

**MINUTES  
LINCOLN COUNTY BOARD OF COMMISSIONERS  
MONDAY, DECEMBER 16, 2019**

The Lincoln County Board of County Commissioners met on December 16, 2019, at the Commissioners Room, Administration Building, 353 N. Generals Blvd, Lincolnton, the regular place of meeting at 6:30 PM.

Commissioners Present:

Carrol Mitchem, Chair  
Richard Permenter, Vice Chair  
Milton Sigmon  
Bud Cesena  
Anita McCall

Others Present:

Kelly G. Atkins, County Manager  
Wesley Deaton, County Attorney  
Josh Grant, Programs Manager  
Amy Atkins, Clerk to the Board

**Call to Order:** Chairman Mitchem called the December 16, 2019 meeting of the Lincoln County Board of Commissioners to order. He called for a moment of silence and led in the Pledge of Allegiance.

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

**AGENDA  
Lincoln County Board of Commissioners Meeting  
Monday, December 16, 2019  
6:30 PM**

**Lincoln County Administration Office  
353 N. Generals Blvd  
Lincolnton, NC 28092**

Call to Order - Chairman Carrol Mitchem

Moment of Silence

Pledge of Allegiance

1. Adoption of Agenda
2. Consent Agenda
  1. Tax Requests for Releases - More than \$100 - 10/16 - 11/15/19
  2. Tax Request for Refunds - More than \$100 - 11/4 - 11/17/19

3. Approval of Minutes - December 3, 2019
4. Surplus Property
5. Resolution to Designate Review Officers
3. Planning Board Recommendations - Randy Hawkins
4. West Lincoln ARC and Food Pantry at West Lincoln Middle School - Kathy Vinzant
5. Audit Presentation
6. Request to Purchase 18 Stryker Power Load Systems to Outfit all Lincoln County EMS Ambulances - Ron Rombs
7. Approval of SWAT Equipment Purchase - John Henry
8. Award of Construction Contract to B&N Grading for Citizen Center Parking Lot Expansion at a cost of \$148,177.75 - John Henry
9. Auditorium Rental Agreement Update - John Henry
10. Public Comments
11. Finance Officers Report
12. County Manager's Report
13. County Commissioners' Report
14. County Attorney's Report
15. Vacancies/Appointments
16. Calendar
17. Other Business

Information Only - No Action Needed

- Register of Deeds Report
- Property Tax Collection Report

18. Closed Session - Pursuant to NCGS § 143-318.11. Closed sessions.
  - (a) (3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged.

Adjourn

**UPON MOTION** by Commissioner McCall, the Board voted unanimously to adopt the agenda adding Item 9a – Update on Register of Deeds Services.

**Consent Agenda:** **UPON MOTION** by Commissioner Sigmon, the Board voted unanimously to approve the Consent Agenda, separating the Resolution to Designate Review Officers into different Resolutions.

## Consent Agenda

1. Tax Requests for Releases - More than \$100 - 10/16 - 11/15/19
2. Tax Request for Refunds - More than \$100 - 11/4 - 11/17/19
3. Approval of Minutes - December 3, 2019
4. Surplus Property
5. Resolution Designating Mark Carpenter as Review Officer for Lincoln County, NC
6. Resolution Designating Laura Elam as Review Officer for Lincoln County, NC

## **Planning Board Recommendations:** Randy Hawkins presented the following:

**CUP #412 Circle K Stores, Inc., applicant** (Parcel ID# 02472, 02475 and 57407) A request for a conditional use permit to allow a gas station/convenience store with an automatic car wash in the B-N (Neighborhood Business) district in the ELDD (Eastern Lincoln Development District) overlay district. The proposed 2.35-acre site is located on the northeast corner of N.C. 16 Business and Unity Church Road in Catawba Springs Township. **The Planning Board voted 4-3 to recommend approval.**

Commissioner Permenter, noting the Planning Board's 4-3 vote, asked why the three members voted against this. Mr. Hawkins said traffic was the main issue and the timing of the planned intersection improvement project.

Commissioner Cesena asked if they were familiar with the DOT plan for that intersection. He said their bid process starts June 22, 2021 and August 1, 2021 they are supposed to break ground, completing the project by June 2022. He said his concern, like Commissioner Permenter, is that there is not a decent traffic study without that being addressed. Given that all of the information received today about the park and the lack of a traffic study for that park we may be looking at a huge ingress of people and vehicles that go right past this location. He said he feels this is a safety hazard for the citizens of Lincoln County.

Commissioner Cesena said it was brought to his attention that there were no findings of fact presented at the hearing.

Mr. Hawkins said when he reviewed the video, the applicant's representative testified that the findings of fact were submitted as part of the application.

Commissioner Sigmon said one thing that was not presented at the meeting with the Planning Board was the detailed traffic study, some sections were totally omitted. Andrew Bryant supplied him with these sections at a later time and he was able to form an opinion. At the hearing, he doesn't feel they were presented with adequate sources to form an opinion and neither was the Planning Board, which is a concern. Mr. Hawkins said this information was sent to all Commissioners and the Planning Board.

Chairman Mitchem asked if the Circle K convenience store going there will create additional traffic because of all the people going there or if this is just another convenience

store that people will have the convenience to stop at. He asked what traffic improvements Circle K would make. Mr. Hawkins said a deceleration lane on 16 Business North, to turn right into it, a dedicated left turn lane on Business 16 South to turn left and some improvements on Unity Church Road at the access points there. He said there would, in effect, be a frontage road along Unity Church Road that if you wanted to turn left out of the site, you would have to go down the access road to turn left. It would be right in, right only at the first access point on Unity Church Road.

Chairman Mitchem said a Circle K Convenience store, is not like a Walmart store that creates a lot of traffic. He said he doesn't see that this increases traffic a lot, other than people passing there turning in or out.

Commissioner Permenter said there was a TIA included and in that TIA, he believes it indicated they expect that up to 50% of the traffic during the peak periods, will be people passing through anyway. .

Commissioner Permenter said in the TIA, it showed the level of service at the intersection with the DOT improvements and a without those improvements and it was a F without the DOT intersection improvements. He said since the Board knows the earliest DOT will be completing these improvements is 2023, if the application is approved and built, they will be not only doing construction in the immediate proximity of a failed intersection, but adding traffic to the failed intersection as well.

Commissioner Permenter asked if an intersection with a F, or anything that drops down is a detriment to safety of those going through the intersection. Mr. Hawkins said not necessarily to the safety, but it certainly adds delays.

Commissioner Sigmon said the lower the class, the less desirable. Commissioner Sigmon said it is a great concern to him that the Board is asked to approve something on the presumption that DOT will do the improvements they are supposed to.

