lincoln County Zoning Map to establish a special district in areas fronting along N.C. 16 Business, Optimist Club Road, Triangle Circle and portions of N.C. 73, N.C. 150, Old Plank Road, Pilot Knob Road, St. James Church Road and Campground Road. The proposed Eastern Lincoln Development District would typically extend 500 feet from the edge of the road right-of-way.

UDO Proposed Amendment #2011-3 Lincoln County Planning and Inspections Department, applicant. A proposal to amend Section 2.5 of the Lincoln County Unified Development Ordinance to add standards for the proposed Eastern Lincoln Development District. The special standards would apply to commercial, industrial, multi-family and planned development and address issues such as permitted uses, building design, site development and signage.

CZ #2011-2 Denver Baptist Church, applicant (Parcel ID# 58894 and 34090) A request to rezone 59 acres from I-G (General Industrial) and R-SF (Residential Single-Family) to CZ B-N (Conditional Zoning Neighborhood Business) to permit the property to be developed in accordance with a master plan. The initial phase of the plan calls for the construction of a 750-seat sanctuary and Sunday school classrooms, with future phases proposed to include a 1,500-seat sanctuary, additional classrooms, administrative offices, athletic fields and an amphitheater. The property is located at 3571 N. Hwy. 16, on the west side of N.C. 16 Business near Forest Hills Drive, in Catawba Springs

Township.

PCUR #110-R Lincoln County Planning and Inspections Department, applicant (Parcel ID# 88709-88731) A referral of the conditional use permit for the Burton Creek development for review by the Board of Commissioners for possible revocation after a determination that conditions of the permit have been violated. The permit involves a 250-acre site that borders Webbs Road, Burton Lane and Blades Trail in Catawba Springs Township.

4. 8:00 PM Presentation by Board of Education of FY 2012 Request for County Funding - Dr. Elaine Jenkins, Ed Hatley, Bob Silver
5. 8:30 PM Motion on possible revocation of some sewer capacity in the regional pump station and sewer capacity in county's waste water treatment plants for the Burton Creek Development - George Wood
6. 8:40 PM Public Comments
7. 8:55 PM Lease Agreement - Gaston Family Health Services, Inc. dba Helping Hands Health Center - Martha Lide
8. 9:00 PM Award of Contract for Inmate Food Service - ABL Management, Inc. - Martha Lide
9. 9:05 PM Renewal of Contract for Institutional Medical Services, PLCC - Dr. John H. Piland - Martha Lide
10. 9:10 PM Merger of Gaston, Lincoln, and Cleveland LME, with Burke and Catawba LME, and Iredell, Yadkin, and Surry County LME - Martha Lide
11. 9:15 PM Contract for Services-Owls Den Landfill Corrective Actions- Phase III Construction - Burns Whittaker
12. 9:20 PM Testing Schedule for Backflow Control Device for Residential Irrigation - Burns Whittaker
13. 9:30 PM Motion to set dates for budget work sessions during the week of May 23, 2011 - George Wood
14. 9:40 PM Charter School Right of Way - George Wood
15. 9:50 PM Other Business
16. 10:00PM Closed Session - Pursuant to NCGS 143-318.11(a)(4) To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations. The action approving the signing of an economic development contract or commitment, or the action authorizing the payment of economic development expenditures, shall be taken in an open session.

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.

- Tax Requests for Releases – More than \$100
 - March 16 - April 15, 2011
- Tax Requests for Refunds - More than \$100
 - March 28 - April 11, 2011
- Ordinance #2011-7: An Ordinance Amending the FY 2011 Budget for the County of Lincoln, North Carolina

LINCOLN COUNTY TAX DEPARTMENT
MOTOR VEHICLES

REQUEST FOR REFUNDS

PERIOD COVERED (MARCH 28, 2011-APRIL 11, 2011)

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

NAME	YEAR	DIST	A/C#	AMOUNT	REASON
KEENE, CHARLES T.	2010	BCFD	0196728	397.09	PRO-RATED
			TOTAL	\$397.09	

**ORDINANCE #2011-7: 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 amendments attached hereto, and incorporated herein by reference as Exhibit A to Ordinance #2011-7, 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 2nd day of May, 2011.

BY:

Alex E. Patton, Chairman
Lincoln County Board of Commissioners

ATTEST:

Amy S. Atkins
Clerk to the Board

New Business/Advertised Public Hearings: Chairman Patton announced that this was the date, Monday, May 2, 2011, and the time, 6:30 P.M., which was advertised in the Lincoln Times-News on April 22 and April 29, 2011.

The Lincoln County Board of Commissioners and Planning Board will hold a joint meeting and public hearings on Monday, May 2, 2011, at 6:30 p.m. to consider the following matters:

ZMA #585 Lincoln County Planning and Inspections Department, applicant A proposal to amend the Lincoln County Zoning Map to establish a special district in areas fronting along N.C. 16 Business, Optimist Club Road, Triangle Circle and portions of N.C. 73, N.C. 150, Old Plank Road, Pilot Knob Road, St. James Church Road and Campground Road. The proposed Eastern Lincoln Development District would typically extend 500 feet from the edge of the road right-of-way.

UDO Proposed Amendment #2011-3 Lincoln County Planning and Inspections Department, applicant. A proposal to amend Section 2.5 of the Lincoln County Unified Development Ordinance to add standards for the proposed Eastern Lincoln Development District. The special standards would apply to commercial, industrial, multi-family and planned development and address issues such as permitted uses, building design, site development and signage.

CZ #2011-2 Denver Baptist Church, applicant (Parcel ID# 58894 and 34090) A request to rezone 59 acres from I-G (General Industrial) and R-SF (Residential Single-Family) to CZ B-N (Conditional Zoning Neighborhood Business) to permit the property to be developed in accordance with a master plan. The initial phase of the plan calls for the construction of a 750-seat sanctuary and Sunday school classrooms, with future phases proposed to include a 1,500-seat sanctuary, additional classrooms, administrative offices, athletic fields and an amphitheater. The property is located at 3571 N. Hwy. 16, on the west side of N.C. 16 Business near Forest Hills Drive, in Catawba Springs Township.

