

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, AUGUST 2, 2010

The Lincoln County Board of County Commissioners met on August 2, 2010 at the Citizens Center, Board of Commissioners Room, 115 West Main Street, Lincolnton, North Carolina at 6:30 PM.

Commissioners Present:

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

Planning Board Members Present:

Gary Garlow, Vice-Chairman
Cathy Davis
John Anderson
Keith Johnson
Shelly Johnston
Dr. Richard Pence
Christine Poinsette

Others Present:

George A. Wood, County Manager
Martha W. Lide, Assistant County Manager
Jeffrey A. Taylor, County Attorney
Amy S. Atkins, Clerk to the Board
Kelly Atkins, Planning and Inspections Director
Randy Hawkins, Zoning Administrator
Andrew Bryant, Planner
Ron Rombs, EMS Director
Leon Harmon, Finance Director

Call to Order: Chairman Patton called the August 2, 2010 meeting of the Lincoln County Board of Commissioners to order.

Invocation: Commissioner Carlton gave the Invocation and led in the Pledge of Allegiance.

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

AGENDA

LINCOLN COUNTY BOARD OF COMMISSIONERS

AUGUST 2, 2010

- 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
- Approval of Minutes
 - June 21, 2010
 - July 12, 2010
 - July 19, 2010
 - FY 11 Family Caregiver Support Program Grant Contracts
 - Tax Requests for Refunds - More than \$100
 - June 21 - July 4, 2010
 - Tax Requests for Releases - More than \$100
 - June 16 - July 15, 2010
 - Waived fees
 - BPW - Miss Lincoln County Apple Queen Pageant
 - Sadie's Songs for Life
 - CMC-Lincoln
 - Sponsored Group Status
 - Gold Hill Missionary Baptist Church
 - Ordinance # 2010-09: An Ordinance Amending the FY 2011 Budget for the County of Lincoln, North Carolina
 - Allied Waste Grant Recommendations
3. 6:40 PM Zoning Public Hearings – Randy Hawkins
- CUP #297 - John Wayne Foster, Jr., applicant - Request for a conditional use permit to allow vehicle sales in the B-G (General Business) district. The 1.4-acre site is located at 7149 Campground Road, on the north side of Campground Road just east of Pine Ridge Drive, in Catawba Springs Township.
- ZMA #579 - Lincoln Economic Development Association, applicant - Request to rezone a 68-acre parcel from R-T (Transitional Residential) to I-G (General Industry). The property is located on the west side of Rufus Road and the east side of the new four-lane Hwy. 16 in the Catawba Springs Township.
- UDO Proposed Amendments #2010-1 Lincoln County Planning and Inspections Department, applicant A proposal to amend the Lincoln

County Unified Development Ordinance as follows:

- 1) Amend Section 2.1.3.D.2 to state that a conditional zoning district may specify that only one or some of the uses allowed (either on a permitted or a conditional basis) in the corresponding general zoning district are allowed in the conditional zoning district, and delete Section 2.1.3.D.3 to eliminate references to a conditional use permit and conditional use district.
- 2) Amend Section 2.2.1 to list "public safety facility" as a permitted use in all districts and amend Section 12.3.2 to include a definition for public safety facility.
- 3) Amend Section 3.4.10.B.1 to stipulate that no parking space shall be located more than 50 feet from a planting island located in the same row of spaces.
- 4) Amend Section 3.6.3.B.1 to state that the number of required off-road parking spaces designed for use by handicapped persons as prescribed by the North Carolina State Building Code shall be computed separately from the off-road parking requirements as otherwise contained in this section, and amend Section 3.6.3.C.1 to delete a dimensional requirement for handicapped spaces.
- 5) Amend Section 3.6.3.B.1 to change the minimum parking ratio for a place of worship, funeral home and crematorium to 1 space per 3 seats in the largest assembly room.
- 6) Amend Sections 3.10.3.B.2 and 3.10.3.C.2 to delete a stipulation that Limited Outdoor Storage and General Outdoor Storage may only be permitted following Board of Commissioners review of a major site plan.
- 7) Amend Section 12.3.2 to include a definition for "junked motor vehicle."

4. 7:15 PM Verdict Ridge Phase 5 Revision - Randy Hawkins
5. 7:25 PM Discussion of Possible Action on Planning Board Request on Priorities
6. 7:40 PM Public Comments
7. 7:55 PM Adoption of the "Indian Creek and Howard's Creek Local Watershed Management Plan" - Ron Carson and Hal Bryson with EEP
8. 8:10 PM Request for Ambulance Purchase Under Piggyback Bid and Resolution #2010-37: Resolution to Approve Purchase of Ambulances - Ron Rombs
9. 8:15 PM Health Department Personnel Reclassification - Martha Lide
10. 8:20 PM Resolution #2010-38: Resolution to Amend the Classification and Compensation Plan for Lincoln County and Personnel - Martha Lide
11. 8:25 PM Boundary Change for Lincoln Life Saving Crew Rescue District - Martha Lide
12. 8:30 PM Ordinance #2010-10: An Ordinance Approving an Agreement Granting a 90-day Extension of the Current Nonexclusive Construction & Demolition Debris Landfill Franchise t Lake Norman

- Landfill, LLC - George Wood
13. 8:35 PM Resolution #2010-39: A Resolution of the Board of Commissioners of the County of Lincoln, North Carolina, ("the issuer") Declaring its Intention to Reimburse Itself From the Proceeds of One or More and/or to be Made in Connection With the Acquisition, Construction, and Equipping of Certain Capital Improvements in the Airlie Industrial Park - George Wood
14. 8:40 PM Recommendation on Using In Rem Foreclosure Procedure and Motion to Approve Resolution #2010-40: A Resolution Authorizing the Use of In Rem Foreclosure in the Collection of Delinquent Property Taxes - George Wood
15. 8:45 PM Motion to Adopt the Policy of Increases for Training/Certification as Recommended by the County Manager - George Wood
16. 8:50 PM Other Business

Adjourn

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

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

- Approval of Minutes
 - June 21, 2010
 - July 12, 2010
 - July 19, 2010
- FY 11 Family Caregiver Support Program Grant Contracts
- Tax Requests for Refunds – More than \$100
 - June 21 – July 4, 2010
- Tax Requests for Releases – More than \$100
 - June 16 – July 15, 2010
- Waived Fees
 - BPW – Miss Lincoln County Apple Queen Pageant
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 - Gold Hill Missionary Baptist Church
- Ordinance #2010-09: An Ordinance Amending the FY 2011 Budget for the County of Lincoln, North Carolina

LINCOLN COUNTY TAX DEPARTMENT
MOTOR VEHICLES

REQUEST FOR REFUNDS

PERIOD COVERED (JUNE 21, 2010-JULY 4, 2010)

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

NAME	YEAR	DIST	A/C#	AMOUNT	REASON
Leasing Services, II Inc.	2009	CITY	0158363	119.50	Pro-Rated Bill
			TOTAL	\$119.50	

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

PERIOD COVERED
(June 16, 2010 - July 15, 2010)