Chairman Mitchem said the Board has to deal with what they are faced with now.

**UPON MOTION** by Commissioner Permenter, the Board voted unanimously to consider the Findings of Fact separately on this CUP.

### **APPLICANT'S PROPOSED FINDINGS OF FACT**

Application No. **CUP #412**

Applicant **Circle K Stores Inc.**

Property Location **NE corner NC 16 Business and Unity Church Road**

Parcel ID# **02472, 02475, 57407**

Zoning District **ELDD, B-N**

Proposed Conditional Use **Gas Station with Convenience Retail**

### **PROPOSED FINDINGS**

1. The use will not materially endanger the public health or safety if located where proposed and developed according to plan. **NO**

**Based on the fact that as it stands right now, it is a failed intersection and anything that will further add traffic to that failed intersection jeopardizes the public health and safety.**

**MOTION by Commissioner Permenter**

**VOTE: 4 – 1 (Mitchem against)**

2. The use meets all required conditions and specifications. **NO**  
**The use does not meet the requirements of Section 9.8.7.F.1 of the Lincoln County Unified Development Ordinance in that the proposed development, according to the traffic impact analysis, will not maintain existing a.m. peak hour levels of service of three legs of the intersection of N.C. 16 Business and Unity Church Road/Triangle Circle, an intersection that is rated below Grade C, without NCDOT's planned project R-5712, which has no firm start or completion date.**

**MOTION by Commissioner Permenter**

**VOTE: 4 – 1 (Mitchem against)**

3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity. **YES**

**The proposed development will not substantially injure the value of adjoining or abutting property. Similar uses are currently in operation at this intersection, as well as additional commercial businesses. Most of the parcels in this vicinity are zoned as business districts.**

**MOTION by Commissioner Permenter**

**VOTE: Unanimously approved**

4. The location and character of use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the Land Use Plan for the area in question. **YES**

**The site is located on a minor arterial (N.C. Highway 16 Business) in an existing commercial area. The site is part of an area designated by the Land Use Plan as Suburban Commercial Center which is intended to serve the daily needs of surrounding residential neighborhoods. General commercial services is listed as a primary land use in the Suburban Commercial Center; therefore, the proposed development, if developed in accordance with the site plan submitted, will be in harmony with the area in which it is to be located and it will be in general conformity with the Land Use Plan for the area.**

**MOTION by Commissioner Permenter**

**VOTE: Unanimously approved**

**UPON MOTION** by Commissioner Permenter, the Board voted 4 – 1 (Mitchem against) to deny CUP #412 based on the findings of fact as determined.

**CUP #411 Johnny Rudisill, applicant** (Parcel ID# 01831) A request for a conditional use permit to place a Class C (singlewide) manufactured home in the R-S (Residential Suburban) district. The 0.43-acre lot is located on the west side of Broad River Lane about 150 feet south of its intersection with Windsor Woods Drive in Ironton Township. The Planning Board voted 7-0 to recommend approval.

**UPON MOTION** by Commissioner Cesena, the Board voted unanimously to approve the findings of fact as submitted by the Planning Board.

**UPON MOTION** by Commissioner Cesena, the Board voted unanimously to approve CUP #411 – Johnny Rudisill, applicant based on the findings of fact approved by the Planning Board.

**ZMA #666 Dianne Self, applicant** (Parcel ID# 23149) A request to rezone a 6.8-acre tract from B-G (General Business) to R-T (Transitional Residential). The property is located at 2703 Salem Church Road, on the east side of Salem Church Road at its intersection with Gastonia Highway, in Ironton Township. The Planning Board voted 7-0 to recommend approval.

**UPON MOTION** by Commissioner McCall, the Board voted unanimously approve the statement of consistency and reasonableness as submitted by the Planning Board.

**UPON MOTION** by Commissioner McCall, the Board voted unanimously to approve ZMA #666 – Dianne Self, applicant based on the recommendation of the Planning Board and the statement of consistency and reasonableness.

**ZMA #667 Kenneth Carpenter, applicant** (Parcel ID# 30930, 30945, 30948, 51686, 80970 and 80971) A request to rezone 37 acres from CU PD-R (Conditional Use Planned Development-Residential) to R-T (Transitional Residential). The property is located on the east side of Beth Haven Church Road south of Stoneview Court and Willow Farm Drive in Catawba Springs Township. The Planning Board voted 7-0 to recommend approval.

**UPON MOTION** by Commissioner Sigmon, the Board voted unanimously approve the statement of consistency and reasonableness as submitted by the Planning Board.

**UPON MOTION** by Commissioner Sigmon, the Board voted unanimously to approve ZMA #667 – Kenneth Carpenter, applicant based on the recommendation of the Planning Board and the statement of consistency and reasonableness.

**West Lincoln ARC and Food Pantry at West Lincoln Middle School:** Kathy Vinzant, Dr. Aaron Allen, and Leslie Barlow gave a presentation on the need for a West Lincoln ARC and food pantry at West Lincoln Middle School. She said in January volunteers will go in and make the satellite ARC ready for the students.

Leslie Barlowe spoke concerning the Asbury ARC and the services provided. She said this helps provide self-esteem for the students when they look like their peers.

Dr. Aaron Allen said the Board of Education approved the request to move forward with ARC-West. Tonight's presentation is just to keep Commissioners informed.

The Board thanked the group for what they are doing for Lincoln County.

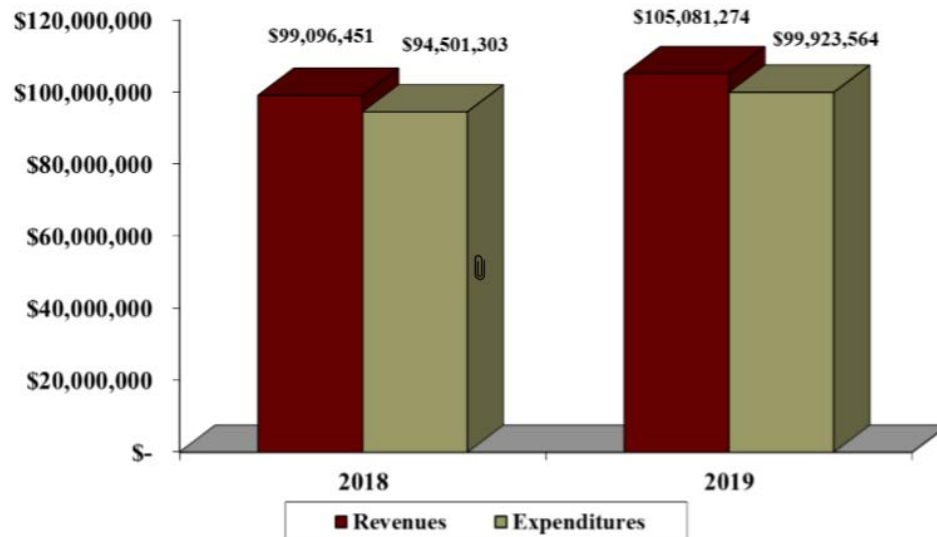
**UPON MOTION** by Commissioner Sigmon, the Board voted unanimously to approve the request as presented.

