

**MINUTES**  
**LINCOLN COUNTY BOARD OF COMMISSIONERS**  
**MONDAY, JUNE 4, 2012**

The Lincoln County Board of County Commissioners met June 4, 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 June 4, 2012 meeting of the Lincoln County Board of Commissioners to order.

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

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

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

AGENDA  
Lincoln County Board of Commissioners Meeting  
Monday, June 4, 2012  
6:30 PM

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

Call to Order

Invocation - Chairman Patton

Pledge of Allegiance

1. Adoption of Agenda

2. Consent Agenda

- Tax Requests for Refunds - Over \$100
  - April 30 - May 13, 2012
- Tax Requests for Releases - Over \$100
  - April 16 - May 15, 2012
- FY 2013 HCCBG Funding Plan
- Sponsored Group Status
  - American Red Cross
- Approval of Minutes
- Surplus Property
- Ordinance #2012-9: An Ordinance Amending the FY 2012 Budget for the County of Lincoln, North Carolina

3. Zoning Cases - Randy Hawkins

ZMA #596 Bill Beam, applicant (Parcel ID# 10733) A request to rezone a 1.0-acre parcel from B-N (Neighborhood Business) to R-S (Residential Suburban). The property is located at 997 NC 274 Hwy., on the east side of N.C. 274 about 800 feet south of the Wehunt Store Road intersection, in North Brook Township.

CUP #313 William and Threasa Chatham, applicants (Parcel ID# 90430) A request for a conditional use permit to place a Class B (doublewide) manufactured home in the R-S (Residential Suburban) district. The 8.2-acre parcel is located on the east side of Hulls Grove Church Road about 3,000 feet north of N.C. 27 in North Brook Township.

CUP #314 Strata Solar, LLC, applicant (Parcel ID# 10383) A request for a conditional use permit to establish a solar power generation facility in the R-R (Rural Residential) district. The proposed 48-acre site is located at 5531 W. NC 27 Hwy., about 2,000 feet south of the intersection of N.C. 27 and Hebron Church Road, in North Brook Township.

CUP #315 Dellinger Properties, LLC (Parcel ID# 58182, 58184 and 00615) A request for a conditional use permit to operate an events venue in the I-G (General Industrial) district. The proposed 5.5-acre site is located at 848 South Fork Rd., on the northeast corner of South Fork Road and Laboratory Road, in Lincoln Township.

4. Public Hearing on the County Budget and Capital Improvements Program for FY 2013

5. Public Hearing - Rural Operating Assistance Program - Ron Rombs

6. Road Naming Public Hearing - Homesley Trail - Netta Anderson

7. Public Hearing - 2012 Lincoln County Solid Waste Management Plan Update

- Motion to approve Resolution #2012-19: Resolution Accepting and

Endorsing the Solid Waste Management Plan on 2012 for Lincoln County

8. Public Comments (15 minutes allowed per Rules of Procedure – 3 minutes per person)
  9. Update on Lincoln County Fuel Purchases - Martha Lide
  10. Motion to approve a \$10,000 allocation of ABC funds to Phoenix Counseling Services to be used toward the operation of a Halfway House for Women that will begin operation in July 2012 - Martha Lide
  11. Motion to approve the Special Events and Mass Gathering Ordinance for Lincoln County and Motion to Approve Resolution #2012-20: Resolution Approving Fees and Other Charges for Special Events and/or Mass Gatherings in Lincoln County - Martha Lide
  12. Motion to approve Resolution #2012-21 - Requesting the Closing of a Portion of Reeps Brothers Road (SR #1421)
  13. Motion to Authorize Chairman and County Clerk to Execute a Grant Agreement for \$15,000 from NCDENR for a Landfill Recycling Building - George Wood
  14. Motion to Authorize Chairman and County Clerk to Execute an amended and restated Agreement with Norman Pointe Development, LLC as recommended by the County Manager George Wood
  15. Motion to set date, time and location for Budget Work Session
  16. Vacancies/Appointments
  17. Other Business
- Adjourn

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

- Tax Requests for Refunds - Over \$100
- April 30 - May 13, 2012
- Tax Requests for Releases - Over \$100
- April 16 - May 15, 2012
- FY 2013 HCCBG Funding Plan
- Sponsored Group Status
- American Red Cross
- Approval of Minutes
- Surplus Property
- Ordinance #2012-9: An Ordinance Amending the FY 2012 Budget for the County of Lincoln, North Carolina

**LINCOLN COUNTY TAX DEPARTMENT REQUEST FOR REFUNDS  
MOTOR VEHICLES**

PERIOD COVERED (APRIL 30, 2012 – MAY 13, 2012)  
 G.S.#105-381(B) ALL REFUNDS MORE THAN \$100.00  
 (and) #105-325 including (A) (6)

NAME	YEAR	DIST	A/C#	AMOUNT	REASON
MCALISTER, WORTH JR.	2010-11	CITY	10036	105.16	PRO-RATED BILL

**TOTAL \$105.16**

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  
 (APR 16, 2012 - MAY 15, 2012)

