

**MINUTES**  
**LINCOLN COUNTY BOARD OF COMMISSIONERS**  
**MONDAY, NOVEMBER 1, 2010**

The Lincoln County Board of County Commissioners met on November 1, 2010 at the James W. Warren Citizens Center Auditorium, 115 W. 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:

Jeff Frushtick, Chairman  
Gary Garlow, Vice-Chairman  
John Anderson  
Tom Campbell  
Cathy Davis  
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  
Randy Williams, Principal Planner  
Susan McCracken, Social Services Director  
Madge Huffman, Tax Administrator  
Burns Whittaker, Public Works Director  
Leon Harmon, Finance Director

**Call to Order:** Chairman Patton called the November 4, 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

NOVEMBER 1, 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
  - October 18, 2010
  - Tax Requests for Refunds - More than \$100
  - September 18 - 24, 2010
  - Tax Requests for Releases - More than \$100
  - September 16 - October 15, 2010
  - Ordinance # 2010-15: An Ordinance Amending the FY 2011 Budget for the County of Lincoln, North Carolina
  - Child Care Consultant Grant
  - Proclamation Declaring Friday, November 12 as North Carolina Symphony Day in Lincoln County
3. 6:40 PM Zoning Public Hearings – Randy Hawkins
- UDO Proposed Amendments #2010-2 Brian Temerson, applicant A proposal to amend Section 4.4.8 of the Lincoln County Unified Development Ordinance to revise the standards for gas stations/convenience stores and accessory automatic car washes and to amend Section 3.2.6 to allow service bay doors of accessory automatic car washes to face the road without being screened.
- CZ #2010-4 Tawnya Cagley, applicant (Parcel ID# 18472) A request to rezone 1.5 acres from B-N (Neighborhood Business) to CZ B-G (Conditional Zoning General Business) to permit a car sales lot. The property is located at 2037 W. Hwy. 150, on the south side of Hwy. 150 about 1,200 feet east of Old Lincolnton-Crouse Road, in Lincolnton Township.
- CUP #299 Cindy Kincaid, applicant (Parcel ID# 10425) A request for a conditional use permit to operate a riding stable and hold horse shows in the R-R (Rural Residential) district. The 20-acre parcel is located at 3377 Flay Sain Road, on the east side of Flay Sain Road about 300 feet north of the Gaston County line, in North Brook Township.

4. 7:05 PM Purchase of Lincoln County Department of Social Services Electronic Document Management System - Martha Lide and Susan McCracken
5. 7:15 PM Public Hearing - Schedule of Values - Madge Huffman
6. 7:30 PM Public Hearing - Incentive Grant for Existing Industry and Resolution #2010-58: Resolution to Adopt Economic Incentive Grant Agreement - Kara Brown
7. 7:35 PM Public Comments
8. 7:50 PM Discussion and Adoption of NC 16 Corridor Vision Plan - Randy Williams
9. 8:15 PM North Brook Fire District Sub Station - Martha Lide
10. 8:25 PM Resolution #2010-59: Resolution to Approve Award for Relocation of Water and Sewer Lines on Finger Mill Road - Burns Whittaker
11. 8:35 PM Contract for Services - Owls Den Landfill Corrective Actions - Phase III - Burns Whittaker
12. 8:45 PM Resolution #2010-60: Resolution Authorizing County Manager to File Grant Application with the North Carolina Industrial Development Fund and Approving Sewer Improvement Budget - Martha Lide
13. 8:55 PM Resolution #2010-61: Resolution Authorizing County Manager to File Grant Application with the North Carolina Rural Center and Approving Sewer Improvement Budget - Martha Lide
14. 9:05 PM Approval of Performance Agreement Required by the Rural Development Center and Legally Binding Agreement Required by the Industrial Development Fund in Connection with Grant Agreements
15. 9:15 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
  - October 18, 2010
- Tax Requests for Refunds - More than \$100
  - September 18 - 24, 2010
- Tax Requests for Releases - More than \$100
  - September 16 - October 15, 2010
- Ordinance # 2010-15: An Ordinance Amending the FY 2011 Budget for the County of Lincoln, North Carolina
- Child Care Consultant Grant

- Proclamation Declaring Friday, November 12 as North  
Carolina Symphony Day in Lincoln County

LINCOLN COUNTY TAX DEPARTMENT  
REGISTERED VEHICLES  
PERIOD COVERED (SEPTEMBER 18 – SEPTEMBER 24, 2010) ALL REFUNDS GREATER THAN \$100.00  
(and) #105-325 including (A) (6)