NAME	YEAR	DIST	A/C NO	AMOUNT	REASON
Adams Homes AEC LLC	2010	ELFD/ELSD	0200011	\$1,315.77	Builders exemption approved for 2010.
Baxter, Jerry W	2010	NBFD	00344	\$283.50	Disabled Veteran exemption approved for 2010.
Beal, Macie	2010	N-321	0160716	\$2,063.27	Statue 105-296 (l) re-qualifications of elderly exemption.
Bell, Ted	2009-2010	ELFD/ELSD	0161902	\$247.41	US Bankruptcy Judge discharged personal property.
Brooks, Lois G	2010	SFFD	0090923	\$1,335.43	Statue 105-296 (l) re-qualifications of elderly exemption.
Brown, Michelle Ellis	2010	Union	0176397	\$233.49	Duplicating billing for Parcel 79913.
Burch, Madge P	2010	SFFD	07605	\$221.77	Elderly exemption approved for 2010.
Byrd, James Paul	2010	City	0152932	\$138.00	Removed (2) availability fees.
Chassis Specialty	2010	DFD/ELSD	0221077	\$376.34	Business personal property in Randolph County as of 1/1/10.
Crescent Resources	2010	DFD	24685	\$13,685.75	Real property (Parcel 56258) now listed in A/C 24813 for 2010.
Davis, Susan C	2010	NBFD	0146855	\$355.04	Statue 105-296 (l) re-qualifications of elderly exemption.
Downs, Ronald	2010	BCFD	05833	\$185.10	Duplicating billing for Parcel 76341.
Equilease Financial Services	2010	ALFD	0211922	\$401.31	Did not own business personal property as of 1/1/10.
Eurey, Estelle Life Estate	2010	Union	0159941	\$2,324.12	Statue 105-296 (l) re-qualifications of elderly exemption.
Goodson, James Daniel	2010	BCFD	13566	\$806.53	Elderly exemption approved for 2010.

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

PERIOD COVERED
(June 16, 2010 - July 15, 2010)

NAME	YEAR	DIST	A/C NO	AMOUNT	REASON
Holt, Steven Lamar II	2010	HCFD	0193113	\$873.80	Duplicating billing for Parcel 76099.
Howell, Jerry Dean	2010	Crouse	0129413	\$245.53	Elderly exemption approved for 2010.
Ingle, B L	2010	HCFD	03013	\$1,178.09	Statue 105-296 (I) re-qualifications of elderly exemption.
Johnson, Laurie	2010	ELFD/ELSD	0213842	\$154.12	Did not own personal property as of 1/1/10.
Kolb, Matthew T	2010	PCFD	0155390	\$243.19	Assessment adjustment of real property.
Medina, Paul	2010	ELFD/ELSD	0213857	\$102.63	Assessment adjustment of boat.
Owenby, Edward	2010	DFD/ELSD	19418	\$307.91	Disabled Veterans exemption approved for 2010.
Pendleton Eunice I Life Estate	2010	City	11415	\$3,506.13	Statue 105-296 (I) re-qualifications of elderly exemption.
Prather, Robert Chesley	2007-2010	Union	0145153	\$716.54	US Bankruptcy Judge discharged personal property.
Rankins, Fredrick	2010	Union	0208790	\$132.25	Did not owned personal property as of 1/1/10.
Rhyne, Johnathan L Jr.	2010	City	09227	\$276.00	Removed (4) availability fees.
Rock Fitness The DBA	2010	City	0223468	\$1,243.00	Duplicating billing on A/C 0225479.
Rudisill, Audrey M	2010	PCFD	0062005	\$2,132.52	Statue 105-296 (I) re-qualifications of elderly exemption.
Rudisill, Victor Mrs. Thelma	2010	City	09824	\$5,561.11	Statue 105-296 (I) re-qualifications of elderly exemption.
Smith, Douglas McArthur	2010	DFD	0146334	\$136.37	Did not owned personal property as of 1/1/10.

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

PERIOD COVERED
(June 16, 2010 - July 15, 2010)

NAME	YEAR	DIST	A/C NO	AMOUNT	REASON
Stilp, Bob H	2010	DFD	0137648	\$1,311.00	Removed (6) availability fees.
Temple Baptist Church of The	2010	City	0189764	\$556.64	Real property (Parcel 01180) now listed in A/C 14026 for 2010.
Todds Grading Corp.	2008-2010	ALFD	0211611	\$487.47	US Bankruptcy Judge discharged personal property.
United Methodist Agency For	2010	City	0191931	\$2,118.50	Real property (Parcel 00568) now listed in A/C 0226750.
Vinayak of Lincolnton LLC	2008	SFFD	0202126	\$517.00	Re-billed to A/C 0226714.
Walker, Mickey C	2010	City	0222997	\$942.63	Elderly exemption approved for 2010.
TOTAL				\$46,715.26	

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

PERIOD COVERED (June 16 2010-July 15 2010)

NAME	YEAR	DIST	A/C NO	AMOUNT	REASON
Anthony, Gail Warlick	2009	NBFD	0093986	\$106.40	Pro-rated bill.
Barnett, Robin Allen	2009	DFD/ELSD	0223781	\$138.02	Military exemption.
Bolick, Joseph Delee	2009	City	0223235	\$257.86	Vehicle taxable in Catawba County.
Bowers, Travis Christopher	2009	ELFD/ELSD	0222559	\$158.26	US Bankruptcy Judge discharged personal property.
Brooks, Joann Holloway	2010	N-321	0112687	\$212.32	Pro-rated bill.
Brown, Jesse Andrew	2009	DFD	0214470	\$201.56	Vehicle taxable in Catawba County.
Brown, Stephanie Anne	2009	DFD	0225680	\$160.22	Vehicle taxable in Catawba County.
Canady, Jeffrey Howard	2010	ALFD	0134393	\$199.17	Vehicle taxable in Gaston County.
Douglas, Cindy May	2009	BCFD	0216194	\$110.72	Pro-rated bill.
Gibson, Tammy Marie	2009	City	0222103	\$253.34	Vehicle taxable in Gaston County.
Hanks, Charles Benjamin IV	2004	NBFD	0166908	\$267.73	Vehicle taxable in Cleveland County.
Hefner, Kimberly Grace	2010	City	0226356	\$135.04	Vehicle taxable in Gaston County.
Hermann, James Howard	2010	BCFD	0111901	\$437.83	Vehicle sold prior to tag/tax year.
Holt, Steven Lamar II	2007	HCFD	0201020	\$188.07	US Bankruptcy Judge discharged personal property.
Hullett, Michael Gene	2009	City	0158721	\$154.90	Pro-rated bill.
Jordan, Marsha Hosey	2009	City	0116692	\$162.43	District correction.
Kelley, Patrick Randolph	2009	ELFD/ELSD	0116776	\$459.69	Pro-rated bill.
Kennedy, Max Henry	2009	DFD	0095280	\$133.21	Pro-rated bill.

NAME	YEAR	DIST	A/C NO	AMOUNT	REASON
Kurhansky, Norman	2007	ELFD/ELSD	0205544	\$104.81	Vehicle taxable in Union County.
Lincoln Avenue Baptist Ch	2010	City	33611	\$134.13	Total exempt property.
Lubetz, Jochen Christian	2010	ELFD/ELSD	0224466	\$103.86	Pro-rated bill.
Prather, Robert Chesley	2009	Union	0145148	\$102.66	US Bankruptcy Judge discharged personal property.
Seeburger, Stefanie T	2007	ELFD/ELSD	0204737	\$128.82	US Bankruptcy Judge discharged personal property.
Smith, Boyce Lee Jr	2009	City	0218410	\$114.25	Vehicle taxable in Catawba County.
Smith, Edgar W	2010	DFD/ELSD	0215929	\$100.99	Vehicle taxable in Alleghany County.
Soto Properties	2010	ALFD	0219887	\$127.52	Pro-rated bill.
Spicer, James Weldon	2009	City	0223173	\$128.14	Vehicle taxable in Catawba County.
Stubbs, Patricia Marie	2009	ELFD	0225830	\$137.47	Military exemption.
Todd's Grading Corp	2008	ALFD	0211611	\$236.32	US Bankruptcy Judge discharged personal property.
Watson, Kacie Denise	2009	N-321	0210339	\$161.84	Vehicle taxable in Caldwell County.
		TOTAL		\$5,317.58	

**ORDINANCE #2010-09: AN ORDINANCE AMENDING THE FY 2011 BUDGET
FOR THE COUNTY OF LINCOLN, NORTH CAROLINA**

THAT WHEREAS, the Lincoln County Board of Commissioners adopted the FY 2011 Budget by approving Ordinance #2010-05 on June 21, 2010; and

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

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

NOW THEREFORE BE IT ORDAINED AND ESTABLISHED by the Board of Commissioners of Lincoln County, North Carolina, that the FY 2011 Budget previously adopted is hereby amended as follows:

Section 1. That the budget adjustments attached hereto, and incorporated herein by reference as Exhibit A to Ordinance #2010-08, are hereby approved and adopted as amendments to the FY 2011 Budget.

