

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, MAY 7, 2012

The Lincoln County Board of County Commissioners met May 7, 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

Planning Board Members:

Jeff Frushtick, Chairman
Christine Poinsette, Vice-Chairman
Cathy Davis, Secretary
Darrell Gettys
Shelly Johnston
Dr. Richard Pence

Call to Order: Chairman Patton called the May 7, 2012 meeting of the Lincoln County Board of Commissioners to order.

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

AGENDA
Lincoln County Board of Commissioners Meeting
Monday, May 7, 2012
6:30 PM

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

Call to Order

Invocation - Commissioner Robinson

Pledge of Allegiance

1. Adoption of Agenda
2. Consent Agenda
 - Tax Requests for Refunds - Over \$100
 - March 26 - April 8, 2012
 - Tax Requests for Releases - Over \$100
 - March 16 - April 15, 2012
 - Ordinance #2012-7: An Ordinance Amending the FY 2012 Budget for Lincoln County
 - Surplus Property
 - Older Americans Month Proclamation
 - Private Sale of Surplus Vehicles
 - Sponsored Group Status
 - In My Father's House
 - Approval of Minutes
 - March 5, 2012
 - March 19, 2012
 - April 2, 2012
3. Public Hearings – Zoning Cases – Randy Hawkins

CUP #308 Rose Gibson, applicant (Parcel ID# 12102, 12103, 74420 and 74421) A request for a conditional use permit to provide equine-assisted therapy in the R-R (Rural Residential) district. The proposed 53-acre site is located at 3525 Horseshoe Bend Trail, at the end of Horseshoe Bend Trail about a half mile feet south of Hwy. 182, in North Brook Township.

CUP #310 Kenneth Carpenter, applicant (Parcel ID# 17097) A request for a conditional use permit to place a Class B (doublewide) manufactured home in the R-S (Residential Suburban) district. The 12.5-acre parcel is located on the east side of Westfork Trail about 300 feet south of Laboratory Road in Lincolnton Township.

CUP #311 Bobby Smith, applicant (Parcel ID# 84058) A request for a conditional use permit to operate an Internet sweepstakes center in the B-G (General Business) district in the Eastern Lincoln Development District. The 0.8-acre parcel is located at 1236 N NC 16 Hwy., on the east side of N.C. 16 Business about 900 feet south of Unity Church Road, in Catawba Springs Township.

~~CUP #312 Ray Massey, applicant (Parcel ID# 80383) A request for a conditional use permit to operate an Internet sweepstakes center in the B-G (General Business) district in the Eastern Lincoln Development District. The 1.0-acre parcel is located at 7505 NC 73 Hwy., on the north side of N.C. 73 about 1,200 feet east of N.C. 16 Business, in Catawba Springs Township.~~

PCUR #157 Damon Lusk, applicant (Parcel ID# 32374) A request for a parallel conditional use rezoning to rezone 1.3 acres from B-G (General Business) to CU I-G

(Conditional Use General Industrial) to permit an office/warehouse for building material sales in the Eastern Lincoln Development District. The property is located on the north side of N.C. 16 Business about midway between its intersections with Denver Industrial Park Road in Catawba Springs Township.

ZMA #595 Living Word Ministries, applicant (Parcel ID# 50702) A request to rezone 2.7 acres from I-G (General Industrial) to R-T (Transitional Residential). The property is located at 1062 S. NC 16 Hwy., on the west side of N.C. 16 Business about 1,100 feet north of the Sifford Road intersection, in Catawba Springs Township.

UDO Proposed Amendment #2012-2 Emil Tschudin and Floyd West, applicants. A proposal to amend Section 3.2.4.A of the Lincoln County Unified Development Ordinance so that road façade requirements would not apply to lots in the I-G district in subdivisions recorded prior to August 31, 2009, that do not front on an arterial or collector road.

4. Request for Modification of Parking Requirements - Randy Hawkins
5. Presentation by the Board of Education of Fiscal Year 2013 Budget - Dr. Sherry Hoyle, Dr. Ed Hatley, and Steve Zickefoose
6. Public Comments (15 minutes allowed per Rules of Procedure – 3 minutes per person)
7. Motion to Award a Bid of \$258,541 for Emergency Telephone System to Wireless Communications, the lowest responsible bid - Martha Lide
8. Motion to Approve Proposed Lease Agreement with Mediation Center of the Southern Piedmont - Martha Lide
9. Motion to Approve Contract With Otis Elevator for maintenance of elevators in County office buildings for \$10,956 annually for a 3 year term contract - Martha Lide
10. Board of Election's Request for Release of HAVA Title Funds
11. Register of Deeds - Notice of Office Closure - Danny Hester
12. Presentation by Historic Properties Commission on Battle of Ramsour's Mill - Jason Harpe
13. Presentation by Commissioner Arena on Centralina Council of Government's HUD Sustainability Grant; and a Motion to Approve Memorandum of Understanding for CONNECT Consortium Membership for Lincoln County, North Carolina
14. Motion to Adopt Resolution #2012-16: Resolution Supporting Certified Industrial Site Designation for Airlie Business Park - George Wood
15. Motion to Adopt Resolution #2012-17: Resolution In Support of The Cleveland County Water First Broad River Reservoir - George Wood
16. Motion to Approve Memorandum of Understanding Between the United States Department of Agriculture Natural Resources Conservation Service and the North Carolina Department of Agriculture and Consumer Services - Division of Soil and Water Conservation and The Lincoln Soil and Water Conservation District and

Lincoln County, North Carolina - George Wood

17. Motion to Approve Memorandum of Agreement Between the North Carolina Sedimentation Control Commission and Lincoln County - George Wood
 18. Schedule Budget Work Sessions
 19. Vacancies/Appointments
 - Board of Health Nomination
 - Home Health Advisory Board Nominations
 20. Other Business
- Adjourn

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to adopt the agenda adding a discussion concerning the Invocation under Other Business.