PCUR #110-R Lincoln County Planning and Inspections Department, applicant (Parcel ID# 88709-88731) A referral of the conditional use permit for the Burton Creek development for review by the Board of Commissioners for possible revocation after a determination that conditions of the permit have been violated. The permit involves a 250-acre site that borders Webbs Road, Burton Lane and Blades Trail in Catawba Springs Township.

Interested parties may appear at the public hearing, which will be held in the Commissioners Room on the third floor of the James W. Warren Citizens Center, 115 W. Main Street, Lincolnton, N.C. For more information, contact the Lincoln County Planning and Inspections Department at (704) 736-8440.

2T: April 22, April 29, 2011

Zoning Public Hearing – Randy Hawkins:

Zoning Map Amendment No. 585 – Lincoln County Planning and Inspections Department and UDO Proposed Amendment #2011-3 – Lincoln County Planning and Inspections Department, applicant: Randy Williams presented the following information concerning Zoning Map Amendment No. 585 and UDO Proposed Amendment #2011-3.

In February 2009, during the public hearing for the Unified Development Ordinance, there was concern about Thoroughfare Overlay districts and what effect they would have on land across Lincoln County. Since development pressures were much different in eastern Lincoln County at that time, the Board of Commissioners directed that the Overlays be eliminated at that time and that the Planning Board and staff take a look at reworking some of these issues.

In August 2009 Lincoln County's new Unified Development Ordinance (UDO) became effective across the County. During the public hearings to adopt this document, one reoccurring theme was the diversified nature of Lincoln County. Development regulations needed to reflect the character and desires of the community; in the eastern part of the county, growth and development issues are different from other areas. Therefore it was determined that more detailed building and site development regulations were necessary to adequately manage the type development occurring along the most

traveled corridors. As a result of these conclusions, Planning Staff and the Planning Board worked to complete the Eastern Lincoln Development District (ELDD).

This document adds development requirements but also provides greater opportunities to new and existing industrial, commercial, office and multi-family developments primarily along NC16 Business in eastern Lincoln County; **it does not affect single family homes.**

The proposed area to be included is a 500' depth of all properties along NC16 Business, Old Plank Road from NC16 Business to Forney Creek, NC73 from Ingleside Road to Duke Energy easement near Lake Norman, Pilot Knob Road, Triangle Circle, Optimist Club Road from Triangle Circle to North Little Egypt Road, Campground Road from NC16 Business to the CSX Railroad, and NC150 from the County Line to Henry Dellinger Road.

On October 13, 2009, staff held a public input session and gained the communities thoughts and comments on what standards they would want to see in the eastern part of the county. From October 2009 to August 2010, draft standards were developed by the Planning Board and staff. A joint workshop was held with the Board of Commissioners and Planning Board in March, 2010. They met with several individual property owners, held a public information meeting in June 2010 and worked directly with LEDA on issues. They spoke to civic groups to gain insight.

From August to November, 2010, staff met with several civic groups including the Rotary Club, Chamber, ELBA, ELPAC, IMA, Homebuilders, etc. In November, 2010, staff held two public input meetings discussing the differences between the UDO and the proposed ELDD, took questions and received input on potential revisions.

In February 2011, Planning Board and staff held a public meeting discussing the ELDD and the revisions were made from the comments received at the November meetings.

In March 2011, Planning Board and staff made further revisions to the standards and areas that are now presented to the Board tonight as the Eastern Lincoln Development District.

The area to be included is a 500' depth along NC16 Business.

Planning Board and staff have held 5 public input meetings, one prior to the start of the project to gain information on what standards the community wanted to include and what issues needed to be addressed, then 4 additional meetings at various stages during development of the standards, adjusting and revising after each one. Additionally information has been available for public review at the Shanklin Library, East Lincoln Recreation Center, Lincoln County Planning Office, and online.

Mr. Williams presented standards for surrounding counties along growth and development areas for comparison purposes and the ELDD revisions made after the February 2011 public meeting:

- Now does not apply to change of use or existing development expansions. Only applies to new development.
- Expansion compliance table has been eliminated.
- Special Use noted in the Permitted Use Chart changed to Conditional Use.
- Wording clarified in Secondary Entrances.
- Diagram added to clarify Accent Lighting for awnings.
- Sidewalk width reduced from five feet (5') to four feet (4').
- Erosion control plan required instead of Erosion Control Permit.
- Now allows for placement of Temporary Signs.
- Sign compliance only required when building has a change of use or is expanded.

The proposed Eastern Lincoln Development District standards implements the recommendations of the 2007 Future Land Use Plan and associated small area plans contained within and NC16 Corridor Vision Plan. Staff recommends approval of the standards and map for adoption.

Jerry Haney said the ELDD was designed uniquely to fit the needs of the citizens of Catawba Springs. He said planning is about protecting their investment.

Bill Kulitz, 3229 N. Hwy. 16 Denver, said a lot of the residents and businesses are opposed to 500 feet right of way. This will create another problem for property that has not been sold. He said some businesses said they will not come to Denver with these regulations and Harris Teeter will not come to Denver because of this. He said nothing is being done to protect the residents on Hwy. 16.

Martin Oakes stated that he appreciates the changes that have been done to the ELDD, making it easier for small business. He expressed concerns about the new 16 being pulled from the plan and asked that it be put back.

Greer Jones said he is totally against 500 ft overlay. He said all meetings held have been at a church. He said instead of spending this money on these changes, the county needs to spend money on a meeting place in east Lincoln.

Gerald Johnston said there are a lot of things unfair and not in the Constitution. He said the government is imposing their will, sliding in the back door with a 500 foot easement.

Alan Howard, 8025 Webbs Road said he owns land on 16 and is a lifelong resident of Denver and Lincoln County. He said he wishes the Board would reconsider.

