

**MINUTES**  
**LINCOLN COUNTY BOARD OF COMMISSIONERS**  
**MONDAY, MAY 4, 2009**

The Lincoln County Board of County Commissioners met on May 4, 2009 at the Citizens Center, Commissioners Room, 115 West Main Street, Lincolnton, North Carolina, the regular place of meeting at 6:30 PM.

Commissioners Present:

Alex E. Patton, Chairman  
Bruce Carlton, Vice Chairman  
George Arena  
James A. Klein  
Carrol Mitchem

Planning Board Members Present:

Jerry Geymont, Chairman  
Louis McConnell, Vice-Chairman  
Tom Campbell  
Karl Dearnley  
Gary Garlow  
Keith Johnson  
James Mauney  
Jeff Frushtick

Others Present:

George A. Wood, County Manager  
Jeffrey A. Taylor, County Attorney  
Amy S. Atkins, Clerk to the Board  
Kelly Atkins, Planning and Inspections Director  
Randy Hawkins, Zoning Administrator  
Candi Cornwell, Assistant Zoning Administrator  
Randy Williams, Principal Planner  
Netta Anderson, Addressing  
Tim Daugherty, Sheriff  
Leon Harmon, Finance Director

**Call to Order:** Chairman Patton called the May 4, 2009 meeting of the Lincoln County Board of Commissioners to order.

**Invocation:** Chairman Patton gave the Invocation and led in the Pledge of Allegiance.

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

**UPON MOTION** by Commissioner Carlton, the Board voted unanimously to adopt the agenda as amended.

## **AGENDA**

### **LINCOLN COUNTY BOARD OF COMMISSIONERS**

**MAY 4, 2009**

- |    |         |   |
|----|---------|---|
|    | 6:30 PM | Call to Order   |
|    | 6:31 PM | Invocation – Commissioner Carlton   |
|    | 6:32 PM | Pledge of Allegiance  |
| 1. | 6:33 PM | Adoption of Agenda  |
| 2. | 6:35 PM | Consent Agenda <ul style="list-style-type: none"><li>- Approval of Minutes<ul style="list-style-type: none"><li>- April 6, 2009</li><li>- April 20, 2009</li></ul></li><li>- Tax Requests for Refunds<ul style="list-style-type: none"><li>- More than \$100 – March 31 – April 5, 2009</li></ul></li><li>- Tax Requests for Releases<ul style="list-style-type: none"><li>- More than \$100 – March 16 – April 15, 2009</li></ul></li><li>- Budget Adjustments 79 &amp; 88</li><li>- Older Americans Month Proclamation</li><li>- N321 Volunteer Fire Department – Request for Surplus Vehicle</li></ul> |
| 3. | 6:40 PM | Zoning Public Hearings – Randy Hawkins<br><br><u>ZMA #572 Bobby Thomas, applicant</u> (Parcel ID# 29698 and 29699) A request to rezone 3.4 acres from R-SF (Residential Single-Family) to B-N (Neighborhood Business). The property is located on the west side of Hwy. 16 about 600 feet south of McIntosh Road in Catawba Springs Township in Catawba Springs Township.   |
| 4. | 7:00 PM | Public Hearing – Economic Incentive Grant for Existing Industry – Crystal Gettys  |
| 5. | 7:10 PM | Public Comments   |
| 6. | 7:25 PM | Presentation on the FY 2010 Budget and Capital Improvements Program for the Board of Education – Dr. David Martin, Superintendent   |

7. 7:40 PM Presentation by Sheriff Tim Daugherty on building a substation as part of the Howards Creek VFD station, in lieu of the current rented office space
8. 7:55 PM Motion to approve the First Amendment to 88x Lincoln County Regional Transit Service Contract Between the City of Charlotte and Lincoln County – Ron Rombs, Larry Kopf and Andrew Bryant
9. 8:05 PM Request to accept Health and Wellness Grant and Grant Positions – Maggie Dollar
10. 8:15 PM Professional Engineering Services – Finger Mill Road Utility Relocation – Barry McKinnon
11. 8:25 PM Contract for Professional Engineering Services – Amity Church Road Waterline Extension – Barry McKinnon
12. 8:35 PM Lincoln County NC Hwy 73 and Airport Road Waterline Extension Pay Estimate Six – Ronny Turner Construction Co. Inc. – Barry McKinnon
13. 8:45 PM Motion to approve the easement for a sign for the Lincoln Charter School on NC 16 property owned by Lincoln County
14. 8:55 PM Motion to set the dates and times for FY 2010 Budget Work Session in the Week of May 26 – 29
15. 9:05 PM Other Business

Adjourn

**Consent Agenda:** UPON MOTION by Commissioner Arena, the Board voted unanimously to approve the Consent Agenda. Chairman Patton read the Older Americans Month Proclamation.