**Audit Presentation:** Deanna Rios introduced Elsa Watts with Martin Starnes and Associates, who gave the Audit Presentation.

Ms. Watts said the County received an unmodified opinion, which is a clean audit opinion. She thanked Deanna Rios and Crystal Watson for their hard work on the audit.

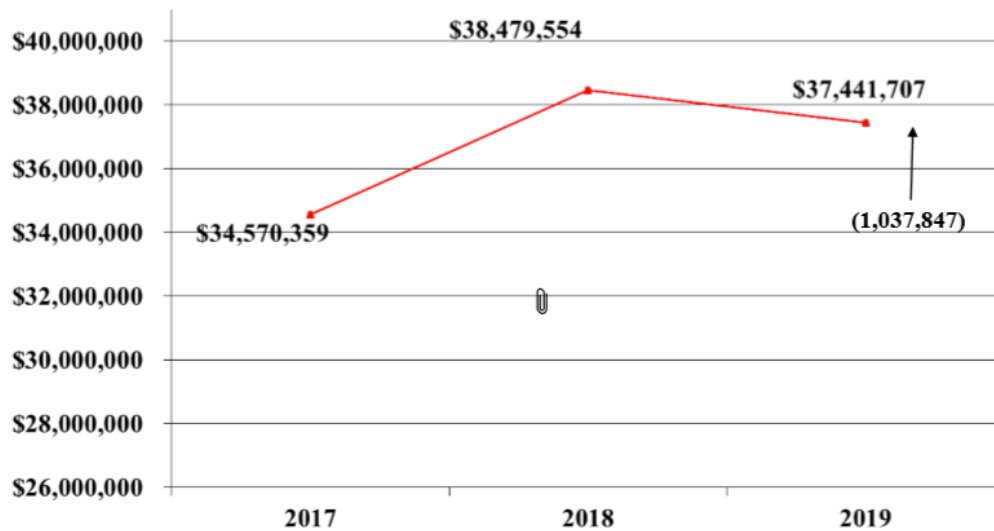
Commissioner Sigmon asked for a column to be added showing the difference on the charts.

## General Fund Summary



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& ASSOCIATES, CPAs, P.A.

## Total Fund Balance General Fund



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# Fund Balance

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Available fund balance as defined by the Local Government Commission (LGC) is calculated as follows:

Total Fund Balance  
Less: Non spendable (not in cash form, not available)  
Less: Stabilization by State Statute (by state law, not available)  
Available Fund Balance

This is the calculation utilized as the basis for comparing you to other units and calculating your fund balance percentages.

## Fund Balance Position General Fund

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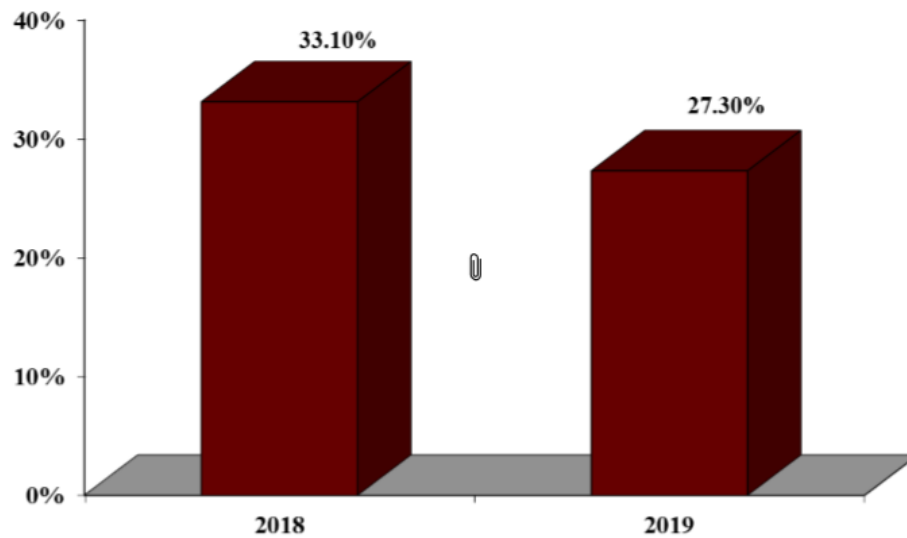
Total Fund Balance	\$37,441,707
Non-spendable	- 227,019
Stabilization by State Statute	<u>- 8,001,582</u>
Available Fund Balance	\$29,213,106

Available Fund Balance 2018	\$ 31,820,139
Decrease in Available FB	\$ 2,607,033

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## Available Fund Balance as a Percent of Expenditures and Transfers Out – General Fund

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## Unassigned Fund Balance - General Fund

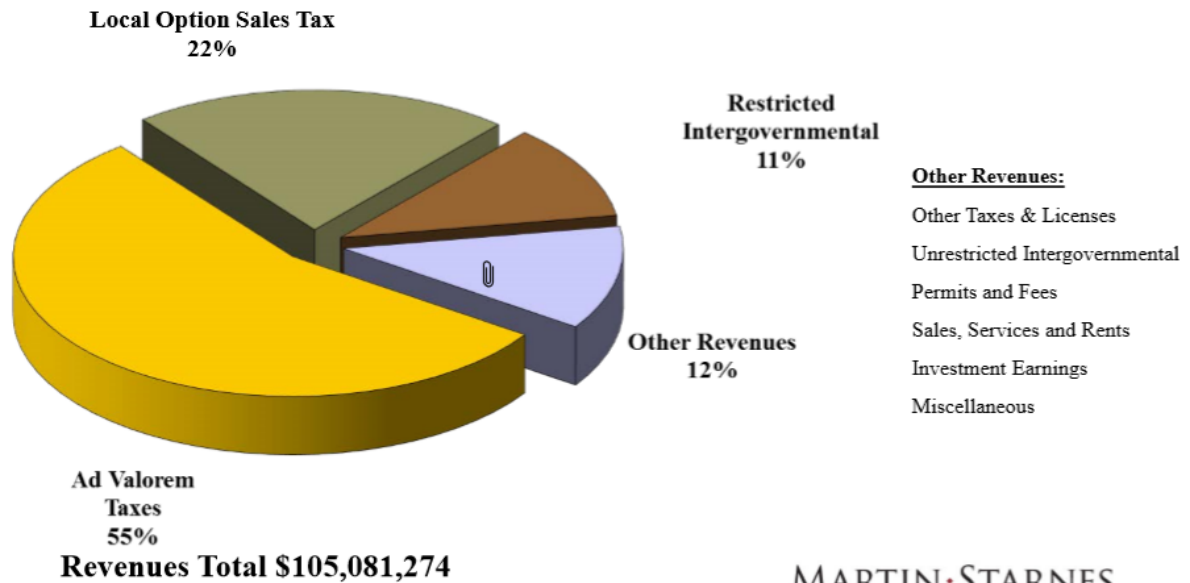
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	<u>2018</u>	<u>2019</u>
□ Unassigned Fund Balance	\$26,970,285	\$26,110,745