NAME	YEAR	DIST	A/C#	AMOUNT	REASON
Mercer, Michael Ryan	2009	22-CITY	0213392	\$129.33	Military Exemption
<b>TOTAL</b>				<b>\$129.33</b>	

LINCOLN COUNTY TAX DEPARTMENT  
REGISTERED VEHICLES  
PERIOD COVERED (SEPTEMBER 25 – OCTOBER 1, 2010) ALL REFUNDS GREATER THAN \$100.00  
(and) #105-325 including (A) (6)

NAME	YEAR	DIST	A/C#	AMOUNT	REASON
Advantage Funding of NY	2009	55-N321	0210539	\$188.54	Pro-rated bill.
<b>TOTAL</b>				<b>\$188.54</b>	

LINCOLN COUNTY  
TAX DEPARTMENT  
G.S. #105-381 (B) ALL RELEASES MORE THAN \$100  
AND #105-325 INCLUDING (A) (6)  
**REQUEST FOR RELEASES**  
**MOTOR VEHICLE BILLS**  
PERIOD COVERED (September 16 2010-October 15 2010)  
1 of 1

NAME	YEAR	DIST	A/C NO	AMOUNT	REASON
Dagenhart, William C	2010	City	0169142	\$166.33	Vehicle taxable in Catawba County.
Hull, Garry Lynn	2010	ELFD	0209746	\$200.01	Pro-rated bill.
JMS Enterprises	2010	ELFD/ELSD	0184263	\$121.22	Pro-rated bill.
Leonhardt, Jeffrey Scott	2010	NBFD	0217914	\$122.46	Pro-rated bill.
Mercer, Michael Ryan	2010	City	0213392	\$342.05	Military exemption.
Mullis, James T	2010	ALFD	16937	\$102.22	Vehicle sold prior to tag/tax year.
Parker, Macon Paul	2010	City	0228112	\$257.76	Vehicle taxable in Mecklenburg County.
Parris, Micah Luke	2010	PCFD	0227578	\$136.28	Pro-rated bill.
Payne, John D	2010	ALFD	0177772	\$104.94	Pro-rated bill.
Sauer, Phyllis Loretta	2010	City	0227613	\$103.28	Vehicle taxable in Gaston County.
Sibling Leasing LLC	2010	NBFD	0143081	\$829.95	Pro-rated bill.
Sims, Stephen Charles	2010	DFD/ELSD	0227389	\$123.79	Pro-rated bill.
Sledzewski, Robert Bruce	2009	City	0221122	\$103.58	Pro-rated bill.

**TOTAL \$2,713.87**

SUBMITTED BY:

DATE: \_\_\_\_\_

MADGE HUFFMAN, TAX ADM

APPROVED BY:

DATE: \_\_\_\_\_

GEORGE WOOD  
COUNTY MANAGER

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

**REQUEST FOR RELEASES**

November 1, 2010  
Public Hearing - Zoning

PERIOD COVERED

(Sept. 16, 2010 - Oct. 15, 2010)

1 of 1

NAME	YEAR	DIST	A/C NO	AMOUNT	REASON
A-1 Express Mart	2010	City	0216394	\$1,243.00	Business personal property double-listed on A/C# 0218101.
Bleiman, Bruce	2010	ELFD/ELSD	0213809	\$133.02	Personal property listed in Mecklenburg County as of 1/1/10.
Davis, Michael E	2004-2010	NBFD	01840	\$225.85	Remove late-list penalty.
Dionne, Nicolas E	2010	DFD	0199987	\$369.99	US Bankruptcy Judge discharged personal property.
Frazier, Aaron Michael	2010	ELFD/ELSD	0163721	\$114.07	Did not owned personal property as of 1/1/10.
Gunselman Motorsports LLC	2010	ELFD/ELSD	0228915	\$1,995.50	Business personal property in Catawba County.
K.I.S.S. Business Systems LLC	2010	DFD/ELSD	0222002	\$376.34	Business personal property in Gaston County.
Sutphin Construction DBA	2004-2005	BCFD	0117681	\$632.93	US Bankruptcy Judge discharged personal property.
Wing, Bruce Edward	2009-2010	DFD/ELSD	0152324	\$186.30	Personal property moved out of state in 2008.

**TOTAL \$5,277.00**

**ORDINANCE #2010-15: 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 #2010-15, 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 1st day of November, 2010.

BY: \_\_\_\_\_

Alex E. Patton, Chairman  
Lincoln County Board of Commissioners

ATTEST:

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

Steve Gurley presented information on the Symphony.