Susanne Sellers, 8149 Deep Water Lane, said she and her husband chose the East Lincoln community 22 years ago. She said they have watched it grow unplanned and now with this new plan there is a chance for it to grow in the future in a better planned manner. She asked the Board to approve the 2 proposals on the agenda tonight.

Charles Reid, 267 Caroline Ct., Denver said they moved from Huntersville to Denver because they liked what they saw in Denver and still do. He said these regulations are not practical. He said the County should mainly be concerned with safety and convenience and get out of the business of designing each and every piece of property.

Joyce Reid, 267 Caroline Court, Denver, said she served on the Huntersville Land Use Planning Committee. She said one thing they had to do was think further into the future than just right now. She asked the Board to please look into the future.

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

Conditional Zoning #2011-2 – Denver Baptist Church, applicant: Randy Hawkins presented the following information concerning CZ #2011-1.

The applicant is requesting the rezoning of 59 acres from I-G (General Industrial) and R-SF (Residential Single-Family) to permit the property to be developed with church facilities in accordance with a master plan. The initial phase of the plan calls for the construction of a 750-seat sanctuary and Sunday school classrooms, with future phases proposed to include a 1,500-seat sanctuary, administrative offices, athletic fields and an amphitheater. If this request is approved, the development of this property would be subject to the approved site plan and any conditions mutually approved by the county and the applicant.

This property was formerly owned by R-Anell Homes, which operated a manufacturing plant and was headquartered on the site. Denver Baptist Church acquired this property in 2007 and began using portions of it. The church plans to relocate on this site.

Most of this property is zoned I-G. Under the Unified Development Ordinance, which went into effect in 2009, a place of worship is not a permitted use in the I-G district. The church cannot construct any new facilities on the property that's zoned I-G. A place of worship with a seating capacity of greater than 1,000 is permitted only in the B-N or B-G (General Business) district. Privately owned recreational facilities for civic use, as proposed as part of the church's master plan, are a conditional use in the B-N district.

This property is located at 3571 N. Hwy. 16, on the west side of N.C. 16 Business near Forest Hills Drive. It is adjoined by property zoned R-SF, R-T, B-N, B-G and I-G. Land uses in this area include business, institutional and residential.

The NC 16 Corridor Vision Plan recognizes this property as pivotal in the redevelopment of "Downtown" Denver as a community center that would serve as a concentration of activity for the wider area. The NC 16 plan calls for a new road along the edge of this property, connecting St. James Church Road to N.C. 16 Business near Forest Hills Drive, to provide an alternate access to the N.C. 16 Bypass and serve as a catalyst for redevelopment.

Staff recommends approval, with the condition that a second access be provided as part of the second phase of the plan. The proposed use is more compatible with the surrounding uses and surrounding zoning than an industrial use. The rezoning plan would reserve right-of-way for a future road called for by the NC 16 Corridor Vision Plan as a key to the redevelopment of this area as a community center. The rezoning would permit an adaptive reuse of a former industrial site.

Chairman Patton opened the public hearing concerning CZ #2011-1.

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

Parallel Conditional Use Request No. 110-R – Lincoln County Planning and Inspections Department, applicant: Randy Hawkins presented the following information concerning PCUR #110-R.

As zoning administrator, I have determined that Fifth Third Bank is in violation of certain conditions of approval of the conditional use permit (PCUR #110A) for the Burton Creek development. In accordance with Section 9.11.9.C of the Lincoln County Unified Development Ordinance, I am referring the permit to the Board of Commissioners for review for possible revocation.

The original permit for this development was issued by the Board of Commissioners on Feb. 21, 2005, in a parallel conditional use rezoning (PCUR #110). On Sept. 18, 2006, the Board of Commissioners, at the request of the then-owner of the property, amended the permit and included additional conditions that were agreed to by the applicant. Fifth Third Bank acquired the property on Sept. 14, 2010, in a foreclosure.

Under the permit, the Burton Creek development is approved for 385 single-family homes. A large amount of grading has been done and some streets and utilities have been constructed, but no homes have been built.

Attached to this memo are copies of the approval letters with the conditions of the permit and copies of citations that have been issued to Fifth Third Bank.

Section 9.11.14 of the Unified Development Ordinance states:

- A. If any conditions of a conditional use permit or other requirements of this UDO are violated, the County may revoke the permit.
- B. Revocation may occur after a quasi-judicial hearing is conducted by the Board of Commissioners.
- C. Upon a four-fifths vote, the Board of Commissioners shall revoke the permit, and notice of such revocation shall be recorded in the Lincoln County Register of Deeds office.

Don Nielsen, Attorney for Fifth Third Bank, spoke in opposition of revoking the Condition Use Permit. He said that he would like to address a procedural issue. He said a Commissioner made a statement at the April 18 meeting that a Commissioner and Burton Creek neighbor had met outside a Commissioners meeting and they want to make

sure other matters like this have not happened since this is a quasi-judicial hearing. He said Commissioners cannot participate if they have an impermissible conflict. State Statute says impermissible conflicts as a member having a fixed opinion prior to hearing a matter that is not susceptible to change, a member having undisclosed ex parte communications, a close familial business or other associational relationship with an affected person, or a financial interest in the outcome of the matter. He said the bank is entitled to know if there are any conflicts and it is important that they be put on the record.

George Wood asked Mr. Nielsen if he had any evidence. Mr. Nielsen stated that he has the cd from the April 18 meeting where Mr. Arena spoke about meeting with Mr. Fogle the week before the hearing and going to the site. Mr. Wood asked if Mr. Nielsen had any more information. Mr. Nielsen stated that he has made a public records request, but does not wish to share any more information here.