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

LINCOLN COUNTY TAX DEPARTMENT REQUEST FOR REFUNDS

MOTOR VEHICLES

PERIOD COVERED (MARCH 26, 2012-APRIL 8, 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
ROBERTS, TIMOTHY D.	2011 ELFD	0176672	107.05	PRO-RATED BILLS

TOTAL \$107.05

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

(March 16, 2012 - April 15, 2012)

NAME	YEAR DIST	A/C NO	AMOUNT	REASON
Akins, Jason D	2011 ELFD/ELSD	0192687	\$148.11	Did not own personal property as of 1/1/2011.
B&C Partnership	2011 DFD/ELSD	0235623	\$1,190.61	Did not own business personal property.
Beaver, J C	2010-2011BCFD	12438	\$150.00	Remove 1 availability fee.
Ivins, Larry & Mary	2011 ELFD/ELSD	0235010	\$108.87	Personal property in Mecklenburg County as of 1/1/2011.
Jason Patison Racing	2010 ELFD/ELSD	0226153	\$543.77	Assessment adjustment of business personal property.

TOTAL \$2,141.36

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

May 7, 2012

Public Hearing - Zoning

(MAR 16, 2012 - APR 15, 2012)

NAME	YEAR	DIST	A/C NO	AMOUNT	REASON
Ballard, Tommy Lee	2011	N-321	29023	\$114.00	Vehicle sold prior to tag/tax year.
Banister, Donna Porter	2011	ALFD	0226056	\$105.40	Pro-rated bill.
Butler, Belinda Payseur	2011	City	0238094	\$112.33	Vehicle taxable in Gaston County.
Carswell, Austin Daniel	2011	City	0238119	\$116.56	Pro-rated bill.
Elder, Teresa Kay	2011	DFD	0238147	\$116.73	Vehicle taxable in Mecklenburg County.
Hart, Donald Ray	2011	ALFD	0072320	\$137.61	Pro-rated bill.
Jerkins, Alan	2011	City	0176834	\$439.54	District correction.
Krug, Brent S	2011	BCFD	0195924	\$116.21	Pro-rated bill.
Lincoln County	2012	BCFD	0135309	\$137.09	Total exempt property.
Moser, Majel Christopher	2010	City	0095015	\$144.82	Pro-rated bill.
NCA of the Carolinas	2011	DFD/ELSD	0221500	\$709.23	Vehicle taxable in Mecklenburg County.
Neiderer, Bryan Joseph	2010	City	0230647	\$217.08	Military exemption.
North Carolina Water Consultant	2011	City	0133312	\$604.89	Vehicle taxable in Iredell County.
Thornburg, Geraldine Easler	2011	City	0235774	\$217.93	Vehicle taxable in Gaston County.
Trainor, Jesse L	2011	NBFD	0235154	\$190.37	Pro-rated bill.
Vale Veterinary Hospital LLC	2011	City	0238101	\$507.90	Vehicle taxable in Catawba County.
Verley, Carolyn Lovelace	2011	City	0215810	\$197.21	Vehicle taxable in Gaston County.
				TOTAL \$4,184.90	

Zoning Public Hearings:

CUP #308 Rose Gibson, applicant

Randy Hawkins stated that there was a public hearing for this case last month, but he applicant had a medical emergency and could not attend. He asked for a motion to reopen the public hearing.

UPON MOTION by Commissioner Robinson, the Board voted unanimously to reopen the public hearing.

The applicant is requesting a conditional use permit to provide equine-assisted therapy in the R-R (Rural Residential) district. In equine-assisted therapy, individuals interact with horses in a variety of activities, including grooming, feeding and walking, with the aim of improving psychological health. In regard to zoning, the proposed use has been classified as recreational. Under the Civic Uses section of the Unified Development Ordinance's Use Table, the operation of private recreational facilities is a conditional use in the R-R district.

The proposed 53-acre site is located at 3525 Horseshoe Bend Trail, at the end of Horseshoe Bend Trail about a half mile south of Hwy. 182, in North Brook Township.

The applicant resides on this property, which includes an existing horse farm. Horseshoe Bend Trail is a private road. This property is adjoined by property zoned R-R and R-SF (Residential Single-Family). 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 small-scale commercial uses that are suited for and blend in well with rural environments.

Chairman Patton opened the public hearing.

Melvin Gales said he has nothing against the applicant, but he would have liked it if they had talked to him before. He voiced concerns about the road maintenance and people tearing up his fence.

Rose Gibson stated that she is wanting to start up this program for equine assisted therapy for youth. She said the program really helps these youth. She said she does not see where Mr. Gales fence would be harmed. She said they would see approximately 3 to 4 days per week, maybe 6 children per day. They would start at around 4 p.m. and run to around 8 p.m. She said there are places on the road where you can pull off to the side to let another car pass. She said it has never been an issue. She said they may do group therapy, which would consist of 6 children in a group and those sessions would run about 90 minutes.