**New Business/Advertised Public Hearings:** Chairman Patton announced that this was the date, Monday, November 1, 2010, and the time, 6:30 P.M., which was advertised in the Lincoln Times-News on October 22 and 29, 2010.

#### **NOTICE OF PUBLIC HEARINGS**

The Lincoln County Board of Commissioners and Planning Board will hold a joint meeting and public hearings on Monday, November 1, 2010, at 6:30 p.m. to consider the following matters:

**UDO Proposed Amendments #2010-2 Brian Temerson, applicant** A proposal to amend Section 4.4.8 of the Lincoln County Unified Development Ordinance to revise the standards for gas stations/convenience stores and accessory automatic car washes and to amend Section 3.2.6 to allow service bay doors of accessory automatic car washes to face the road without being screened.

**CZ #2010-4 Tawnya Cagley, applicant** (Parcel ID# 18472) A request to rezone 1.5 acres from B-N (Neighborhood Business) to CZ B-G (Conditional Zoning General Business) to permit a car sales lot. The property is located at 2037 W. Hwy. 150, on the south side of Hwy. 150 about 1,200 feet east of Old Lincolnton-Crouse Road, in Lincolnton Township.

**CUP #299 Cindy Kincaid, applicant** (Parcel ID# 10425) A request for a conditional use permit to operate a riding stable and hold horse shows in the R-R (Rural Residential) district. The 20-acre parcel is located at 3377 Flay Sain Road, on the east side of Flay Sain Road about 300 feet north of the Gaston County line, in North Brook Township.

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: Oct. 22, Oct. 29, 2010

#### **Zoning Public Hearings – Randy Hawkins:**

**UDO Proposed Amendments #2010-2 – Brian Temerson, applicant:** Randy Hawkins presented the following information concerning UDO Proposed Amendments #2010-2.

Under Section 9.3 of the Lincoln County Unified Development Ordinance, anyone can apply to amend the text of the ordinance. The applicant is proposing to amend the standards contained in Section 3.2.6 (Service Bay Orientation) and Section 4.4.8 (Gas Station with Convenience Retail).

Specifically, the proposal calls for:

- 1) Amending Section 3.2.6 to state that a service bay door of an accessory automatic car wash may be oriented toward the road provided the automatic car wash meets the provisions of Section 4.4.8. Under the current text of this section, a bay door would have to be screened from the road to be oriented that way.
- 2) Amending Section 4.4.8.A.2 to change the minimum setback for all structures at gas stations/convenience stores to 100 feet from any residential district or residential use located on another lot. The current text requires a minimum setback of 200 feet.
- 3) Amending Section 4.4.8.C to allow an accessory automatic car wash to

have more than one bay. The current text has a limit of one bay.

4) Amending Section 4.4.8.C.2 to change the maximum building dimensions of a one-bay automatic car wash to 30 x 65 feet and to establish the maximum dimensions of a two-bay automatic car wash at 45 x 65 feet. The current text limits the dimensions to 25 x 50 feet.

5) Amending Section 4.4.8.C.3 to state that the car wash structure shall not extend in front of the front building line of the principal building. The current text requires that the structure be located behind the rear building line of the principal building.

Keith Johnson asked the distinction between an accessory automatic car wash and a car wash.

Randy Hawkins stated that the proposed amendment would only apply to accessory car washes, car washes at a convenience store that is not the principal use. It would not apply to a stand alone car wash.

Mr. Johnson asked if Mr. Hawkins was aware of any car washes that have more than one lane in Lincoln County. Mr. Hawkins was not.

Gary Garlow asked how our standards compare to surrounding counties. Mr. Hawkins stated that ours are more stringent. Gaston and Catawba County have no special standards for automatic car washes. Gaston County standards would allow the car wash to be to the side of the building, but not extend in front of the building. Most jurisdictions rely on the general standards and setbacks that apply to all commercial accessory structures.

Chairman Patton opened the public hearing concerning UDO Proposed Amendments #2010-2 – Brian Temerson, applicant.

Brian Temerson introduced himself.

Dave Waddell, 2500 West Front Street, Statesville, NC, stated that he does car washes all over the country and the regulations are some of the most stringent he has faced. He said they recently did Mrs. Bubbles on Generals Boulevard. He said there is no way to do a car wash and make it profitable with these regulations.

Keith Johnson asked if any research had been done to see how long anybody has waiting in line to go through a single lane accessory car wash. Mr. Waddell said the longer the building, the faster the cars can get through it.

Gary Garlow asked if 100 feet from a residence at 12:00 a.m. is reasonable. Mr. Waddell said with the advances today, it is not that noisy. He said 100 to 200 feet is reasonable.

