

**MINUTES**  
**LINCOLN COUNTY BOARD OF COMMISSIONERS**  
**MONDAY, MARCH 5, 2012**

The Lincoln County Board of County Commissioners met March 5, 2012 at the Citizens Center, Commissioners' Room, 115 West Main Street, Lincolnton, North Carolina, at 6:30 P.M.

Commissioners Present:

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

Others Present:

George A. Wood, County Manager  
Martha W. Lide, Assistant County Manager  
Wesley L. Deaton, County Attorney  
Amy S. Atkins, Clerk to the Board

**Call to Order:** Chairman Patton called the March 5, 2012 meeting of the Lincoln County Board of Commissioners to order.

Commissioner Robinson gave the Invocation and Chairman Patton led in the Pledge of Allegiance.

**Adoption of Agenda:** Chairman Patton presented the agenda for the Board's approval.

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

AGENDA  
Lincoln County Board of Commissioners Meeting  
Monday, March 5, 2012  
6:30 PM

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

Call to Order

Invocation - Commissioner Carl Robinson

Pledge of Allegiance

1. Adoption of Agenda
  2. Consent Agenda
    - Tax Requests for Refunds - Over \$100
      - January 23 - February 5, 2012
    - Approval of Minutes
    - Ordinance #2012-4: An Ordinance Amending the FY 2012 Budget for the County of Lincoln, North Carolina
    - Approval of Revised Medical Services Contract with Institutional Medical Services - Sheriff David Carpenter
  3. Public Hearings - Zoning Cases - Randy Hawkins

ZMA #593 Charles Mustin Jr., applicant (Parcel ID# 58684) A request to rezone three acres from R-SF (Residential Single-Family) to R-R (Rural Residential). The property, a portion of a 14.3-acre parcel, is located on the south side of Maybank Lane about 1,000 feet west of June Bug Road in Howards Creek Township.

CUP #307 Todd Black, applicant (Parcel ID# 10948) A request for a conditional use permit to operate a campground in the R-R district. The 33-acre parcel is located at 3458 Zion Hill Road, at the end of Zion Hill Road about 1,000 feet north of the Gaston County line, in North Brook Township.
  4. Motion to Adopt Proposal for incentives to construct LEEDS certified industrial and commercial office buildings - Randy Williams and Kelly Atkins
    - Letter of Support
  5. Howard's Creek Volunteer Fire Department Franchise Request- Ron Rombs
  6. Public Comments (15 minutes allowed per Rules of Procedure - 3 minutes per person)
  7. Vacancies/Appointments
  8. Other Business
- Recess to March 12, 2012

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

#### **Consent Agenda**

- Tax Requests for Refunds - Over \$100
  - January 23 - February 5, 2012
- Approval of Minutes

**- Ordinance #2012-4: An Ordinance Amending the FY 2012 Budget for the County of Lincoln, North Carolina**  
**- Approval of Revised Medical Services Contract with Institutional Medical Services**

LINCOLN COUNTY  
TAX DEPARTMENT

G.S. #105-381 (B) ALL RELEASES MORE THAN \$100  
AND #105-325 INCLUDING (A) (6)

**REQUEST FOR RELEASES**

PERIOD COVERED

(January 16, 2012 - February 15, 2012)

NAME	YEAR	DIST	A/C NO	AMOUNT	REASON
Brown, Christopher Scott	2011	BCFD	0158817	\$151.91	Did not own business personal property as of 1/1/2011.
Cache Night Club & Restaurant	2009	City	0207338	\$248.60	Did not own business personal property as of 1/1/2009.
Chapman, Jonathan Andrew	2011	ALFD	0110379	\$3,671.13	Land use qualification approved.
Club Oasis	2010-2011	City	0221425	\$1,036.72	Did not own business personal property as of 1/1/2010.
Douglas, Cindy	2011	City	0215286	\$105.09	Did not own personal property as of 1/1/2011.
Holland, Barry Lynn	2011	City	0096093	\$148.34	Did not own personal property as of 1/1/2011.
Jordan, Randy L	2007-2011	DFD/ELSD	0150452	\$137.80	Personal property moved out of state as of 1/1/2007.
Mackey, Jeffrey W	2011	ELFD	0173464	\$139.26	Did not own personal property as of 1/1/2011.
Morgan, Lowell Daniel III	2011	ELFD/ELSD	0236786	\$414.98	Personal property in Iredell County as of 1/1/2011.
Smith, Colin Emmett	2011	City	0208420	\$105.09	Did not own personal property as of 1/1/2011.
Stilp, Bob H	2011	DFD	0137648	\$486.00	Removed 6 availability fees per contract services.
Stilp, Bob H	2011	DFD	0142664	\$648.00	Removed 8 availability fees per contract services.