NAME	YEAR	DIST	A/C NO	AMOUNT	REASON
Beaver, Carl Lee	2011	N-321	0176321	\$169.66	Assessment adjustment of vehicle.
Beckham, Raymond Max	2011	PCFD	0089795	\$141.31	Pro-rated bill.
Brown, Raymond A	2011	DFD/ELSD	0180758	\$149.48	Pro-rated bill.
Crawford, Danny Michael	2011	City	0193813	\$181.81	Vehicle taxable in Catawba County.
Davis, Billy Joe	2011	City	0238655	\$245.50	Vehicle taxable in Gaston County.
Franklin, Mark Woodrow Jr	2011	Crouse	0068828	\$116.25	Pro-rated bill.
Houston, Mark Kenneth	2011	City	0231807	\$461.34	Vehicle taxable in Catawba County.
Jordan, Marsha Hosey	2011	City	0116692	\$119.16	District correction.
Laney, Scott Dale	2011	BCFD	0231012	\$191.41	Pro-rated bill.
Leichty, Timothy A	2011	ELFD	0181907	\$626.04	Assessment adjustment of vehicle.
Mashburn, Michael Wayne	2011	City	0237533	\$485.90	Vehicle taxable in Catawba County.
McQueen, John Michael Jr	2011	City	0233189	\$250.01	Vehicle taxable in Catawba County.
Mumford, Gary Joseph	2011	DFD	0192511	\$127.68	Pro-rated bill.
Osman, James Edwin II	2011	City	0226450	\$276.18	Vehicle taxable in Catawba County.
Parker, Tony Gene	2011	HCDFD	0101619	\$145.64	Pro-rated bill.
Poston, Dennis Kent	2011	City	0238575	\$276.30	Vehicle taxable in Mecklenburg County.
Reynolds, Thomas McDonald Jr	2011	City	0238541	\$260.32	Vehicle taxable in Rockingham County.
Sandwich Artists Inc	2011	City	0238114	\$186.67	Vehicle taxable in Catawba County.
Scott, Cordell II	2011	City	0164433	\$104.88	Pro-rated bill.
Seagle, John Daniel	2011	Union	0166205	\$105.79	Pro-rated bill.
Smith, Bradley Austin	2011	City	0231429	\$103.97	District correction.
Tucker, Eric Douglas	2011	City	49084	\$191.19	Vehicle taxable in Catawba County.
Wagner, Barbara Ann	2011	City	0238991	\$107.36	Vehicle taxable in Catawba County.
Wilbur, Renee Meta	2011	City	0225317	\$223.49	Vehicle taxable in Gaston County.
				<b>TOTAL \$5,247.34</b>	

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  
 (April 16, 2012 - May 15, 2012)

NAME	YEAR	DIST	A/C NO	AMOUNT	REASON
Dellinger, Everette	2012	DFD	0177423	\$2,714.44	Land-use approved.
Dellinger, Everette Heirs of	2012	DFD	0227850	\$1,805.10	Land-use approved.
Tarlton Real Estate Corp.	2002-2011	HCDFD	0062585	\$876.02	In-Rem foreclosure.
				<b>TOTAL \$5,395.56</b>	

FY 2013 HCCBG Funding Plan:

Lincoln County Senior Services is the lead agency responsible for the Home and Community Care Block Grant Funding Plan process for older adults in Lincoln County. Senior Services is requesting the Board of Commissioners approve the attached Funding Plan in the sum of \$536,925.00.

**ORDINANCE #2012-9: 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 Ordinance Amendment attached hereto, and incorporated herein by reference as Exhibit A to Ordinance #2012-9, 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 4th day of June, 2012.

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

ATTEST:

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

**EXHIBIT A to Ordinance #2012-9**

Budget Amendment numbered 125.

**Public Hearings:**

Randy Hawkins presented the following information:

**ZMA #596 Bill Beam, applicant:** The applicant is requesting the rezoning of a 1.0-acre lot from B-N (Neighborhood Business) to R-S (Residential Suburban). This property contains a building that had once been used as a vehicle service garage but now serves as a tractor shed.

This property is located at 997 NC 274 Hwy., on the east side of N.C. 274 about 800 feet south of the Wehunt Store Road intersection, in North Brook Township. It is surrounded by property zoned R-S. Land uses in this area are predominantly residential and agricultural. The Lincoln County Land Use Plan designates this area as Rural Preservation, suitable for low-density residential uses and limited commercial uses that are suited for and blend in well with rural environments.

Chairman Patton opened the Public Hearing concerning ZMA #596 – Bill Beam, applicant.

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

**CUP #313 William and Threasa Chatham, applicants:**

The applicants are requesting a conditional use permit to place a Class B (doublewide) manufactured home in the R-S (Residential Suburban) district. Under the Use Table of the Unified Development Ordinance, a Class B manufactured home is a conditional use in the R-S district.

The 8.2-acre parcel is located on the east side of Hulls Grove Church Road about 3,000 feet north of N.C. 27 in North Brook Township. It is adjoined by property zoned R-S and R-T (Transitional Residential). Land uses in this area are residential, agricultural and recreational (West Lincoln Park). The Lincoln County Land Use Plan designates this area as Rural Preservation, suitable for low-density residential uses.

Chairman Patton opened the public hearing concerning CUP #313 – William and Threasa Chatham, applicants.

Being no speakers, Chairman Patton closed the public hearing.

**CUP #314 Strata Solar, LLC, applicant:** The applicant is requesting a conditional use permit to establish a solar power generation facility in the R-R (Rural Residential) district. A site plan is included as part of the application. Under the Unified Development Ordinance, an electrical generation facility is classified as a major utility, and a major utility is a conditional use in the R-R district.

The proposed 48-acre site is located at 5531 W. NC 27 Hwy., about 2,000 feet south of the intersection of N.C. 27 and Hebron Church Road, in North Brook Township. It is surrounded by property zoned R-R. 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 and limited commercial and/or industrial uses that are suited for and blend in well with rural environments.

Chairman Patton opened the Public Hearing concerning CUP #314 – Strata Solar, LLC, applicant.

Beth Trejos, Attorney on behalf of Strata Solar, gave a presentation on behalf of Strata Solar and presented sworn affidavits from those speaking on behalf of Strata Solar.

Chairman Patton formally accepted into evidence the affidavits, staff report and staff presentation.

Lance Williams with Strata Solar said this is similar to a facility in Kings Mountain. He spoke about how a solar farm is developed. He said they are panels that sit on racks. They do not do mass grading.

Rich Kirkland, MAI Appraiser, said he has visited solar farms and done research. He said solar farms are good neighbors for agriculture and residential. He said after the site is up and running, there will be a low hum and there is no glare from the site.

Mike Crawley said he has designed solar panel projects like this all over the country.

Commissioner Arena stated that no pictures were provided so he isn't sure what the site will look like. He asked for pictures of Strata Solar sites.

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

**CUP #315 Dellinger Properties, LLC, applicant:**

The applicant is requesting a conditional use permit to operate a venue for weddings, reunions and other events in the I-G (General Industrial) district. An old textile mill is being renovated for this purpose. A site plan is included as part of the application. For zoning purposes, events such as weddings and reunions are classified as recreation. Under the Unified Development Ordinance, an indoor recreation facility is a conditional use in the I-G district.