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

Passed and adopted this 2nd day of August, 2010.

BY:

Alex E. Patton, Chairman
Lincoln County Board of Commissioners

ATTEST:

Amy S. Atkins
Clerk to the Board

EXHIBIT A to Ordinance #2010-08

Budget Adjustments numbered 3 through 8, inclusive, and budget adjustments numbered 10 through 13, inclusive.

On March 4, 2002, the Board of Commissioners approved to follow the State's Holiday Schedule for County employees. The Holiday Schedule shall not exceed 11 paid holidays per year except in those years in which Christmas Day falls on a Tuesday, Wednesday, or Thursday. The schedule shall not provide for more than 12 paid holidays. Listed below is the State's approved Holiday Schedule for 2011.

Holiday	Day of Week	Observance Day
New Year's Day	Friday	December 31, 2010
Dr. Martin Luther King, Jr. Day	Monday	January 17, 2011
Good Friday	Friday	April 22, 2011
Memorial Day	Monday	May 30, 2011
Independence Day	Monday	July 4, 2011
Labor Day	Monday	September 5, 2011
Veteran's Day	Friday	November 11, 2011
Thanksgiving	Thursday and Friday	November 24 and 25, 2011
Christmas	Monday and Tuesday	December 26 and 27, 2011

Allied Waste Grants

As you requested, the Allied Waste Grant Committee has agreed to redistribute the remaining \$1,000 of Catawba Springs Township's grant money as follows:

Catawba Springs Township:

Helping Hands Health Clinic Inc	\$ 250
Hesed House of Hope Inc	\$ 250
Hospice & Palliative Care LC	\$ 250
L C Coalition Against Child Abuse	<u>\$ 250</u>
	\$ 1,000

This award increases the total for each of these recipients to \$500. On behalf of Mr. Harry Huss, I am requesting the Board's approval of said funds.

Due to time constraints, the committee has determined to forego an awards luncheon this year and mail the checks to the recipients pending your final approval of this request.

New Business/Advertised Public Hearings: Chairman Patton announced that this was the date, Monday, August 2, 2010, and the time, 6:30 P.M., which was advertised in the Lincoln Times-News on July 23 and July 30.

NOTICE OF PUBLIC HEARINGS

The Lincoln County Board of Commissioners and Planning Board will hold a joint meeting and public hearings on Monday, August 2, 2010, at 6:30 p.m. to consider the following matters:

CUP #297 John Wayne Foster Jr., applicant (Parcel ID# 56941 and 56942) A request for a conditional use permit to allow vehicle sales in the B-G (General Business) district. The 1.4-acre site is located at 7149 Campground Road, on the north side of Campground Road just east of Pine Ridge Drive, in Catawba Springs Township.

ZMA #579 Lincoln Economic Development Association, applicant (Parcel ID# 56205) A request to rezone a 68-acre parcel from R-T (Transitional Residential) to I-G (General Industry). The property is located on the west side of Rufus Road and the east side of the new four-lane Hwy. 16 in Catawba Springs Township.

UDO Proposed Amendments #2010-1 Lincoln County Planning and Inspections Department, applicant A proposal to amend the Lincoln County Unified Development Ordinance as follows:

- 1) Amend Section 2.1.3.D.2 to state that a conditional zoning district may specify that only one or some of the uses allowed (either on a permitted or a conditional basis) in the corresponding general zoning district are allowed in the conditional zoning district, and delete Section 2.1.3.D.3 to eliminate references to a conditional use permit and conditional use district.
- 2) Amend Section 2.2.1 to list "public safety facility" as a permitted use in all districts and amend Section 12.3.2 to include a definition for public safety facility.
- 3) Amend Section 3.4.10.B.1 to stipulate that no parking space shall be located more than 50 feet from a planting island located in the same row of spaces.
- 4) Amend Section 3.6.3.B.1 to state that the number of required off-road parking spaces designed for use by handicapped persons as prescribed by the North Carolina State Building Code shall be computed separately from the off-road parking requirements as otherwise contained in this section, and amend Section 3.6.3.C.1 to delete a dimensional requirement for handicapped spaces.
- 5) Amend Section 3.6.3.B.1 to change the minimum parking ratio for a place of worship, funeral home and crematorium to 1 space per 3 seats in the largest assembly room.
- 6) Amend Sections 3.10.3.B.2 and 3.10.3.C.2 to delete a stipulation that Limited Outdoor Storage and General Outdoor Storage may only be permitted following Board of Commissioners review of a major site plan.
- 7) Amend Section 12.3.2 to include a definition for "junked motor vehicle."

Interested parties may appear at the public hearings, which will be held in the Commissioners Room on the third floor of the James W. Warren Citizens Center, 115 W. Main Street, Lincolnton, N.C. For more information, contact the Lincoln County Planning and Inspections Department at (704) 736-8440.

2T: July 23, July 30, 2010

Zoning Public Hearings – Randy Hawkins:

Conditional Use Permit No. 297 – John Wayne Foster, Jr., applicant: Randy Hawkins presented the following information concerning CUP 297.

The applicant is requesting a conditional use permit to allow vehicle sales in the B-G (General Business) district. Under the Unified Development District, vehicle sales are permitted in the B-G district only where approved by the Board of Commissioners through the issuance of a conditional use permit. A site plan is included as part of the application.

The proposed 1.4-acre site is located at 7149 Campground Road, on the north side of Campground Road just east of Pine Ridge Drive. It is adjoined by property zoned B-G and R-T (Transitional Residential). Land uses in this area include business and residential. The Lincoln County Land Use Plan designates this area as Neighborhood Business, appropriate for small-scale retail and service establishments.

Chairman Patton opened the public hearing concerning Conditional Use Permit No. 297 – John Wayne Foster, Jr., applicant.

Wayne Foster, 7428 Edgestone Lane, stated that he is a long time Lincoln County resident. He said is an auctioneer and has been running a family business selling vehicles in Catawba County. He said he would like to move his business to Lincoln County.

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

Zoning Map Amendment No. 579 – Lincoln Economic Development Association, applicant: Randy Hawkins presented the following information concerning ZMA 579.

The applicant is requesting the rezoning of a 68-acre parcel from R-T (Transitional Residential) to I-G (General Industrial). The owner of the property has authorized the applicant to apply for the rezoning. A public hearing on the same request by a different applicant was held in August 2009, but that request was tabled and later withdrawn.

This property is located on the west side of Rufus Road and the east side of the new four-lane Hwy. 16. It is also bordered by a railroad. It is adjoined by property zoned I-G and R-T. Land uses in this area include residential, recreational, institutional and governmental. (Optimist Convenience Site). Much of the land in this area is undeveloped. Public water and sewer service are available in this area. The Lincoln County Land Use Plan classifies this property as industrial, designated for future industrial/manufacturing and warehousing uses. This property and adjoining parcels are planned for development as a business/industrial park.

