

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, MARCH 3, 2008

The Lincoln County Board of County Commissioners met on March 3, 2008, at the Citizens Center, Commissioners Room, 115 West Main Street, Lincolnton, North Carolina, the regular place of meeting at 6:30 PM.

Commissioners Present:

Thomas R. Anderson, PE, Chairman
Alex E. Patton, Vice Chairman
Marie Moore
Bruce Carlton
James A. Klein

Planning Board Members Present:

Jerry Geymont, Chairman
George Arena, Secretary
Clyde Brown
Tom Campbell
Larry Craig
Karl Dearnley
Darrell Harkey
Harold Howard Jr.
Louis McConnell

Others Present:

George Wood, County Manager
Michael Talbert, Interim County Manager
Jeffrey A. Taylor, County Attorney
Amy S. Atkins, Clerk to the Board
Kelly Atkins, Director of Building and Land Development
Randy Williams, Principal Planner
Randy Hawkins, Zoning Administrator
Candi Cornwell, Associate Zoning Administrator
Andrew Bryant, Associate Planner
Amy Brown, Clerk to the Planning Board
Steve Gilbert, Director of Public Works
Barry McKinnon, Sr. Utility Engineer

Call to Order: Chairman Anderson called the March 3, 2008, meeting of the Lincoln County Board of Commissioners to order.

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

Adoption of Agenda: Chairman Anderson presented the revised agenda for the Board's approval and commented that Parallel Conditional Use Permit #122A - Walmart has been removed from the agenda.

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

AGENDA

LINCOLN COUNTY BOARD OF COMMISSIONERS

MARCH 3, 2008

- | | | |
|-----|---------|--|
| | 6:30 PM | Call to Order |
| | 6:31 PM | Invocation – Commissioner Patton |
| | 6:32 PM | Pledge of Allegiance |
| 1. | 6:33 PM | Adoption of Agenda |
| 2. | 6:34 PM | Consent Agenda <ul style="list-style-type: none">- Approval of Minutes- Budget Adjustment No. 72 - 73 |
| 3. | 6:36 PM | Introduction of George Wood, County Manager |
| 4. | 6:40 PM | Presentations – Chairman Anderson |
| 5. | 6:45 PM | Child Abuse Prevention Month Proclamation |
| 5a. | | Relay for Life Proclamation – Cheryl Burgess |
| 6. | 6:55 PM | Report from the Planning Board – Jerry Geymont |
| 7. | 7:00 PM | Public Hearing – Zoning Cases – Randy Hawkins |

PCUR #122A Wal-Mart Stores East LP, applicant (Parcel ID# 85309) A request to amend a conditional use district to allow a certificate of occupancy to be issued for a Wal-Mart SuperCenter prior to the completion and approval of a westbound right-turn lane on Hwy. 73 at Little Egypt Road, an off-site roadway improvement that was part of the rezoning submittal and approval. The request involves a 24-acre parcel located on the north side of Hwy. 73 about 2,200 feet west of Hwy. 16 in Catawba Springs Township.

ZTA #559 Lincoln County, applicant. A proposal to amend Sections 2.4, 10.1, 10.2, 10.3, 10.4, 10.5, 10.6, 10.7, 10.8 and 10.9 of the Lincoln County Zoning Ordinance to stipulate that subdivisions of 20 or more lots may only be created through a rezoning to a conditional Planned District classification.

SOA #29 Lincoln County, applicant A proposal to amend Section 107 (“Minor Subdivision” Defined), Section 108 (“Major Subdivision” Defined) and Section 304.1 (Sketch Plans for Minor Subdivisions) of the Lincoln County Subdivision Ordinance to stipulate that all subdivisions of 20 lots and greater are subject to a rezoning and public hearing before the Lincoln County Board of Commissioners.

SOA #30 Lincoln County, applicant A proposal to amend Section 405.4 of the Lincoln County Subdivision Ordinance to add 13 roads to the list of roads along which subdivisions of land are subject to additional requirements for access management. The roads are Amity Church Road, Buffalo Shoals Road, Campground Road, Cat Square/Shoal Road, Ingleside Farm Road, Little Egypt Road, Mariposa Road, Old Plank Road, Optimist Club Road, Philadelphia Church Road., Reepsville Road, Shuford Road, St. James Church Road, Rufus Road and Triangle Circle. Options for access management would include requiring subdividers to provide a collector road or utilize reverse frontage, or restricting the number of driveway cuts.

8. 7:45 PM Transportation Toolbelt: A Report on Available Options for Mitigating the Transportation Impacts of Future Growth

(Planning Board will recess and reconvene on 2nd floor balcony)
9. 8:05 PM Public Hearing, Adoption of Bond Orders, and Passage of Resolution Calling Special Bond Referendum
10. 8:15 PM Joint Resolution Celebrating 100 Years of County Unity in Recognition of Our Association’s Centennial
- 10a. SWP Resolution – Erma Deen Hoyle
11. 8:20 PM Public Comments
12. 8:35 PM Design Services Contract – NC 16 Water Line Relocation – Steve Gilbert
13. 8:40 PM Drought Update – Steve Gilbert
14. 8:45 PM Update on Sewer Plant – Steve Gilbert
- 14a. Appointments to Animal Control Advisory Board

15. 8:50 PM Other Business

16. 8:55 PM Closed Session

Adjourn

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

- Approval of Minutes
 - December 17, 2007
- Budget Adjustment No. 72 – 73

No. 72: To budget for increased salary and benefit expense due to implementation of salary and pay study (i.e., the reclassification study) in January 2008

No. 73: Increase in revenue collected to cover cost of county tax service

Introduction of George Wood, County Manager: Chairman Anderson introduced George Wood, the new County Manager, and welcomed him.