- Approval of Minutes
  - April 6, 2009
  - April 20, 2009
- Tax Requests for Refunds
  - More than \$100 – March 31 – April 5, 2009

LINCOLN COUNTY TAX DEPARTMENT  
ANNUALS

**REQUEST FOR REFUNDS**

PERIOD COVERED (March 31, 2009-April 5, 2009)

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

NAME	YEAR	DIST	A/C#	AMOUNT
Timken Company	2008	BCFD	26149	22,641.37

**TOTAL \$ 22,641.37**

NAME	YEAR	A/C NO	AMOUNT
Bryant, Bryant Keith	2003	0074294	\$117.55
Carter, Rose Hunter	1999-2008	11669	\$243.56
Dunn, Darryl Ray	2005-2008	0074530	\$652.43
Phinix, Betty	1999-2008	20099	\$347.99
	<b>TOTAL</b>		<b>\$1,361.53</b>

NAME	YEAR	A/C NO	AMOUNT
Bumgarner, Tara Lynn	2008	0205582	\$109.75
Farnsworth, Gary Michael	2008	0218235	\$432.23
Hancock, Mary Hancock	2008	0218167	\$162.84
Lawing, Mark Douglas	2008	0119516	\$175.92
Motorsports Memories	2008	0158406	\$179.70
Musum, Craig Mitchell	2008	0209780	\$107.24
Nissan Infiniti Lt	2007	0166655	\$124.04
Perkins, Electric Company	2008	0142505	\$112.35
Phillips, Hassell Clayton	2008	0217880	\$162.38
Poovey, Glenn Edward	2008	0218536	\$228.83
Sailors, Lori Stamey	2008	0198301	\$168.94
Spencer, Amanda Janet	2008	0217957	\$162.50
Springhill Corp.	2008	0146348	\$191.92
	<b>TOTAL</b>		<b>\$2,318.64</b>

- Tax Requests for Releases
  - More than \$100 –March 16 – April 15, 2009
- Budget Adjustments 79 & 88
  - No. 79: To increase revenues/expenditures for additional supplemental EMPG Grant
  - No. 88: To account for memorials for Judy Browne, donated for fireplace construction at Beatty's Ford Park by Peter Browne
- Older Americans Month Proclamation
- N321 Volunteer Fire Department – Request for Surplus Vehicle

**New Business/Advertised Public Hearings:**

Chairman Patton announced that this was the date, Monday, May 4, 2009, and the time, 6:30 PM, which was advertised in the *Lincoln Times-News*.

## NOTICE OF PUBLIC HEARINGS

The Lincoln County Board of Commissioners and Planning Board will hold a joint meeting and public hearing on Monday, April 6, 2009, at 6:30 p.m. to consider the following matter:

**Zoning Map Amendment No. 572 – Bobby Thomas, applicant:** Randy Hawkins presented the following information concerning Zoning Map Amendment No. 572.

The applicant is requesting the rezoning of 3.4 acres from R-SF (Residential Single-Family) to B-N (Neighborhood Business). The request involves two adjoining parcels.

This property is located on the west side of Hwy. 16 about 600 feet south of McIntosh Road. It is adjoined by property zoned B-N, R-SF and R-T (Transitional Residential). Land uses in this area are a mixture of business and residential. This property is located in an area classified by the Lincoln County Land Use Plan as Neighborhood Business, suitable for small-scale retail and service establishments.

Commissioner Klein asked why the Board would change the designation in anticipation of a sale. He asked if the Board shouldn't wait for the proposed sale to see what the owner wants to do.

Randy Hawkins stated that waiting for the sale puts the property owner in a difficult position, trying to market a piece of property as commercial that is zoned residential. Since there are businesses in the area and since the Land Use Plan designates this as Neighborhood Business, staff did not recommend a conditional zoning.

Chairman Patton opened the public hearing concerning Conditional Zoning Map Amendment No. 572 – Bobby Thomas, applicant.

Billy Anderson, 6440 McIntosh Road, stated that he would like to know what kind of development is going in, if it will be low-income or something that will help improve the neighborhood.