The proposed 5.5-acre site is located at 848 South Fork Rd., on the northeast corner of South Fork Road and Laboratory Road, in Lincoln Township. It adjoins the South Fork River and is surrounded by property zoned R-SF (Residential Single-Family). It's part of the Laboratory Historic District. It's the site of the old Laboratory Cotton Mill and of a Confederate laboratory that produced medicines. Land uses in this area are residential, recreational (South Fork River Rail Trail) and land conservancy. This property is part of an area designated by the Lincoln County Land Use Plan as Recreation/Open Space.

A Planning Board member questioned the flood plain and Andrew Bryant said this is in the 100 year flood plain. He said they are elevating the lower level of the building so they don't have to have all the insurance requirements. He said anything they do will probably reduce flood levels in this area.

Chairman Patton opened the Public Hearing concerning CUP #315 – Dellinger

Properties, LLC, applicant.

John Dellinger said he is seeking approval to operate an events venue. He said they have been working on and investing in this project for five years. He said they will do primarily weddings, receptions, reunions, statewide events, etc.

Cindy Dellinger said she is here to answer questions if needed.

Scott Carpenter, closest neighbor to the project, said they are thrilled with the project and support it 100%.

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

**Public Hearing on the County Budget and Capital Improvements Program for FY 2013:** Chairman Patton opened the public hearing concerning the County Budget and Capital Improvements Program for FY 2013.

Being no speakers, Chairman Patton closed the public hearing.

**Public Hearing - Rural Operating Assistance Program:** Ron Rombs presented the following:

North Carolina Department of Transportation (NCDOT) administers all state and federal funds applicable to providing public transportation.

The fiscal year 2012 -2013 application is attached with Lincoln County sub-allocations by agency.

Mr. Rombs requested that the Board of Commissioners approve the ROAP application in the sum of \$185,663.

NCDOT has allocated Lincoln County a total of \$132,130 for EDTAP, Work First and RGP. There is also an additional allocation of \$53,533 in “additional” funds that were left over from last year’s program.

There are no county matching funds for the Elderly and Disabled Transportation Assistance Program (EDTAP) or the Employment Transportation Assistance Program (Work First). There is however, a Lincoln County match of 10% for the Rural General Public Transportation Program (RGP) that has already been figured into the TLC budget for FY 2012-2013.

Chairman Patton opened the public hearing concerning the ROAP application.  
Being no speakers, Chairman Patton closed the public hearing.

**UPON MOTION** by Commissioner Robinson, the Board voted unanimously to approve the Rural Operating Assistance Program application in the sum of \$185,663 and certification statement for fiscal year 2013.



**Road Naming Public Hearing - Homesley Trail - Netta Anderson:** Netta Anderson presented the following:

This road is located off of Salem Church Road and requires naming due to the fact that there are now two (2) structures that access Salem Church Road via this private road. The name proposed is Homesley Trail and was agreed to by all residents. The name is not a duplicate or sound-alike and has been approved by Communications.

Chairman Patton opened the public hearing concerning the road naming of Homesley Trail. Being no speakers, Chairman Patton closed the public hearing.

**UPON MOTION** by Commissioner Arena, the Board voted unanimously to approve the road name Homseley Trail.

**Public Hearing - 2012 Lincoln County Solid Waste Management Plan Update - Motion to approve Resolution #2012-19: Resolution Accepting and Endorsing the Solid Waste Management Plan on 2012 for Lincoln County:** Jason Wager, with Centralina Council of Governments, presented the County's 2012 Solid Waste Management Plan Update.

**UPON MOTION** by Commissioner Klein, the Board voted unanimously to approve Resolution #2012-19: Resolution Accepting and Endorsing the Solid Waste Management Plan.

**RESOLUTION #2012-19:  
RESOLUTION ACCEPTING AND ENDORSING THE SOLID WASTE  
MANAGEMENT PLAN OF 2012 FOR LINCOLN COUNTY**

WHEREAS, it is a priority of this community to protect human health and the environment through safe and effective management of county solid waste;

WHEREAS, the reduction of the amount and toxicity of the local waste stream is a goal of this community;

WHEREAS, equitable and efficient delivery of solid waste management services is an essential characteristic of the local solid waste management system;

WHEREAS, it is a goal of the community to maintain and improve its physical appearance and to reduce the adverse effects of illegal disposal and littering;

WHEREAS, Lincoln County recognizes its role in the encouragement of recycling markets by purchasing the recycled products;

WHEREAS, involvement and education of the citizenry is critical to the establishment of an effective local solid waste program;

WHEREAS, the State of North Carolina has placed planning responsibility on local government for the management of solid waste;

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 update the Ten Year Comprehensive Solid Waste Management Plan at least every three years;

WHEREAS, the Lincoln County Solid Waste Division and the City of Lincolnton Public Works and Utilities Department have jointly undertaken and completed a long-range planning effort to evaluate the appropriate technologies and strategies available to manage solid waste effectively;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF LINCOLN COUNTY:

That Lincoln County's 2012 Ten Year Comprehensive Solid Waste Management Plan is accepted and placed on file with Clerk to the Board on this day, June 4<sup>th</sup>, 2012.

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ATTEST: Alex E. Patton, Chairman

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Amy S. Atkins, Clerk

**Public Comments:** Chairman Patton opened public comments.

Rudy Bauer stated that the people who own the party house on Howard Lane own another property for rental purposes, which makes it a business. He said there has to be something come up with real quick before more houses in the area turn into this type of rental and party home.

Sharon Malmberg thanked Kelly Atkins, George Wood and staff for helping with the rental home on Howard Lane. She asked for the Board's help with this situation.

Mark Marik spoke concerning the home on Howard Lane. He said they are looking to move away from this home and he said this home will have to be listed as a neighborhood nuisance.

Candy Perry spoke concerning the Howard Lane home.

Stephanie Marik spoke concerning the Howard Lane home and the fact that they had to get a construction company to look at soundproofing their home and bought new furniture because her kids can no longer sleep in their bedrooms.

**Update on Lincoln County Fuel Purchases:** Martha Lide presented the following:

We plan to access the North Carolina State contract for fuel purchases through Wright Express.