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

**Conditional Zoning #2010-4 – Tawnya Cagley, applicant:** Randy Hawkins presented the following information concerning CZ #2010-4.

The applicant is requesting the rezoning of 1.5 acres from B-N (Neighborhood Business) to CZ B-G (Conditional Zoning General Business) to permit a car sales lot. The property is proposed to be subdivided from a 3.3-acre parcel that includes a vehicle service garage. An existing building on this site would be used as an office. Under the Unified Development Ordinance, a car sales lot is not permitted in the B-N district and is a conditional use in the B-G district. If this request is approved, the use of this property would be subject to the approved site plan and any conditions mutually approved by the county and the applicant.

The property is located at 2037 W. Hwy. 150, on the south side of Hwy. 150 about 1,200 feet east of Old Lincolnton-Crouse Road. It is adjoined by property zoned B-N, RS (Residential Suburban) and R-SF (Residential Single-Family). Land uses in this area include business and residential. The Lincoln County Land Use Plan classifies this area as Suburban Residential.

Under current zoning: neighborhood retail, hair salon, professional office, restaurant, etc.

Under requested zoning: vehicle sales.

Adjoining zoning and land uses

East: zoned B-N, vehicle service garage.

South (opposite side of railroad): zoned R-SF, residence.

West: zoned B-N, vehicle service garage.

North (opposite side of Hwy. 150): zoned R-S, residence.

This property is located in a WS-IV Protected Area watershed district. No portion of the property is located in a flood plain. The soil type is CeB2 (Cecil sandy loam, 2-8% slopes), which is well suited for building site development.

The average daily traffic count on N.C. 150 in this area is approximately 9,700 vehicles, according to 2008 figures.

Keith Johnson asked if this will require an additional driveway entrance. Mr. Hawkins stated that it will not.

Jeff Frushtick asked if the lot will be paved or gravel. Mr. Hawkins stated that they are planning to use the existing lot that is paved.

Keith Johnson asked if this is rezoned if the applicant can put cars over the whole 1.25 acres. Mr. Hawkins stated that he could not since he would be bound by the site plan.

Chairman Patton opened the public hearing concerning Conditional Zoning No. 2010-4 – Tawnya Cagley, applicant.



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

**Conditional Use Permit #299 – Cindy Kincaid, applicant:** Randy Hawkins presented the following information concerning CUP #299.

The applicant is requesting a conditional use permit to operate a riding stable and hold horse shows in the R-R (Rural Residential) district. She is proposing to board a maximum of 15 horses (including her own) and to hold no more than four horse shows a year. A report and a site plan are included as part of the application. Under the Lincoln County Development Ordinance, a riding stable and outdoor recreation such as horse shows are permitted in the R-R district only where approved by the Board of Commissioners through the issuance of a conditional use permit.

The 20-acre parcel is located on the east side of Flay Sain Road about 300 feet north of the Gaston County line in North Brook Township. The applicant's residence is located on this parcel. This property is adjoined by property zoned R-R and is adjacent to the site of the Cherryville Water Treatment Plant. Land uses in this are primarily residential and agricultural. The Lincoln County Land Use Plan classifies this area as Rural Preservation.

Low-density residential uses and limited small-scale and/or industrial uses that are suited for and blend in well with rural environments are encouraged in these areas. Section 4.4.18 of the Unified Development Ordinance sets the following standards for a riding stable:

- A. Minimum Lot Area: 5 acres
- B. All stalls or designated riding areas must be located at least 200 feet from any lot line.
- C. All manure piles shall be located at least 200 feet from any lot line and shall be disposed of on a daily basis.
- D. Adequate fencing must be placed on the lot to ensure that horses are prevented from roaming onto adjacent roads or lots.
- E. Notwithstanding any other provision of this UDO, a riding stable may be located on a lot which also contains a principal single-family residential use.
- F. A Class C buffer (see §3.4) shall be established along any side of the property where the riding stable abuts a residential use, provided such buffer shall not restrict clear sight at any intersection or driveway.

The Unified Development Ordinance has no special standards for outdoor recreation.

#### **CONDITIONAL USE PERMIT REQUIREMENTS**

Section 9.11.8 of the Unified Development Ordinance requires that four findings be determined by the Board of Commissioners in deciding whether to approve a conditional use permit:

1. The use will not materially endanger the public health or safety if located where proposed and developed according to plan, and
2. The use meets all required conditions and specifications, and
3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity, and

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

Gary Garlow asked if this is a publicly dedicated road this property is on. Mr. Hawkins stated that it is a private road.