This request was up for a public hearing last August. A private company was the applicant then, Lincoln Economic Development Association is the applicant now. A few things have changed since the last application: now the county plans to build a road into the property from Optimist Club Road (last time the private company was talking about access from Rufus Road) and the county is participating in this project along with LEDA.

Commissioner Klein asked if there is any access planned to Rufus Road. Mr. Hawkins stated that eventually that road off Optimist Club Road would connect to Rufus Road and possibly in the future there would be a connection to the Old 16. DOT has said the primary access to the Industrial Park cannot be Rufus Road without major improvements.

Commissioner Carlton asked about the proposal to extend the road to Old 16.

Mr. Hawkins stated that in the Land Use Plan, it calls for connection eventually from Rufus Road to Old 16 through some other undeveloped property that may or may not develop in the future. He said the primary entrance to the industrial park will be Optimist Club Road.

Chairman Patton opened the public hearing concerning Zoning Map Amendment No. 579 – Lincoln Economic Development Association, applicant.

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

UDO Proposed Amendments #2010-1 – Lincoln County Planning and Inspections Department, applicant: Randy Hawkins presented the following information concerning UDO Proposed Amendments #2010-1.

PROPOSED AMENDMENTS

- 1) Amend Section 2.1.3.D.2 to state that a conditional zoning district may specify that only one or some of the uses allowed (either on a permitted or a conditional basis) in the corresponding general zoning district are allowed in the conditional zoning district, and delete Section 2.1.3.D.3 to eliminate references to a conditional use permit and conditional use district.
- 2) Amend Section 2.2.1 to list “public safety facility” as a permitted use in all districts and amend Section 12.3.2 to include a definition for public safety facility.
- 3) Amend Section 3.4.10.B.1 to stipulate that no parking space shall be located more than 50 feet from a planting island located in the same row of spaces.
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- 6) Amend Sections 3.10.3.B.2 and 3.10.3.C.2 to delete a stipulation that Limited Outdoor Storage and General Outdoor Storage may only be permitted following Board of Commissioners review of a major site plan.
- 7) Amend Section 12.3.2 to include a definition for “junked motor vehicle.”

ADDITIONAL INFORMATION

These proposed amendments are recommended by staff as clarifications,

revisions and additions to address issues that have been come up since the UDO went into effect on August 31, 2009.

For example, Proposed Amendment No. 2 stems from pending plans by Howards Creek Volunteer Fire Department to build a new fire station. The proposed facility, which will include a station for Lincoln County EMS and a satellite sheriff's office, will be owned by the fire department, a private nonprofit organization. The use table in the UDO currently has no classification that fits this type of facility.

Proposed Amendment No. 3 addresses another omission. Section 4.6.5 of the UDO prohibits the storage of any junked motor vehicle on a residential lot unless it's screened from view from a public road, but "junked motor vehicle" is not defined. This proposed amendment would add the definition that was used in the old Zoning Ordinance, which comes from state law.

Chairman Patton opened the public hearing concerning UDO Proposed Amendments #2010-1 – Lincoln County Planning and Inspections, applicant.

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

Verdict Ridge Phase 5 Revision – Randy Hawkins: Randy Hawkins presented the following information concerning Verdict Ridge Phase 5 Revision.

In July 1997, the Board of Commissioners approved a parallel conditional use rezoning (PCUR #41) to permit the development of the Verdict Ridge golf course community off Kidville Road and St. James Church Road. The concept plan for the 525-acre development called for 500-plus homes, including some condominiums or patio homes.

One of the conditions of the conditional use permit is that the plans for each phase be reviewed and approved by the Board of Commissioners. Phases 3-7 and a revision of Phase 2 were approved by the board in December 2005.

Developer Eddie Knox is now requesting approval for a revision of Phase 5. The plan that was approved in 2005 called for 37 lots similar in size to most of the lots in the development. The revised plan, which is included with this report, calls for 24 regular lots and 27 patio home lots. These are smaller lots for singlefamily

homes, with yard maintenance provided through an association fee. Patio home lots were previously approved as part of Phase 2.

Attached to this report is a zoning map showing the currently platted lots in Verdict Ridge. Phase 5 will be located in the northwestern portion of the development on a new street that will branch off from Verdict Ridge Drive about 700 feet south of Kidville Road.

The zoning map shows that 352 lots have been recorded so far in Verdict Ridge and that 273 lots have homes on them.

With the proposed revision, the master plan would call for a total of 473 lots. However, the total number of homes at full build-out is projected to be around

Discussion of Possible Action on Planning Board Request on Priorities: Gary Garlow, Vice Chair of the Planning Board offered an apology for asking to change priorities this late in the year. He said the Planning Board intends to work on priorities in October and forward them to the BOC in advance of the Commissioners work sessions with staff.

He said during the work sessions the Planning Board has had, what kept coming up was the need to move forward with the small area plans on Highway 16 so they don't miss an opportunity to turn things around on Old Hwy. 16. During discussions with staff, they indicated they have a full plate. The Planning Board requested the priorities adopted by the Commission. The Planning Board went over those and asked that the intersection of 16 and 73 be added to that priority due to the fact that there is still a considerable amount of vacant land. There is an adopted plan by the DOT and Lincoln County on a circular road that should go in there. He said it is imperative that this road be laid out in a small area plan and those right of ways captured before development prevents it.

He said there was an informal meeting with Commissioner Arena, staff, Mr. Wood, and 2 Planning Board members to look at what could be done to balance the priorities. The suggestion came out of that meeting that the NC 150/16 small area plan be delayed until next year since the road will not be finished until then. They want to focus on the 16/73 small area plans this year, see where we are next year, and reset the priorities on the remaining intersections.

Commissioner Carlton stated that with the slow economy, this is the best time to sit down and put it on paper. He said he is all for. This.

Commissioner Mitchem asked when these priorities were set. Mr. Wood said they were set in December.

Chairman Patton said there are two people from the Highway 16 Committee signed up to speak during Public Comments on this issue and he would like to give them the opportunity to speak now since it will already be voted on by Public Comments.

Greg Coffee, 7195 Hunters Bluff Drive, stated that he is part of the Highway 16 Committee. He said they recommended that the primary focus be put on the South Triangle Circle intersection with Highway 16. He said he is not opposed to a Highway 16 & 73 although it seems like 16 & 73 has been the major focus and it was never mentioned as part of the Highway 16 Committee study. He said Triangle Circle was the highest priority.

Bo Moore, 1349 Nature Preserve Trail, stated that their committee focused on the Optimist Club/Triangle area. He said after hearing the discussion about NC 150/16, he does not think a full blown small area plan is needed for 16/73. He said it's more of a

parallel approach, instead of 1 this year and 1 next. He said he really does not have a problem with this.

The Board discussed this request.

Commissioner Mitchem expressed concerns about changing after they have been set.

UPON MOTION by Commissioner Carlton, the Board voted unanimously to accept the recommendation from the Planning Board.

Chairman Patton called for a brief recess and then called the meeting back to order.

Public Comments: Chairman Patton opened the public comments section.

Martin Oakes, 8057 Lucky Creek Lane, stated that he wanted to speak on the priorities of the Planning Board and the Chairman let two others speak, but not him. He said the point is that he does not have any chance to comment, because it has already been decided. Mr. Oakes stated that if the Chairman is going to change the order and let anyone speak at all, he should let everyone speak.

Chairman Patton stated that he only let them speak because they were part of a standing committee.

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

Adoption of the “Indian Creek and Howard’s Creek Local Watershed Management Plan” – Ron Carson and Hal Bryson with EEP:

In February of this year county staff made a presentation to the Board of Commissioners concerning a Local Watershed Planning effort that had been on-going over the course of the past two years. The presentation outlined the planning effort that was taking place and summarized information on two products that would be the outcome of the planning process; a “Local Watershed Management Plan” and a “Project Atlas”. The plan writing phase concerning this effort has been completed, and through the diligent work of the State’s Ecosystem Enhancement Program (EEP), as well local staff and other participating agencies, the “Local Watershed Management Plan” is currently ready for review and adoption by the Lincoln County Board of Commissioners.