We estimate the County will expend \$1.5 million on fuel in 2011-12. For many years, the County has purchased fuel from Rhodes and Beal Oil Company in Lincolnton. They operate two stations located at 1401 East Main and 401 West Main Street. The Sheriff's Office and EMS have used the Fuelman fuel card system for the past several years.

Last year, we began investigating options to see if we could save money and improve efficiency with our fuel purchases. We researched several State contracts for fuel purchases and in September, we interviewed Wright Express. We determined that there were many advantages to moving to a fuel card system:

- Ability to purchase fuel at numerous locations throughout the County, which will reduce cost of travel time and fuel associated with only being able to purchase fuel in Lincolnton.
- Ability for employees to better shop the price of fuel. Attached are Fuel Comparison charts that show the average price we paid for fuel each day in April 2012 compared to the high and low fuel prices in Lincolnton, Denver and Vale.
- Better tracking of fuel purchases though on line program for all departments.
- Ability to purchase fuel and track fuel purchases when out of County/State travel is necessary.
- Net billing of federal excise tax on all applicable fuel purchases.
- Ease of billing and payments. We will be able to write one check per month for fuel and check use on line for all fuel purchases by individual and by vehicle.

In September 2011, we began a pilot project to test the advantages of the Wright Express fuel card system with the Fuelman fuel card system used by the Sheriff and EMS. The Public Works Department began using the Wright Express fuel card system.

In March 2012, the Sheriff's Office assisted us with an analysis of pricing and features of the Fuelman and Wright Express fuel card systems. It was determined that it was more cost effective to make purchases through Wright Express. The Fuelman system required payments every two weeks and there are significant penalty fees for late payments. We now plan to expand the contract with Wrights Express to all County departments. In addition to the advantages listed above for implementing a fuel cards system, Wright Express offers:

- Additional "at the pump" discounts at certain stations. In Lincoln County we will receive an additional 3 cent discount at Murphy's Oil. The attached contract includes the list of stations that offer the additional "at the pump" discounts. Those traveling outside of the County may be able to take advantage of these price reductions. Wright Express is constantly soliciting additional stations for rebate program
- Rebate ranging from .015% to .39% for payments made prior to the due date. As we will have only one check to pay each month we hope to pay this early in the billing cycle. The annual savings for this feature is estimated to be \$2,000 - \$4,000.
- Annual rebate from the State of North Carolina based on the aggregate annual retail transactions for the entire state with the average transaction amount factored in (see formula in attached contract). Last year this rebate was 1.08% from participating vendors; we do not have an estimate of this rebate.
- Ability to monitor local fuel prices and find locations to purchase the least expensive fuel though Wright Express website and a "Phone App" for employees whose phones are compatible.

Attached is a listing of the 38 fuel stations in Lincoln County that will accept the Wright

Express fuel card. Note that the Rhodes and Beal stations, which we currently use, are approved locations for the Wright Express cards.  
Lincoln County can terminate this contract at anytime.

Rhodes and Beal have long supported Lincoln County and in the past have offered to provide fuel in emergencies. We would hope that they, and other local gas stations, would continue to offer that support in severe emergencies. The Lincoln County Schools always has 1,500-gallons of unleaded fuel and 4,000-gallons of diesel fuel on site for their normal operations. They can also purchase bulk fuel which can be made available under normal conditions within 24 hours. While in an emergency, they would of course have to serve the school system first, the likelihood of school closings during an emergency is great and therefore, their need for fuel may be less in an emergency. They have offered to support us as much as possible should the need arise. Additionally, if we are aware of an approaching emergency, one of our standard operating procedures is to instruct all County vehicles to fill up their tanks.

**Motion to approve a \$10,000 allocation of ABC funds to Phoenix Counseling Services to be used toward the operation of a Halfway House for Women that will begin operation in July 2012 - Martha Lide:**

It is recommended that the Board approve a \$10,000 allocation of ABC funds to Phoenix Counseling Services to be used toward the operation of a Halfway House for Women that will begin operation in July 2012.

Lincoln County receives several ABC related revenues. One of those allocations is 7% of gross receipts from the Lincoln County store after certain required distributions. These funds must be used for treatment of alcoholism or substance abuse, or for research or education on alcohol or substance abuse. These funds have not been distributed over the past several years; there is a balance of \$43,403 in that account. We receive an estimated \$12,000 annually for this ABC related allocation. The \$10,000 for Phoenix Counseling Services would be taken from that balance.

In addition to this 7% of gross receipts from the Lincoln County store after certain required distributions, Lincoln County receives a per bottle tax on all sales, and a percentage of store profits from both the Lincolnton and County ABC Stores, and 5% of gross receipts from the County store. The per bottle tax must also be used for treatment of alcoholism or substance abuse, or for research or education on alcohol or substance abuse; these funds are allocated to Partners Behavioral Health Management (former Pathways). The allocation for the percentage of store profits is budgeted as revenue in our General Fund. The 5% of gross receipts for the County store is allocated for law enforcement.

Phoenix Counseling Service plans to operate a halfway house for female substance abusers on 322 East McBee Street in Lincolnton. They received zoning approval from the City of Lincolnton on March 1, 2012. There will be eight beds at the halfway house. The average length of stay will be 6-9 months. The estimated number of individuals that will be served at the facility over a year is 16-18.

Phoenix estimates that it will cost them \$69 per day per individual, and the Partners Behavioral Health Management IPRS dollars will fund only \$55 per day per individual.

They estimate they will need an additional \$15,000 to \$20,000 each year from other sources to balance their budget. Some of the individuals who will be served will be employed and will be able to pay some copay funds toward their stay at the facility. The \$10,000 allocation will be used to assist them with startup and operating expenses for their program. They will be opening the month of June.