Mr. Garlow asked who is responsible for the maintenance. Mr. Hawkins stated that the property owners are.

Mr. Garlow asked if they are requesting permission for the signs also. Mr. Hawkins stated that this is an existing business.

Keith Johnson asked if this is allowed if this will have any effect on future buildings on this property. Mr. Hawkins stated that the applicant will be bound by the site plan and the permit will have to be amended.

Commissioner Klein asked if any residents have voiced concerns. Mr. Hawkins stated that he received a phone call from a resident about the road issue. Chairman Patton stated that he also received a phone call from a resident concerned about the private road.

Chairman Patton asked how the issue of the private road can be addressed. He asked if the Board has the authority to make it a condition to regulate maintenance of the private road.

Mr. Taylor stated that he thinks so, but would like to research it to be sure.

Shelly Johnson asked if there are any county restrictions concerning the speakers and lighting for night shows. Randy Hawkins said not specifically. He said he believes the applicant will testify that the shows will be during the day.

Jeff Frushtick asked how many horses would be brought in for each show. Mr. Hawkins stated that there is an estimate in the applicant's report.

Gary Garlow stated that the report talks about the use of screening and fencing. He said this does not show up on the site plant. Randy Hawkins stated that the screening is existing trees. He asked if they had heard anything from the adjoining neighbor with the swimming pool.

Jeff Frushtick asked how many people will be attending and how many bathrooms are available for these people to use. Mr. Hawkins said the applicant estimated 30 participants and the lounge area has a bathroom.

Mr. Frushtick asked if it has been verified that the septic is large enough to accommodate that many people coming in and out. Mr. Hawkins stated that a fairly small system can suffice unless people are showering or washing clothes.

Chairman Patton opened the public hearing concerning Conditional Use Permit No. 299 – Cindy Kincaid, applicant.

Cindy Kincaid, 3377 Flay Sain Road, stated that this is a really small farm and they currently only have three boarders. The intent is to keep it small, but since there are boarders there, they have to get the conditional use permit. The horse shows are mostly just for 4H and for youth. The shows are in January and February. During the show, the property is opened up and the horse trailers park behind the barn. There are around 15 horse trailers during the shows. She said they do not object to meeting with the neighbors about maintaining the road.

Keith Johnson asked if it rains heavily if there will be a parking problem. Ms. Kincaid said if it rains heavily, they do not hold the shows. Mr. Johnson asked if she would be willing to limit the number of participants. Ms. Kincaid said she is willing to.

Mr. Johnson asked if she owns the road going into the property. She said the road they use to drive to the barns is on her property. She said they have access to that road and there is no parking on the road itself.

Shelly Johnson asked about the speaker system and lighting. Ms. Kincaid stated that they do have lights in the arena. So far, the shows are done by 5 p.m. and are kept relatively small. She said they only use two small speakers and do not mind keeping it low as long as the riders can hear.

Ms. Johnson asked if the neighbors have concerns. Ms. Kincaid said the neighbors have never expressed any concerns to her.

Gary Garlow asked if the applicant would be ok with a condition limiting the hours for the horse shows. She said she would.

Mr. Garlow asked if the neighbors with the swimming pool have ever voiced any concerns to her. Ms. Kincaid said they have not.

Christine Poinsette asked how many restrooms are on the property. Ms. Kincaid said there are two restrooms.

Terry Moss stated that he has a few concerns about the location and the road issue. He said the residents have taken care of and spent money maintaining the road. He said January and February are months that are very wet and the road gets messed up. He said even without the horse shows, there are a lot of people in and out speeding. He said the road system there is not conducive to this.

Roger McSwain, 3356 Flay Sain Road, stated that he has a few concerns. He said as far as the road goes, he has lived here for 30 years. He said his dad kept the road up for 30 years. He said they have spent tons of money keeping the road up. He said every day

there are 10, 15, 30 cars that come in. He said he doesn't care if they have a circus there, he wants the road paved.

Bill Moss, 832 Tot Dellinger Road, Cherryville, stated that he lives adjacent to the property where they will be having horse shows and his brother lives there. He said kids play on tricycles on this road. He asked who will clean up the trash from this. He said Tot Dellinger Road is very narrow and there are ruts in his front yard. He asked about time constraints since elderly people live in the neighborhood.

Ronnie McSwain, 3324 Flay Sain Road, stated that there are 9 – 10 houses on that road and it is a real narrow road. He asked what will happen when you meet a horse trailer on this road. He said his dad kept the road up for 30 years and he and his brother cannot keep the road up for horse trailers and horse shows.