The “Local Watershed Management Plan” summarizes current conditions of the Indian and Howards Creeks watersheds located within the western portions of Lincoln County. The plan offers insight into areas of water quality concern throughout the watersheds. A number of recommendations are offered to help improve water quality and other watershed resources, as well as the knowledge of local residents concerning

future land use decisions which could impact future water quality. This document will be available to all residents, and most importantly provides guidance for a public education effort that is to be overseen by the residents appointed to the Lincoln Natural Resources Committee.

The “Project Atlas” identifies specific sections of streams and/or wetlands that are currently in need of enhancement, restoration or preservation. This tool for identifying priority project sites will be used extensively by EEP staff when seeking to implement water quality mitigation projects within the delineated watershed area. The funding of such projects implemented by EEP is provided by the State. The “Project Atlas” can also be successfully used by staff with the Soil and Water Conservation District, Natural Resources Dept. and the Planning Dept. when seeking funding opportunities and sites for the improvement of water quality within the watershed planning area. The information contained within the “Project Atlas” is very site specific, including individual parcels and detailed landowner information. For this reason, the “Project Atlas” will not be readily available to the public. Concerns for the privacy of Lincoln County land owners contained within the atlas dictate the necessity for this.

An additional outcome of the planning process was the determination of sites that could be retrofitted with Best Management Practices (BMPs) for controlling stormwater. The site of the West Lincoln High School was chosen as a top candidate for the installation of a stormwater wetland. The constructed wetland would serve to collect, clean and slowly release stormwater runoff that is leaving the location of the student parking lot located on the NE corner of the school property. The stormwater is currently entering a tributary of Indian Creek and has contributed to impairment of this stream. County staff, in conjunction with Hal Bryson of EEP and Dan McClure of Carolina Land and Lakes RC&D, began drafting an application for a federally funded 319 grant for the construction of this stormwater BMP. This process took approximately 6 months from initial site visits to submission of the grant application. It is our pleasure to inform the Board of Commissioners that we were recently selected by the NC Division of Water Quality to receive this grant for construction of the stormwater wetland BMP at West Lincoln High School. Implementation of the project will likely begin in December of 2010.

The importance and significance of the Local Watershed Planning process has been demonstrated through the approval of the 319 grant for Lincoln County. Without the “Local Watershed Management Plan” chances for grant approval would likely have been greatly diminished. This is a testament to the effectiveness of the efforts of EEP and local agencies in the drafting of such a plan.

Hal Bryson with EEP gave a Power Point Presentation concerning the Indian Creek and Howard’s Creek Local Watershed Management Plan. Mr. Bryson recommended

1. developing a local watershed education program,
2. seek funding to implement priority stormwater projects, such as the one at West Lincoln High School,
3. Continue to work with developers on water supply watersheds, encourage the use of environmentally sound development practices within those areas
4. adopt a county wide Stormwater Ordinance,

5. Continue to update the County UDO to encourage use of low-impact development practices
6. review and update the Erosion and Sediment Control Ordinance to address new developments more effectively.
7. Overlaying the Lincoln County steamside buffer rules along the main stem of the Catawba River in eastern Lincoln County including Lake Norman.
8. Consider Tree Protection Standards
9. complete the ongoing steam mapping project in the county
10. continue efforts toward developing a rural preservation strategy and in particular a farmland protection or preservation plan
11. formally adopt the watershed management plan.
12. establish a Local Watershed Advisory Committee within the LNRC
13. hire a local Watershed Coordinator

UPON MOTION by Commissioner Carlton, the Board voted unanimously to adopt the Indian Creek and Howard's Creek Local Watershed Management Plan.

Request for Ambulance Purchase Under Piggyback Bid and Resolution #2010-37:

Resolution to Aprove Purchase of Ambulances – Ron Rombs: Ron Rombs stated that the Board has approved money in the capital improvement account for the purchase of three Type III GMC Cutaway Chassis for FY 2010-2011. This purchase shall be a piggyback on the formal bid contract of Forsyth County, North Carolina.

Mr. Rombs requested a purchase order be issued to Northwestern Emergency Vehicles for the purchase of three new American Emergency Vehicle ambulances at \$121,366.00 each. The total purchase is \$364,008.00.

Based upon past performance, maintenance issues and lack of support from Ford Motor Company, the new ambulances shall be GM 3500 Cut-Away chassis with the Duramex engine and Allison transmission.

These units will also be equipped with newly required environmental temperature controlled units for medication storage.

RESOLUTION TO APPROVE PURCHASE OF
AMBULANCES

WHEREAS, Lincoln County operates an Emergency Medical Services System for the residents of Lincoln County.

WHEREAS, In order to operate this Emergency Medical Services System efficiently, it is necessary to purchase ambulances and other associated equipment.

WHEREAS, Lincoln County has a need to purchase three new ambulances to transport patients to medical care facilities.

WHEREAS, Forsyth County, North Carolina, after receiving formal bids, approved the purchase of a new ambulance from Northwestern Emergency Vehicles of Jefferson, North Carolina in the amount of \$129,994.

WHEREAS, Northwestern Emergency Vehicles is willing to make available to Lincoln County the same or lesser pricing as the contract approved by Forsyth County, North Carolina in the amount of \$129,994.

WHEREAS, N.C.G.S. 143-129 allows a local government to piggyback on a previous contract that was awarded through the formal bid process, after a notice of intent of such award has been published.

NOW THEREFORE, BE IT RESOLVED: The Lincoln County Board of Commissioners hereby approves the purchase of three ambulances from Northwestern Emergency Vehicles in the amount of \$364,008 as authorized in N.C.G.S. 143-129.

Adopted this 2nd day of August, 2010.

Board of Commissioners

UPON MOTION by Commissioner Carlton, the Board voted unanimously to approve the Request for Ambulance Purchase Under Piggyback Bid and Resolution #2010-37: Resolution to Approve Purchase of Ambulances.

Health Department Personnel Reclassification – Martha Lide: Martha Lide presented the following information:

The Health Department has requested that a Licensed Practical Nurse (LPN) position, which was included in the 2010-11 budget, be reclassified to a Registered Nurse (RN) position. Due to a retirement, the Department has reviewed the position and believes the Registered Nurse Position would better fulfill their needs because an RN is able to function more independently and with less supervision and is also able to cover more patient services than an LPN. The Health Department believes the reclassification of this position would strengthen and enhance the capabilities of their nursing staff. The cost differential between the two positions is \$7,000 which can be reimbursed from State funds. The authority to reclassify this position rests with the County Manager, but she wanted to inform the Board of this change.

Also, the Health Department Table of Organization which was included in the 2010-11 Proposed Operating Budget included a few typographical errors. To ensure that there is an accurate public record of the actual positions that were approved in the budget, they wanted to advise the Board of these errors. The agreed to positions were properly budgeted, but were not properly reflected on the Table of Organization. The changes are as follows:

- Under Nursing Director – there should have been 7 Senior Public Health Nurses. The number was left off.
- Under Nursing Director – Maternal Care Coordinator/Social Worker III – should be been depicted as Part-time (50)
- Under WIC – Medical Records Technician – 3 were depicted as part time – but should have been full time.

Resolution #2010-38: Resolution to Amend the Classification and Compensation

Plan for Lincoln County and Personnel – Martha Lide: Martha Lide recommended approval of the Resolution which amends the Classification and Compensation Plan for Lincoln County. It is recommended that the title of the Library Technician be changed to Library Administrative Assistant.