Below are some statistics that may help you to better understand the need for this type of service in Lincoln County:

- According to the Substance Abuse and Mental Health Services Administration, it is estimated that 23% of Lincoln County residents have a substance abuse problem (Note: Includes prescription drug abuse), and 14% -16% of those who have a substance abuse problem are receiving services.
- The most recent Lincoln County Community Health Assessment conducted by the Lincoln County Health Department found that, when compared to other similar counties, Lincoln County was higher in number of substance abusers.
- Lincoln County DSS estimates that 80% of the families reported to the Child Protective Services Unit for child neglect/abuse have a substance problem. In the majority of the cases, the head of the household is a single female. The substance abuse problems range from alcohol to illegal drugs to prescription drugs.
- This fiscal year to date, there have been 4 Lincoln County females that have been discharged from Detox facilities that could have benefited from this service, and there have been 20 calls made to the Pathways 1-800 Access line that have specifically requested female halfway house services.

There are limited services for this substance abusing population. There are inpatient services available in Shelby, Gastonia and Black Mountain. Phoenix Counseling Services offers intensive outpatient services in Lincoln, Gaston and Cleveland Counties, but the halfway house services are not available in nearby Counties. This service is extremely valuable as a step down from more restrictive inpatient care. There is evidence that this service improves the chances for recovery from substance abuse.

The funds for the Phoenix Halfway House would be allocated to Partners Behavioral Health Management (formerly Pathways). It will then be included as part of the contract between Partners Behavioral Health Management and Phoenix Counseling Services. A staff working group (members listed below) has met regularly over the past year and a half to discuss mental health services in Lincoln County. The allocation of these funds has been reviewed and is recommended by that Committee. The committee has also supported:

- Expansion of Alexander Youth Network to develop a program for sexually aggressive youth
- Starting an ACT program to support the persistently / chronically mentally ill
- Expansion of domestic violence counseling services
- Expansion of hours from True Behavioral Health
- Bringing child psychiatric services to the County, and
- Establishing the UMARS Adult Day Activity Center in Lincolnton.

Below are members of the Working Committee:

Rhett Melton, Pathways  
Susan McCracken, DSS  
Martha Lide, County Manager's Office  
Kim McGuire, Pathways  
Melinda Finger, DSS

Deedie Martin, Magistrate's Office  
Jay Taylor, Pathways  
Dean Bethea, DSS  
Sheila Finger, Lincoln County Schools  
Stacy Bryant, Pathways  
Tony Carpenter, DSS

**UPON MOTION** by Commissioner Robinson, the Board voted unanimously to approve a \$10,000 allocation of ABC funds to Phoenix Counseling Services to be used toward the operation of a Halfway House for Women.

**Motion to approve the Special Events and Mass Gathering Ordinance for Lincoln County and Motion to Approve Resolution #2012-20: Resolution Approving Fees and Other Charges for Special Events and/or Mass Gatherings in Lincoln County:**

Martha Lide presented the following:

It is recommended that the Board approve the attached Special Events and Mass Gathering Ordinance for Lincoln County. This Ordinance is being proposed in order to establish a clear process for permitting such events to ensure proper planning and adequate allocation of resources to protect the health and safety of the public attending such events. Also on tonight's agenda is a Resolution establishing fees related to the permits and services that may be provided for events and mass gatherings.

Some key components of the Ordinance are:

- This Ordinance would apply to Special Events where 300 or more people are expected to be present and which are open to the general public and which involve fireworks, alcoholic beverages, live entertainment, overnight activities, vehicle racing, may impact public right of ways, or involve physical contact sports. The Ordinance would also apply to Mass Gatherings where more than 1,000 people are expected.
- The Ordinance does not apply to certain types of events because there is already a process to develop and implement safety and emergency plans. Events that are not covered by this Ordinance are ones that are sponsored by local, State or federal government, schools, or church/worship organizations if the event is held within a church/worship facility. The Ordinance also does not apply to businesses that hold events in facilities designated to hold large numbers of people where there is already a County approved safety and emergency plan. This Ordinance shall also not apply to the following events because organizers already work with County and emergency personnel to ensure the safety of citizens: Denver-East Lincoln Christmas Parade, Cat Square Parade, Denver Days, 4th of July Fireworks Celebration in Lincoln, 4th of July Fireworks Celebration in Denver.
- Organizers of Special Events or Mass Gatherings are required to obtain a permit from the County at least 30 days before the event through the Park and Recreation Department. Park and Recreation will work with the Lincoln County Special Events/Mass Gathering Application Review Committee comprised of the following organizations to secure the approvals of Departments/Offices that may be impacted by the event:
  - Sheriff's Office
  - Emergency Medical Services

- Fire Marshal/Emergency Management
- Fire Department Representative from District in which Event is planned
- Parks and Recreation
- Health Department
- Public Works
- 911 Communications Center
- Planning and Inspections
- The Committee may set conditions for permit approval. For example, the applicant may be required to pay for fire, rescue, or medical standby services, security, law enforcement, or other additional fees if County facilities are being used in order for permit approval.

The Ordinance provides that Special Events Mass Gatherings permits will not be approved if:

- There is a safety or logistical concern because another event has been approved for the same time.
- The event will interrupt safe and orderly movement of pedestrian or vehicular traffic.
- The event constitutes a hazard to public safety or interferes with public peace or rights of residents to quiet and peaceful enjoyment of their property.
- There are other health and safety issues or a concern about the County's or impacted fire department's ability to provide adequate emergency services.

Organizers of Special Events Mass Gatherings must comply with all Federal, State, local, and event sanctioning requirements. If alcohol is involved, an ABC permit is required.

Animals will not be allowed at Special events or Mass Gatherings unless they are a specified part of the event.

Events with over 1,000 in attendance must provide Crowd Control Managers as required by the NC Fire Code.

There is a \$100 fine for a first offense of noncompliance with the Ordinance and a \$500 fine for second and subsequent offenses.

## **ORDINANCE REGULATING SPECIAL EVENTS AND MASS GATHERINGS IN LINCOLN COUNTY, NORTH CAROLINA**

### **I. PURPOSE; SCOPE and INTENT.**

The purpose of this Ordinance is to establish a structured process for permitting the staging of special planned public events and/or mass gatherings to ensure proper planning and adequate allocation of County resources for events and to protect

the health and safety of the public attending such events.