Randy Hawkins stated that he does not know what the development will be, but it will have to comply with zoning standards and will be a commercial project, not residential.

Pauline Connor, 6444 McIntosh Road, stated that she does not really know about zoning. She said she would like to know what type of commercial buildings would be put there and would like to see something that will improve the neighborhood.

Commissioner Carlton stated that when the zoning change takes place and the applicant comes back, it has to be a nice, landscaped building. If anything, he believes it will enhance the neighborhood.

Evette Dillard, 6410 McIntosh Road, asked if this would only include only the 3.4 acres or if the applicant will buy more property.

Bob Thomas, executor of the estate of Minerva S. Thomas, stated that when this was put on the market, there was the question of it being commercial property. He said they want to be able to have the flexibility to sell the property either way. He said they want this to be a very nice situation for the entire community.

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

The Planning Board recessed their meeting on the 2<sup>nd</sup> floor balcony.

**Public Hearing – Economic Incentive Grant for Existing Industry – Crystal Gettys:**

Crystal Gettys stated that this Incentive Grant is for The Timken Company and is an equipment and machinery expansion they have planned. Installment will be by December of 2009. Within 2 years of the date of this agreement, Timken will make an investment of that equipment and machinery of four million dollars, 2.8 million of that will qualify for incentives. Within 2 years of the date of this agreement, Timken will rehire at least 20 jobs, with an average hourly wage of \$15 per hour. If approved, the County will provide cash grants to Timken of \$10,374 per year for a five year period.

Chairman Patton opened the public hearing concerning the Public Hearing for the Public Hearing for an Economic Incentive Grant for The Timken Company.

Being no one wishing to speak, Chairman Patton declared the public hearing closed.

**UPON MOTION** by Commissioner Carlton, the Board voted unanimously to approve the Economic Incentive Grant for The Timken Company.

**RESOLUTION TO ADOPT ECONOMIC INCENTIVE  
GRANT AGREEMENT WITH THE TIMKEN COMPANY**

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

WHEREAS, The Timken Company, has developed plans for additional manufacturing equipment capabilities in Lincoln County; and

WHEREAS, the Board of Commissioners wishes to encourage such development by means of offering incentives to aid in such efforts;

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED AS FOLLOWS:

1. The Lincoln County Board of Commissioners hereby approves the Lincoln County Incentive Grant Agreement (attached hereto as Exhibit A and incorporated herein by reference) among Lincoln County, and The Timken Company.
2. The Chairman of the Board of Commissioners and the Clerk to the Board are hereby authorized to sign all necessary documents on behalf of Lincoln County in order to effectuate this transaction.
3. This resolution shall become effective upon adoption.

This 4<sup>th</sup> day of May, 2009.

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Alex E. Patton, Chairman  
Lincoln County Board of Commissioners

ATTEST:

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Amy S. Atkins, Clerk to the Board

### **LINCOLN COUNTY INCENTIVE GRANT AGREEMENT**

NORTH CAROLINA

LINCOLN COUNTY

THIS AGREEMENT is made and entered into as of the 4th day of May 2009, by and between LINCOLN COUNTY, a body corporate and politic (hereinafter referred to as "the County"), and The Timken Company, an Ohio corporation (hereinafter referred to as "Timken").

WITNESSETH:

WHEREAS, The Timken Company has developed plans for installation of manufacturing equipment in Lincoln County, North Carolina; and

WHEREAS, the Board of Commissioners of Lincoln County verily believes that the location of new industries and the expansion of existing industries is vital to the economic health of Lincoln County and to the welfare of its citizens; and

WHEREAS, the Board of Commissioners wishes to encourage such development by means of offering incentives to recruit new industries and to aid in expansion of existing industries; and

WHEREAS, such incentives are predicated on the notion of expanding Lincoln County's tax base and providing additional jobs for Lincoln County's citizens that pay wages higher than the current prevailing average hourly wage in the particular industry; and

WHEREAS, the Board of Commissioners has determined that it is appropriate and in the best interests of Lincoln County and its citizens to offer incentives in the form of both cash grants and assistance with making public services available; and

WHEREAS, the Board of Commissioners believes that it is appropriate and reasonable to expect Timken to bind itself to the County to produce certain results in conjunction with the project described herein as conditions of the incentives being offered by the County;