This change is a title change only, it does not change the pay grade of the position nor does it modify any duties.

**RESOLUTION AMENDING THE CLASSIFICATION AND COMPENSATION PLAN
FOR LINCOLN COUNTY, NORTH CAROLINA**

WHEREAS, the Board of County Commissioners previously has adopted a Classification and Compensation Plan for Lincoln County, North Carolina, which was prepared by Condrey and Associates, Inc; and

WHEREAS, the County Manager is charged with assuring the Plan remains current and up to date; and,

WHEREAS, the Library Department has requested that the title of the Library Technician position be changed to Library Administrative Assistant position; and

WHEREAS, the County Manager and the Human Resources Director have reviewed the request and have recommended the classification changes;

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED, that the Position Classification and Compensation Plan for Lincoln County North Carolina is hereby amended as follows:

Change the title of Library Technician position to Library Administrative Assistant position

That this amendment shall become effective on August 17, 2010.

Adopted this 2nd day of August 2010.

LINCOLN COUNTY

By: _____
Alex Patton, Chairman
Board of Commissioners

ATTEST:

Amy S. Atkins, Clerk to the
Board of Commissioners

UPON MOTION by Commissioner Carlton, the Board voted unanimously to approve Resolution #2010-38: Resolution to Amend the Classification and Compensation Plan for Lincoln County and Personnel.

Boundary Change for Lincoln Life Saving Crew Rescue District – Martha Lide:
Ms. Lide presented the following information:

The environment in which emergency medical response is provided has changed since the Lincoln Lifesaving Crew Rescue District boundaries were established.

There has been a 194% increase in the number of calls the Lincoln Life Saving Crew was dispatched to from 2006 to 2009 and the percentage of calls they are able to respond to has been declining since 2007.

- The number of EMS Units in service has increased.
- More Volunteer Fire Departments have personnel who are qualified as medical first responders and most have necessary equipment (extrication equipment etc)
- The ability to attract and man units with volunteers has become increasingly difficult. Volunteers do not always work locally and are unable to respond during their work hours, those volunteers that do work locally are not as likely to be able to leave work to respond to calls

Lincoln Life Saving Crew – Current Services

- Size: The Lincoln Life Saving Crew currently serves all of parts of nine of the County's 12 Fire Districts areas (includes Lincolnton). Their current service area is approximately 139 square miles.
- Call Volume: Overall, they are currently able to respond to about 30% of the calls on which they are dispatched. They are more able to respond to calls on evenings and weekends. For the nine monthly period from July 1, 2009 – March 31, 2010, they were dispatched to 1,855 calls and arrived at 551.
 - For comparison purposes the number of EMS calls for that same period was 3,060 and they have three paid crews in those areas to respond.
 - The number of calls the Fire departments were dispatched to during that same time period varied greatly by department but ranged from 11 (Union) to 692 (Lincolnton).
- Dispatch Protocols/Resource Utilization: Current Dispatch Protocols for all medical calls, except non life threatening calls (alpha calls), is
 - EMS is always dispatched
 - LLSC is always dispatched
 - For areas covered also by South Fork, Pumpkin Center, Alexis, Boger City and Lincolnton Fire Departments, the respective Fire Department is also dispatched.

Therefore, within the current boundaries of the Lincoln Life Saving Crew, there are areas where three agencies are dispatched for a medical call, and there are areas where three agencies are dispatched for a medical call, and there are areas where two agencies are dispatched. As Lincoln Life Saving Crew is only able to respond to about 30% of the calls, the majority of medical calls in Union, Howards Creek, Crouse, and North 321 are only responded to by EMS.

Other operational issues

- Too many people on scene
- The more people that you dispatch using lights and sirens the more people you are putting at risk
- Need a long term plan

Lincoln Life Saving Crew – Proposed Boundary Change:

It is recommended that the service area boundary for the Lincoln Life Saving Crew be modified to no longer respond in the areas covered by South Fork, Pumpkin Center, Alexis, and Boger City Volunteer Fire Departments. This will reduce their response area to a more realistic size (approximately 60 square miles), and allow them to focus their responses to areas that do not have fire departments with qualified medical first responders.

While the LLSC may still experience difficulties in responding during traditional 8-5 working hours, it is hoped that they will be able to respond to more calls in the Union, Howards Creek, Crouse and North 321 Fire District areas and actually improve service to those areas.

The Emergency Services Committee approved this boundary change at their July 13, 2010 meeting.

Larry Craig spoke concerning the changes in the emergency services field over the years. He spoke about how difficult it is to get volunteers to go on calls, but said they are a very important service since they serve as a backup. He said they also have cadaver dogs, sonar, boats and a swiftwater rescue.

UPON MOTION by Commissioner Carlton, the Board voted unanimously to approve the Boundary Change for Lincoln Life Saving Crew Rescue District.

Ordinance #2010-10: An Ordinance Approving an Agreement Granting a 90-day Extension of the Current Nonexclusive Construction & Demolition Debris Landfill Franchise to Lake Norman Landfill, LLC – George Wood:

We have been re-negotiating the terms of the existing five-year franchise agreement for the privately-owned and operated Construction and Demolition Landfill in east Lincoln County. The current franchise will expire on August 30, 2010 if not renewed. A franchise ordinance must pass on two separate readings by the Board of Commissioners, so we would need to vote on it at the August 2nd and 16th meetings.

We have not yet come to terms on this renewal, so the parties have agreed to a 90-day extension to give us sufficient time to complete the negotiations. Since any franchise must be granted by ordinance, and with two separate readings, we have prepared the attached Ordinance for this, with the two readings and adoptions on August 2nd and 16th. It simply extends the current franchise under the existing terms and conditions for a 90-day period, so it changes nothing about the current franchise except the termination date.

**ORDINANCE #2010-10 : AN ORDINANCE APPROVING AN AGREEMENT
GRANTING A 90-DAY EXTENSION OF THE CURRENT NONEXCLUSIVE
CONSTRUCTION & DEMOLITION DEBRIS LANDFILL FRANCHISE TO
LAKE NORMAN LANDFILL, LLC**

WHEREAS, the Board of Commissioners enacted the Lincoln County Landfill Franchise Ordinance on November 7, 2003; and

WHEREAS, North Carolina General Statutes §153A-136(a)(3) authorizes counties to regulate the disposal and other disposition of solid wastes by granting franchises to one or more persons for the non-exclusive right to commercially dispose of solid wastes within the county; and

WHEREAS, Lake Norman Landfill, LLC (hereinafter called "Franchisee") is currently operating an approximately 110-acre construction and demolition debris landfill (the "Landfill") within the jurisdiction of Lincoln County; and

WHEREAS, at the time that Lake Norman Landfill, Inc. began operations at the Landfill, the County by affidavit affirmed to the North Carolina Department of Environment and Natural Resources ("DENR") that Lake Norman had all required approvals for operation of the Landfill; and

WHEREAS, Lake Norman wanted to move forward with the next phase of the Landfill pursuant to a new Ordinance Granting a Nonexclusive Construction and Demolition Debris Landfill Franchise to Lake Norman Landfill, Inc.; and

WHEREAS, the Board of Commissioners granted in January, 2004 to Lake Norman Landfill, Inc. a nonexclusive franchise for the disposal of construction and demolition debris in Lincoln County in said landfill; and

WHEREAS, Franchisee has succeeded to all the interests of Lake Norman Landfill, Inc. in this franchise and the ownership and operation of this landfill; and

WHEREAS, the Lincoln County Board of Commissioners and the Franchisee wish to renew this franchise agreement, but need additional time to negotiate the terms and conditions, and the existing franchise and agreement will terminate on August 30, 2010 if not extended; and

WHEREAS, the parties desire to enter into a ninety (90) day extension of the existing franchise and agreement;

**NOW, THEREFORE, THE BOARD OF COMMISSIONERS FOR THE
COUNTY OF LINCOLN, NORTH CAROLINA DO HEREBY ORDAIN:**

Section 1. Pursuant to the Lincoln County Landfill Franchise Ordinance and North Carolina General Statutes §130A-294, §153A-121 and §153A-136, Franchisee is hereby granted an extension of its nonexclusive franchise for a period of ninety (90) days, commencing on August 31, 2010 and ending on November 28, 2010, under the same terms and conditions of the Franchise and Agreement adopted by Ordinance dated January 5, 2004, for its Construction and Demolition Landfill on Quarry Lane in Lincoln County as currently permitted by the NC Department of Environment and Natural Resources, Solid Waste Division, and to operate said Landfill in Lincoln County.