This Ordinance will not apply to events or mass gatherings sponsored by local, State or federal government agencies, or Schools located in Lincoln County, as planning for events and allocation of necessary resources is already coordinated. This ordinance shall not apply to regular church or worship activities or events. This ordinance shall also not apply to businesses holding events in venues designated to hold large numbers of people, where there is already a safety and emergency plan approved by the County. This Ordinance shall also not apply to the following events because organizers already work with County and emergency personnel to ensure the safety of citizens: Denver-East Lincoln Christmas Parade, Cat Square Parade, Denver Days, 4th of July Fireworks Celebration in Lincolnton, 4th of July Fireworks Celebration in Denver.

When it is determined that an event does not meet the threshold of requiring a permit, but notification of emergency first responders is recommended, the Park and Recreation Department will forward the information to the appropriate agencies.

## **II. DEFINITIONS.**

For the purpose of this Ordinance, the following definitions shall apply:

"COVERED EVENT" shall mean a Special Event or Mass Gathering.

"SPECIAL EVENT" A planned event, open to the general public, which involves the gathering of 300 or more persons for a common purpose or goal, on public or private property, in which any of the following may apply:

- a. The use, sale or display of fireworks;
- b. The sale, purchase, provision or consumption of alcoholic beverages;
- c. The provision of live entertainment;
- d. The provision of overnight activities (ex: camping);
- e. Motorized or non-motorized vehicular racing;
- f. Activities located wholly or partially on public rights of way;
- g. A sport that involves physical contact between participants as part of normal play

"MASS GATHERING" shall include all events where at least 1,000 individuals are expected to be or are in attendance or participating in a venue or area for a specific purpose.

"SANCTIONING AUTHORITY" shall mean the official governing body that sanctions specific events of the type being requested by an applicant, such as, but not limited to, racing authorities, public sports bodies and event associations.

Notwithstanding the foregoing, those activities contained in Section VII herein are specifically excluded from the definitions of an Event, Special Event or Mass Gathering.

## **III. PERMIT REQUIRED.**

(A) No person shall have, hold, sponsor, or cause to be had, held, or sponsored, or allow to be had, held or



sponsored on any real property they own in Lincoln County any Covered Event without having first applied for and received a permit from the County to hold the Covered Event, except as provided in Section VII.

(B) All applications for Covered Event Permits must be made through the Lincoln County Parks and Recreation Department. An application must be submitted for each event proposed, and completed in its entirety. No application shall be considered submitted until all information required by the application form has been provided.

(C) Applications for Covered Event Permits shall be submitted at least thirty (30) business days prior to the date of the Covered Event. The County Manager or his designee shall have the authority to reduce this time period for good cause shown.

(D) The Lincoln County Parks and Recreation Department will forward Covered Event applications for review by the Lincoln County Special Event/Mass Gathering Application Review Committee. The Committee will include representatives from the following County Departments, and Fire Departments:

1. Sheriff's Office
2. Emergency Medical Services
3. Fire Marshal/Emergency Management
4. Fire Department Representative from District in which Event is planned
5. Parks and Recreation
6. Health Department/Environmental Health
7. Public Works
8. 911 Communications Center
9. Planning and Inspections

If an event permit is requested for an event in the City limits of Lincolnton, the Committee will also forward the application to the City to be considered under their application process.

In order to receive a permit, the application must receive approval from each entity represented on the Committee.

(E) Lincoln County Special Event/Mass Gathering Application Review Committee may set conditions for permit approval. The Applicant may for example, be required to pay for fire/ rescue/medical stand by, and security /law enforcement in order for permit approval. The applicant may be required to pay additional fees if County facilities are being used.

(F) Must meet all North Carolina Building Codes, National Electric Code and ADA Requirements

#### **IV. STANDARDS FOR ALL COVERED EVENTS.**

A Covered Event shall be approved upon the timely completion of the application required herein, unless the reviewing departments find one or more of the following:

(A) The Covered Event time and location coincide with another Covered Event for which a Covered Event permit has been issued, and it is determined by the County or any department that there is a demonstrable safety or logistical concern with allowing two Covered Events to

proceed simultaneously at the same location. By way of illustration, but not limitation, safety or logistical concerns could include, but not be limited to, events that would unduly burden the resources of law enforcement or emergency management personnel, or would, by the simultaneous location thereof, create the potential for traffic hazards;

(B) The Covered Event will substantially interrupt the safe and orderly movement of pedestrian or vehicular traffic at or contiguous to its location in such a manner that cannot be adequately controlled by the County's public safety departments;

(C) The event will constitute a substantial hazard to the public safety or materially interfere with or endanger the public peace or rights of residents to the quiet and peaceful enjoyment of their property;

(D) The concentration of persons, animals, and vehicles at assembly points for or at the location of the special event will substantially interfere with the County's ability to provide adequate fire, police and emergency services to the public; or

(E) The Lincoln County Covered Event Application Review Committee determines that the event plan does not adequately account for and protect the public health and safety needs of the citizens of Lincoln County would be compromised.

It shall be impermissible for the Review Committee or its members to inquire into the nature or content of speech to be held or to deny an application because of the content or purpose of the Covered Event.

All Covered Events **must comply** with, and provide proof of compliance with, the following:

(A) All Federal, State, local and event Sanctioning Authority mandated medical coverage requirements.

(B) Lincoln County EMS Medical Standards for Mass Gatherings, if applicable.

(C) Lincoln County EMS shall be the primary service provider for Lincoln County; if additional emergency medical services are provided by the applicant, they will only be permitted to function under the authority of Lincoln County EMS.

(D) All State, Federal and local Fire safety and prevention standards, codes and permitting requirements must be met. The Fire Department in the District where the event is to be held shall be primary and all others must function under the authority of that respective department.

(E) For events where alcohol is provided, served, or sold, event organizer must secure a valid ABC permit. Copies of this permit must be forwarded to the Parks and Recreation Department prior to the event.

(F) Animals are not allowed at Covered Events unless as a

specified part of event and provided in the application therefore. Animals brought by spectators or participants, except as service animals, shall not be allowed.

(G) Event organizers shall remove all trash and debris and shall clean up immediately after a Covered Event.

(H) The County, in its discretion, may require the applicant to provide liability and/or special events insurance coverage for the Covered Event.

(I) Mass Gatherings of 1,000 people or more must have a Crowd Control Manager for 250 people (per NC Fire Code). Event organizer must provide a trained Crowd Control Manager.