He said the bank obtained title to the Burton Creek property in September through foreclosure and are an involuntary property owner, not a developer. Their goal is to sell this property to a developer. The bank is not responsible for the actions or lack of actions by the previous owner and should not be singled out as if were the prior owner. The bank has acted in a very responsible way since obtaining ownership and as it was shown at the previous meeting, the bank is not responsible for any sedimentation into the coves. The bank has spent hundreds of thousands of dollars fixing a problem it did not cause and would like to work together to increase the value and marketability of the property. Revoking the conditional use permit and sewer allocation only serves to make the property less desirable. The bank would like to move past disputes and focus on the best outcome.

Mr. Nielsen laid out the legal issues and went through each one.

The first legal argument is that the Board does not have jurisdiction to consider revocation. That is in the jurisdiction of the Board of Adjustment right now. It is alleged that the bank has violated 2 conditions by failing to post a bond or letter of credit and by failing to monitor downstream coves. These two issues were set forth in violations to the bank following proper procedures, the bank appealed these violations to the Board of Adjustment. It is the Lincoln County Board of Adjustment that now has jurisdiction on whether a violation has occurred, not the Zoning Administrator and not the BOC. The UDO Section 8.3.4 states that the Board of A shall be responsible for final action regarding administrative appeals. Section 9.19.6 states that the BOA may reverse or affirm the appealed approval, requirement, decision or determination and shall make any requirement, decision, or determination that is deemed necessary. To this end, the Board of Adjustments shall have all the powers to the officer from whom the appeal is taken. A determination of any violation is no longer with the ZA, but with the Board of Adjustment by the terms of the UDO. Further an appeal to the BOA stays all proceedings and furtherance of the appeal. Lincoln County cannot circumvent it's own ordinance, it's own BOA and state law by pursuing the same alleged violations in a different form, stripping the bank of its appeal rights under the ordinance.

The Bank respectfully moves that the application to revoke be dismissed for lack of jurisdiction.

Chairman Patton asked if he was through.

Mr. Nielsen said he was hoping the Board would consider that they don't have the jurisdiction to do the matter.

Chairman Patton said he didn't think this was the case and that Attorney Nielsen could keep going.

The second point on jurisdiction is that the zoning department has no authority over erosion sedimentation control or to force anyone to post a bond for dredging coves. There is nothing in the UDO allowing this. There were a lot of questions when the bond was approved. By state statutes, conditions must have a reasonable basis and be in accordance with the principles, conditions and safeguards of the ordinance. There is nothing in the ordinance to authorize these conditions and as stated by staff at the April 4, 2011 Planning Board meeting, there was no basis for the \$500,000 bond. The bond the bank has allegedly violated is without legitimate authority or basis.

Another argument is that the plain language of the permit shows the violations do not apply to the bank. The application to revoke says the owner has violated certain conditions. It is the developer, Burton Creek LLC, not the bank who did not monitor the coves and post the letter of credit. The bank is an involuntary owner who inherited the property in foreclosure. Mr. Hawkins has stated before that the permit goes with the land, which is crucial and important to keep it in place when a developer is found so the process does not have to begin all over. The permit cannot be made to say something it does not say. Only when the property is being developed does a bond have to be posted. Developer and owner are common terms and not defined in the ordinance. After looking up the definitions of developer, not one included owner and certainly not an involuntary owner such as the bank. The bank wants to simply sell the property and maintain its value. The logical reading of the permit is that the conditions apply when an owner undertakes development, which the bank will not do. The permit cannot be revoked when no violations have been committed, revocation without a proven violation would violate the bank's rights and the spirit of the permit extension act. Mr. Nielsen read some of the findings from the permit extension act. He said that it would be a waste of public and private resources to revoke this permit. Unless the county wants to punish the bank or use the permit as a leverage for other purposes, there is no benefit. Even if there is a violation, they need not revoke the permit. Revoking the permit will reduce the property value, reduce the tax value and potential tax revenue, force a rezoning of the property with all the hearings and expense, and increase costs to any potential developer. Any developer who looks at the history of this property will think hard about the gauntlet necessary to starting this project all over again. Revoking the sewer capacity will make the property exceedingly unattractive to any developer. If the permit is revoked, there

will be no letter of credit or bond applicable to the property. He asked if the county was going to abandon the letter of credit requirement two weeks after insisting that under the bank's ownership, anything less than \$500,000 will not protect the property and after refusing the bank's offer of \$175,000 letter of credit and monitoring of coves.

Further, as evidenced with communications with the county including Mr. Wood's letter of December 21, 2010, it appears the revocation is being used as leverage to make the bank pay \$653,000. That is improper and has no basis.

In conclusion, Mr. Nielsen reviewed his points and said the bank asks respectfully for the permit to be left intact.

Wesley Deaton, County Attorney, asked if the session law Mr. Nielsen read was codified. He said he cannot find it in the permit extension act codified. Mr. Nielsen said he does not have that.

Wesley Deaton, County Attorney, asked if it is Mr. Nielsen's position that any proceedings in connection with the violation were automatically stayed upon Fifth-thirds appeal. Mr. Nielsen said yes, as it relates to the conditional use permit. He said for the Board to revoke the permit under these circumstances, they have to find that violations have been made. If they can't find violations have been made since the time of appeal, that has to be stayed until final resolution of the bank's appeal.

Rudy Bauer, 8252 Blades Trail, stated that this is not in regards to their permit. He asked if he could ask a question. Chairman Patton told him that was not allowed.

Glen Fiscus, Fox Run, presented a visual, a sign with the words Fifth Third Preserve on it. He said this is the best solution that could happen.

Randy Hawkins stated that the previous owner agreed to the \$500,000 bond or letter of credit. There is no dispute about that. Also, Fifth-third Bank is the owner of the development and has undertaken construction work on that property.

Mr. George Wood asked if there are 20 developed lots in the development ready to be sold.

Mr. Hawkins said there are 20 lots that are recorded, but a hold has been placed on them because of the alleged violations.

Mr. Wood said the owner, who is not a developer, has 20 lots that are developed that could be sold. Mr. Hawkins said this is correct without the hold being placed on them.