Section 2. This Franchise and Agreement extension shall be interpreted and enforced under the laws of the State of North Carolina.

Section 3. Should any part of this Franchise and Agreement be declared invalid by a court having competent jurisdiction, all other parts of it shall remain in full force and effect.

Section 4. This ordinance requires reading and approval at two regular meetings of the Board of Commissioners of Lincoln County, pursuant to and as required by N.C.G.S. §153A-46, and will become effective following the second reading and approval.

First Reading and Approval on August 2, 2010.

Second Reading and Approval on August 16, 2010.

This _____ day of _____, 2010.

LINCOLN COUNTY, NC BOARD OF
COMMISSIONERS:

ATTEST:

By: _____

Alex E. Patton

Chairman, Board of Commissioners

Amy S. Atkins

Clerk to the Board

LAKE NORMAN LANDFILL, LLC

ATTEST:

By: _____

NAME

NAME

TITLE

TITLE

UPON MOTION by Commissioner Arena, the Board voted unanimously to approve Ordinance #2010-10: An Ordinance Approving an Agreement Granting a 90-day

Extension of the Current Nonexclusive Construction & Demolition Debris Landfill Franchise to Lake Norman Landfill, LLC.

Resolution #2010-39: A Resolution of the Board of Commissioners of the County of Lincoln, North Carolina, (“the issuer”) Declaring its Intention to Reimburse Itself From the Proceeds of One or More and/or to be Made in Connection With the Acquisition, Construction, and Equipping of Certain Capital Improvements in the Airlie Industrial Park – George Wood:

RESOLUTION #2010-39:

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF LINCOLN, NORTH CAROLINA, (THE "ISSUER") DECLARING ITS INTENTION TO REIMBURSE ITSELF FROM THE PROCEEDS OF ONE OR MORE TAX-EXEMPT FINANCINGS FOR CERTAIN EXPENDITURES MADE AND/OR TO BE MADE IN CONNECTION WITH THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF CERTAIN CAPITAL IMPROVEMENTS IN THE AIRLIE INDUSTRIAL PARK

WHEREAS, Lincoln County (the "Issuer") is a political subdivision organized and existing under the laws of the State of North Carolina; and

WHEREAS, the Issuer has paid, beginning no earlier than June 5, 2010 and will pay, on and after the date hereof, certain expenditures (the "Expenditures") in connection with the construction and installation of roads, water lines, sewer lines, pump stations, force mains, collection lines and any other necessary infrastructure needed to serve an industrial park off Highway 16 and Optimist Club Road (the "Project"), as more fully described in Exhibit A attached hereto; and

WHEREAS, the Board of Commissioners for the County of Lincoln, North Carolina, (the "Board") has determined that those moneys [previously advanced no more than 60 days prior to the date hereof and] to be advanced on and after the date hereof to pay the Expenditures are available only for a temporary period and it is necessary to reimburse the Issuer for the Expenditures from the proceeds for one or more issues of tax-exempt financing (the "Financing");

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF LINCOLN COUNTY, NORTH CAROLINA AS FOLLOWS:

Section 1. The Board hereby declares the Issuer's intent to reimburse the Issuer with the proceeds of the Installment Financing for the Expenditures with respect to the Project made on and after June 5, 2010, which date is no more than 60 days prior to the date hereof. The Issuer reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Financing.

Section 2. Each Expenditure [was and] will be either (a) of a type properly chargeable to capital account under general federal income tax principles (determined in each case of the date of the Expenditure), (b) a cost of issuance with respect to the financing, (c) a nonrecurring item that is not customarily payable from current revenues, or (d) a grant to a party that is not related to or an agent of the Issuer as long as such grant

does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the Issuer.

Section 3. The maximum principal amount of the Installment Financing expected to be issued for the Project is \$1,045,000.

Section 4. The Issuer will make a reimbursement allocation which is a written allocation by the Issuer that evidences the Issuer's use of the proceeds of the Installment Financing to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The Issuer recognizes that exceptions are available for certain "preliminary expenditures," costs of issuance, certain *de minimus* amounts, expenditures by "small issuers" (based on the year of issuance and not the year of expenditure) and expenditures for construction projects of at least 5 years.

Section 5. This resolution shall take effect immediately upon its passage.

PASSED AND ADOPTED this 2nd day of August, 2010.

Alex E. Patton, Chairman
Board of Commissioners

ATTEST:

Amy S. Atkins
Clerk to the Board

UPON MOTION by Commissioner Mitchem, the Board voted 4-1 (Carlton against) to approve Resolution #2010-39: A Resolution of the Board of Commissioners of the County of Lincoln, North Carolina, ("the issuer") Declaring its Intention to Reimburse Itself From the Proceeds of One or More and/or to be Made in Connection With the Acquisition, Construction, and Equipping of Certain Capital Improvements in the Airlie Industrial Park.

Recommendation on Using In Rem Foreclosure Procedure and Motion to Approve Resolution #2010-40: A Resolution Authorizing the Use of In Rem Foreclosure in the Collection of Delinquent Property Taxes – George Wood: Mr. Wood presented the following information.

Tax Administrator Madge Huffman has requested that the Board allow her to use the In Rem Foreclosure procedure spelled out in NCGS 105-375, in addition to the mortgage-style foreclosure (NCGS 105-374) that is already used. Mr. Wood agreed with the request and recommended the Board approve it.

There are several advantages to this method over the mortgage-style, which makes it more suitable in some cases. Several counties use the In Rem method. In fact, Cleveland County won a NCACC Productivity Award in 2009 for its program.

Mr. Wood stressed that foreclosure is already used to enforce delinquent tax collections. This merely gives Ms. Huffman the authority to select which of two methods of foreclosure the General Assembly allows is best in a particular situation. This gives the Tax Administrator another tool to collect delinquent taxes.

UPON MOTION by Commissioner Carlton, the Board voted unanimously to approve the Recommendation on Using In Rem Foreclosure Procedure and Motion to Approve Resolution #2010-40: A Resolution Authorizing the Use of In Rem Foreclosure in the Collection of Delinquent Property Taxes.

**RESOLUTION #2010- 40 : A RESOLUTION AUTHORIZING THE USE
OF *IN REM* FORECLOSURE IN THE COLLECTION OF DELINQUENT
PROPERTY TAXES**

WHEREAS, in the interest of equity and fairness, it is the intent of the Lincoln County Board of Commissioners to ensure the collection of delinquent taxes so that the tax burden is shared equally; and

WHEREAS, Lincoln County, in an effort to collect delinquent taxes has historically pursued collection through its attorney in mortgage-style proceedings under N.C.G.S. 105-374; and

WHEREAS, under N.C.G.S. 105-375, *In Rem* foreclosure is intended to provide, as an alternative to mortgage-style foreclosure, a simple and cost effective method of enforcing payment of delinquent taxes; and

WHEREAS, results from neighboring counties that have employed the *In Rem* method show it to be an effective means of tax collection; and

WHEREAS, in order to employ this delinquent tax collection method the Board of Commissioners must authorize its use by the Tax Administrator;

NOW THEREFORE BE IT RESOLVED that the Lincoln County Board of Commissioners hereby authorize and direct the Lincoln County Tax Administrator to pursue collection of delinquent taxes by *In Rem* foreclosure as set forth in N.C.G.S. 105-375 and mortgage-style foreclosure as set forth in N.C.G.S. 105-374, using the method she deems most appropriate on each case.