Presentations – Chairman Anderson: Chairman Anderson presented Michael Talbert with an engraved clock thanking him for his service to Lincoln County as Interim Manager. The Board thanked Michael for the job he did as Interim Manager.

Mr. Talbert thanked the Board for the opportunity to serve as Interim Manager and said he had enjoyed working with the Board and citizens.

Chairman Anderson presented Jeff Taylor with an engraved clock thanking him for his valuable service rendered during the search for a new County Manager.

Jeff Taylor thanked the Board.

Child Abuse Prevention Month Proclamation: Karen Cook, Director of the Lincoln County Child Advocacy Center, stated that they opened in November of 2006 and they collaborate with all agencies involved in child abuse cases. She stated that since July of 2007, they have seen almost 100 children. Of the 100, only 3 have been physical abuse, the rest have been sexual abuse.

Ms. Cook introduced Alberto, who read the Child Abuse Prevention Month Proclamation.

A Proclamation

As a governing body, we the Lincoln County Commissioners, have an essential duty to protect the safety and well-being of the children and the families of Lincoln County. We recognize the month of April as Child Abuse Prevention Month.

WHEREAS, of monumental concern to all citizens of Lincoln County are the problems of child abuse, neglect, and maltreatment, which endanger our most vulnerable citizens – the children, and cause long term effects to children’s physical, mental and emotional well-being, and

WHEREAS, we acknowledge the significant progress made to increase the safety and welfare of our children, and we renew our commitment to continue protecting our children from harm and we dedicate ourselves to helping to prevent child abuse and creating a safe environment in which our children can grow and thrive.

WHEREAS, our children represent our greatest hope for the future, Lincoln County Commissioners remain committed in our obligation to our children, our families and community; and

WHEREAS, effective child abuse prevention programs succeed because of partnerships created among social service agencies, schools, faith communities, civic organizations, law enforcement agencies, and the business community, and

WHEREAS, these programs address all forms of child abuse and all people in our community, we pledge to support efforts that promote strong families

NOW, THEREFORE, we the Lincoln County Commissioners, by virtue of the authority vested in us by the citizens of this county, do hereby proclaim April 2008 as Child Abuse Prevention Awareness Month. We encourage all citizens to join together to support and help strengthen strong families, protect our children from abuse, neglect, and maltreatment and make our county a more worthy place for all. As representatives of this great county, we must stand together to let all know Lincoln County will not tolerate child abuse.

UPON MOTION by Commissioner Patton, the Board voted unanimously to adopt the Proclamation.

Relay for Life Proclamation – Cheryl Burgess, Chairperson for the Lincoln Relay for Life, presented the Proclamation for a Power of Purple Week in Lincoln County. She stated that in 2007, Lincoln County raised \$350,000 and placed 7th in the nation per capita for our population category, having raised \$4.83 per citizen. With the 2 events combined, the total was just shy of \$350,000. This is our 10th year placing in the top ten nationally.

LINCOLN COUNTY BOARD OF COMMISSIONERS
TOM ANDERSON, CHAIRMAN

CITY OF LINCOLNTON

DAVID BLACK, MAYOR

PROCLAMATION

- Whereas American Cancer Society funds more than \$125 million of cancer research a year; and
- Whereas one in three people will be diagnosed with cancer during their lifetime; and
- Whereas two-thirds of all cancer deaths are preventable; and
- Whereas American Cancer Society can help anyone touched by cancer find the information for quality of life programs that they need; and
- Whereas Relay for Life is the American Cancer Society's signature event that brings a community together in the fight against cancer; and
- Whereas for the cancer survivor and caregiver, Relay for Life is a healing experience that offers a chance to meet others who have claimed victory over cancer; and
- Whereas for the cancer survivor, Relay for Life is a public forum to show their gratitude and celebrate life; and
- Whereas the goal of the Relay for Life events is to honor all touched by cancer, increase public awareness about prevention, and raise funds for the American Cancer Society; and
- Whereas we commit as a county to Celebrate, Remember and Fight Back as we share the power of purple with our loved ones, neighbors, family, and friends.

I do hereby proclaim that May 2-9, 2008 to be POWER OF PURPLE week in Lincoln County in recognition of the passion we share in the fight against cancer during our two Relay for Life events on May 2nd in Lincolnton and May 9th in Denver.

I urge all citizens to join the fight as we Celebrate, Remember and Fight Back at each Relay for Life event at Lincolnton High School and East Lincoln High School.

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

Report from the Planning Board – Jerry Geymont: Jerry Geymont commended Kelly Atkins and the Planning staff for giving many, many hours to helping the Planning Board obtain information and consistently going out finding ideas that work.