(J) Submit a completed application in the format required by the County, which shall contain information such as the following, which will be critical in evaluating the citizen impact and public safety related to the event:

a. General information related to the event such as:

1. If amplified sound will be used;
  2. If electrical connections are requirements;
  3. If tents, trailers, inflatable/air supported devices, fencing, scaffolding, etc. be involved in this event;
  4. If alcohol will be provided, served or sold;
  5. If and how many motorized vehicles (cars, boats, tractors, etc.) are involved in the event;
  6. If and how many vendors will be involved in the event;
  7. If vendor will be serving or cooking food;
  8. If fireworks or other potentially hazardous materials will be used;
  9. If there will be Admission Charges;
  10. If animals will be involved with the event;
  11. First aid plans;
  12. The number of toilets that will be accessible;
  13. Traffic flow plans;
  14. Parking plans;
  15. Signage plan;
  16. Crowd control plan;
  17. Traffic control plan;
  18. Weather contingency plans;
  19. The amount and type of insurance that will be secured;
- b. Information on County, and Fire Support services that may be required from:
1. Security /Law Enforcement
  2. Fire/Rescue
  3. Medical Standby
  4. Waste Clean up
  5. Other (Park and Recreation, Health, Public

Works)

**V. PERMIT AND OTHER REQUIRED FEES**

(A) The Schedule of Fees for permitting and other fees for Covered Events shall be approved by Resolution of the Board of County Commissioners.

(B) The County Commission has the authority to waive permit fees and other required fees.

(C) If other fees for services are required, they must be paid up front, prior to the event. If the event is canceled and the County is provided 24 hour notice, the fees for stand by service will be refunded.

(D) There may be other Fire Inspection, Health and facility usage permits/ fees that may be charged.

(E) All permits pertaining to any Special Events and/or Mass Gatherings must be obtained prior to the event and copies must be submitted to Parks and Recreation Department (Ex: NC DOT, ABC Permit).

**VI. REVOCATION OF PERMIT.**

The Park and Recreation Director, acting on behalf of the Lincoln County Special Event/Mass Gathering Application Review Committee has the authority to revoke a special event/mass gathering permit if the holder of such permit fails to comply with the provisions required in this Ordinance or conditions stipulated in the permit.

**VII. EXEMPTIONS.**

(A) This Ordinance shall not apply to:

1. Any local, State or federal governmental agency acting within the scope of its governmental functions;

2. Any School operating in Lincoln County;

3. Church or worship activities within a facility;

4. Businesses holding events in venues designated to hold large numbers of people, where there is already a safety and emergency plan approved by the County.

5. The following events because organizers already work with County and emergency personnel to ensure the safety of citizens: Denver-East Lincoln Christmas Parade, Cat Square Parade, Denver Days, 4th of July Fireworks Celebration in Lincolnton, 4th of July Fireworks Celebration in Denver.

(B) When it is determined that an event does not meet the threshold of requiring a permit, but notification of emergency first responders is recommended, the Park and Recreation Department will forward the information to the appropriate agencies.

**VIII. PENALTY AND REMEDIES.**

(A) It shall be unlawful for any person to:

(1) Carry on a Covered Event without a required permit or registration receipt;

(2) Fail to terminate a Covered Event upon revocation of a permit;

(3) Conduct a Covered Event in violation of the terms and conditions of a permit issued for such event;

(B) Any violation of the provisions of this Ordinance

shall subject the offender to a civil penalty of \$100 for the first offense and \$500 for a second and any subsequent offenses. Each day of violation shall constitute a separate offense. If a person fails to pay the civil penalties set forth herein within twenty (20) days after being cited for a violation, the County may seek to recover the penalty by filing a civil action in the nature of debt.

(C) Each day the violation continues shall constitute a separate offense.

(D) The County, by and through its duly authorized authorities, including, but not limited to, the Lincoln County Sheriff's Office, may seek to enforce the provisions of this Ordinance through any appropriate equitable remedy issued from a court of competent jurisdiction.

(E) A Covered Event for which a permit has not been approved, an Event exempt from the Ordinance that otherwise would require a permit except for the exemption, or for which the stipulations of the permit which was approved are not met, or which is otherwise in violation of this Ordinance, may be shut down by Law Enforcement, but only if either the County Manager or the Lincoln County Sheriff or his designee determines that all of the conditions are present:

1) The Covered Event constitutes an immediate and direct physical danger to citizens or property; and

2) The above danger is of such an imminent nature that the remedy provided in subparagraph VIII(D) will not prevent the danger prior to its occurrence.

## **IX. APPEALS**

Any applicant shall have the right to appeal the denial of a special event/mass gathering permit, the conditions of a special event permit, or the revocation of a special event permit to the County Manager and then a further appeal may be made to the Board of County Commissioners. The appealing party shall make the appeal to the County Manager within five (5) business days after receipt of the decision by Lincoln County Special Event/Mass Gathering Application Review Committee. If the applicant wishes to appeal the County Manager's decision, the appeal must be included on the next Board of County Commissioners' meeting agenda taking into account required agenda deadlines.

There was a discussion about the different events that are excluded. Commissioner Arena suggested adding a qualifier saying that the groups are exempt as long as they continue to work with the county.

Commissioner Mitchem said he would like more time to look at this instead of pushing it through.

Commissioner Robinson said he does not think any groups should be excluded.

**UPON MOTION** by Commissioner Klein, the Board voted 3 – 2 (Mitchem and Arena against) to approve the Ordinance as presented and amended.

**UPON MOTION** by Commissioner Arena, the Board voted 4 – 1 (Klein against) to approve the Ordinance with the exemptions restricted out of it.

**UPON MOTION** by Commissioner Arena, the Board voted 4 – 1 (Klein against) to approve Resolution #2012-20: Resolution Approving Fes and Other Charges for Special Events and/or Mass Gatherings in Lincoln County.