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

Chairman Patton declared a five minute recess while the Planning Board moved to the third floor to deliberate these cases. Chairman Patton called the meeting back to order.

**Purchase of Lincoln County Department of Social Services Electronic Document Management System – Martha Lide and Susan McCracken:** Martha Lide presented the following information concerning the purchase of Lincoln County Department of Social Services Electronic Document Management System.

It is recommended that the Board approve the attached contract with Northwoods in the amount of \$703,479 to purchase an Electronic Document Management System for the Department of Social Services (DSS) over the next four years. The DSS Case Management and Imaging Project was approved in the 2010-11 Budget and will be phased in beginning with the Food and Nutrition this year at a proposed cost of \$157,290. The Imaging portion of the project (scanning case files) is being bid through a separate RFP and will be brought to the Board for approval at a future meeting.

The process for selection was as follows

- Lincoln County developed the specifications needed for the case management system and issued an RFP. Proposals were received on September 30, 2010 from the following five companies:
  - Genesis Software
  - Information Access Systems
  - Northwoods
  - Perceptive Software
  - Tyler Technologies (Parker-Lowe)
- Genesis Software did not acknowledge the addendum and as a result was deemed as non-responsive
- A committee consisting of representatives from Administration, DSS and Information Technology reviewed the four RFPs to recommend an award based on the following:
  - Checklist of System Requirements

Commissioner Klein stated that he has concerns about spending this money in this economic climate.

**UPON MOTION** by Commissioner Carlton, the Board voted 4 -1 (Klein against) to approve the Purchase of Lincoln County DSS Electronic Document Management System form Northwoods as laid out.

**Public Hearing – Schedule of Values – Madge Huffman:** Madge Huffman announced changes in the Schedule of Values. There has been a change in extended description for waterfront property influence to identify the ranges for adjustment. These changes do not affect the value or the beginning or ending ranges. These changes begin on 275 and go through 275b of the original Schedule of Values. The second change is to a column heading on 291, 292, 293 and 295. It should be column 2 Sales Price/Construction costs and column 3 is adjusted sales price/construction cost.

Chairman Patton opened the public hearing concerning the Schedule of Values.

Martin Oakes stated thanked Madge Huffman for the changes made to the Schedule of Values. He said at a recent meeting of the Tax Department, they got indications from John Stephens that when valuing neighborhood land, he does the calculations in his head. He said this presents interesting questions and is a problem. He said the Statute says that a taxpayer should be able to go somewhere to see how his property is valued and neighborhood land values are a key step in that. He said this should be fixed.

Kenneth Costner stated that he just can't understand why he gave \$9000 for his property. He said when it comes out the value of nearly \$400,000, he is retired and can't pay that kind of taxes.

Nellie Costner, stated that they bought the property in 1973 and this enables them to have a good place to play and vacation with their families. She said the property is not zoned at all and is in a poor location on the lake. She said they feel the property value is way out of proportion.

Robert Avery expressed concerns about foreclosures and deteriorations of neighborhoods.

Artis Boyd, Chair of LISCO, stated that he is speaking on behalf of LISCO. He said they are here and would like their properties to be treated equally in the application of appropriate tax values as outlined in the Schedule of Values. He thanked the Tax Department and County leaders for working with them and pledged to continue working together.

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

**Public Hearing – Incentive Grant for Existing Industry and Resolution #2010-58: Resolution to Adopt Economic Incentive Grant Agreement – Kara Brown:** Kara

Brown stated that this Incentive Grant is for HOF Textiles and is an equipment expansion. This is their second expansion within the last two years. On or before March 1, 2011, HOF shall begin installation of manufacturing equipment in Lincoln County, North Carolina. Within two years of the date of this agreement, HOF Textiles shall make an investment upon such site in building machinery and equipment of \$2.3 million, of which \$1,610,000 will qualify for incentives under the Lincoln County Industrial Incentive Grant Policy. Within two years of the date of this agreement, HOF Textiles shall provide at such site at least 3 new jobs paying average weekly wages of \$600.

**RESOLUTION TO ADOPT ECONOMIC INCENTIVE  
GRANT AGREEMENT WITH HOF TEXTILES**

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

WHEREAS, HOF Textiles has developed plans for a new manufacturing facility in Lincoln County; and

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

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

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

This 1st day of November, 2010.