Terry Gibson said that he and his neighbor maintain this road. He said they have put over \$4000 of gravel on the road. He said people would have to jump a 3 foot bank to his Mr. Gales fence.

Gladys Eaker said there are no passing places on the road, they are on her property. She said she does not want people pulling off on her property a lot.

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

CUP #310 Kenneth Carpenter, applicant:

The applicant is requesting a conditional use permit to place a Class B (doublewide) manufactured home in the R-S (Residential Suburban) district. The proposed home is a 1998 model with a shingled roof and vinyl siding. It is currently located on the second parcel south of this parcel. The owner of that property, the applicant's daughter, is replacing it with a modular home. Under the Use Table of the Unified Development Ordinance, a Class B manufactured home is a conditional use in the R-S district.

The 12.5-acre parcel is located on the east side of Westfork Trail about 300 feet south of Laboratory Road in Lincolnton Township. A house had been located on this property, but it was destroyed by fire a few months ago. This property is adjoined by property zoned R-S and R-T (Transitional Residential). Land uses in this area are predominantly residential and include a number of manufactured homes. The Lincoln County Land Use Plan classifies this area as Suburban Residential.

Chairman Patton opened the public hearing.

Kenneth Carpenter said he is here to answer any questions. He said the mobile home will have brick underpinning. He said he had done a lot of work at this property and will continue to do so on this property as well.

David Martin stated that when he moved there 14 years ago, the reason he moved there was the restrictions. He said he spent a lot of extra money to buy a Class A mobile home and bought the lot beside it as well. He said he does not want to see it get changed.

Wayne Griffin said he bought the land 14 years ago and spent \$16,000 more to get a Class A mobile home. He said he doesn't see why they should start moving trailers in when he has 10 acres and has spent extra money.

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

CUP #311 Bobby Smith, applicant:

The applicant is requesting a conditional use permit to operate an Internet sweepstakes center in the B-G (General Business) district in the Eastern Lincoln Development District (ELDD). The center would be located in an existing multi-tenant development. For zoning purposes, an Internet sweepstakes center is classified as an amusement center. An amusement center is a conditional use in the B-G district and in the Eastern Lincoln Development District.

The proposed 0.8-acre site is located at 1236 N NC 16 Hwy., on the east side of N.C. 16 Business about 900 feet south of Unity Church Road. The property is adjoined on both sides and on the opposite side of the highway by property zoned B-G and on the rear by property zoned R-SF (Residential Single-Family). Land uses in this area are primarily commercial along the highway and residential elsewhere. This property is located in an area identified by the NC 16 Corridor Vision Plan as a commercial node.

Commissioners and Planning Board members questioned the parking spaces. Randy Hawkins said there will be 33 spaces, which would be required by the Zoning Ordinance. The spaces are not marked, but would have to be.

Chairman Patton opened the public hearing concerning CUP #311 – Bobby Smith, applicant.

David Dupree stated that he is the property owner and a commercial real estate developer in the area. He said he has had numerous calls about sweepstakes in this facility and in the area. He said Bobby Smith, who he has known for 12 years, called him and wanted to put this facility there. He said it is just something people do for enjoyment. He said there are mixed views on an internet café. He said most of the tenants have left the building.

Rudy Bauer thanked the Planning Board for putting another used car lot on Highway 16. He said there are already a couple Internet Sweepstakes businesses on Highway 16 and they do not need anymore.

Frank Terzino stated that he is a personal trainer and tenant in the building. He said his concern is the impact on his business. He said they perception out there is that these places bring riff-raff. He said this place does not fit in with the other businesses in the

building. He said these places breed crime and he does not feel comfortable leaving clients there working out at night with this next door.

Carla Hathaway stated that her property is located directly behind this building. She said the neighborhood children come through their yard and this parking lot to get to the other businesses. She said Country Valley neighborhood is right behind this and is a residential neighborhood. She said she is not opposed to business, but this type of business bothers her.

Sherry Parsons stated that she lives in Country Valley. She said she lets her kids walk in the area now, but does not want them walking by this business. She said them being open until 2 a.m. will be noisy. She said Triangle Mini Mart has at least 20 computers in there for the same thing and it is next door to this building.

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

Parallel Conditional Use Request #157 – Damon Lusk, applicant: The applicant is requesting a parallel conditional use rezoning to rezone 1.3 acres from B-G (General Business) to CU I-G (Conditional Use General Industrial) to permit an office/warehouse for building material sales in the Eastern Lincoln Development District (ELDD). Building material sales is a permitted use by right in the I-G district and is a conditional use in the ELDD. If this request is approved, the development and use of the property would be subject to the approved site plan and building elevations and any conditions mutually approved by the county and the applicant.

The 1.3-acre parcel is located on the north side of N.C. 16 Business about midway between its intersections with Denver Industrial Park Road in Catawba Springs Township. It is adjoined by property zoned B-G, I-G and B-N (Neighborhood Business). Land uses in this area include industrial, business and residential. This property is part of an area designated by the Lincoln County Land Use Plan as industrial.

This property is located in a WS-IV Protected Area watershed district. Because the proposed project would disturb an acre or more of land and require an erosion control plan, it would be subject to the limits on impervious area established under the watershed regulations for this district: 36% by right, or 70% under the high-density option for the Lake Norman watershed. An impervious area of 68% is proposed for this project. This would require engineered stormwater controls and a watershed conditional use permit. If the rezoning case is approved, stormwater plans would be reviewed through another public hearing process.