Commissioner Arena said when the bond was established on the previous owner, if there was a history of violations on his previous development, Eastwind Cove, where he violated DENR and had to do some cleanup in Lake Norman. Commissioner Arena said

he believes this is the case and this was the basis for the bond due to past performance of the developer.

Commissioner Klein asked how long Mr. Hawkins has been Zoning Administrator and if he recalls a case where conditions were applied to the mortgager of a property. Mr. Hawkins said he has been Zoning Administrator 10 years and does not recall a case like this. Commissioner Klein stated that based on testimony, it suggests to him that going forward Limited Liability Corporations are not institutions to put as much credibility in going forward as has been done in the past, since as the wind blows they are gone. He asked if the county would be obliged to work with mortgage companies moving forward.

Mr. Hawkins stated that there is another case that involves a conditional use permit. One of the conditions is that they maintain a storm pond so they may be working with a mortgagor on it if it is foreclosed on.

Mr. Wood asked when the BOA date is.

Mr. Hawkins said the BOA was originally scheduled to hear this in February and the hearing was opened and continued pending the resolution of the amendment. The appeal hearing is now scheduled for May 23.

Henry Fogle, 8122 Blades Trail, stated that he was at the BOA hearing and Fifth Third asked the BOA to delay based on the outcome of the Commissioner's decision. He said there comment tonight seems inconsistent. He said on the amount of the \$500,000, he was on a committee that recommended it be \$1,000,000 based on the amount dredgers quoted. The Board decided that \$1,000,000 was too much and approved the bond at \$500,000. Mr. Fogle said Commissioner Arena asked to see if there was silt in the coves. He said he showed him 2 ½ to 3 feet. Commissioner Arena's next question was "where did it come from" and Mr. Fogle answered him that it did not swim up from the dam so it must have come from Burton Creek. Commissioner Arena's next question was when did it occur. Mr. Fogle said he did not know and he was very honest about it. Mr. Fogle said the Westport Neighbors Association that live on Blades Trail think there has been a violation of the permit and the permit should be withdrawn.

Commissioner Arena said he felt it was necessary to ask Mr. Fogle to go on private property to obtain visuals of the potential silt. He said he felt it necessary to disclose the meeting.

Martin Oakes, 8057 Lucky Creek Lane, said it is well established in law that the responsibilities go with the owner if it changes hands. He said you can call them the developer, a bank, mortgagor, whatever but their name is still on the deed, they inherited this and are on the hook for the sewer money and for the bond. He said if they want to sell it, they can recover all the money from the person they sell it to. He said this bank has assets of \$111 billion, annual profits of \$2 billion and cannot afford \$1.1 million to cover the bond and the sewer plant that had already been agreed to.

Mr. Wood recommended keeping the public hearing open until the 1st meeting in June. This will give the Board of Adjustment sufficient time to make their decision. It will be back on the agenda for consideration at that time.

A MOTION by Commissioner Klein to place this back on the agenda for the June meeting.

Commissioner Robinson said that he thinks this should be voted on at the June meeting. He said there are a lot of games being played from what he is hearing and he is ready to vote as soon as possible.

Commissioner Mitchem asked if the Board can override the Board of Adjustment.

Mr. Wood said at that point, the hearing will be over. Mr. Wood says that he doesn't see anything wrong with asking Mr. Hawkins at that point if there is a bond or letter of credit in place.

Chairman Patton said there are 20 lots there, he asked what prevents the bank from being a developer. Mr. Hawkins stated that if there was not a hold on these lots, they could be sold or the bank could build houses on them and sell them.

Commissioner Mitchem asked what decision the Board of Adjustment would be making. Mr. Hawkins said the issue is whether they are in violation of the conditional use permit. The Board of Adjustment could uphold his determination that there are violations or they could by 4/5 vote overrule him by saying there are not violations.

Randy Hawkins said if the BOA upholds the Zoning Administrator's determination, they could appeal to Superior Court.

Commissioner Arena asked Randy Hawkins to go back and look at Eastwind Cove situation and the reason for the bond on this situation.

Commissioner Robinson said it doesn't work both ways and they are trying to play both sides. He said they can't have it both ways and that is how they are presenting it.

Commissioner Arena said those conditions were there and the bank was aware of those conditions. He said they voluntarily procured the property.

VOTE: Unanimously approved.

Being additional speakers, Chairman Patton declared the public hearing closed.

The Planning Board reconvened to the first floor kitchen and Chairman Patton declared a 5 minute recess.

Presentation by Board of Education of FY 2012 Request for County Funding – Dr.

Elaine Jenkins, Ed Hatley, Bob Silver: Board of Education Chairman Ed Hatley and Dr. Elaine Jenkins, Interim Superintendent, presented the budget for the Board of Education. Bob Silver, Board of Education member, spoke concerning rising fuel costs and reserved the right to come back later to ask for more money for this line item if necessary.

Dr. Jenkins reviewed the budget with the Commissioners and cuts especially to teacher assistant positions, which are crucial in kindergarten and first grade.

Dr. Jenkins spoke concerning the “Our Children are Worth a Penny” campaign. She said to maintain the two ½ cent sales taxes currently on the books that should sunset July 1, would be \$1.3 billion.

Mr. Wood stated that the schools are looking for the same funding level as last year.

Motion on possible revocation of some sewer capacity in the regional pump station and sewer capacity in county's waste water treatment plants for the Burton Creek Development – George Wood: Mr. Wood presented a Resolution for the Board's consideration concerning the revocation of some sewer capacity from Burton Creek.

Wesley Deaton, County Attorney, asked the Board to enter a brief closed session pursuant to NCGS 143-318.11(a)3 to consult with the County Attorney.

UPON MOTION by Commissioner Robinson, the Board entered closed session pursuant to NCGS 143-318.11(a)3 to consult with the County Attorney.

The Board returned to open session and Chairman Patton advised that no action was taken in closed session.