FY 2008/2009

- 1) NC 16 Corridor Visioning Plan
- 2) Airport Industrial Park Plan
- 3) NC 150 East Corridor Plan
- 4) NC 16 Detail Small Area Plan (Triangle)
- 5) Greenway and Trails Plan

FY 2009/2010

- 1) Ironton/North Lincolnton District Plan
- 2) North Brook District Plan
- 3) Industrial/Business Parks Site Analysis
- 4) NC 16 Detail Small Area Plan- St. James
- 5) US 321 Corridor Plan (Update)

FY 2010/2011

- 1) NC 27 East Corridor Plan
- 2) Catawba Springs District Plan
- 3) Howards Creek/South Lincolnton District Plan
- 4) NC 16 Detail Small Area Plan- Hagers Ferry

Post 2011

- 1) Main Intersection detail small area plans
 - a) NC 16 / Westport & NC 16 / Lowesville
 - b) NC 27 / NC 73 & NC 27 / NC 274
 - c) NC 27 / Cat Square Road
 - d) NC 150 / Shuford Road
- 2) Corridor Plans for NC 182 and Killian Road Scenic Corridor
- 3) Historic Heritage Plan for Vesuvius Furnace and Ingleside

Public Hearing – Zoning Cases – Randy Hawkins:
NOTICE OF PUBLIC HEARINGS

Chairman Anderson announced that this was the date, Monday, March 3, 2008, and the time, 6:30 PM, which was advertised in the *Lincoln Times-News* on February 22 and 29, 2008.

NOTICE OF PUBLIC HEARINGS

The Lincoln County Board of Commissioners and Planning Board will hold a joint meeting and public hearings on Monday, March 3, 2008, at 6:30 p.m. to consider the following matters:

PCUR #122A Wal-Mart Stores East LP, applicant (Parcel ID# 85309) A request to amend a conditional use district to allow a certificate of occupancy to be issued for a Wal-Mart SuperCenter prior to the completion and approval of a westbound right-turn lane on Hwy. 73 at

Little Egypt Road, an off-site roadway improvement that was part of the rezoning submittal and approval. The request involves a 24-acre parcel located on the north side of Hwy. 73 about 2,200 feet west of Hwy. 16 in Catawba Springs Township.

ZTA #559 Lincoln County, applicant A proposal to amend Sections 2.4, 10.1, 10.2, 10.3, 10.4, 10.5, 10.6, 10.7, 10.8 and 10.9 of the Lincoln County Zoning Ordinance to stipulate that subdivisions of 20 or more lots may only be created through a rezoning to a conditional Planned District classification.

SOA #29 Lincoln County, applicant A proposal to amend Section 107 ("Minor Subdivision" Defined), Section 108 ("Major Subdivision" Defined) and Section 304.1 (Sketch Plans for Minor Subdivisions) of the Lincoln County Subdivision Ordinance to stipulate that all subdivisions of 20 lots and greater are subject to a rezoning and public hearing before the Lincoln County Board of Commissioners.

SOA #30 Lincoln County, applicant A proposal to amend Section 405.4 of the Lincoln County Subdivision Ordinance to add 13 roads to the list of roads along which subdivisions of land are subject to additional requirements for access management. The roads are Amity Church Road, Buffalo Shoals Road, Campground Road, Cat Square/Shoal Road, Ingleside Farm Road, Little Egypt Road, Mariposa Road, Old Plank Road, Optimist Club Road, Philadelphia Church Road., Reepsville Road, Shuford Road, St. James Church Road, Rufus Road and Triangle Circle. Options for access management would include requiring subdividers to provide a collector road or utilize reverse frontage, or restricting the number of driveway cuts.

The public is invited to attend this meeting, 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 Department of Building and Land Development at (704) 736-8440.

2T: Feb. 22, Feb. 29, 2008

Note: In the Wal-Mart case, the right turn lane has been constructed and is open to traffic, but NCDOT has not given final approval. A final inspection is expected to take place next week. If NCDOT approves the right turn lane, Wal-Mart would withdraw the zoning case.

Chairman Anderson asked that ex parte discussions be revealed at the time cases are discussed, and none were given.

Zoning Text Amendment No. 559 – Lincoln County, applicant: Randy Hawkins presented the following:

This is a proposal to amend Sections 2.4, 10.1, 10.2, 10.3, 10.4, 10.5, 10.6, 10.7, 10.8, and 10.9 of the Lincoln County Zoning Ordinance to stipulate that subdivisions of 20 or more lots may be created through a rezoning to a conditional Planned District classification.

Currently, rezoning to a Planned District classification is required for subdivisions of more than 50 lots. (Subdivisions of 20 to 50 lots are subject to review and approval by the Planning Board.) This proposal would subject smaller subdivisions to Planned District regulations and conditional zoning requirements, including review and approval by the Board of Commissioners.

As part of the conditional zoning process, a community involvement meeting must be held prior to a public hearing. An applicant could revise plans in response to comments and concerns heard at the meeting.

The Planned District regulations include the following requirements:

- At least 12.5 percent of the total acreage must be set aside as common open space.
- No lot can have direct access onto any existing public road. All lots must front on an internal street.
- A traffic impact analysis, including recommendations for improvements to mitigate impacts, must be submitted as part of the rezoning application.

Randy Hawkins stated that he received a phone call from Larry Beaver, who was concerned that the text amendment was not an equitable solution, particularly in west Lincoln where traffic is not a major concern.

Commissioner Klein stated that with the sewer situation there won't be a lot of small or large subdivisions. He stated that the recommendation is to approve this text change until the UDO is approved. He asked if it would not be better to wait until the UDO comes forward to respond.