NOW, THEREFORE, for and in consideration of the mutual promises and covenants herein set forth, the parties hereby agree as follows:

1. On or before December 2009, Timken shall begin installation of manufacturing equipment in Lincoln County, North Carolina.
2. Within two years of the date of this agreement, Timken shall make an investment upon such site in machinery and equipment of \$4,000,000, of which \$2,800,000 will qualify for incentives under the Lincoln County Industrial Incentive Grant Policy.
3. Within two years of the date of this agreement, Timken shall rehire at such site at least 20 jobs.
4. In consideration of the performance of the aforesaid obligations by Timken, the County will provide cash grants to Timken of \$10,374.00 per year for a five-year period. Lincoln County will pay such grants beginning in the tax year after the project's completion. Grants will be paid to Timken within 30 days after Timken has made its tax payment for the then-current year and has notified Lincoln Economic Development Association of the payment. This amount represents a Level I grant under the Lincoln County Industrial Development Incentive Grant Policy for New and Existing Industries.
5. In the event that the value of the investment actually made by Timken pursuant to this agreement is greater or less than the aforementioned contract amount, the incentive grants to be provided hereunder will be adjusted upward or downward on a pro-rata basis.
6. Timken specifically agrees that in the event that all or any portion of this agreement or any incentive grant or payment to be made hereunder is declared to be unconstitutional, illegal, or otherwise enjoined by a court of competent jurisdiction, Timken shall indemnify and hold harmless Lincoln County and its Board of Commissioners, individually and collectively, from any loss or liability and shall reimburse Lincoln County by the amount of any such grant or payment.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals as of the day and year first above written.



The Timken Company

By: \_\_\_\_\_  
President

ATTEST:

\_\_\_\_\_  
Secretary

LINCOLN COUNTY

By: \_\_\_\_\_  
Alex E. Patton, Chairman  
Board of Commissioners

ATTEST:

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

NORTH CAROLINA  
LINCOLN COUNTY

This the \_\_\_\_ day of \_\_\_\_\_, 2009, personally came before me \_\_\_\_\_ and acknowledged that he/she is Secretary of Timken, an Ohio corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its President, sealed with its corporate seal, and attested by him/her as its Secretary.

Witness my hand and official stamp or seal, this \_\_\_\_ day of \_\_\_\_\_, 2009.

My Commission Expires: \_\_\_\_\_  
Notary Public

NORTH CAROLINA  
LINCOLN COUNTY

This the \_\_\_\_ day of \_\_\_\_\_, 2009, personally came before me Amy S. Atkins, Clerk to the Board of Commissioners of Lincoln County, North Carolina, who being by me duly sworn says that she knows the common seal of the County of Lincoln, North Carolina and is acquainted with Thomas R. Anderson, who is the Chairman of the Board of Commissioners of Lincoln County, North Carolina, and that she, the said Amy S. Atkins, is the Clerk to the Board of Commissioners of Lincoln County, North Carolina, and saw the Chairman of the Board of Commissioners of Lincoln County, North Carolina, sign the foregoing instrument and affix said seal to said instrument and that she, the said Amy S. Atkins, signed her name in attestation of said

instrument in the presence of said Chairman of the Board of Commissioners of Lincoln County, North Carolina.

My Commission Expires:\_\_\_\_\_

\_\_\_\_\_  
Notary Public

**Public Comments:** Chairman Patton advised that this was the time the Board of Commissioners would receive comments from the citizens regarding any matter they desired to address.

Bill Beam, spoke on behalf of retirees, saying they were promised insurance coverage would be paid for life. He commented on the money Marc III is being paid.

Justin Frye spoke concerning the increase in insurance costs, decrease in coverage, and the furlough days.

Erin Long spoke concerning insurance costs and asked if other insurance companies have been looked at.

Lee Caskey said he was promised insurance and good benefits, but has never made a lot of money. He said we will lose experienced officers due to the furloughs and insurance.

Sheila Styles said she works in the Detention Center and has a problem with the health insurance. She asked the Board not to give any more furlough days and to help with the health insurance.

Clayton Mullis spoke concerning the School Board's budget. He said some issues have been brought to his attention with a supplement increase of \$33,000 for the Superintendent in addition to the \$130,000 he already makes. He said it is a tough time for many in Lincoln County and understands that there is a contract, but it is time that things change. He said the money should be put in classrooms instead of given to top administrators.

Karen Canipe said her husband has been an officer for 18 years now. She said insurance is very important to them and the furlough days are hurting those employees close to retirement age.