RESOLUTION #2011-26

A RESOLUTION DEALING WITH SEWER PUMP STATION AND WASTEWATER TREATMENT PLANT CAPACITY ALLOCATIONS FOR THE BURTON CREEK SUBDIVISION

THAT WHEREAS, Burton Creek LLC has developed a subdivision in Catawba Springs Township, Lincoln County, North Carolina known as Burton Creek Subdivision; and

WHEREAS, this subdivision was developed under a conditional use permit for up to 385 residential units, with only 20 lots being platted and recorded at this time; and

WHEREAS, as part of that development and others, four developers agreed with the County to participate in the payment for a regional sewer pump station, with the portion for this property being \$653,253; and

WHEREAS, two of the other participants in the regional sewer pump station have paid their participation amount, and the third has entered into a written agreement with the County to space its payments over 18 months, leaving the Burton Creek property as the only area served that has not paid or made arrangements to pay for its portion of the cost; and

WHEREAS, the conditional use permit was approved by the Board of Commissioners on February 21, 2005, over six years ago, and to date, no sewer capacity has been utilized by a single customer in this subdivision; and

WHEREAS, the property has been acquired by Fifth Third Bank, who has repeatedly claimed they have no intention to develop the property, but seek to market it to one or more developers;

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of Lincoln County, North Carolina as follows:

Section 1. That the sewer capacity allocation for the regional sewer pump station serving this development is hereby set at 20 residential units for the Burton Creek Subdivision, which is the number of platted and recorded lots in the Burton Creek Subdivision.

Section 2. That the sewer capacity allocation for any of the County's wastewater treatment plants is hereby set at 20 residential units for the Burton Creek Subdivision.

Section 3. That sewer flows from the sewer capacity allocation for these 20 lots will not be accepted until such time as the builder of each lot pays 1/385th of the \$653,253 outstanding, or \$1,696.76 per lot. This will reduce the outstanding balance by \$33,935.20.

Section 4. That the County will consider any request for sewer pump station capacity allocations in the regional pump station and in its wastewater treatment plants from any developer that becomes the owner of said property, or a portion thereof, provided that the \$619,317.80 remaining portion of the regional pump station construction costs attributable to this property is paid in full before any such allocation is effective.

Section 5. That this Resolution shall be and remain in full force and effective immediately upon its adoption.

Passed and adopted this 2nd day of May, 2011.

LINCOLN COUNTY, NORTH CAROLINA

By: _____

Alex Patton, Chairman
Board of Commissioners

ATTEST:

By: _____
Amy S. Atkins, Clerk to the
Board of Commissioners

UPON MOTION by Commissioner Robinson, the Board voted unanimously to accept the Manager's Resolution.

Public Comments: Chairman Patton opened the public comments section.

Robert Avery, 843 Newton Lane, said he wishes the County would consider doing a survey like other counties have done.

Being no additional speakers, Chairman Patton declared the public comments section closed.

Lease Agreement – Gaston Family Health Services, Inc. dba Helping Hands Health Center – Martha Lide: Martha Lide presented the following information.

It is recommended that the Board approve the lease agreement with Gaston Family Health Services, Inc. dba Helping Hands Center for use of space at the Medical Arts Building at the old CMC Hospital complex.

- The term of the lease will be from May 1, 2011 for one year with up to five one-year renewal options.
- Termination at our sole discretion with 90 days written notice.
- Gaston Family Health Services, Inc. dba Helping Hands Health Center must provide medical services at the facility as required for a Federally Qualified Health Center (FQHC)
- Lincoln County will insure the premises and Gaston Family Health Services, Inc. will insure the contents.
- Rent: \$1.00 per year

It is anticipated that the Helping Hands Clinic will be relocated next to the Health Department once renovation of the old hospital facility is complete. The lease refers to the space in the Medical Arts Building as “temporary premises” because the Helping Hands Clinic will ultimately be relocated to the main facility on a more permanent basis. The co-location of the Helping Hands Clinic with the Health Department will provide opportunities to improve the continuum of care available to needy patients while insuring cost effectiveness by avoiding duplication of services.

Helping Hands is a non-profit corporation whose purpose is to provide medical services to under-served patients in need of care, primarily low income and uninsured residents of Lincoln County. We have agreed to rent them space for \$1,00 per year to support this service, which ultimately reduces emergency room visits and prevents longer-term health care costs for this population. The County currently provides a \$30,000 grant match for a \$176,000 state grant to provide these services.

Gaston Family Health Services, Inc. will also be applying for federal funds to provide additional services in the future. It is expected that new federal funds (up to \$650,000) will significantly expand capacity to provide care for the uninsured of the Lincoln community. The County also agreed to provide in kind space as part of the match for a federal grant.

The Charlotte-Mecklenburg Hospital Authority will also be executing this lease agreement in order to clearly waive the rights and restrictions which have been placed on the premises. The current restrictions state that the premises may not be used for operation of a hospital, medical clinic, medical office building, or other use related to medical care.

UPON MOTION by Commissioner Klein, the Board voted unanimously to approve the Lease Agreement with Gaston Family Health Services, Inc. dba Helping Hands Health Center.

Award of Contract for Inmate Food Service – ABL Management, Inc. – Martha Lide:

It is recommended that the Board approve the contract with ABL Management, Inc. to provide inmate food service for the Lincoln County Detention Facility. The contract is for one year with four one year renewal options. The actual cost of the contract will be based on the number of meals served, but based on feeding an average of 131 detainees per day, the annual cost of the contract will be \$212,200. These funds are included in the Sheriff's Office budget.