Randy Hawkins stated that the decision is up to the Board. He stated that some developers are getting plans approved now for when building does pick back up. He stated that in the past couple days, they have received applications for 2 subdivisions that are 20 to 50 lots.

Kelly Atkins, Director of Building and Land Development, stated that it is a cumulative impact. He stated that when looking at subdivisions of 20 to 50 homes, you have to look over a period of time. In a 2 year period, 1600 lots were created between 20 and 50 lots subdivided, that went to the Planning Board and staff. It is an interim approach and other tools will be introduced later in the meeting. He stated that the UDO will address these concerns more specifically.

Commissioner Patton asked how we get to the point in Lincoln County where we can be specific, where there are different rules on Highway 16 and Highway 18. He stated that there are not very many areas in west Lincoln where a traffic impact study is needed.

Randy Hawkins stated that a similar proposal was brought before the Board in 2004. In that proposal, it gave the Zoning Administrator the option whether to have a Traffic Impact Study. He stated that one of the problems is that without a traffic impact study, you have no objective standards to decide improvements needed.

Jerry Geymont asked if staff has had meetings with homebuilders and realtors concerning these changes. He stated that meetings like this need to be held prior to bringing this to the Board.

Kelly Atkins stated that he spoke with the President of the Homebuilders Association today and has requested such a meeting.

Commissioner Carlton stated he asked for this text amendment because the cumulative effect of 50, 50, 50 adds up quickly. He stated that 50 home developments have been done three times on Highway 16 in about a four month period. This is 150 homes and 300 cars. He stated that we are at the point where we cannot do this anymore. He stated that looking at Harbor Master, a 50 home subdivision that did not come before the Board, it's right on Highway 16 and there is no right lane to turn into that subdivision. He stated that this subdivision should have never been put in there with no turn lane. Commissioner Carlton said that if you put too many more of these subdivisions in there and you will not be able to travel Highway 16.

Larry Craig asked if the County could sanction districts and zoned districts. He stated that the problem is there for east, but the center and west should not have to follow the restrictions.

Commissioner Klein stated asked if this could be tied to the current data on how intersections are rated.

Kelly Atkins stated that the Board would have to define the scope or how far away from that intersection, how many intersections, etc. He stated that this may be a possible solution.

Randy Hawkins stated that some intersections have not been studied for level of service, only traffic counts.

Commissioner Klein stated that he agrees with Commissioner Patton, the Board has to figure out a way to separate what is unique about this county.

Kelly Atkins stated that it is very important to talk with the consultants working on the UDO. He stated that they have done this across the country.

Commissioner Carlton stated that he has called one of the largest builders in the County and plans to meet with him and any other builders that will. He stated that the last thing the Board wants to do is hinder our hometown builders.

Chairman Anderson opened the public hearing concerning ZTA No. 559 – Lincoln County, applicant.

Karen Bolick, 7568 Deer Track Drive, Denver, stated that when the Board spoke of differences in the western and eastern ends of the county, she wholeheartedly agrees. She stated that she resided in eastern Lincoln County before these problems were there. She

said that if the Commissioners, Planning Board and developers had the foresight then to plan and take traffic impact analyses, to say in 50 years, what will this be like. She stated that she sees nothing wrong with having the traffic impact analysis in western Lincoln County, because it will develop.

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

SOA #29 Lincoln County, applicant: Andrew Bryant presented the following:

This is a proposal to amend sections 107 “Minor Subdivision” Defined, “Major Subdivision” Defined and 304.1 Sketch Plans for Minor Subdivisions. The purpose of this proposal is to subject smaller development to a higher level of review.

Chairman Anderson opened the public hearing concerning SOA #29 – Lincoln County, applicant.

Being no speakers, Chairman Anderson declared the public hearing closed.

SOA #30 Lincoln County, applicant: Andrew Bryant presented the following:

This is a proposal to amend and rename Section 405.4 of the Lincoln County Subdivision Ordinance. The amendment to section 405.4 would add thirteen more roads to this section. The purpose of this amendment would be to further Lincoln County’s commitment to access management along the county’s congesting road network.

The roads are: Airport Road, Amity Church Road, Buffalo Shoals Road, Campground Road, Cat Square/Shoal, Ingleside Farm Road, Little Egypt Road, Mariposa Rd., Killian Road, NC 10, NC 16, NC 18, NC 27, NC 73, NC 150, NC 182, NC 274, Old Mill road, Old Plank Road, Optimist Club Road, Philadelphia Church Road, Reepsville Road, Shuford Road, St. James Church Road, Rufus Road, Startown Road, Triangle Circle, and US 321 Business (NC 155).

Chairman Anderson opened the public hearing concerning SOA No. 30.

Emily Heavner stated that she just happened to see this in the paper and was wondering what the proposals are for these roads. She asked what actions the homeowners have for any recourse. She stated that her land is on Amity Church Road.

Chairman Anderson asked Andrew Bryant to get in touch with Ms. Heavner to go over this information.

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

Transportation Toolbelt: A Report on Available Options for Mitigating the Transportation Impacts of Future Growth: Andrew Bryant gave a Powerpoint presentation. Included in this presentation were the pros and cons of building permit

caps, increased minimum lot size pros and cons; subdivision moratorium; principal arterial congestion management; proportionate share; travel demand management; encourage design; detailed small area planning;

Commissioner Carlton stated that back when the Board asked for this presentation, they just wanted an idea of what options were available. He stated this does not mean that a moratorium will be put into place or any of the other options will take place, but they are ready if they need to be used. He it is critical right now in Lincoln County, if we are going to have a quality of life that people came here for, we have to address the traffic. Commissioner Carlton said we have to get in front of this right now. He thanked Building and Land Development for putting this information together.