Permitted uses

Under current zoning: retail sales, offices, restaurant, bank, vehicle service, etc.

Under requested zoning: office/warehouse for building material sales.

Adjoining zoning and uses

East: Zoned B-G, vacant house.

South (opposite side of N.C. 16 Business): Zoned B-N, residence.

West: Zoned B-G, fitness center.

North: Zoned I-G, industrial plant.

Traffic

The average daily traffic count on N.C. 16 Business in this area is approximately 14,000 vehicles, according to 2010 figures.

Chairman Patton opened the public hearing concerning PCUR #157 – Damon Lusk, applicant.

Rudy Bauer asked if the name of the business is Race City Steel. He said they have a sign up coming soon and the silt fences have been put up. He said the rezoning sign should have gone up before the coming soon signs.

Damon Lusk said he and his brother are co-owners of Race City Steel, which is currently beside the Post Office in Denver. He said they service and sell steel aluminum plastic to Nascar teams in the area and service the construction industry. He explained how vehicles will access the site.

Lee Killian stated that his family owns most of the surrounding land and his is in favor of this request.

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

UDO Proposed Amendment #2012-2 Emil Tschudin and Floyd West, applicants:

The applicants are proposing to amend Section 3.2.4.A of the Lincoln County Unified Development Ordinance so that road façade requirements would not apply to lots in the I-G (General Industrial) district in subdivisions recorded prior to August 31, 2009, that do not front on an arterial or collector road.

Section 3.2.4.A is part of the UDO's general development standards that apply countywide to new commercial, industrial and multi-family development. It requires that the front of a building be constructed of certain materials, including at least 20 percent glass (see text). It does not allow the use of metal or vinyl siding.

This proposal would exempt lots that are located in industrial parks established prior to the effective date of the UDO and that are located on a road that serves only the particular industrial park.

Among the industrial parks where the exemption would apply: Denver Industrial Park, Triangle Business Park (Townsend Drive), Triangle Industrial Park (Commerce Drive), Denver Business Park (Denver Drive), and Balsom Ridge Business Park.

This proposal would not exempt industrial lots that are located on main roads

or on roads that connect other roads. Road types are defined in Section 5.4.9 of the UDO. The roads in the industrial parks listed above are classified as local roads, which are typically cul-de-sacs or loop roads.

In addition, this proposal would not exempt lots that are located in the Eastern Lincoln Development District from the ELDD standards. Those standards prohibit the use of metal or vinyl siding on the front of a building. The ELDD extends 500 feet from the edge of the right-of-way for N.C. 16 Business, taking in the first two or three lots in some industrial parks.

The full text of Section 3.2 (Building Design) with the proposed amendment shown is included in this packet.

STAFF'S RECOMMENDATION

Staff recommends approval of the proposed amendment. Its applicability would be limited to existing, self-contained industrial parks. Metal-sided buildings are the norm in some of these parks. (Other existing parks are subject to restrictive covenants that include building standards.) Future industrial parks would be developed under a uniform standard

Chairman Patton opened the public hearing concerning UDO Proposed Amendment 2012-2 – Emil Tschudin and Floyd West, applicants.

Floyd West, applicant, stated that he owns Classic Rides in Denver Industrial Park. He said they are investing in a new building soon. He said the restrictions have increased the cost of the building. He said with the façade and glass, his building will be the best building in the development. He expressed concerns about the security with all the glass that must be included.

Bud Tschudin stated that he has proposed this text amendment and discussed it for several years. He said if somebody starts a business in their house and it grows, they want an economic way to start. He said they would like to bring this back. He asked the Board to consider this proposal and removing the date from this.

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

Request for Modification of Parking Requirements:

QuikTrip Corp. is requesting a modification of the parking requirements of Section 3.6.3 of the Unified Development Ordinance for a planned 5,720-squarefoot gas station/convenience store. The 2.0-acre site is located on N.C. 73 just east of the site of the Walmart supermarket. The QuikTrip store, the first project in a commercial development planned by Aston Properties, will be accessed by an existing driveway that serves Walmart.

The parking requirements call for a maximum of 39 regular spaces. QuikTrip is

requesting approval for 69.

Section 3.6.3.D of the UDO states: “The Board of Commissioners may modify the parking requirements of this section ... where applicant-submitted parking data, prepared and sealed by a licensed professional engineer registered in the State of North Carolina with transportation expertise, illustrates that the standards of this section do not accurately apply to a specific development.” Section 3.6.3 sets not only a minimum number of parking spaces for projects, but also a maximum number for spaces constructed of regular pavement. Any parking that exceeds the maximum must be pervious, that is, it must allow runoff to be absorbed into the ground. The maximum is set at 105 percent of the minimum requirement.

Under the parking table in Section 3.6.3, for a gas station/convenience store, the minimum requirement is one space per 350 square feet. However, because QuikTrip makes and delivers fresh sandwiches, salads and pastries to its locations daily and has outdoor seating areas, staff has agreed to classify half of the store as a restaurant for parking purposes. The minimum requirement for a restaurant is one space per 100 square feet.