Being no other speakers, Chairman Patton declared public comments closed.

**Presentation on the FY 2010 Budget and Capital Improvements Program for the Board of Education – Dr. David Martin, Superintendent:** Dr. Martin presented the budget for the Board of Education. He said this is not a complete budget, it is one that represents a request for local funds for next year due to the state instability of funding, they are requesting that their state budget not be presented until finalized since it affects personnel decisions. He said it is their sincere hope that as the state budget is approved, there can be a joint meeting between the boards.

Dr. Martin said that on Friday, May 1, Lincoln County Schools was notified by the Department of Public Instruction to revert an additional \$342,790 from non-instructional support allotments. This is in addition to a reversion of state funds in January 2009 of \$484,946. This latest reversion was to ensure that state payroll could be met until the end of the current fiscal year.

Beginning in January of 2009, the state of the economy for North Carolina and the nation has been challenging and in constant flux. Initially, the Department of Instruction notified Lincoln County Schools to prepare a 2009-2010 budget with three percentage reductions of state funds; 3% or \$4,200,000; 5% or \$5,200,000; and 7% or \$7,000,000. The state encouraged school systems to use the 5% reduction of state funds in planning for the upcoming budget. Also, broad knowledge and information of Federal Stimulus funds and the possible impact to Lincoln County Schools was beginning to take shape. Certainly, during this time, school systems around the state began discussions about staff reductions. Lincoln County Schools made a conscious decision to be goal focused with the development of the budget. The first goal was to minimize the negative impact on direct or support services to individual classrooms and the second goal was to retain current positions/jobs at all levels of the school system. Thus, possible position reductions were being planned as the state funding continued to change in the political processes; however the school system has not notified any individual about their status with Lincoln County until the state budget is finalized.

Dr. Martin said that Lincoln County Schools will receive stimulus funds in Title I-A funds in the amount of \$1,398,000 over the next two years to save jobs and enhance services to the at-risk students. Lincoln County Schools will receive stimulus funds in IDEA, Part B in the amount of \$2,548,000. This is for services to children and youth with disabilities.

Dr. Martin stated that as the Governor prepared a budget, they were made aware that the Department of Public Instruction does not think they will have as many students next year as there are this year. All state dollars, particularly those linked to average daily membership, are linked directly to the number of students they serve each year.

There were six community meetings throughout Lincoln County to share information regarding the state budget crisis and the Governor's proposed budget. An email address, [www.budget@lincoln.k12.nc.us](mailto:www.budget@lincoln.k12.nc.us), was established for staff members and community members to ask the administrative staff about the development of the budget.

Because most state funds are received through ADM, the state has said we will have 11,984 students next year. That is how many students will be funded and is approximately 250 students less than we currently have. The kindergarten age for initial enrollment has moved from mid-October to the end of August. The Department of Instruction has said this may account for approximately 200 of these students.

Dr. Martin said we have to grow by 100 students by the end of October to get additional funding for students.

Dr. Martin presented budget figures with the Governor's budget. With the Senate budget, it is expected to increase class size by 2 students at every grade level. This would mean an additional reduction of 44 teachers. Dr. Martin presented a memo concerning reduction in force that has been given to the Board of Education. The Governor's budget has a reduction of 84.8 positions and the Senate side has 95 reductions. Federal stimulus dollars can be used for some of these, but have to be used appropriately. If stimulus money is used to fund positions, these employees will receive letters telling them that the funding for those positions has changed from local or state to federal stimulus dollars and this money will be here two years.

Dr. Martin said that during the budget crisis, an attitude of "we are all in this together" has permeated the preliminary discussion with the county administration and individually with County Commissioners. The collaboration and positive two-way communication has made a difficult economic and budget situation become manageable.

The budget being submitted to the County Commissioners reflects a spending plan similar to the 2008-2009 school year with the exception of a 2% return of funds requested from all county agencies and the school system during the third quarter of 2009. The request for the 2009-2010 school year is \$1,237,711 in Capital Outlay and \$16,369,729 in current expense for a total of \$17,607,440.

Commissioner Klein stated that last year there was a contingency and asked if there will be a similar one this year.

Mr. Wood stated that he is not sure that really applies this year. This year, they agreed up front to go with the existing rate.

Commissioner Arena praised Dr. Martin and Mr. Wood for working together on the budget and said the Board will work with the schools to get through this tough time.