The process for selecting ABL Management Inc. is outlined below:

- Lincoln County issued RFP # 2011-0331 - IFS on February 25, 2011. Proposals were sent to the following vendors:
 - ABL Management, Inc
 - ARAMARK Correctional Services
 - Canteen Correctional
 - CBM Managed Services
 - Moliere Enterprises, LLC
 - Valley Services, Inc.
- March 15, 2011 a walk-thru and pre-bid proposal meeting was held; an addendum was issued on March 23, 2011 with answers to all questions submitted and minutes from the March 15th meeting. A major decision was made and provided to the vendors concerning the meal plan. Statute requires three meals a day in which two must be hot. Lincoln County listed in the addendum that the evening (dinner) meal would be served as a bag meal.
- Proposals were due on March 31, 2011 at 2:00 pm; Responsive proposals were received from the following vendors:
 - ABL Management, Inc
 - ARAMARK Correctional Services
 - CBM Managed Services
 - Canteen Correctional submitted a no bid letter
- The Lincoln County Jail Administrator and the Purchasing Agent reviewed the RFP's to recommend an award based on the following:
 - Sample four week menu
 - Daily calorie count of sample menu
 - Integration & Compatibility
 - Vendor Accomplishments
 - References
 - Cost based on the tier of 131-140 meals per day and 5 snack bags.

After a comprehensive review it was determined that ABL Management, Inc. met and in most cases exceeded the requirements as outlined in all areas except cost, and was the most qualified provider. CBM Managed Services offered the lowest cost at \$1.51 per meal.
- The RFP that was issued specifically stated that we are not bound to accept a proposal on the basis of lowest price, and that we could negotiate any or all items

with individual proposers. Therefore, the County negotiated a reduction in the per meal cost from \$1.58 to \$1.53 per meal. ABL Management , Inc also agreed to hold their price constant for two years.

The County currently contracts with ABL Management , Inc for food services, and has been pleased with their performance. The current price structure is different than the price structure called for the in the RFP. The price per meal has been averaging \$1.78 per meal. Based on the new price structure and negotiated price, the County will save an estimated 34,900 per year on inmate food services.

ABL Management, Inc price is estimated to be about \$3,800 higher than the lowest bidder. However, we are recommending they be awarded the contract to avoid the cost of disruption caused by changing vendors, our positive experience with them as a vendor, ABL Management, Inc experience and references in North Carolina, and their guarantee to hold their prices for two years.

UPON MOTION by Commissioner Arena, the Board voted unanimously to approve the Award of Contract for Inmate Food Service – ABL Management, Inc.

Renewal of Contract for Institutional Medical Services, PLCC – Dr John H. Piland – Martha Lide: Martha Lide presented the following information.

It is recommended that the Board approve the option to renew our contract for inmate healthcare services with Institutional Medical Services, PLCC - Dr. John H. Piland for an additional two-year period at a cost of \$191,520 per year..

On June 7, 2010, following an RFP process, Lincoln County entered into a one year contract (July 1, 2010 - June 30, 2011) for inmate healthcare services with Institutional Medical Services, PLCC - Dr. John H. Piland. This contract included the option to renew the contract for up to five one-year periods.

The RFP was originally bid using tiers as listed below:

- Tier # 1- average daily population of 100 inmates
- Tier #2 – average daily population of 120 inmates

The contract was awarded to Institutional Medical Services for \$185, 960 based on their Tier #1 proposed price. Their Tier #2 price proposal was \$200,000.

Since the award of the contract, the daily population has regularly exceeded the Tier 1 level of 100 inmates. We are currently averaging 131 inmates per day.

Based on the current daily population, we are recommending that the contract renewal be at the Tier #2 level. The new contract will increase by 2% or \$5,560 for a yearly cost of \$191,520. This negotiated price is \$8,480 less than their original tier #2 proposal.

UPON MOTION by Commissioner Robinson, the Board voted unanimously to approve the Renewal of Contract for Institutional Medical Services, PLCC – Dr. John Piland.

Merger of Gaston, Lincoln and Cleveland LME, with Burke and Catawba LME, and Iredell, Yadkin and Surry County LME – Martha Lide: Martha Lide presented the following information.

The Lincoln County Board of County Commissioners is being asked to support, through resolution, the actions Pathways Local Management Entity is taking to meet the new state imposed changes in the Mental Health, Substance Abuse and Developmental Disability service system. The state is mandating changes in the minimum size of agencies such as Pathways. The Pathways Board has approved an alliance with Pathways' peer programs known as Mental Health Partners (Catawba and Burke counties) and Crossroads Local Management Entity (Surry, Yadkin and Iredell counties). The state has stated clearly that Local Management Entities who do not voluntarily form alliances to meet the new size and population requirements will be assigned to a partner by the state and Pathways and its Board believes it is imperative to control their own destiny rather than to be subject to the assignment by the state.

Through the merging of these three organizations, Pathways and its partners will meet the new state requirements and ensure that the mental health, substance abuse and developmental disability service needs of our local citizenry. These needs will be managed at the local level where alliances with other community partners such as law enforcement agencies, Departments of Social Services, Health Departments, schools, and hospitals can work collaboratively to meet the consumers' needs. The partners to this alliance are committed to ensuring a local presence in the counties as we have come to trust over the years. The merger of the organizations will result in a streamlined system for the taxpayers.

The Lincoln County Board of County Commissioners is further asked to support the position that Pathways be the lead organization in the ultimate merged entity.

RESOLUTION #2011-28

RESOLUTION TO SUPPORT THE MERGER OF THE GASTON, LINCOLN, AND CLEVELAND COUNTY LME (PATHWAYS) WITH BURKE AND CATAWBA COUNTY LME (MENTAL HEALTH PARTNERS) AND WITH IREDELL, YADKIN, AND SURRY COUNTY LME (CROSSROADS)

Whereas, Pathways began its service to the community in the Community Mental Health Centers Act signed into law during the Kennedy Administration. Federal funding associated with the passage of this act allowed communities to develop local resources to assist in reducing the individuals needing services but whose only option was at out-of-county, institutional settings.

Whereas, during the decades since, the Area Authority has continued to evolve and grow as the role of community mental health centers has expanded. During this time, the Area Authority was comprised of a two-county system, serving the needs of Gaston and Lincoln Counties. In 1999, Cleveland County joined to create a three-county system and the operating name of Pathways was created.