Here are the calculations for determining the maximum number of standard spaces:

$$5,720 \text{ sf} \div 2 = 2,860 \text{ sf}$$

$$2,860 \text{ sf} \div 350 = 8.17 \text{ spaces.}$$

$$2,860 \text{ sf} \div 100 = 28.6 \text{ spaces.}$$

$$8.17 + 28.6 = 36.77 \text{ spaces}$$

$$36.77 \times 105\% = 38.6 \text{ spaces}$$

Section 3.6.3.B.3(a) states: “No use shall provide more than 105 percent of the required parking shown in the table above unless any parking above the 105 percent threshold is pervious or provided through use of structured parking.” (Structured parking means a parking deck.)

Quiktrip is seeking approval to use regular pavement for 30 additional spaces.

Jake Sutton with Quiktrip Corporation, presented a request for the site in Denver near Walmart.

UPON MOTION by Commissioner Mitchem, the Board voted 3- 2 (Klein, Arena against; Patton, Mitchem, Robinson for) to approve the request for modification of parking requirements with 69 impervious spots.

Presentation by the Board of Education of Fiscal Year 2013 Budget - Dr. Sherry Hoyle, Dr. Ed Hatley, and Steve Zickefoose: Dr. Sherry Hoyle, Dr. Ed Hatley, Bob

Silver and Steve Zickefoose presented the 2013 budget for the Board of Education.

Public Comments (15 minutes allowed per Rules of Procedure - 3 minutes per person): Chairman Patton opened public comments.

Lee Killian said he would like the UDO done away with in all industrial parks already developed. He said he developed an industrial park and other people in east Lincoln have as well without help. He asked why certain people get help and others do not.

Sharon Mumsberg spoke about a rental home in her neighborhood and the problems that have occurred. She presented photos of how the home is being used along with the website information on the rental.

Mark Marik spoke about the rental home in his neighbor, who is renting the home similar to a hotel to transients that come on a daily/weekly basis. He has to call the police numerous times.

Polly Gilbert spoke about the rental home in her neighborhood that is destroying their lifestyle and property values.

Wesley Deaton, County Attorney, said he will look into the matter.

Rudy Bauer said something needs to be done about the rental home. He asked who enforces conditions on requests that have been approved. He asked about the core sample survey on Burton Creek.

Commissioner Arena asked Planning and Inspections to look into businesses on Highway 16 who are not following conditions.

Eric Mumsberg spoke concerning the rental home on Howard Lane.

John Stalzer stated that he was the previous owner of 7880 Howard Lane and it was only 4 bedroom. It's being listed as a 7 or 8 bedroom home now on the rental site.

Being no additional speakers Chairman Patton declared the Public Comments section closed.

Motion to Award a Bid of \$258,541 for Emergency Telephone System to Wireless Communications, the lowest responsible bid: Martha Lide presented the following:

It is recommended that the Board approve the 5 year contract with Wireless Communications for purchase and maintenance of a new emergency telephone system. The total cost of the initial purchase of the new telephone system will be \$245,281, with a cost of \$130,912 in years 2-5 of the contract to cover maintenance and repairs. The

County will also be purchasing the remote monitoring of the system, six (6) touch screen monitors, and six (6) programmable keypads which were covered in the RFP for a total additional cost of \$13,260. Funds to cover the purchase of the system and the maintenance will come from the 911 Emergency Telephone System funds distributed to the County each year and have been planned for in the budget.

UPON MOTION by Commissioner Arena, the Board voted unanimously to approve the 5 year contract with Wireless Communications for purchase and maintenance of a new emergency telephone system.

Motion to Approve Proposed Lease Agreement with Mediation Center of the Southern Piedmont -Martha Lide:

It is recommended that the Board approve the lease agreement with the Mediation Center of the Southern Piedmont for use of 300 square feet of office space, on a month-to-month basis, in the Courthouse for \$1 per year.

In October 2008, the County entered into a lease for space at the Patton Building located at 125 East Sycamore Street, Lincolnton that was occupied by Probation Office, the Department of Public Safety, Division of Juvenile Justice and Delinquency Prevention, and the Mediation Center of the Southern Piedmont. The County is required by State Statute to provide space to the Probation Office and to the Division of Juvenile Justice and Delinquency Prevention. The Mediation Center of the Southern Piedmont has occupied space in that facility the since April 1997. Initial provision of office space to the Center helped match North Carolina Legislative grants.

The Probation Office has recently been advised that they will be getting two additional Probation Officers this month. Their space is already very tight, and there is no room for the additional officers. As we are not statutorily required to provide space for the Mediation Center of the Southern Piedmont, we have asked them to vacate their space. The Probation Office had been occupying space on the 2nd floor of the Courthouse and they have agreed to move out of that space and let the Mediation Center of the Southern Piedmont use it.

The Mediation Center of the Southern Piedmont is a non-profit organization servicing Gaston, Lincoln and Cleveland Counties. They have provided services in Lincoln County since 1997.

They work in collaboration with the Criminal District Court to resolve disputes outside the court system; minor misdemeanor cases referred include simple assault, trespassing, communicating threats, injury to property, unauthorized use of a motor vehicle, and worthless checks. An average of 350 cases, involving more than 700 clients, is resolved each year by the Center. Their Truancy Mediation allows Lincoln County School Social Workers to meet with students and their families in a non-adversarial atmosphere to identify reasons and brainstorm remedies for excessive unexcused absences; 60 or more families participate in this process yearly and more than 75% of the students improve

attendance and involvement in school as a result. The Center's Juvenile Mediation and Conflict Resolution classes help children ages 7 to 17 years to learn alternative methods for dealing with conflict. There are 50-60 juveniles that participate in this program annually.