Commissioner Klein stated that he attended one of the community meetings and commended Dr. Martin on getting the information out to the citizens.

Dr. Martin presented the Board with the 10-year Facility Needs Assessment. He said this is a planning document, not an indictment to have all these bond referendums or to put all these monies into a capital program. He said they look forward to sitting down with the Board going over the document.

Dr. Martin addressed the speaker that spoke during public comments. He said that a website was setup where anyone could write any question about the budget and one of the questions was about this \$34,000 bonus. He said that his base salary is funded by the state and he is not getting a \$34,000 bonus. He said there are things in his contract such as retirement costs, an annuity, and the bonuses that are there are related to whether he accomplishes his goals and whether the school systems accomplishes student achievement. The bonuses for student achievement has been suspended for teachers and superintendents. Dr. Martin stated that it is a \$5,000 bonus if he accomplishes his goals,

it's up to him whether he would accept it and during these economic times, he is leaning toward not accepting this.

Chairman Patton thanked Dr. Martin for the time he has invested working with Mr. Wood. He said he has heard nothing but good comments about these meetings and he appreciates the work and what he does for Lincoln County.

**Presentation by Sheriff Tim Daugherty on building a substation as part of the Howards Creek VFD station, in lieu of the current rented office space:** Sheriff Daugherty stated that he would like to locate his substation as part of the Howards Creek VFD Station, due to the fact that he is currently paying about \$500 per month for the facility they are in now. He said in the long term, this will save money and improve service.

George Wood stated that a USDA loan will be used to finance 100% of the costs of this facility. He said there is a possibility the county could put the EMS and Sheriff's building costs in with that loan, with an interlocal agreement between the county and Howard's Creek VFD for the county to pay their share each year.

**UPON MOTION** by Commissioner Carlton, the Board voted unanimously to approve the building of a substation as part of the Howards Creek VFD station, in lieu of the current rented office space.

**Motion to approve the First Amendment to 88x Lincoln County Regional Transit Service Contract Between the City of Charlotte and Lincoln County – Ron Rombs, Larry Kopf and Andrew Bryant:** Ron Rombs said ridership last year was 206 riders per day, which equates to about 100 cars off the road.

The Board discussed the ridership, fares, and non-attainment.

Commissioner Carlton stated that 101 people rode the bus, so the county is basically paying people \$750 to ride the bus. He said the Board is sitting here talking about schools not having teachers, county employees insurance and furlough days and he cannot see paying people \$750 to ride the bus. He said he is all for helping people out, but has a hard time spending this much money.

Commissioner Mitchem stated that county tax funds pay for this but it is not accessible for all citizens. He said he has a problem spending this much money while changing employees insurance and giving them furlough days.

Larry Kopf stated that the Board could cut the trips to three in the morning and three in the afternoon. This would take the price back to what it was this year, around \$52,000. He said this will involve a public hearing process.

**A MOTION** by Commissioner Mitchem to do away with the contract



**Professional Engineering Services – Finger Mill Road Utility Relocation:** Barry McKinnon stated that this is an agreement that was before the Board previously. Commissioner Arena had asked for some contract changes, which W.K. Dickson agreed to.

Mr. McKinnon stated that this contract is a design to relocate the water and sewer lines at the North Lincoln Industrial Park.

**UPON MOTION** by Commissioner Carlton, the Board voted unanimously to approve the Contract for Professional Engineering Services.

**Professional Engineering Services – Amity Church Road Waterline Extension:** Barry McKinnon stated that the past year, the county put in a 16" waterline from the City of Lincolnton, Hwy. 27, out Hwy. 73 to East Lincoln Middle School. There have been two line breaks since because of some issues. There are concerns about problems retaining disinfection residual there. This would allow a 12" line to tie and create a loop. This would also create a backup.

Mr. Wood stated that the original plan was to finish the Hwy 73 waterline from East Lincoln Middle School over to East Lincoln High School in the coming fiscal year. This requires a water tank, a booster pump, and a 16" line. This is a 12" line for a much shorter distance without the tank or booster pumps and is probably a \$600,000 project. The cost for the other is about \$4 million. Mr. Wood said given the financial situation, this is a much cheaper alternative. This project would be put ahead of the \$4 million project.

Mr. Wood reiterated that they are continuing with the design for the Hwy 73 waterline so it will be done and permits will be in place, so when the economy turns around, this will be ready to go.