Chairman Anderson stated that he thinks that this topic has some urgency, but has substantial amount of complexity to it as well. He proposed setting up a workshop with the Board of Commissioners and Planning Board to delve into these options as presented with some degree of specificity. He asked Mr. Wood to look for dates in the next 30 days to put together workshop to go over these options.

Commissioner Carlton stated that the Board needs to figure out what triggers action on all of these.

Commissioner Klein stated that it would be helpful to know the boundaries with respect to moratoriums.

George Wood, County Manager, stated that the Board could look at the county's participation in State DOT projects. He asked Jeff Taylor to research this to see if any cities or counties in North Carolina are doing this with the recent change in state law.

Kelly Atkins asked if the joint meeting could be scheduled in 30 to 45 days to give his staff adequate time to prepare.

The Planning Board recessed and reconvened on 2nd floor balcony.

Public Hearing, Adoption of bond Order, and Passage of Resolution Calling Special Bond Referendum: The Chairman announced that this was the date and hour fixed by the Board of Commissioners for the public hearing upon the order entitled: "ORDER AUTHORIZING \$44,600,000 SCHOOL BONDS" and that the Board of Commissioners would immediately hear anyone who might wish to be heard on the questions of the validity of said order or the advisability of issuing said bonds.

No one appeared, either in person or by attorney, to be heard on the questions of the validity of said order or the advisability of issuing said bonds and the Clerk to the Board of Commissioners announced that no written statement relating to said questions had been received.

The Chairman then announced the public hearing was closed.

Thereupon, upon motion of Commissioner Carlton, seconded by Commissioner Patton, the order introduced on February 18, 2008 entitled: "ORDER AUTHORIZING

\$44,600,000 SCHOOL BONDS” was read a second time by title and placed upon its adoption. The vote upon the adoption of said order was:

Ayes: Commissioners Anderson, Patton, Carlton, Klein and Moore.

Noes: none

The Clerk to the Board of Commissioners was thereupon directed to publish said order, together with the appended statement as required by The Local Government Bond Act, as amended, once in The Lincoln Times-News.

Thereupon Commissioner Anderson introduced the following resolution, a copy of which had been provided to each Commissioner and which was read by title:

RESOLUTION CALLING A SPECIAL
BOND REFERENDUM

BE IT RESOLVED by the Board of Commissioners for the County of Lincoln:

Section 1. A special bond referendum is hereby called to be held between 6:30 A.M. and 7:30 P.M., on Tuesday, May 6, 2008, at which there shall be submitted to the qualified voters of the County of Lincoln the question contained in the notice of special bond referendum set forth in Section 3 of this resolution.

Section 2. For said referendum, (i) the regular registration books for elections in Lincoln County shall be used and the registration books, process or records shall be open for the registration of qualified persons and for public inspection in the manner, under the conditions and at the times and places as provided in said notice set forth in Section 3 of this resolution, (ii) the chief judges, judges and other officers of election appointed by the Lincoln County Board of Elections for the several precincts and voting places in said County shall be the election officers for such precincts and voting places and (iii) the precincts and voting places shall be those fixed by the Lincoln County Board of Elections as provided in said notice set forth in Section 3 of this resolution, subject to change as provided by law. The Lincoln County Board of Elections is hereby requested to conduct said referendum and to take all necessary steps to that end in accordance with the provisions of this section.

Section 3. The Clerk to the Board of Commissioners shall cause a notice to be published in The Lincoln Times-News once at least fourteen days before April 11, 2008 (being the last day on which persons may register for said referendum except as otherwise provided in said notice set forth in Section 3 of this resolution) and once again not less than seven days before said day, such notice to read substantially as follows:

NOTICE OF SPECIAL BOND REFERENDUM
IN THE
COUNTY OF LINCOLN, NORTH CAROLINA

A special bond referendum will be held throughout the County of Lincoln, North Carolina, between 6:30 A.M. and 7:30 P.M., on Tuesday, May 6, 2008, at which there will be submitted to the qualified voters of said County the following question:

Shall the order adopted on March 3, 2008, authorizing not exceeding \$44,600,000 School Bonds of the County of Lincoln, North Carolina, for the purpose of providing funds, together with any other available funds, for erecting additional school buildings and other school facilities, remodeling, enlarging and reconstructing existing school buildings and other school facilities and acquiring necessary land and equipment therefor in order to provide additional school facilities

in the County of Lincoln, and authorizing the levy of taxes in an amount sufficient to pay the principal of and the interest on said bonds, be approved?

The question hereinabove set forth contains a statement of the purpose for which the bonds are authorized by the order referred to in such question.

If said bonds are issued, taxes in an amount sufficient to pay the principal and interest thereof will be levied upon all taxable property in the County of Lincoln.

For said referendum the regular registration books for elections in the County of Lincoln will be used and the registration books, process or records will continue to be open for the acceptance of registration applications and the registration of qualified persons from 8:00 A.M. until 5:00 P.M., Monday through Friday, inclusive, of each week, at the office of the Lincoln County Board of Elections, 2nd Floor, James W. Warren Citizens Center, 115 West Main Street, Lincolnton, North Carolina 28092, Telephone (704) 736-8480.