While we are not required to provide space for this program, it offers an important service to the residents of Lincoln County. Their services relieve the court system of a significant number of cases saving court time and expenses. We felt that offering this space on a month-to-month basis would allow them to continue operations in Lincoln County and to serve our citizens. If we determine that this space is needed for other court related services, we will have the ability to terminate this lease.

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to approve the lease agreement with the Mediation Center of the Southern Piedmont for use of 300 square feet of office space, on a month-to-month basis, in the Courthouse for \$1 per year.

Motion to Approve Contract With Otis Elevator for maintenance of elevators in County office buildings for \$10,956 annually for a 3 year term contract: Martha Lide presented the following:

It is recommended that the Board approve the contract with Otis Elevator for maintenance on the eleven elevators in County buildings (Warren Center, Former Bank of America Building, Courthouse, Old CMC facility, and Former Medical Arts Building at Old CMC). Two additional elevators (Planning & Inspections Building and Gaston College) will be added to this contract on a prorated basis, once the existing maintenance contract for those elevators expires. The elevator maintenance program will include elevator inspections, examinations, lubrication, cleaning, adjusting, and all the major and minor repairs of equipment. The contract is for \$10,956 annually or \$32,868 for the 3 year term of the contract. The County has the option to renew the contract for an additional two years. The contract will begin July 1, 2012. Funds will be included in the Public Works, Building Maintenance budget.

The annual contract amount of \$10,956 represents an estimated savings of \$31,500 over the current year expenditures. The savings are based on expenditure reports provided thru the financial software for the period of July 1, 2011 thru March 30, 2012. Over the three year term of the contract the estimated savings from our current expenditure level is expected to be approximately \$90,000.

Commissioner Robinson suggested contacting the Board of Education to see if they would like to join in with this bid to save money.

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to approve the Contract With Otis Elevator for maintenance of elevators in County office buildings for \$10,956 annually for a 3 year term contract.

Board of Election's Request for Release of HAVA Title Funds: Mr. Wood said Bill Beam, Director of Elections, is requesting that the Board send a letter to the NC House and Senate to include funds for this. Mr. Wood recommended that the Board write a letter concerning this.

UPON MOTION by Arena, the Board voted unanimously to draft a letter to request release of HAVA Title Funds.

Register of Deeds - Notice of Office Closure: **UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to approve Resolution #2012-18: A Resolution Regarding the Temporary Closure of the Register of Deeds Office to Relocate Following Office Renovations.

**RESOLUTION #2012-18: A RESOLUTION REGARDING THE TEMPORARY
CLOSURE OF THE REGISTER OF DEEDS OFFICE TO RELOCATE
FOLLOWING OFFICE RENOVATIONS**

THAT WHEREAS, the Register of Deeds Office has been relocated temporarily to the old Hospital Building, while the downtown offices were being renovated to deal with moisture, carpeting, and other issues; and

WHEREAS, the renovations are nearly completed, with only the punch list remaining; and

WHEREAS, the Register of Deeds and IT Director have determined that given the public library changeover project, the best time to relocate the Register of Deeds Office back to the downtown location is June 22nd through June 25th, which allows the staffs to work over the course of a weekend and minimize any closure times; and

WHEREAS, this schedule will require that the Register of Deeds Office close on a Friday, June 22nd and Monday, June 25th for the relocation of all computers, phone lines, and similar equipment; and

WHEREAS, the Register of Deeds intends to publicize this closure to minimize the inconvenience to our citizens and the legal community;

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

Section 1. That the Register of Deeds is hereby ordered to close his offices on June 22nd and June 25th of this year in order to relocate his offices.

Section 2. The provisions of this resolution shall become effective immediately upon its adoption.

Adopted this 7th day of May, 2012.

Alex E. Patton, Chairman
Lincoln County Board of Commissioners

ATTEST:

Amy S. Atkins
Clerk to the Board

Presentation by Historic Properties Commission on Battle of Ramsour's Mill: Jason Harpe gave a presentation on the Battle of Ramsour's Mill. He said an anonymous donor has purchased and given the property discussed at a previous Commissioners meeting to the County.

Presentation by Commissioner Arena on Centralina Council of Government's HUD Sustainability Grant; and a motion to approve Memorandum of Understanding for CONNECT Consortium Membership for Lincoln County, North Carolina: Commissioner Arena gave a presentation on Centralina Council of Government's HUD Sustainability Grant and presented the Memorandum of Understanding for CONNECT Consortium Membership for Lincoln County for the Board's approval.

Memorandum of Understanding For CONNECT Consortium Membership for Lincoln County, North Carolina

WHEREAS, over 50 jurisdictions serving 70% of the CONNECT region's (as defined on page A-4 of the attached Exhibit A) population have adopted the CONNECT Regional Vision (as defined on page A-4 of the attached Exhibit A), based on a set of Core Values (as defined on page A-4 of the attached Exhibit A) compiled from adopted local policies, plans and programs, and

WHEREAS, those jurisdictions and other non-profit and private sector partners identified the development of a strategic regional framework for implementing these Core Values as the "next step" to achieve this community-based vision; and

WHEREAS, the federal Sustainable Communities Regional Planning Grant Program (the Program) operated by the US Department of Housing and Urban Development (HUD) on behalf of the US Department of Transportation, US Environmental Protection Agency, and HUD, incorporates Livability Principles (as defined in the Program documents) that align closely with CONNECT's Core Values, and provides a funding source for development of CONNECT's needed regional strategic framework for effectively and efficiently addressing growth and community economic revitalization; and