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# Top 3 Revenues: General Fund

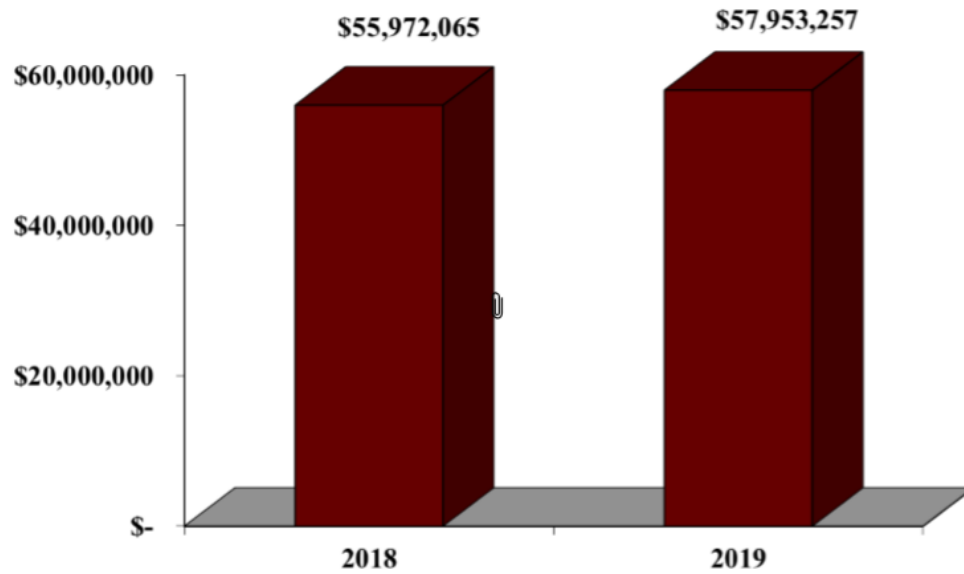
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# Property Tax

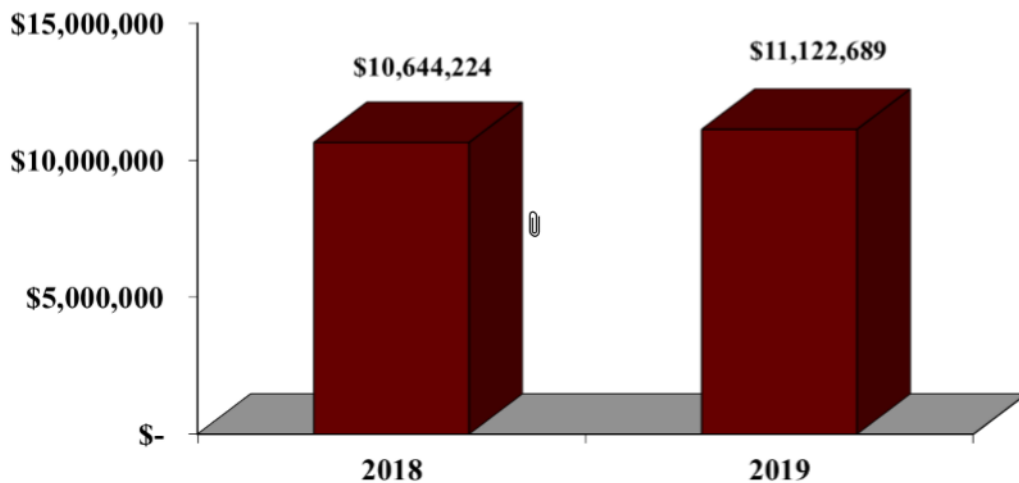
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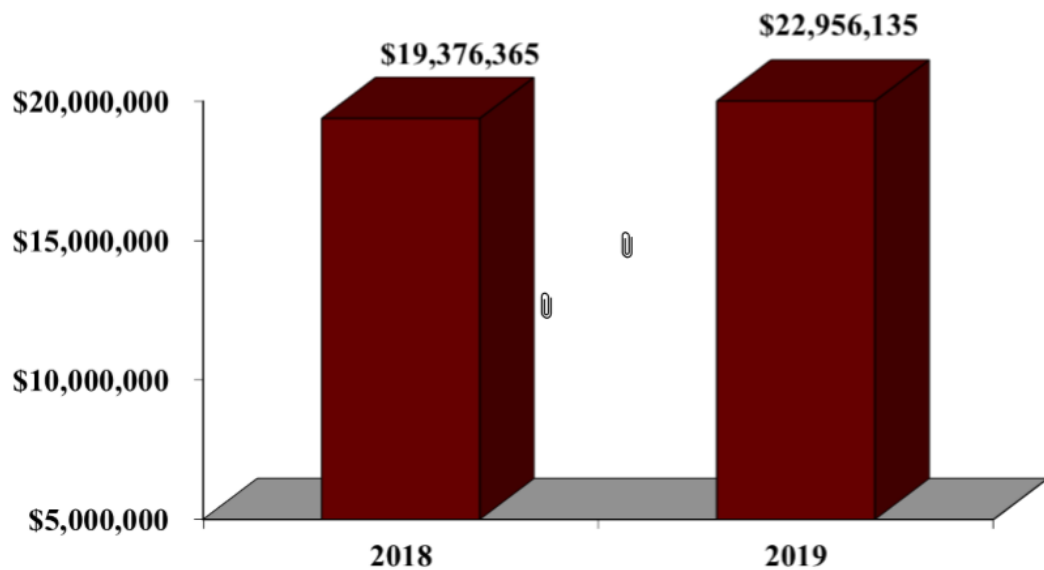
# Restricted Intergovernmental