In addition, registration applications may be obtained and qualified persons may register (i) at any branch of the Lincoln County Library during regular library hours, (ii) at any public high school in Lincoln County during regular school hours, and (iii) at various governmental offices and other locations in Lincoln County. For information concerning the address of any of the above locations as well as information concerning any other locations at which registration applications may be obtained, please contact the Lincoln County Board of Elections at its address or telephone number set forth above. Registration applications are also available on the internet at www.lincolncounty.org.

Registration applications may also be obtained and qualified persons may also register at any Drivers License Examining Station located in the State of North Carolina (the "State") during normal business hours when applying for, renewing or correcting their drivers licenses.

Moreover, registration applications will be accepted and qualified persons may register at every office in the State which accepts claims for benefits under the Employment Security Law or applications for a program of public assistance under Article 2 of Chapter 108A or Article 13 of Chapter 130A of the General Statutes of North Carolina and at every office in the State designated by the State Board of Elections which accepts applications for State-funded or local government programs primarily engaged in providing services to persons with disabilities. Such programs include Medical Assistance, Aid to Families with Dependent Children, Food Stamps, Women, Infants and Children and programs of the Division of Mental Health and the Division of Services for the Blind.

Qualified persons may also register by mail on forms to be available at the above-mentioned places and otherwise as provided in Article 7A of Chapter 163 of the General Statutes of North Carolina.

Furthermore, certain persons in the armed forces and their spouses, certain veterans, certain civilians working with the armed forces, and members of the Peace Corps may register by mail at any time prior to said referendum in the manner provided in Article 21 of Chapter 163 of the General Statutes of North Carolina and in person at any time, including the day of said referendum.

Except as otherwise provided in Article 7A of Chapter 163 of the General Statutes of North Carolina, the last day for new registration of those not now registered under Lincoln County's permanent registration system and who wish to register for said referendum is Friday, April 11, 2008.

Except as provided above, the last day on which registered voters who have changed residence from one precinct to another may transfer registration for such referendum is Friday, April 11, 2008.

Voter registration forms must either be delivered to the office of the Lincoln County Board of Elections by 5:00 P.M., Friday, April 11, 2008, or be mailed to such office in an envelope postmarked by Friday, April 11, 2008.

Any qualified voter of the County who is qualified to vote by absentee ballot in said special bond referendum may apply to the Lincoln County Board of Elections for an absentee ballot. Any qualified voter who is qualified to vote by military absentee ballot pursuant to Section 163-245 of the General Statutes of North Carolina may also apply for an absentee ballot as provided by Section 163-247 of the General Statutes of North Carolina. Applications for absentee ballots must either be delivered to the office of the Lincoln County Board of Elections by 5:00 P.M., Tuesday, April 29, 2008, or be mailed to such office in an envelope postmarked by Tuesday, April 29, 2008.

Absentee ballots (other than absentee ballots cast using the "one-stop" voting procedure) must be received through mail or in person delivery by the qualified voter at the office of the Lincoln County Board of Elections by 5:00 P.M. on Monday, May 5, 2008.

Any voter eligible to vote by absentee ballot under G.S. 163-226 may request an application for an absentee ballot, complete the application and vote under North Carolina's "one-stop" voting procedure. Such ballot may be cast only at the office of the Lincoln County Board of Elections mentioned above and other predetermined sites not earlier than Thursday, April 17, 2008 and not later than 1:00 P.M., Saturday, May 3, 2008.

A North Carolina resident who is qualified to vote but who misses the deadline for voter registration may register and vote at a One-Stop Site during the One-Stop Voting period, which extends from April 17, 2008 to May 3, 2008. A list of One-Stop Voting hours and locations is set forth on the internet at www.lincolncounty.org/County/Departments/Elections.

Persons who are not certain whether they are registered to vote or qualified to vote by absentee ballot or who desire information concerning the registration process for said referendum should contact the Lincoln County Board of Elections at the office of said Board mentioned above.

The registration books for elections in Lincoln County will be open to inspection by any registered voter of the County during the normal business hours of the Lincoln County Board of Elections on the days when the office of said Board is open, and such days are challenge days.

The chief judges, judges and other officers of elections appointed by the Lincoln County Board of Elections will serve as the election officers for said referendum.

The Lincoln County Board of Elections will conduct said referendum.

The precincts and voting places for said referendum, subject to change as provided by law, are as follows:

<u>PRECINCT</u>	<u>VOTING PLACE</u>
Asbury	Boger City Fire Department 410 McAlister Road, Lincolnton
Boger City	Lincoln County School of Technology 1 Timken Drive, Lincolnton
Buffalo Shoals	Maiden Wesleyan Church 1111 Ivey Church Road, Lincolnton
Cowans Ford	Salem United Methodist Church Fellowship Hall 378 N Pilot Knob Road, Denver
Crouse	Crouse United Methodist Church Fellowship Hall 2376 Pleasant Grove Church Road, Crouse
Daniels/Vale	Messiah United Methodist Church 4102 W Highway 27, Lincolnton
Denver	Denver United Methodist Church Fellowship Hall 3910 N Highway 16, Denver
Denver/West	Saint James Elementary School – Music Room 1774 Saint James Church Road, Denver
Heavners	Howards Creek Community Center 494 Howards Creek School Road, Lincolnton
Hickory Grove	North 321 VFD 3769 Maiden Highway, Lincolnton
Iron Station	Pearl Baptist Church Fellowship Hall 4657 E Highway 27, Iron Station
Iron Station/South	Fellowship Baptist Church Fellowship Hall 2891 Long Circle, Iron Station
Lincolnton/North	Charles R. Jonas Library 306 W Main Street, Lincolnton
Lincolnton/South	James. W. Warren Citizens Center-Lobby 115 W Main Street, Lincolnton
Lithia	Lincoln Medical Center 200 Gamble Drive, Lincolnton
Long Shoals	South Fork VFD 2736 Long Shoals Road, Lincolnton
Love Memorial	Love Memorial School Gym 1463 Love Memorial School Road, Lincolnton

Lowesville	East Lincoln VFD 7654 Highway 73, Denver
Lowesville/West	Faith Baptist Church Fellowship Hall 5194 Old Plank Road, Iron Station
North Brook	North Brook Fire Department 7050 Doyle Beam Memorial Road, Vale
North Brook III	Mount Vernon Baptist Church Fellowship Hall 1156 North Brook III School Road, Vale
Oak Grove	Oak Grove Community Center 2701 Startown Road, Lincolnton
Ore Bank	Pumpkin Center Intermediate School 3980 King Wilkinson Road, Lincolnton
Pumpkin Center	Pumpkin Center VFD 2911 Lee Lawing Road, Lincolnton
Salem	Salem Baptist Church Fellowship Hall 1982 Salem Church Road, Lincolnton
Triangle	East Lincoln Community/Recreation Center 8160 Optimist Club Road, Denver
Triangle/East	Unity Presbyterian Church Fellowship Hall 8210 Unity Church Road, Denver
Westport	Fairfield United Methodist Church Fellowship Hall 7860 Fairfield Forest Road, Denver

Peri A. Moore
Chairman of the Lincoln County
Board of Elections

Amy S. Atkins
Clerk to the Board of Commissioners
for the County of Lincoln, North Carolina

Section 4. The form of the question to be used in the voting machines at said referendum
and in the absentee ballots shall be substantially as follows:

.....

YES

NO

Shall the order adopted on March 3, 2008, authorizing not exceeding \$44,600,000 School Bonds of the County of Lincoln, North Carolina, for the purpose of providing funds, together with any other available funds, for erecting additional school buildings and other school facilities, remodeling, enlarging and reconstructing existing school buildings and other school facilities and acquiring necessary land and equipment therefor in order to provide additional school facilities in the County of Lincoln, and authorizing the levy of taxes in an amount sufficient to pay the principal of and the interest on said bonds, be approved?

.....

Section 5. The Clerk to the Board of Commissioners is hereby directed to mail or deliver a certified copy of this resolution to the Lincoln County Board of Elections within three days after the adoption hereof.

Section 6. This resolution shall take effect upon its passage.

Thereupon, upon motion of Commissioner Klein, seconded by Commissioner Moore, the foregoing resolution entitled: "RESOLUTION CALLING A SPECIAL BOND REFERENDUM" was passed by the following vote:

Ayes: Commissioners Anderson, Patton, Carlton, Klein and Moore.

Noes: none.

Joint Resolution Celebrating 100 Years of County Unity in Recognition of Our Association's Centennial: UPON MOTION by Commissioner Moore, the Board voted unanimously to approve the Joint Resolution.

**Joint Resolution Celebrating 100 Years of County Unity in
Recognition of Our Association's Centennial**

WHEREAS, the North Carolina Association of County Commissioners is an advocacy and service organization made up of all one-hundred (100) North Carolina counties; and

WHEREAS, the active participation and engagement of all 100 counties have directed, strengthened and enhanced our Association; and

WHEREAS, the dedication and talents of individual county commissioners and county staff have led our Association's success in advocacy, county-centered services and educational programs; and

WHEREAS, an informal agreement to form our Association was made by a handful of county commissioners who, at the behest of Craven County Commissioner C.E. Foy, met in New Bern in 1908, to discuss county issues of common interest; and

WHEREAS, the first session of our unofficial Association was held at the Atlantic Hotel in Morehead City on August 19, 1908, where C.E. Foy was elected as president; and

WHEREAS, the North Carolina General Assembly passed an act on March 8, 1909 establishing our Association on behalf of counties;

NOW, THEREFORE BE IT RESOLVED, that the North Carolina Association of County Commissioners and each Board of County Commissioners jointly recognize and celebrate “100 Years of County Unity” in tribute to our Association’s Centennial.

FURTHER BE IT RESOLVED that the Association communicate its copy of the joint resolution to each Board of County Commissioners.

FURTHER BE IT RESOLVED that the Lincoln County Board of Commissioners communicate its copy of this joint resolution to the North Carolina Association of County Commissioners.