WHEREAS, the Centralina Council of Governments (CCOG) and the Catawba Regional Council

of Governments (CRCOG) established the CONNECT Consortium, as defined on page A-3 of the attached Exhibit A, as a representative body to develop a grant application based on the CONNECT Vision to HUD for Program funds, and to support local governments, non-profits, academic institutions and other groups representing the region's diversity, in their work to further sound growth, regional and local economies built to last, vibrant communities, and inclusive public engagement and decision-making; and

WHEREAS, CCOG as Lead Applicant submitted the application to the Program on behalf of the Consortium on October 5th, 2011, was notified of grant approval on November 21, 2011, and entered into a Cooperative Agreement with HUD to carry out the work of the application with an effective date of February 1, 2012; and

WHEREAS, CCOG, CRCOG, and the Consortium will continue this collaborative approach to carry out the work funded in the application to move the CONNECT Core Values into a community-based, regionally inclusive strategic framework for action to help communities address economic growth, quality of life, and fiscal stability now, and to create better prospects for our children and grandchildren;

NOW, THEREFORE, Lincoln County agrees to the following by signing this memorandum of understanding:

1. To participate as a member of the CONNECT Consortium in the development of the "CONNECT Our Future" Regional Strategic Framework (the Framework) incorporating regional and local plans to support vital communities, economic growth, improved quality of life and environment, and efficient public investments, with funding provided in part from a Program grant (the Grant);
2. As a Consortium member, to engage in review of work products, reports, data, proposed strategies and implementation approaches, and to actively engage with fellow Consortium members in collaborative approaches to problem-solving the challenges, barriers, and opportunities faced by the region and by communities within the region;
3. To affirm the goals, principles, and participatory and functional structure for accomplishing the work of "CONNECT Our Future" as outlined in Exhibit A, attached and incorporated herein by reference;
4. To appoint one policy-level representative (elected official/CEO/board member) and named alternate(s) to the Consortium's Policy Forum, and one staff representative and named alternate(s) empowered to speak at the staff level to the Consortium's Program Forum (as defined on Page A-3 of Exhibit A) to represent the perspective of Lincoln County at meetings of the Consortium, ensuring that the interests, needs, and plans of Lincoln County are included; and to notify the CCOG of any changes in representation;
5. If requested, to appoint a policy-level representative to the CONNECT Council (as defined on Page A-3 of Exhibit A).
6. To have representation and participation in Consortium Program and Support Teams (as defined on pages A-2 and A-3 of Exhibit A) appropriate to Lincoln County's mission;
7. To communicate with Lincoln County's staff/residents/members the work of the Consortium, and to assist the Consortium with outreach to them and to persons who typically do not participate in community planning processes, so that they may be included in public and community engagement activities for community problem-solving and to develop the Framework;
8. To provide any staff support, meeting space, or other in-kind or cash assistance as outlined in Lincoln County's letter of support for the Grant dated September 12, 2011, included as Exhibit B and incorporated herein by reference, it being understood that participation as a Consortium

member does not preclude Lincoln County from potential eligibility as a subgrantee or subcontractor to the Consortium pursuant to the Grant;

9. To share relevant data, maps, plans, and successes with other Consortium members to promote mutual understanding of the issues and capacity-building among all Consortium members;

10. To recognize CCOG as a CONNECT Consortium member with full voice at all Consortium meetings; and

11. To recognize CCOG as Lead Applicant and Project Manager, and CRCOG as Lead Partner for the Grant solely as a benefit and convenience to Lincoln County and not to hold either CCOG or CRCOG liable in any manner in such capacity.

AND FURTHERMORE, the CCOG agrees, on its own behalf, as a member of the CONNECT Consortium, to abide by the immediately preceding 11 membership obligations.

AND FURTHERMORE, the CCOG agrees to confer, either directly for entities in North Carolina, or through its Lead Partner CRCOG in South Carolina, the following benefits of participation in the CONNECT Consortium:

1. Recognize Lincoln County as a CONNECT Consortium member with full voice at all Consortium meetings;

2. Notify Lincoln County of all Consortium activities and opportunities for participation;

3. Provide Lincoln County with access to information and data collected by the Consortium pursuant to this project;

4. Work with Lincoln County to provide multiple opportunities for public engagement in the development of the Framework;

5. Notify Lincoln County of opportunities for webinars, conferences, and other national best-practice learning opportunities for staff and policy-maker capacity-building through the National Sustainable Communities Learning Network (as defined on page A-5 of the attached Exhibit A);

6. Provide educational and informational opportunities to Lincoln County that support and assist the organization's participation in development of the Framework or build its capacity for ongoing regional work;

7. The CCOG will assist Lincoln County in identifying potential funding opportunities to support implementation of projects emerging from or supportive of the Framework;

8. Recognize Lincoln County's Consortium membership as meeting a prerequisite for eligibility for Preferred Sustainability Status Bonus Points (as defined on page A-5 of the attached Exhibit A) or other consideration by Federal funding agencies, which may assist Lincoln County in obtaining federal support for planning or implementation projects aligned with the goals of the Program; and

9. Notify Lincoln County of Requests for Proposals for work related to the performance of the Grant.

THIS AGREEMENT shall be in effect from the date of adoption through March 31, 2015, and may be renewed by mutual written agreement among the parties. This agreement may be amended by the mutual written consent of both parties, provided that approval for such amendment is given as was given for the initial agreement.