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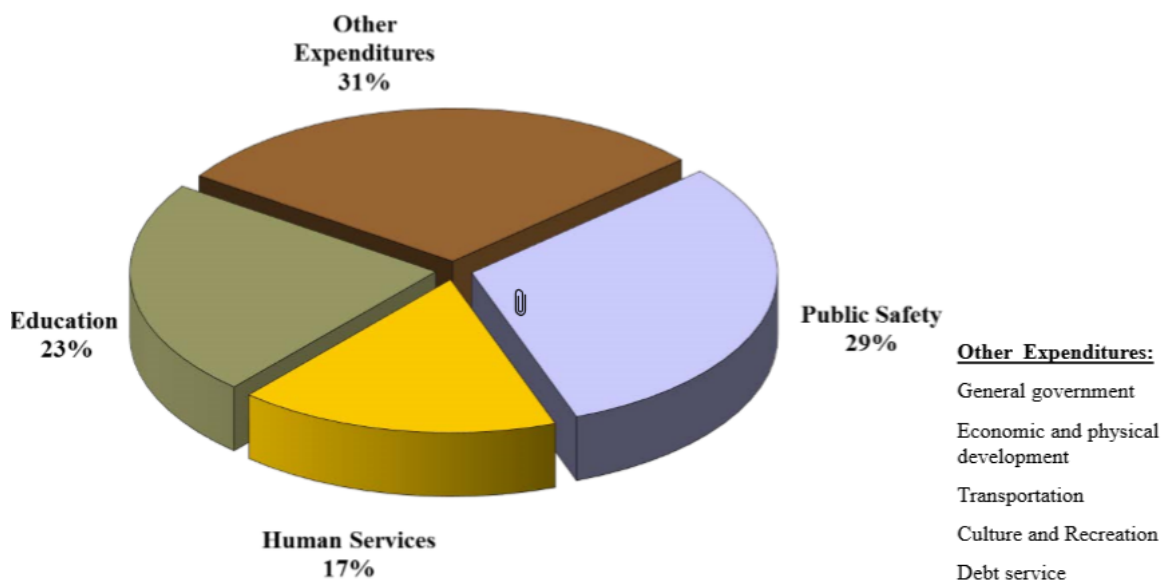
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# Local Option Sales Taxes



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## Top 3 Expenditures: General Fund

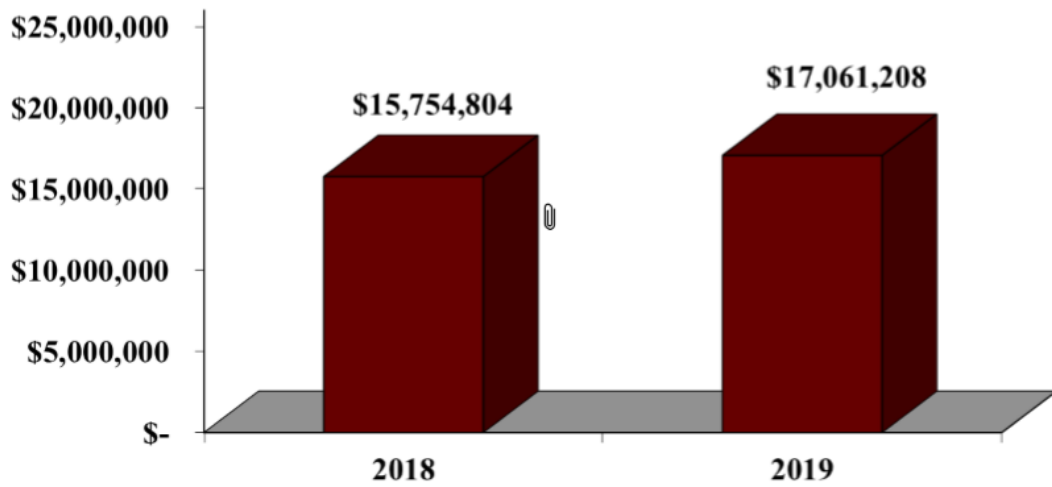


Expenditures Total \$99,923,564

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# Human Services

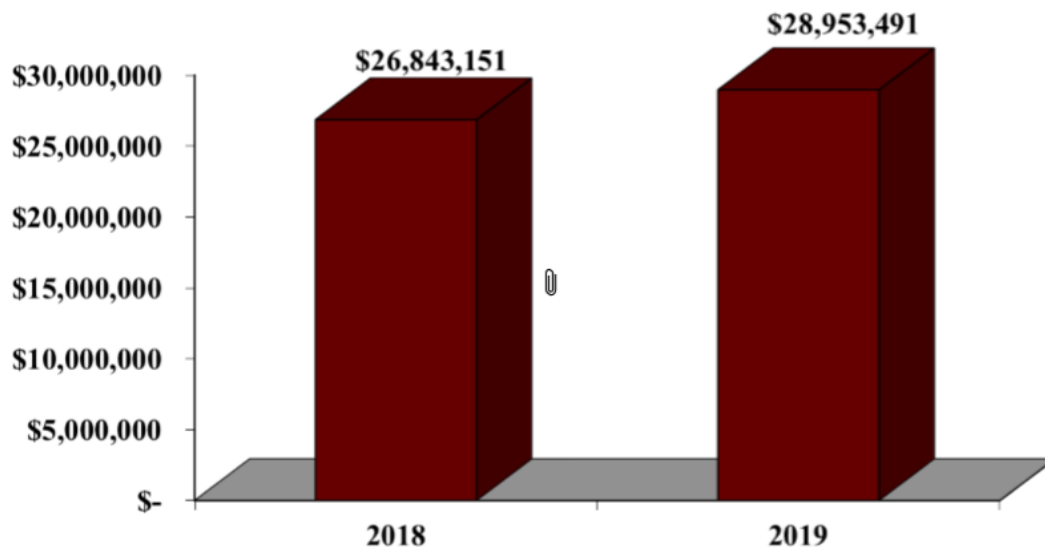
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# Public Safety

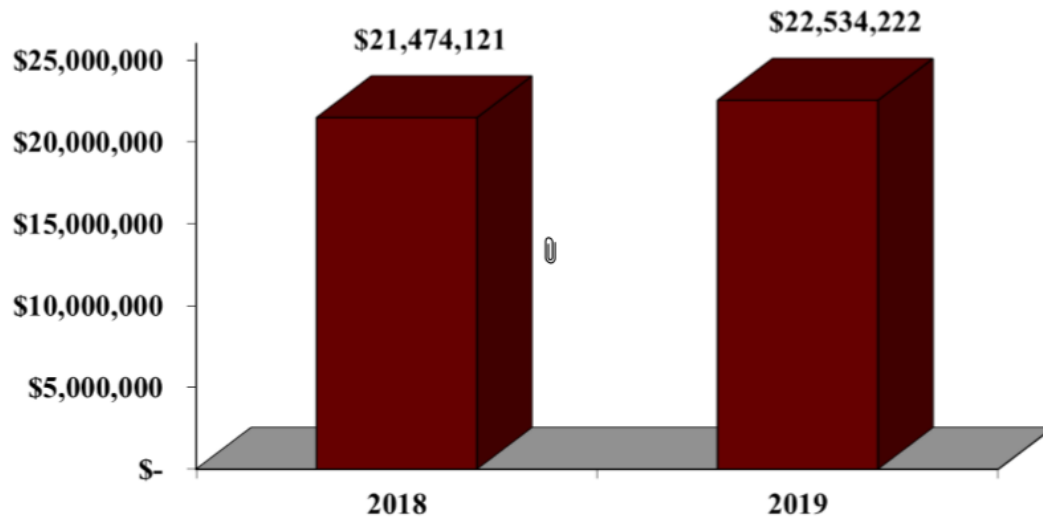
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# Education