**UPON MOTION** by Commissioner Carlton, the Board voted unanimously to approve the Contract for Professional Engineering Services for Amity Church Road Waterline Extension.

**Lincoln County NC Hwy 73 and Airport Road Waterline Extension Pay Estimate 6:** Barry McKinnon stated that this is a summary change order credit for \$37,214.40 adjusting the final contract sum to actual units installed and the adding the cost of a pressure reducing valve/manhole added at the Lincoln County Middle School.

**UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to approve Lincoln County NC Hwy 73 and Airport Road Waterline Extension Pay Estimate 6.

**Motion to Approve the Easement for a Sign for the Lincoln Charter School on NC 16 Property Owned by Lincoln County:** Jeff Taylor presented the Easement for a Sign for the Lincoln Charter School on NC 16 property owned by Lincoln County. He said

this sign will be out of the 10'x70' site triangle, it will be 50' off center of Hwy 16, and will be 30' off center of Galway Lane.

**UPON MOTION** by Commissioner Klein, the Board voted unanimously to approve the Easement for a sign for the Lincoln Charter School on NC 16.

**Motion to set the dates and times for FY 2010 Budget Work Session in the Week of May 26 – 29:** The Board set the budget work session for Tuesday, May 26 at 3:00 p.m.

Mr. Wood announced that the budget public hearing will be June 1 and the vote on the budget will be June 15.

Mr. Wood stated that the rumor going around is that there will be additional furloughs in the next fiscal year. He said that there are no plans for furlough days for next year. He said the furloughs for this year were to get through the shortfalls in the revenues. The budget for next year takes those reduced revenues into account on the front end. He said he will report this at the staff meeting Wednesday morning.

Commissioner Mitchem asked if it is true that employees have not received a cost of living increase in three years. Mr. Wood stated that there have not been COLA's because a new pay plan was implemented and many employees got raises with this.

Chairman Patton stated that Mr. Wood presented the Board with insurance rate information for the past 10 years. He asked Mr. Wood to distribute this to the press.

Chairman Patton called for a five minute recess.  
Chairman Patton called the meeting back to order.

**Other Business:** The Board resumed the meeting with the Planning Board and Chairman Patton said the Board needs to come to some consensus on where we are going and what we are doing with the UDO.

Chairman Patton stated that he thinks by July 15, we need to have a base UDO document that can be applied to any parcel of land in Lincoln County. If we want tighter restrictions in a particular area, that is a totally separate issue than what we need to get done by July 15. We need that basic document where if somebody wants to build in Lincoln County, they have a document they can go by and nobody is in limbo. We don't need an overlay on July 15 for Highway 16, we need a document we can move forward with.

Jerry Geymont gave a summary of what was done tonight. He said they continued working in section 3 and have homework assignments of 1, 2, 6 through 12. They are planning on meeting May 18, June 1, 15, and 29 to provide the Board with a base document by July 15. He said he does not think public forums will be able to be held by July 15. He said they feel they can accomplish the UDO and have it presented back to the Board by July 15.



Chairman Patton said if they are taking the UDO, pulling out the extremes and getting it back to our in-line zoning, he's not sure there will need to be public forums. He said public forums will need to be when the overlays are set.

Jerry Geymont stated that the Planning Board's collective opinion is why create a problem when they can solve it. If they don't allow vocal input back into this, they are creating problems for us and down the road. This will help people understand and we need to let them have a voice.

Commissioner Arena stated that staff is continuing to hold meetings with different organizations throughout this process so they are getting organized input.

Jerry Geymont stated that this is getting organized input but not individual.

Commissioner Klein asked Mr. Geymont if they cannot have public forums by July, what they are recommending. He asked if the Planning Board is recommending public forums or not.

Jerry Geymont stated that they are recommending public forums after the Board has the document, with a final approval at the August meeting. He said that along with the Planning Board, it's better to have the input and everybody on one side.

Chairman Patton stated that his hope is when it's done, it is not going to be that much different from the current zoning ordinance.

Mr. Geymont said it will be different.

Commissioner Arena stated that it will be less than what was previously approved by the previous Board of Commissioners. He said this has gone through all the public information sessions, the public hearing on the overlays, so a number of public meetings have been held. He said that the way to do something would be to have another public hearing that night.

Mr. Wood stated that legally there is a need for one public hearing.

Commissioner Arena stated that if there are major changes a public hearing needs to be held, if things are less restrictive, there does not need to be one.