Either party may elect to terminate this Agreement by providing 30 days' written notification to the other party's Chief Executive Officer. Organizations withdrawing from the Consortium will be accountable for any data or maps promised due prior to the date of their withdrawal.

Adopted this _____ day of _____, 2012.

LINCOLN COUNTY:

CCOG:

Authorized Signature Martha Sue Hall, Chairperson

Witness Jim Prosser, Executive Director
Approved as to Form:

Steve Meckler, CCOG Legal Counsel

UPON MOTION by Commissioner Arena, the Board voted unanimously to support the Memorandum of Understanding for CONNECT Consortium Membership for Lincoln County, North Carolina.

Motion to Adopt Resolution #2012-16: Resolution Supporting Certified Industrial Site Designation for Airlie Business Park: **UPON MOTION** by Commissioner Arena, the Board voted unanimously to approve Resolution #2012-16.

**RESOLUTION #2012-__ : A RESOLUTION SUPPORTING THE
CERTIFIED INDUSTRIAL SITE DESIGNATION FOR
THE AIRLIE BUSINESS PARK**

WHEREAS, the Lincoln County Board of Commissioners believes that it is in the best interests of the citizens of Lincoln County to encourage and support economic development through the expansion of existing industries and the recruitment of new industries; and

WHEREAS, the North Carolina Department of Commerce has developed a Certified Industrial Site program to improve our competitive edge in expanding and recruiting industry; and

WHEREAS, the Airlie Business Park meets the requirements of the Certified Industrial Park program through the efforts of the Lincoln Economic Development Association and Lincoln County.

NOW THEREFORE BE IT RESOLVED that the Lincoln County Board of Commissioners fully support the Certified Industrial Site proposal for the Airlie Business Park.

Approved this 7th day of May, 2012.

Motion to Adopt Resolution #2012-17: Resolution in Support of the Cleveland County Water First Broad River Reservoir: **UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to approve Resolution #2012-17.

Resolution #2012-__: In Support Of The Cleveland County Water First Broad River Reservoir

WHEREAS, the Cleveland County Water supplies potable water to over 57,268 customers with over 1,100 miles of waterline in rural areas and small municipalities of Cleveland County and parts of surrounding counties; and

WHEREAS, the primary source of raw water supplying the Cleveland County Water comes from the First Broad River or Knob Creek, a tributary of the First Broad River; and

WHEREAS, the First Broad River basin is the largest watershed in Cleveland County; and

WHEREAS, in 1989, a County-wide Water System Study recommended the investigation of a future surface water impoundment on the First Broad River; and

WHEREAS, in 1997, a Feasibility Study confirmed the need for a reservoir and identified a preferred dam site, pool elevation, and the resulting safe yield; and

WHEREAS, in 1998, a committee appointed by the Cleveland County Board of Commissioners recommended additional system inter-connections and a hydraulic analysis to more efficiently use the limited capacity of our water systems; and

WHEREAS, a severe drought in August of 2002, forced Cleveland County, the City of Shelby and the Governor of North Carolina to declare a STATE OF EMERGENCY in Cleveland County; and

WHEREAS, in 2002, a partnership between Cleveland County, the City of Shelby and the Cleveland County Water, was formed to construct an emergency raw waterline to the Broad River, as a short-term alternative, until a reservoir could be constructed; and

WHEREAS, the Cleveland County Water is diligently moving forward to construct a reservoir that will provide a long-term dependable water source to the residents of Cleveland County; and parts of surrounding counties;

WHEREAS, a water supply reservoir would also prevent a health hazard and add economic value to the county as well as an incentive for future industrial growth; and

NOW, THEREFORE BE IT RESOLVED, that the Lincoln County Board of Commissioners support the Cleveland County Water plan to build a reservoir on the First Broad River; and

BE IT FURTHER RESOLVED, that the Lincoln County Board of Commissioners support the First Broad River Reservoir as a long-term dependable water source.

ADOPTED THIS __TH DAY OF _____ 2012.

Motion to Approve Memorandum of Understanding Between the United States Department of Agriculture Natural Resources Conservation Service and the North Carolina Department of Agriculture and Consumer Services - Division of Soil and Water Conservation and The Lincoln Soil and Water Conservation District and Lincoln County, North Carolina: Rick McSwain presented the Memorandum of Understanding Between the United States Department of Agriculture Natural Resources Conservation Service and the North Carolina Department of Agriculture and Consumer Services – Division of Soil and Water Conservation and the Lincoln Soil and Water Conservation District and Lincoln County, North Carolina.

UPON MOTION by Commissioner Mitchem, the Board approved the Memorandum of Understanding.

Motion to Approve Memorandum of Agreement Between the North Carolina Sedimentation Control Commission and Lincoln County - George Wood: **UPON**

MOTION by Commissioner Arena, the Board voted unanimously to approve the Memorandum of Agreement Between the North Carolina Sedimentation Control Commission and Lincoln County.

Budget Work Sessions: The Board set the budget work session for May 23 at 6:00 p.m. at the EDA Building.

Appointments: **UPON MOTION** by Commissioner Robinson, the Board made the following appointment:

Board of Health

- Ms. Candance B. Heavner – Homebuilders Representative

Mr. Wood introduced Don Chamblee, the new Public Works Director.

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