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# Enterprise Funds Income (Loss) Budgetary/Cash Basis

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	<u>Solid Waste</u>	<u>Water/Sewer</u>	<u>E. Lincoln Water/Sewer</u>
<b>Revenues</b>	\$ 5,268,768	\$14,451,987	\$ -
<b>Expenditures</b>	<u>3,650,695</u>	<u>10,070,055</u>	<u>-</u>
<b>Income (Loss) Before</b>			
<b>Other Sources (Uses)</b>	1,618,073	4,381,932	-
<b>Other Financing Sources (Uses)</b>	<u>2,000,000</u>	<u>(3,333,182)</u>	<u>(7,712)</u>
<b>Total Income (Loss)</b>	<u><b>\$ 3,618,073</b></u>	<u><b>\$ 1,048,750</b></u>	<u><b>\$ (7,712)</b></u>

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# Enterprise Funds

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	<u>Solid Waste</u>	<u>Water/Sewer</u>	<u>E. Lincoln Water/Sewer</u>
<b>Required Debt Service</b>	\$ 188,510	\$ 3,127,648	\$ -
<b>Cash Flows From Operations</b>	\$ (2,387,255)	\$ 8,468,412	\$ 1,509
<b>Unrestricted Cash</b>	\$ 9,448,469	\$22,290,050	\$ -
<b>Unrestricted Net Position</b>	\$ (4,570,008)	\$19,695,570	\$ -

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**UPON MOTION** by Commissioner Permenter, the Board voted unanimously to approve and accept the Audit as presented.

**Request to Purchase 18 Stryker Power Load Systems to Outfit all Lincoln County EMS Ambulances:** Mr. Rombs presented a request to purchase 18 Stryker Power Load Systems to outfit all Lincoln County EMS ambulances. This is promotional pricing with approximately 27% discount to meet 2019 sales goals. This purchase shall be a sole source based upon availability only from one manufacturer and notice was published in the Lincoln Times News.

Lincoln County EMS continuously strives to improve the safety and efficiency of our employees. The Stryker Power Load Systems greatly improves both of these factors as well as improving morale and retention.

Lincoln County EMS has demonstrated the Stryker Power Load Systems for approximately 3 months and the crews unanimously felt these devices were worth the cost, would drastically reduce back injuries and the repetitive lifting fatigue as well as definitely increase morale.

National studies have shown:

- 25% of EMS employees will suffer a career ending back injury within the first 4 years of employment
- 70% of back injuries are caused by repetitive lifting

- Back injuries account for approximately 50% of all line of duty injury retirements
  - After injuring your back you are 5 times more likely to have a repeat injury
- These devices are being strongly considered as mandatory equipment within the next 5 years.

One of the most common questions being ask by applicants is "Does LCEMS have the Power Lift and Power Load System?" This has become a deciding factor for many career paramedics looking to relocate and continue their career in EMS. Big advantage when recruiting new applicants.

Mr. Rombs requested approval of the sole source purchase of 18 Stryker Power Load Systems in the amount of \$523,467.74. This is a savings of \$99,026.25. Normal pricing for the Power Load \$622,493.99.

**UPON MOTION** by Commissioner Cesena, the Board voted unanimously to approve the request as presented.

**Approval of SWAT Equipment Purchase:** John Henry presented the following:

At the Commissioners Meeting on December 2, 2019, Sheriff Beam presented a cost of \$251,717.11 and the Board approved up to \$262,000.00 for the purchase of new SWAT equipment. Purchasing worked with Deputies and vendors to obtain better pricing on items. Several items are on NC State Contracts 680A and 680C. Staff was able to cut \$8,368.39 off the purchase for a total of \$243,798.72. There is the potential for more savings after staff are sized for uniforms and gloves are selected.

**UPON MOTION** by Commissioner McCall, the Board voted unanimously to approve the request as presented.

**Award of Construction Contract to B&N Grading for Citizen Center Parking Lot Expansion at a cost of \$148,177.75:** John Henry presented the following:

Purchasing received bids for the Citizen Center Parking Lot Expansion on December 5, 2019. B&N Grading was the low bidder at \$148,177.75. He requested approval and award of the construction contract to B&N Grading.

**UPON MOTION** by Commissioner Sigmon, the Board voted unanimously to award a construction contract to B&N Grading for the Citizen Center Parking lot expansion at a cost of \$148,177.75.

**Auditorium Rental Agreement Update:** John Henry presented an updated Auditorium Rental Agreement for the James W. Warren Citizens Center Auditorium.



James W. Warren Citizens Center Auditorium  
115 W. Main St.  
Lincolnton, NC 28092

**Rental Agreement**  
**Terms & Conditions of Use**

*I/We understand and agree that failure to provide information pertinent to the use of these facilities and/or information requested by Lincoln County personnel, or to meet established deadlines or make timely payments, will render this document null and void.*

Today's Date: \_\_\_\_\_ Authorized Signature: \_\_\_\_\_

	Start Date	End Date	Time In	Time Out	Hours of Use
Dates/Times of Set-up/Load in:					
Dates/Times of Rehearsal:					
Dates/Times of Event:					

Group Applying for Facilities Use: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Do you want this number listed as the contact for your event? Yes No

If not, what number? \_\_\_\_\_

Authorized Signer's Name – Please PRINT: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Mobile Phone: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

Contact Person for Event – Please PRINT: \_\_\_\_\_

Telephone: \_\_\_\_\_ Mobile Phone: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

Type of Event: \_\_\_\_\_

Purpose of Event: \_\_\_\_\_

Are you a Tax-Exempt Non-Profit organization? Yes No

Federal Tax ID #: \_\_\_\_\_

Must be provided to establish non-profit status.