Mr. Taylor stated that there is an adopted ordinance and would require a public hearing.

Commissioner Klein stated that by July 15, the public will not have a document to look at.

Commissioner Mitchem asked what the hurry and push is. He said the Planning Board is trying to do their job and come back with what is right.

Commissioner Arena said there are developers waiting for projects.

Chairman Patton asked if it was the consensus of the Board to have a base UDO on July 15, have a public hearing, and based on public input, take it from there.

Commissioner Klein stated that he was ready to go March 31, however, and is still ready to go. He said he's not even sure what will come back, but he's pretty much ready to go. He said it doesn't seem fair to him to the public to have a public hearing on the night you get a document. He said from the audience's perspective, you cannot walk in here and say you cannot comment because you had nothing to read.

Chairman Patton stated that he hopes staff will give a good presentation that night on the changes from our current zoning to what will be in the UDO.

Keith Johnson stated that perception will be that the Board got a document that night, a hearing is held, it is approved and nobody has had a chance to look at it.

Commissioner Mitchem stated that this cuts out the people's input and that is bad business to do the people of Lincoln County like that.

Commissioner Arena stated that this is why they have July 1 as the actual date.

Chairman Patton stated that most people do go on vacation during July and the Board does not meet the first Monday in July, there is only one meeting that month.

Commissioner Mitchem made a motion that the Planning Board not bring anything back to the Commissioners until the first meeting in August.

Chairman Patton stated that the issue is allowing the public to see what is brought back. He said this could be brought back on July 15 and implement it the first meeting in August.

Commissioner Klein stated that if we hold to the 15<sup>th</sup>, there can be some tentative dates between then and the first meeting in August hold the public hearing and pass it.

Kelly Atkins, Director of Building and Land Development, stated that if staff can have from July 15 to the first meeting in August, they can conduct two or three public forums across the county. The public hearing can be held at the first meeting in August. The Planning Board will bring this back on July 15, public forums can be held, and the public hearing will be August 3 with the vote that night.

Chairman Patton stated that the UDO will be presented on July 15, there will be public forums throughout July, and the public hearing will be the first meeting in August with a vote that night.

Commissioner Carlton stated that he will not be there for the August 3 meeting.

Commissioner Arena asked staff if there is any issue that needs to be resolved on overlays.

Kelly Atkins stated that he does not know the timeline for overlays.

George Wood stated that once it is decided what is coming out of the base document, some of those elements will be in the overlay. Once we have that, it will be easier to determine what to put in the overlay and how big they should be.

Chairman Patton stated that his concern is that if staff and the Planning Board are working on overlays and the UDO, it won't all get done. He said he'd rather have staff and the Planning Board give 100% to the UDO.

Commissioner Arena asked if it helps if the Board defines the area or if staff would rather come back with a process and recommended area.

Kelly Atkins stated that he would love to hear thoughts on the four areas shown tonight.

Commissioner Carlton stated that Verdict Ridge needs to be shaded in #3.  
George Wood stated that the 150/new Hwy 16 area also needs to be added.

Gary Garlow stated that he would like for the Planning Board to complete the UDO by the end of June and then immediately study the area and make a recommendation to the Commissioners.

Mr. Wood stated that when this comes to the Board by July 15, it needs to be in Ordinance form.

Commissioner Mitchem stated that at the March 16 meeting, he made a motion to instruct the Planning Board to delete the 2.5 on the overlay district off the table and do away with the current overlay districts as written and the Board voted unanimously to do that. He asked when the Board decided to do overlays.

Commissioner Arena stated that March 9 was when the Board voted on overlays.

Mr. Wood stated that on March 16, on page 8, he recommended doing away with the highway overlay districts that had been proposed county wide and go with specific highway overlay districts for specific segments. He said when the Planning Board comes back with the amendment on July 16, those existing highway overlay districts will not be in there.

Mr. Wood stated that the Board is going to put the UDO in place with a new effective date at the meeting in August, which will be by Ordinance. At that point, there will be nothing in the UDO about overlay districts since those three are gone. The Planning

Board will come back at a later date with the overlay districts, text amendments, and a map of where these should be placed. This will be a text amendment and map amendment. Section 2.5 will be marked reserved.

Chairman Patton thanked the Planning Board for their service to Lincoln County.

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

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Amy S. Atkins, Clerk  
Board of Commissioners

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Alex Patton, Chairman  
Board of Commissioners