**RESOLUTION #2012-20:  
RESOLUTION APPROVING FEES AND OTHER CHARGES FOR SPECIAL EVENTS  
AND/OR MASS GATHERINGS IN LINCOLN COUNTY**

**WHEREAS**, the Lincoln County Board of County Commissioners approved Ordinance #2012-10 regulating the criteria for holding Special events and / or mass Gatherings in Lincoln County, and

**WHEREAS**, the Ordinance required that all permit fees and other charges required would be set by Resolution of the Board of County Commissioners, and

**WHEREAS**, the attached fee schedule outlines permit fees and charges for County services to support Special Events and or Mass Gatherings; and

**THEREFORE, BE IT RESOLVED** that the Lincoln County Board of Commissioners approves the attached schedule of permit fees and charges for Special Events and or Mass Gatherings.

Adopted this the 4th day of June, 2012.

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Alex E. Patton, Chairman

ATTEST:

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Amy S. Atkins, Clerk to the Board

**Special Events**

**Permit Fees and Other Charges**

**Special Event and /or Mass gathering Application Fee \$10.00**

**Security /Law Enforcement Services \$35 per hour per person – 4 hour minimum**

**Emergency Medical Services Stand by \$200 per hour per unit - 4 hour minimum**

**Fire Marshall \$50 per hour per person**

Additional permit fees may be required under the fire protection and prevention ordinance depending on the type of gathering and activities involved. The types of permits and costs can be discussed with the Fire Marshal.

**Fire Department** Stand by \$200 per hour per unit - 4 hour minimum  
**Park and Recreation, 911 Communications Center and**  
**Public Works Personnel** \$20 per hour per person – 2 hour minimum  
**Planning and Inspection Fees** Standard Fees Apply  
**Health Department** Standard Fees Apply

**Motion to approve Resolution #2012-21 - Requesting the Closing of a Portion of Reeps Brothers Road (SR #1421):** UPON MOTION by Commissioner Robinson, the Board voted unanimously to approve Resolution #2012-21: A Resolution Requesting the Closing of a Portion of Reeps Brothers Road (SR #1421).

**Resolution # 2012 - 21**  
**Requesting the Closing of a Portion Of**  
**Reep Brothers Road (SR# 1421)**

**Whereas,** the property owner(s) have petitioned the North Carolina Department of Transportation to abandon a portion of Secondary Road # 1421, known locally as Reep Brothers Road, from the State Maintenance System. The portion being described as the last 0.09 miles of SR 1421 as shown on the attached map(s). Thus reducing the state maintained portion of SR 1421 from 0.60 miles total to 0.51 miles total; and

**Whereas,** NCDOT has submitted to the Lincoln County Commissioners a request for a review and recommendation for the road abandonment; and

**Whereas,** staff has reviewed the request and has determined that no property owners would be deprived of ingress or egress and no US mail route(s) or bus route(s) would be adversely affected.

**Therefore be it resolved that** the Lincoln County Board of Commissioners have reviewed this request and recommends to the North Carolina Board of Transportation for the abandonment of 0.09 miles of SR 1421 as described above, known locally as Reep Brothers Road.

Upon motion made by Commissioner \_\_\_\_\_, the above order was unanimously adopted by the Lincoln County Board of Commissioners on the \_\_\_\_ day of \_\_\_\_\_, 2012.

This the \_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Chairperson

ATTEST: \_\_\_\_\_  
Clerk

**Motion to Authorize Chairman and County Clerk to Execute a Grant Agreement for**

**\$15,000 from NCDENR for a Landfill Recycling Building - George Wood:** Mr. Wood presented the following:

As discussed at the Budget Work Session, we currently process our recycled cardboard in one or two of the maintenance bays at our vehicle maintenance facility at the landfill. This is not a good situation to have this flammable material in a garage area.

We have in the FY 2013 Solid Waste Fund \$50,000 for a metal building with concrete flooring to move this recycling operation into. We had applied for a \$15,000 grant from the State, and are pleased what we have been awarded it. It would help address the costs of this building.

**UPON MOTION** by Commissioner Arena, the Board voted unanimously to authorize Chairman and County Clerk to Execute a Grant Agreement for \$15,000 from NCDENR for a Landfill Recycling Building.

**Motion to Authorize Chairman and County Clerk to Execute an amended and restated Agreement with Norman Pointe Development, LLC as recommended by the County Manager - George Wood:** Mr. Wood presented the following:

The Board entered into a 15-month agreement with Norman Pointe Development, LLC back on April 18, 2011 for them to pay the County \$132,213, which was their share of the regional sewer pump station that serves their development, Burton Creek LLC, and two other developments.

The agreement called for them to pay \$58,000 immediately, then \$8,000 on the first lot sold. They would then pay \$1,650 for each of the next 11 lots sold. Each lot sale after that would require a \$12,000 payment until the amount had been paid in full.

The agreement called for full payment of the amount not later than July 12, 2012. To date, they have paid as follows:

\$58,000	
8,000	
<u>4,950</u>	3 lots
\$70,950	

The developer is set to close on five additional houses by June 30<sup>th</sup>, which would generate another \$8,250. That would leave a balance of \$53,013 of the original \$132,213. The developer has indicated that he will not be able to meet the July 12, 2012 deadline for the remainder of the funds.

Mr. Wood suggested giving him an 18-month extension for repayment. He would still have to make payments per lot as noted above, but would not face full repayment if the lots did not sell until January 12, 2014. He has been working with staff to get this paid off, but he market conditions still have not improved.

**UPON MOTION** by Commissioner Klein, the Board voted unanimously to authorize the Chairman and County Clerk to execute an amended and restate Agreement with Norman Pointe Development, LLC as recommended by the County Manager.

**Motion to set date, time and location for Budget Work Session:**



The Board set the budget work session for Monday, June 11 at 6:00 p.m. and set a special meeting on June 28 at 6:00 p.m.

**Vacancies/Appointments:** None reported

**Other Business:** Mr. Wood said the Planning Board is discussing vacation rentals at their meeting tonight and should bring a proposal forward soon.

Mr. Wood reported that Jennifer Sackett, Library Director, applied for a Library Tech grant and got the maximum \$100,000 grant awarded.

Chairman Patton and Commissioner Klein presented information concerning Senate Bill 433.

The Board asked Mr. Wood to draft a letter concerning this.

**Recess:**

**UPON MOTION** by Commissioner Arena, the Board voted unanimously to recess to June 11, 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