Whereas, until 2004, Pathways directly provided services to many of the consumers in each of the three disability groups (mental health, developmental disabilities and substance abuse) by providing those services. During the last few years leading up to this time period, many private provider organizations were created or moved to this area and services began to be more evenly divided between those that were provided by staff of the Area Authority and those provided by a private provider.

Whereas, in 2001, the NC legislature passed House Bill 381, which resulted in dramatic changes to the three plus decade history of the Area Program. Legislation required Pathways to transition from predominantly a provider of direct services to a manager of services. Conditional acceptance was given to operate as an LME beginning in July 2003, to begin the process to fulfill the concepts outlined in the plan.

A significant part of the plan and the requirements of the reform was the divestiture of directly operated services. From July 2003 through October 2004, Pathways divested of the services directly serving approximately 7,000 consumers as well as approximately 550 positions from the Area Program payroll.

Whereas, Pathways currently serves as a care manager, a public policy leader, a provider community manager, and a community collaborator around issues involving mental health, development disabilities and substance abuse. Their responsibilities are broken down into the areas of: governance and administration; business operations; provider services management; communication and customer services; service management; and quality management.

Whereas, recent changes by state directives require LME's to align with other Area Programs to reduce cost to the citizens of North Carolina. Pathway's is pursuing a merger with Crossroads and Mental Health Partners which will expand their service to approximately 900,000 citizens in eight counties. In addition to the primary three counties of Gaston, Lincoln, and Cleveland Counties, the new partners will include Burke, Catawba, Iredell, Yadkin and Surry Counties. This will allow for better command and control because of its geographical location and by knowing the community involvement better. Pathways will be negotiating to become the lead agency because of its proven track record of outstanding level of service and accountability of provided tax dollars.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED that the Lincoln County Board of Commissioners fully support the merger of the Gaston, Lincoln, and Cleveland County LME (Pathways) with Burke and Catawba County LME (Mental Health Partners) with Iredell, Yadkin and Surry County LME(Crossroads). We also request that Pathway's being identified as the lead agency and will assist the transitioning into a smooth merger.

That this amendment shall become effective on _____.

Adopted this _____ day of _____ 2011.

LINCOLN COUNTY

By: _____
Alex Patton, Chairman
Board of Commissioners

ATTEST:

Amy S. Atkins, Clerk to the
Board of Commissioners

UPON MOTION by Commissioner Arena, the Board voted unanimously to approve the Merger of Gaston, Lincoln and Cleveland LME, with Burke and Catawba LME, and Iredell, Yadkin and Surry County LME and support Resolution #2011-28: Resolution to Support the Merger of the Gaston, Lincoln and Cleveland County LME (Pathways) With Burke and Catawba County LME (Mental Health Partners) and with Iredell, Yadkin, and Surry County LME (Crossroads)

Contract for Services – Owls Den Landfill Corrective Actions – Phase III

Construction – Burns Whittaker: Burns Whittaker presented the following information.

1. The Owl's Den Landfill was closed in 1988 by placing a 24" earthen cover over the waste area. Under then current State regulations, the County was required to monitor the landfill for surface water run-off and levels of methane gas which is a by-product of all landfills.
2. Over the course of the years and ever increasing regulations, the County has made improvements to the monitoring systems including groundwater monitoring wells and acquisition of "buffers" adjacent to the landfill.
3. During our semi-annual report to the State in January of 2010, it became apparent that the groundwater contamination and methane migration had reached a level such that additional assessment and corrective action was required. This Department began immediately to initiate actions in order to meet the stringent requirements placed upon us by the State. Due to the unknown extent of the situation, a phased approach has been used which allows us to test and identify the problem, then to move forward with the most appropriate corrective actions. To date, we have accomplished the first three phases of the work at a total cost of \$176,475, which includes development of a Methane Monitoring Plan, Corrective Action Plan, Groundwater Assessment Plan, and design of the final corrective action. These plans have been submitted to the State and approved.
4. Bids were opened for the construction project and the low bidder is the Morgan Corporation in the amount of \$294,216.50. We recommend approval of the award to Morgan Corporation.

UPON MOTION by Commissioner Robinson, the Board voted unanimously to approve the Contract for Services – Owls Den Landfill Corrective Actions – Phase III Construction.

Testing Schedule for Backflow Control Device for Residential Irrigation – Burns Whittaker: Burns Whittaker presented the following information.

At the April 4 meeting, the BOC approved changes to the Backflow Prevention Ordinance. The approved ordinance specifically exempts residential irrigation meters from regular testing. Following a period of discussion, the Board asked for further information as to the schedule for the testing of commercial and industrial backflow devices and for a recommendation for a schedule of initial and follow up testing of residential irrigation meters.

Based on our current progress, we estimate the following schedule:

June 30	Complete audits of all Commercial and Industrial (C/I) Accounts.
August 1	Letters sent to all deficient C/I accounts with directions to correct any deficiency within time frame as established in ordinance.
August 1	Begin audit of residential irrigation accounts.
December 1	All C/I accounts current and in compliance
December 31	Complete audit of all residential irrigation accounts.
Feb 1, 2012	Letters sent to all accounts with directions to have devices tested within 12 months (Jan 31, 2013). All devices which fail will be required to be replaced with Reduced Pressure Zone assemblies in compliance with the ordinance.

Following the initial testing, all Residential Irrigation Accounts will be required to be tested every three years. Letters will be generated and sent by Public Works to the owner of the account approximately 2 months prior to the required test date.

Mr. Wood advised that a new Ordinance will be brought back for the Board's approval with the schedule included.

Motion to set dates for budget work sessions during the week of May 23, 2011 – George Wood: Mr. Wood asked the Board to set a budget work session during the week of May 23, 2011. The Board set the budget work session for May 23 at 12:00 p.m. at LEDA or the Airport.

Other Business:

Closed Session: **UPON MOTION** by Commissioner Arena, the Board voted unanimously to enter Closed Session pursuant to NCGS 143-318.11(a)(4) – To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations.

The Board returned to closed session and Chairman Patton advised that no action was taken in Closed Session.

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