Name of Person responsible for payment to Lincoln County – Please PRINT: \_\_\_\_\_

Telephone: \_\_\_\_\_ Mobile Phone: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

This contract is for the use of areas selected:  Maximum Capacity is 1,310 Seated Capacity Max is 1,200 in the Theatre/Event configuration	Theatre/Event – Stage (110), Floor (535) and Lower Balcony (393). Capacity 1,038.	Theatre/Event – Stage (110), Floor (535), Lower Balcony (393) and Upper Balcony (272). Capacity 1,310
	Banquet/Meeting – Floor Capacity with Tables 245. <u>No Stage Use.</u>	Banquet/Meeting – Upper Balcony Only. Capacity 117 with Tables and Chairs and 175 Chairs Only

Also Requested – Additional fees apply:	Commercial Kitchen		Reserved/Blocked Parking	
	Set-up/Tear Down			

Will there be an admission charge for your event? Yes No

If yes, how much? \_\_\_\_\_

Estimated size of audience: \_\_\_\_\_

Are you requesting to serve food: Yes No

If yes, who will serve food? Contact: \_\_\_\_\_ Phone: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

Menu for event: \_\_\_\_\_

**NOTE!** The "Basic" Fee Schedule (attached) represents the charge for the selected rental period and ONE DAY beginning when the building is unlocked. This time frame is to INCLUDE your set-up/rehearsal time AND performance. This "Basic" fee includes use of areas as selected above, house lights/stage lights turned on, house P.A. system, Auditorium Attendant on premises, basic lectern, one (1) microphone and access to restrooms. **All events must end by 11:30 pm.** Additional time, over and above a selected rental period, is subject to an additional fee. Also any additional needs, including but not limited to, services of County staff, theatrical use of house lighting, a sound technician, or any additional technicians needed to service your event will be assessed additional fees. Only technicians approved by Lincoln County will be utilized to operate Lincoln County equipment. **The time of your event is measured from the time the building is unlocked until it is locked again, NOT on the ESTIMATED time you anticipate the event to last.**



## Rules and Regulations

**NOTE:** Failure to comply with the rules set forth below may result in your event being cancelled and being banned from future use of the facility.

1. **Requests and Agreements:** Rental Agreement/Terms and Conditions of Use should be turned in to the Lincoln County Finance Department no later than 30 days prior to your event. Requests are fulfilled on a first paid basis dependent upon availability. A non-refundable processing deposit of \$250 is due at the time of application submission. The deposit will be returned if your application is denied; otherwise, it will be applied to your bill. The Auditorium is not considered reserved until the Rental Agreement/Terms and Conditions of Use has been signed and returned along with the processing fee. If a Rental Agreement/Terms and Conditions of Use is received and the requested rental date is less than 30 days prior to your event, it must be approved by the Facilities Management Director. If a personal check is used, a valid driver's license number must be on the check.  
**NOTE: If your needs change, or you failed to request something you may subsequently need, your amount due may change, and you will then be responsible for the additional amount.** Your estimated deposit is due 30 calendar days prior to your event. If the deposit is not paid, Lincoln County reserves the right to cancel your event. If a request is made to rent the Auditorium with less than 30 calendar days prior to the event, then your entire deposit is due upon signing of the contract. An auditorium contract will not be signed or approved with fewer than 14 calendar days' notice. **Rehearsal dates should be booked at the time the event date is booked. If you do not book a rehearsal date(s) at that time and later request a rehearsal date within 30 days of your event and want to add a rehearsal, you have to pay for the additional time as determined by our rental fee schedule.** \_\_\_\_\_ *Initial Here*
2. **Publicity:** Upon receipt of the Rental Agreement/Terms and Conditions of Use and your deposit, Lincoln County will post the event on the Citizens Center marquee. The event will be shown on said marquee 30 days prior to the event ending at 11:00 pm on the day of the event. \_\_\_\_\_ *Initial Here*
3. **Smoking:** Lincoln County has designated smoking areas outside the facility with cigarette receptacles. It is your responsibility to notify your attendees of these locations. \_\_\_\_\_ *Initial Here*
4. **Food, Drink and Meal Functions:** Food and drink are not permitted in the Auditorium during theatrical performances. If you are serving or preparing food, it is the responsibility of the renter to contact Environmental Health for any necessary permits at 704-736-8426. In order to meet your request, you must notify Environmental Health four (4) weeks prior to the date of your event. \_\_\_\_\_ *Initial Here*
5. **Use of Folding Tables and Chairs:** Lincoln County has a limited number of folding tables and chairs available for use, and availability will be confirmed at the time of booking. If you need more than are available from Lincoln County, it is your responsibility to provide those additional tables and chairs, and for set-up and tear down of any additional tables and chairs. \_\_\_\_\_ *Initial Here*
6. **Access to Administrative Areas:** You and any guests are NOT authorized to enter the administrative areas of the building. \_\_\_\_\_ *Initial Here*
7. **Seating Capacity:** The maximum seating capacity for the Auditorium is 1,200 persons. It shall be unlawful to permit occupancy in the Auditorium that exceeds that capacity. \_\_\_\_\_ *Initial Here*
8. **Parking, Loading and Unloading:** Paved parking lots are provided for the convenience of our patrons. No driving on the grass or parking in restricted areas is permitted. You and any guests may not block off any areas of parking unless approved by the Facilities Management Director. \_\_\_\_\_ *Initial Here*