**TOTAL \$7,292.92**

LINCOLN COUNTY  
TAX DEPARTMENT

G.S. #105-381 (A) ALL RELEASES MORE THAN \$100  
AND #105-325 INCLUDING (A) (6)

**REQUEST FOR RELEASES**

**MOTOR VEHICLE BILLS**

PERIOD COVERED

(JAN 16, 2012 - FEB 15, 2012)

NAME	YEAR	DIST	A/C NO	AMOUNT	REASON
Arcuri, Daniel L	2011	City	0102575	\$147.87	Vehicle taxable in Catawba County.
B-D&D Company Inc	2011	City	0236456	\$328.47	Vehicle taxable in Catawba County.
Beck, Adrienne	2011	City	0223280	\$449.06	Vehicle taxable in Wake County.
Foster, Steven Eugene	2011	City	0237150	\$156.56	Vehicle taxable in Catawba County.
Friday, James Vernard	2010	City	0072585	\$106.22	Pro-rated bill.
Grooms, Nathan Reid	2011	BCFD	0080641	\$115.18	Pro-rated bill.
Hartman, Kendra Gay	2011	DFD/ELSD	0177826	\$124.57	Pro-rated bill.
Honey's Supermarket Inc	2011	City	0237010	\$520.40	Vehicle taxable in Catawba County.
Hopkins, Martha Jennifer	2010	ALFD	0218953	\$135.73	Military exemption.
Little, Dale Brent	2011	City	0122954	\$108.85	Vehicle taxable in Catawba County.
NCA of the Carolinas Inc	2011	DFD/ELSD	0223831	\$143.31	Vehicle taxable in Mecklenburg County.
On The Move Services Inc	2011	City	0223669	\$163.74	Vehicle taxable in Cabarrus County.
Sellers, John Robert	2011	City	0216869	\$108.50	Vehicle taxable in Mecklenburg County.
Snodgrass, Richard Marvin	2011	City	0223347	\$205.32	Vehicle taxable in Gaston County.
Staples, Norman Richard	2011	DFD	0166553	\$120.14	Assessment adjustment of vehicle.
Sutton, Alan Gail	2011	City	0099526	\$117.08	Vehicle taxable in Gaston County.
Tanner, Brenda Jackson	2011	City	0236365	\$199.98	Vehicle taxable in Gaston County.

**TOTAL \$3,250.98**

**ORDINANCE #2012-4: AN ORDINANCE AMENDING THE FY 2012 BUDGET  
FOR THE COUNTY OF LINCOLN, NORTH CAROLINA**

THAT WHEREAS, the Lincoln County Board of Commissioners adopted the FY 2012 Budget by approving Ordinance #2011-11 on June 20, 2011; and

WHEREAS, the Finance Director and County Manager are recommending further amendments as shown on the attachments herein; and

WHEREAS, the Lincoln County Board of Commissioners wishes to approve these proposed budget amendments;

NOW THEREFORE BE IT ORDAINED AND ESTABLISHED by the Board of Commissioners of Lincoln County, North Carolina, that the FY 2012 Budget previously adopted is hereby amended as follows:

Section 1. That the budget amendments attached hereto, and incorporated herein by reference as Exhibit A to Ordinance #2012-4, are hereby approved and adopted as amendments to the FY 2012 Budget.

Section 2. That this amendment to the budget shall become effective immediately upon its adoption by the Board of Commissioners.

Passed and adopted this 5th day of March, 2012.

BY: \_\_\_\_\_  
Alex E. Patton, Chairman  
Lincoln County Board of Commissioners

ATTEST:

\_\_\_\_\_  
Amy S. Atkins  
Clerk to the Board

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Exhibit A to Ordinance #2012-4  
Budget Amendment numbered 102.

**Public Hearings:**

Randy Hawkins presented the following:

**ZMA #593 – Charles Mustin Jr., applicant:** Randy Hawkins presented the following:

The applicant is requesting the rezoning of three acres from R-SF (Residential Single-Family) to R-R (Rural Residential). Plans are for this property to be split off from a 14.3-acre tract under the provisions for a family subdivision (see surveyor's map for location of proposed new lot).