Source Water Protection Resolution: Commissioner Carlton asked if the decision has been made to purchase this property. The Board changed the wording of the resolution to reflect some changes as shown below:

**RESOLUTION BY
LINCOLN COUNTY BOARD OF COMMISSIONERS**

WHEREAS, The Federal Clean Water Act Amendments of 1987 and the North Carolina Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of land acquisition and conservation projects for the purpose of protecting a public drinking water source, and

WHEREAS, LINCOLN COUNTY has an option to purchase and conserve property for the purpose of protecting a public drinking water source, with the purchase of 116 acres off Pine Ridge Drive for preservation and a passive, open space park, to be known as Rock Springs Park, and

WHEREAS, LINCOLN COUNTY intends to request state loan assistance for the project,

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

In the event that the County decides to purchase said property:

That Lincoln County will arrange financing for all remaining costs of the project, if approved for a State (loan or grant) award.

That Lincoln County will adopt and place into effect a schedule of fees and charges and other available funds which will provide adequate funds for the repayment of all principal and interest on the debt.

That the governing body of Lincoln County agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of Lincoln County to make scheduled repayment of the loan, to withhold from Lincoln County any State funds that would otherwise be distributed to the local

government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

That George Wood, County Manager, and successors so titled, is hereby authorized to execute and file an application on behalf of Lincoln County with the State of North Carolina for a loan to aid in the land acquisition project described above.

That the County Manager, and successors so titled, is hereby authorized and directed to furnish such information as the State may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That Lincoln County has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the 3rd day of March, 2008 at Lincoln County, North Carolina.

(Signature of Chief Executive Officer)

(Title)

CERTIFICATION BY RECORDING OFFICER

The undersigned duly qualified and acting Clerk to the Board of the Lincoln County Board of County Commissioners does hereby certify: That the above/attached resolution is a true and correct copy of the resolution authorizing the filing of an application with the State of North Carolina, as regularly adopted at a legally convened meeting of the Board of County Commissioners of Lincoln County, duly held on the 3rd day of March, 2008; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office. IN WITNESS WHEREOF, I have hereunto set my hand this day of , 2008.

(Signature of Recording Officer)

(Title of Recording Officer)

UPON MOTION by Commissioner Moore, the Board voted unanimously to adopt the Resolution as modified.

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

Larry Caldwell, 7784 Deer Track Drive, Forest Oaks subdivision, filed a complaint about Universal Rubber Company on Forest Oaks Drive. He said that the company is an eyesore and looks like a trash dump. He stated that there are conditions on this business concerning no outside storage and these conditions are not being met. He asked the Board for help in getting this business to clean up and presented a petition.

Chairman Anderson declared the public comments section closed.

Design Services Contract – NC 16 Water Line Relocation – Steve Gilbert: Steve Gilbert presented the proposed Engineering and surveying services contract with Robinson & Sawyer of Gastonia for the relocation of a water line on the north and south legs of NC 16 at the NC 73 intersection. This work is being required by NCDOT to move our water lines out from under the proposed widening of these two legs of the intersection under their “Moving Ahead” improvement program. The original lines were installed when the road was only 2 lanes wide. The improvements will increase the road to 4 and 5 lanes wide and DOT will not allow our lines to remain under the pavement. The scope of work also includes a limited amount of relocation of sanitary sewer that is in conflict with the proposed NCDOT storm drainage lines that are a part of their roadway improvements. Since our lines exist in DOT’s right of way under an encroachment agreement, we do not have any choice but to move the lines as requested.

This Contract covers a limited amount of field surveying, civil design, preparation of construction plans and permitting through the applicable state agencies. Potential additional work not included in this contract consists of preparation of utility easement plats and contract administration services. The need for such services can be better determined after the design is complete. Robinson Sawyer was chosen to provide these services because the work is essentially an extension of the design work they already performed on the NC 73 water line relocation. We hope to have the design complete in time to consider adding the construction work to the contract we already have with Lovingood, Inc. for the water line improvements along NC 73. These design services are

outlined in detail on the contract and will cost \$13,950.00 to be paid on a lump sum basis.

UPON MOTION by Commissioner Moore, the Board voted unanimously to accept the recommendation of the Public Works Department and approve the Contract for Engineering & Surveying Services with Robinson & Sawyer in the amount of \$13,950.00.

Drought Update – Steve Gilbert: Steve Gilbert gave an update on the drought situation.

Update on Sewer Plant – Steve Gilbert: Steve Gilbert gave an update on the sewer plant. On Friday, our construction plans were shipped to Raleigh. The review time, comments and correction should take about 4 months, which would put us with an authorization to construct in July.

Appointments to Animal Control Advisory Committee: **UPON MOTION** by Commissioner Klein, the Board voted unanimously to appoint Dianne Leatherman and Mildred Cook to the Animal Control Advisory Committee.

Other Business: Commissioner Carlton stated that the Board has discussed in public session and in private meetings with DOT and Building and Land representatives about the situation with the East Lincoln Charter School and the turn lane that has not taken place yet. He stated that there is backup there, inconvenience to residents, and danger there. Commissioner Carlton said that two weeks ago a man died in an auto collision in front of the Charter School. He stated that he has asked Building and Land weekly to check on this situation to see where we are and to this date, there is nothing. He said they are in there on a temporary CO and this turn lane should have been there when the school opened. He stated that something needs to happen soon to get this matter corrected.

Closed Session: **UPON MOTION** by Commissioner Patton, the Board voted unanimously to enter closed session pursuant to N.C.G.S 143-318.11

- (3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged.
- (5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease

No action was reported from Closed Session.

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

Amy S. Atkins, Clerk
Board of Commissioners

Thomas R. Anderson, PE, Chairman
Board of Commissioners