9. **Loading Dock:** The loading dock is for loading and unloading only and is not to be used as a work area. If the dock or building is damaged, an assessment of the damage will be conducted and additional fees to repair shall be assessed. \_\_\_\_\_ *Initial Here*
10. **Advertising:** You shall not advertise any performance, the appearance of any performer, or meeting prior to the signing of the contract and acceptance thereof by Lincoln County personnel. In addition, advertising for the event is your responsibility, NOT Lincoln County. \_\_\_\_\_ *Initial Here*
11. **Cleanup:** You are responsible for all clean-up following the event, which shall be completed by the end of your rental times. If you do not clean all areas and dispose of trash, an additional clean-up fee of \$150 will be assessed. \_\_\_\_\_ *Initial Here*
12. **Precautions:** The Auditorium is equipped with heavy counterweights and other equipment which may cause injury. You must advise your participants of the dangers. **CHILDREN less than 18 years of age SHALL NOT BE LEFT UNATTENDED or allowed to operate equipment.** Lincoln County will not be responsible to you or your participants/guests for any injuries that may result from these or other dangers that may be encountered on the theatrical stage. \_\_\_\_\_ *Initial Here*
13. **Electrical Equipment:** Electrical equipment shall be UL approved and must be equipped with a three prong plug. \_\_\_\_\_ *Initial Here*
14. **Unlocking Doors:** You or your guests shall not unlock, or prop open, any doors without the Auditorium Attendant's permission. If, for any reason, equipment or merchandise is stolen, damaged or lost, due to tampering with locks by opening locked doors, taping locks, or propping doors open, you will be charged for the lost, damaged or stolen property/merchandise. \_\_\_\_\_ *Initial Here*
15. **Fees or Damages:** If damages result from the utilization of facilities, you will be required to pay the cost of repair, replacement or claims that arise from the use of facilities, at a cost determined by Lincoln County. \_\_\_\_  
\_\_\_\_\_ *Initial Here*
16. **Cancellation Policy:** Lincoln County reserves the right to impose a cancellation fee for any event cancelled less than 10 calendar days prior to the event. During inclement weather, all events will be cancelled, cancellation fees waived, and all deposits shall be returned to applicant. \_\_\_\_\_ *Initial Here*
17. **Fire Marshal Code:** You and your guests must abide by ALL State of North Carolina Fire Marshal Codes including: not blocking fire exits, not blocking auditorium aisles (no sitting or standing in aisles, no wheelchairs or stroller in aisles), no open flames (including candles and sparklers) in auditorium (unless it is a food warmer), and no blocking fire lanes. \_\_\_\_\_ *Initial Here*
18. **Confetti, Glitter, Rice and Birdseed:** Absolutely NO CONFETTI, GLITTER, UNCOOKED RICE OR BIRDSEED is allowed in the building. If any of the above-mentioned are used, you will be responsible for floor cleaning by a person or company of Lincoln County's choosing. \_\_\_\_\_ *Initial Here*
19. **Helium Filled Balloons:** Helium filled balloons are prohibited in areas with a ceiling height greater than 10 feet. \_\_\_\_\_ *Initial Here*
20. **Tape, Glue, Nails, Screws and Staples:** Walls, windows, doors, woodwork, floors, ceilings and railings are NOT to come in contact with tape, glue, nails, screws or staples. Paint is not allowed on the premises. \_\_\_\_\_ *Initial Here*
21. **County Material and Furniture:** Promotional material, furniture or fixtures for Lincoln County shall not be moved or removed or covered in any way. Please note that the bell cannot be moved for any reason. \_\_\_\_\_ *Initial Here*
22. **Copyrighted Material:** No copyrighted musical or other artistic works shall be performed or played (whether live or in recorded format) on the premises unless appropriate licenses have been obtained in accordance with federal copyright laws. The user specifically agrees to indemnify, defend and hold Lincoln County harmless of and from all claims, suits, judgments, damages, fines, and costs, including attorney's fees, arising from any such unlicensed performance, play or production. *This provision includes, but is not limited to, the playing of*

- prerecorded music accompanied by live singing, dancing, or other performance unless the playing of such prerecorded music has been authorized by appropriate licensing. A source for license information is "The American Society of Composers, Authors and Publishers" [www.ascap.com](http://www.ascap.com). \_\_\_\_\_ Initial Here*
23. **Animals:** Animals and pets are not permitted in the building except in conjunction with an approved exhibit, display or performance legitimately requiring use of animals. Service animals shall be permitted. \_\_\_\_\_ Initial Here
24. **Alcohol:** Alcohol shall not be permitted to be sold or consumed at any event. \_\_\_\_\_ Initial Here
25. **Insurance Requirements:** All events involving 'high risk' physical activity, preparing food or any event as deemed by Lincoln County are required to have a Commercial Liability Policy with limits of \$1,000,000 per occurrence. Business Auto Insurance is required for any owned, hired, rented, or borrowed vehicle with a limit of not less than \$1,000,000 per occurrence combined single limit for bodily injury and property damage liability. Lincoln County shall be named as an additional insured under both the automobile and general liability insurance. In the event of a loss arising out of, or related to use of the facility under this agreement, the liability insurance shall be primary (pay first) with respect to any other insurance which may be available to the County, regardless of how the 'other insurance' provisions may read. All insurance put forth to satisfy the above requirements shall be placed with insurance companies licensed to provide insurance in the State of North Carolina. Renter shall provide certificates of insurance to the County as evidence of the required coverage at the time fees are due. Failure to provide the certificates of insurance will result in your event not being booked and could result in late fee assessment. \_\_\_\_\_ Initial Here
26. **Security:** For any event involving groups which are greater than 100 guests, or any event estimating 100 or more guests which is open to the public (regardless of actual size) shall be required to obtain law enforcement supervision at an additional cost. For current rate information, you should contact the Lincolnton Police Department or Lincoln County Sheriff's Office. \_\_\_\_\_ Initial Here



## **Hold Harmless Agreement**

Indemnity: Lessee (user), in using the Lessor's facilities, assumes full responsibility for any and all damages and/or claims arising from that use. Lessee specifically agrees to indemnify, release and hold harmless Lincoln County, its personnel, officers, agents, and other event staff from any and all claims that may arise from said use. This shall include, but not be limited to, responsibility for: personal injury, loss of life, theft, property damage, failure to perform, and tort issues. Lessee further agrees to be held liable for all costs and expense to Lincoln County, its personnel, officers, agents and other event staff that may be incurred in defending any and all claims of liability and/or damages arising from Lessee's use of Lincoln County facilities as permitted under North Carolina law.

_____ Lessee's (User's) Authorized Signature	_____ Date
_____ Lincoln County Authorized Signature	_____ Date
_____ Below to be completed by Lincoln County Authorized Representative	
Move-out must be completed by _____ am/pm on _____ Time Date	
Failure to comply with the move-out deadline stated above will result in the User's effects being declared <b>ABANDONED</b> . As a result they shall be disposed of by Lincoln County staff as they deem appropriate.	
_____ Acknowledged by User's Authorized Signature	_____ Date

**UPON MOTION** by Commissioner Permenter, the Board voted unanimously to approve the updated Auditorium Rental Agreement.

**Update from Register of Deeds:** Danny Hester, Register of Deeds, said that the Lincoln County Register of Deeds office will now be a Passport Agency Facility Office. Staff is currently in training to begin offering this service.

**Public Comments:** Chairman Mitchem opened Public Comments. Being no speakers, Chairman Mitchem closed Public Comments.

**Finance Officer's Report** - Deanna Rios presented the Finance Officer's Report.

**County Manager's Report:** Kelly Atkins informed the Board of the first Budget Work Session on January 10, 2020 at 9:30 a.m. and the joint meeting with the Board of Education on January 30, 2020 at 6:30 p.m. (at the Board of Education office).

**Closed Session:** **UPON MOTION** by Commissioner Sigmon, the Board voted unanimously to enter Closed Session Pursuant to NCGS 143.318.11(a)(3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged.

The Board returned to Open Session and Chairman Mitchem announced that no action was taken in Closed Session.

**Adjourn:** **UPON MOTION** by Commissioner McCall, the Board voted unanimously to adjourn the meeting.