The property is located on the south side of Maybank Lane about 1,000 feet west of June Bug Road in Howards Creek Township, on the west side of the larger tract. It is adjoined largely by property zoned R-SF, but it adjoins an R-R district at one point.

Land uses in this area are primarily residential and agricultural. The Lincoln County Land Use Plan designates this area as Rural Preservation, suitable for low-density residential uses.

Mr. Hawkins read a letter from a property owner against this rezoning.

Commissioner Mitchem said he went to look at this property. He said the property is off the road and isolated. He said there are 2 chicken houses about 200 – 300 yards from where this home will be placed. He said he didn't see why it would be a problem with any of the neighbors if that house was there.

Kimberly Starnes said she purchased this land in October and she and her roommate both have health problems. She would like for her daughter and son in law to be able to place a mobile home on the property here to help them.

Don Williams, 3579 June Bug Road, said he owns 3 homes in this area; one for him, one for his son and one for his daughter. He said he is afraid if this mobile home goes there, they will see property values go down.

Cynthia Connely said she sent in a letter and presented a petition against this rezoning.

Joann Thomas said her concern is that she lives with her daughter and they have 3 acres right behind her. She said the neighbors are really nice people, but this doublewide will be right in her daughter's back door. She said it is an old dirt road that goes in there and it cannot take much more traffic.

Bob Wise said he has no animosity against anyone trying to help their family, but asked the Board to remember that when people buy property with zoning in place, they expect it to stay that way. He asked the Board not to approve the request.

Being no additional speakers, Chairman Patton closed the Public Hearing.

**Motion to Adopt Proposal for incentives to construct LEEDS certified industrial and commercial office buildings :** Randy Williams and Kelly Atkins presented information concerning LEEDS Certified Industrial and Commercial Office Buildings.

Over the past few months, the Lincoln County Planning and Inspections Department has been working in concert with the Board of Commissioners appointed "green team" to encourage LEED projects in Lincoln County through incentives. LEED buildings offer ecological friendly craftsmanship and design; for example, many of these projects use design features that lessen energy consumption by incorporating "daylighting" and solar

energy, water use is reduced with low-flow fixtures while also utilizing recycled building material in the construction of the building.

There are four classifications of LEED designed buildings: LEED Certified, LEED Silver, LEED Gold and LEED Platinum; each classification has certain criteria that must be met in order to be certified. Obviously, the higher the LEED classification requires more strenuous standards to meet that particular classification; as a result, the costs associated with achieving each level of certification also increases.

In order to increase ecological awareness and encourage LEED designed buildings, the green team and the Planning and Inspections Department has come to the conclusion that incentives could be afforded for these types of projects. According to County Attorney, Wesley Deaton, cities and counties have wide latitude to offer incentives for LEED projects within the context of North Carolina General Statutes 153-340(i), 160A-383.4, and 158.7.1(b)(5)(6).

The group decided that the best way to incentivize industrial and office commercial projects is to offer building permit refunds and/or water and sewer refunds as the primary incentives. The methodology to determine LEED classification is based on the national LEED standard for these types of projects; furthermore, existing LEED projects throughout the United States have been used to determine increased cost estimates. The valuation of the project will be based on the final assessed value as determined by the Lincoln County Tax Department. It is proposed that projects would not be refunded until valuation is determined and LEED certification is obtained.

During the February 23, 2012, Lincoln Economic Development Association Board Association Board meeting, staff presented the incentives for their endorsement. After the presentation, the board voted unanimously to endorse the incentive plan and have forwarded a letter of endorsement to the Board of Commissioners.

If approved, Wesley Deaton will draft a resolution for adoption at the next meeting.

**UPON MOTION** by Commissioner Arena, the Board voted unanimously to adopt the proposal for incentives to construct LEEDS certified industrial and commercial office buildings.

**Howard's Creek Volunteer Fire Department Franchise Requirement:** Ron Rombs presented the following:

Pursuit to North Carolina Statutes 131E-155 through 162; 143-507 through 519: 143B-165 and North Carolina Administrative Code Title 10, Chapter 13, Subchapter 13P, the Lincoln County Board of Commissioners has designated Lincoln County Emergency Medical Service as the System Administrator for providing emergency medical services in Lincoln County, North Carolina. This designation was made through an official

resolution of the Lincoln County Board of Commissioners on February 17, 2003 during the Board's regular meeting.