\_\_\_\_\_  
Alex Patton, Chairman  
Lincoln County Board of Commissioners

ATTEST:

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Amy S. Atkins, Clerk to the Board

## **LINCOLN COUNTY INCENTIVE GRANT AGREEMENT**

NORTH CAROLINA

LINCOLN COUNTY

THIS AGREEMENT is made and entered into as of the 1st day of November 2010, by and between LINCOLN COUNTY, a body corporate and politic (hereinafter referred to as “the County”), and HOF Textiles, a Delaware corporation (hereinafter referred to as HOF Textiles).

WITNESSETH:

WHEREAS, HOF Textiles has developed plans for an expansion of equipment in Lincoln County, North Carolina; in the Indian Creek Industrial Park (hereinafter referred to as “Indian Creek”); and

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

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

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

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

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

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

1. On or before March 1, 2011, HOF Textiles shall begin installation of manufacturing equipment in Lincoln County, North Carolina.
2. Within two years of the date of this agreement, HOF Textiles shall make an investment upon such site in building machinery and equipment of \$2.3 million, of which \$1,610,000 will qualify for incentives under the Lincoln County Industrial Incentive Grant Policy.
3. Within two years of the date of this agreement, HOF Textiles shall provide at such site at

least 3 new jobs paying average weekly wages of \$600.

4. In consideration of the performance of the aforesaid obligations by HOF Textiles, the County will provide cash grants to HOF Textiles of \$5,965.05 per year for a five-year period. Lincoln County will pay such grants beginning in the tax year after the project's completion. Grants will be paid to HOF Textiles within 30 days after HOF Textiles has made its tax payment for the then-current year and has notified Lincoln Economic Development Association of the payment. This amount represents a Level I grant under the Lincoln County Industrial Development Incentive Grant Policy for New and Existing Industries.

5. In the event that the value of the investment actually made by HOF Textiles pursuant to this agreement is greater or less than the aforementioned contract amount, the incentive grants to be provided hereunder will be adjusted upward or downward on a pro-rata basis.

6. HOF Textiles specifically agrees that in the event that all or any portion of this agreement or any incentive grant or payment to be made hereunder is declared to be unconstitutional, illegal, or otherwise enjoined by a court of competent jurisdiction, HOF Textiles shall indemnify and hold harmless Lincoln County and its Board of Commissioners, individually and collectively, from any loss or liability and shall reimburse Lincoln County by the amount of any such grant or payment.

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

HOF Textiles

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

ATTEST:

\_\_\_\_\_  
(Corporate Seal)

Secretary

LINCOLN COUNTY

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

ATTEST:

\_\_\_\_\_



Amy S. Atkins  
Clerk to the Board of Commissioners

DELAWARE

\_\_\_\_\_ COUNTY

This the \_\_\_\_ day of \_\_\_\_\_, 2010, personally came before me \_\_\_\_\_ and acknowledged that he/she is Secretary of HOF Textiles, a Delaware corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its President, sealed with its corporate seal, and attested by him/her as its Secretary.

Witness my hand and official stamp or seal, this \_\_\_\_ day of \_\_\_\_\_, 2010.

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

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

NORTH CAROLINA

LINCOLN COUNTY

This the \_\_\_\_ day of \_\_\_\_\_, 2010, personally came before me Amy S. Atkins, Clerk to the Board of Commissioners of Lincoln County, North Carolina, who being by me duly sworn says that she knows the common seal of the County of Lincoln, North Carolina and is acquainted with Alex E. Patton , who is the Chairman of the Board of Commissioners of Lincoln County, North Carolina, and that she, the said Amy S. Atkins, is the Clerk to the Board of Commissioners of Lincoln County, North Carolina, and saw the Chairman of the Board of Commissioners of Lincoln County, North Carolina, sign the foregoing instrument and affix said seal to said instrument and that she, the said Amy S. Atkins, signed her name in attestation of said instrument in the presence of said Chairman of the Board of Commissioners of Lincoln County, North Carolina.

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

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

Chairman Patton opened the public hearing concerning an Incentive Grant for HOF Textiles and Resolution #2010-58: Resolution to Adopt Economic Incentive Grant Agreement.

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

**UPON MOTION** by Commissioner Arena, the Board voted 4 -1 (Carlton against) to approve an Incentive Grant for HOF Textiles and Resolution #2010-58: Resolution to Adopt Economic Incentive Grant Agreement.

**Public Comments:** Chairman Patton opened the public comments section.

Being no speakers, Chairman Patton declared the public comments section closed.

**Discussion and Adoption of NC 16 Corridor Vision Plan – Randy Williams:** Randy Williams stated that the Board has adopted the implementation schedule and endorsed the plan. Mr. Wood stated that at a recent meeting, this was a 2-2 split vote and Commissioner Klein has asked for this to be placed back on the agenda.