Adopted this the 2nd day of August, 2010.

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

ATTEST:

Amy S. Atkins
Clerk to the Board

Motion to Adopt the Policy of Increases for Training/Certification as Recommended by the County Manager – George Wood: Mr. Wood stated that he, Martha Lide, and Audrey Setzer have been working on a proposed policy to clarify when salary increases will be granted for training and certifications. In the past, many employees have been given a 2.5% salary increase for completing training or receiving certifications, but the policy was not evenly applied and in some cases the training completion or certification did not appear to be commensurate with the increase in salary. A policy is needed which

encourages employees to seek educational opportunities to better themselves and increase their job performance, and where appropriate provides reasonable compensation.

There are several factors which were taken into consideration when developing this policy.

- Is the certification/training required included in the minimum standard for performing the job?
- Is the certification/training, not a minimum qualification, but valuable in performing duties?
- Will the employee's responsibilities be significantly increased as a result of completion of the certification /training? Will they be required to perform at a higher level?
- Is there value to the County in terms of added expertise significant, or are there efficiencies that will result from the completion of the certification/training?
- Is there an extremely competitive job market for this position? Is there significant turnover in the position? Is there a need to provide salary incentives to maintain staff in critical positions?

Therefore, to be consistent and fair to all employees the following policy is recommended:

1. Only the training course /certifications on the list of Approved Certifications/ Training Courses Qualifying Salary Adjustments (below) will qualify for salary adjustments. Employees completing a course on the approved list will be eligible for a 2.5% salary increase. This list of approved courses may be modified by the County Manager.
2. All training must be pre approved by the Department Director and any resulting salary adjustments must be accounted for in the department budget.
3. There are many other job related training courses which may be valuable for our employees to take to improve their performance. The completion of these types of courses will be a factor taken into account during the annual performance review.
4. Job descriptions will include training requirements for entry level; any specific training or certification stipulations (i.e. time to complete certification or training) for new employees will be included in the offer of employment letters. If a new employee does not meet the

- minimum requirements for the position, he or she will be placed in a “trainee” status (lower than entry level pay) until they achieve the certification.
5. If a certification is required for a County position, and an existing employee does not have the certification, the employee will be given a specified time period to obtain the certification. The employee may be allowed to receive training while on County time and the County may cover the training costs. If there is independent study time or additional study time required as part of the certification, this must be done on the employee’s own time.
 6. Department Directors may have a limited number of positions where specific certification or training is required. If all of these are filled, an employee may still request permission to attend training, but may not be placed into a position where certification is required, until a opening becomes available.
 7. Department Directors may request the County Manager to make additions/deletions to the Approved Certifications/ Training Courses Qualifying Salary Adjustments.

APPROVED CERTIFICATIONS/TRAINING COURSES QUALIFYING SALARY ADJUSTMENTS

ANIMAL SERVICES

Position Class/Code	Position Title	Certification	Grade	FLSA
AS/3 7877	Animal Care Taker	NC Euthinazation Tech. Certification <i>Limit number of employees to obtain</i>	9	Non Exempt
AS/5 7879	Veterinary Technician	NC Veterinary Technician License	12	Non Exempt

PLANNING AND INSPECTIONS

Position Class/Code	Position Title	Certification	Grade	FLSA
BLD/3 7032	Zoning Administrator	Certified Zoning Official (CZO) <i>Preferred—not required</i>	22	Exempt
BLD/5 7034	Plans Reviewer	Residential - All Level I Certifications (Building, Electrical, Mechanical, Plumbing) Commercial - Two Level II Certifications and 2 Level III Certifications (Building, Electrical, Mechanical, Plumbing)	19	Non Exempt
BLD/6 7035	Building Inspector	Level I Certification (Building, Electrical, Mechanical, Plumbing) Level II Certification (Building, Electrical, Mechanical, Plumbing) Level III Certification (Building, Electrical, Mechanical, Plumbing)	17	Non Exempt
BLD/12 7041	Sr Building Inspector	Level II Certification – must have 2 (Building, Electrical, Mechanical, Plumbing) Level III Certification – must have 2 (Building, Electrical, Mechanical, Plumbing)	19	Non Exempt

EMERGENCY MANAGEMENT

Position Class/Code	Position Title	Certification	Grade	FLSA
EM/1 7100	Emergency Mgmt. Dir.	Certification Levels: I, II, III, IV	28	Exempt
EM/2 7101	Fire Marshal	Certification Levels: I, II, III	22	Exempt
EM/4 7103	Deputy Fire Marshal	Certification Levels: I, II, III	16	Non Exempt

FINANCE

Position Class/Code	Position Title	Certification	Grade	FLSA
FIN/2 7181	Chief Accountant	NC Local Gov. Finance Officer Certification	22	Exempt

SOIL & WATER CONSERVATION

Position Class/Code	Position Title	Certification	Grade	FLSA
SWC/2 7751	Nat. Resources Conserv.	Erosion Control Specialist Certification	19	Exempt
SWC/4 7753	Natural Resources Tech.	Erosion Control Specialist Certification	14	Non Exempt

PUBLIC WORKS DEPARTMENT

Position	Class/Code	Position Title	Certification	Grade	FLSA
PW/6	7405	Utility Maint. Superintendent	Distribution A Collection 3	20	Exempt
PW/7	7406	Utility Maint. Supervisor	Distribution A Collection 3	17	Non exempt
PW/8	7407	Utility Maint. Crew Leader	Distribution B Collection 2	14	Non exempt
PW/5	7404	Senior Utility Technician	Distribution C Back Flow Prevention	11	Non exempt
PW/9	7408	Utility Maint. Worker	Distribution C Collection 1	9	Non exempt
SW/1	7700	Solid Waste Manager	SWANA Landfill Mgmt	22	Exempt
SW/2	7701	Landfill Operation Manager	SWANA Landfill Mgmt	18	Exempt
SW/6	7705	Heavy Equip Operator	Landfill Operation Specialist	12	Non exempt
SW/5	7704	Heavy Equip Mechanic	Landfill Operation Specialist	13	Non exempt
WTP/1	7410	WTP Superintendent	Water Treatment A	22	Exempt
WTP/2	7411	WTP Supervisor	Water Treatment B	18	Exempt
WTP/4	7413	WTP Operator	Water Treatment C	12	Non Exempt
WW/1	7415	WWTP Superintendent	Wastewater Treatment Grade 3	22	Exempt
WW/2	7416	Sr. WWTP Operator	Wastewater Treatment Grade 3	16	Non Exempt
WW/3	7417	WWTP Operator	Wastewater Treatment Grade 2 Lab. Certification	12	Non Exempt

ELECTIONS

BOE/2	7061	Assistant Director of Elections	Certified North Carolina Elections Administrator	16	Non Exempt
BOE/3	7062	Elections Technician	Certified North Carolina Elections Administrator	14	Non Exempt

UPON MOTION by Commissioner Carlton, the Board voted unanimously to approve the Motion to Adopt the Policy of Increases for Training/Certification as Recommended by the County Manager.

Other Business: No other business reported.

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