The Lincoln County Emergency Medical Services Franchise Ordinance establishes a process that prevents organizations from operating, maintaining, and advertising or otherwise be engaged in the service of emergency and/or non-emergency care and/or transportation of patients within the county of Lincoln unless the person or organization has been granted a franchise for the operation of such service by the county.

The EMS System Plan for Lincoln County is based on continuation of the existing, established system provided by LCEMS and other public safety agencies. The system is fully functional and provides a consistent level of service throughout the county.

The request is from Howard's Creek Volunteer Fire Department, requesting a franchise for AED Plus, which allows the department to function at the EMT-Basic level medical first responder (non-ambulance) services for their respective fire district when EMT's are available. Presently they are functioning as an Automatic External Defibrillator (AED) responder agency.

This request is viewed as favorable to the citizens of Lincoln County and is recommended for approval.

**UPON MOTION** by Commissioner Robinson, the Board voted unanimously to approve the Howard's Creek Franchise Ordinance.

**Public Comments:**

Robert Avery asked about the taxpayer's survey.

**Vacancies/Appointments:** Commissioner Robinson presented the following:

**Lincoln County  
Board of Commissioners  
Board Vacancies/Appointments  
March 5, 2012**

**Vacancies:**

- Nursing and Adult Home Community Advisory Committee
- Recreation Commission
  - o Lincolnton Township
- Lincoln Natural Resources
- Industrial Revenues Bond Board
- Library Board – North Brook Township
- Board of Adjustment – 2 alternates

**Appointments:**

#### Board of Equalization and Review

- Appoint:
  - o Andrew Sain as Chair – term ending 12/31/12
  - o Dean Lutz (regular seat) - term ending 12/31/13
- Reappoint:
  - o Michael Kolosowsky - term ending 12/31/13
  - o Richard Permenter - term ending 12/31/13

#### Board of Adjustment - Alternates

- Darren Smith - term ending 12/31/12
- Patrick Phelan – term ending 12/31/13

#### Partners BHM (Behavioral Mental Health) formerly Pathways

- Melinda Finger

Commissioner Mitchem said he would like to vote on the Board of Equalization and Review separately. He said according to State Statutes, Lincoln County had a special House Bill ratified that we could appoint a Board of Equalization and Review. It also says the Board of Commissioners can act as the Board of Equalization and Review. He asked if any other Board member would like to do away with the Board of Equalization and Review or if not, if a Commissioner could serve on this Board.

Commissioner Arena said he received a map showing which counties had Boards of Equalizations and which counties had Commissioners doing it. He said most of the larger counties have Boards of Equalization and the smaller ones have the Commissioners doing it.

Chairman Patton stated that he would like to keep it totally separate and not having elected officials on it.

Commissioner Robinson said there is a lot of training and a lot of meetings to attend. He said the Commissioners have trouble staffing committees they are committed to now and he doesn't see adding more when they cannot attend what they are supposed to now. He said the members now are very professional and are trained by the state.

Commissioner Klein said he feels the two Board should be separate.

**A MOTION** by Commissioner Robinson to make the following appointments to the Board of Equalization and Review:

- Appoint:
  - o Andrew Sain as Chair – term ending 12/31/12
  - o Dean Lutz (regular seat) - term ending 12/31/13
- Reappoint:
  - o Michael Kolosowsky - term ending 12/31/13
  - o Richard Permenter - term ending 12/31/13



**Vote: Unanimously approved.**

**A MOTION** by Commissioner Robinson to make the following appointments to the Board of Adjustment:

Board of Adjustment - Alternates

- Darren Smith - term ending 12/31/12
- Patrick Phelan – term ending 12/31/13

**Vote: Unanimously approved.**

**A MOTION** by Commissioner Robinson to appoint Melinda Finger to Partners BHM (Behavioral Mental Health).

**Vote: Unanimously approved.**

**Other Business:** Mr. Wood presented a request from the Cleveland County Water System from people in West Lincoln who wanted to hook onto their water system.

**UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to approve water line extension and authorize the County Attorney and County Manager to work on agreement with the Cleveland County Water System.

Mr. Wood announced that Barry McKinnon has submitted his resignation and will be going to Mooresville as Public Utilities Director.

**Recess:** **UPON MOTION** by Commissioner Klein, the Board voted unanimously to recess to March 12, 2012 at 6:00 p.m.

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Amy S. Atkins, Clerk  
Board of Commissioners

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Alex E. Patton, Chairman  
Board of Commissioners