Mr. Williams stated that this will be a piece of the Land Use Plan. The Zoning Ordinance is the law where this is a policy statement. It gives a guide for future development.

Chairman Patton asked if everyone involved has been notified about this. Mr. Williams stated that they have been notified by articles in the newspaper, advertisements in the newspaper for public comments and forums, it has been taken to civic groups.

There was a discussion about policy versus law.

**A MOTION** by Commissioner Klein to approve the Plan as presented.

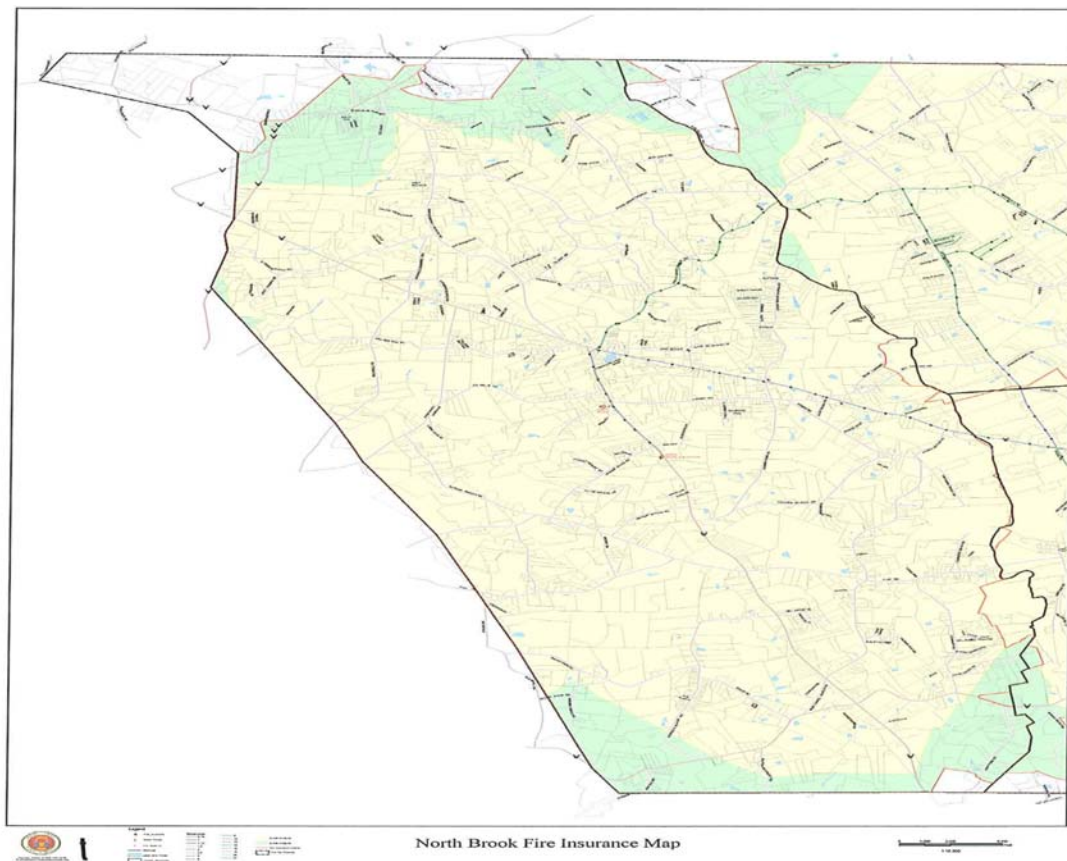
Commissioner Arena stated that he feels Highway 16 has been going from residential to business for the last several years, there are property owners who have not been notified of the detail in the final chapters and this will be implemented in the ordinances of the development district; these people will be notified of the public hearing in January. He said he feels comfortable exactly where we are without approving this.

**VOTE:** 3-2                      AYES: Klein, Patton, Carlton  
   NOES: Mitchem, Arena

**North Brook Fire District Sub Station – Martha Lide:** Martha Lide presented the following information on the North Brook Fire District Sub Station.

It is recommended that the Board approve the attached map showing the boundary lines of the Northbrook Fire District. The map includes the addition of a substation. The substation, which is going to be located in the old main station (996 NC 274, Parcel ID 00193) is needed to provide better coverage for the lower portion of their district.

The sub station will be used to house and store equipment necessary to provide better coverage for the area. The addition of this substation is expected to bring the entire lower portion of the district into a Class 9 expect for a few parcels which have no structures on them. The northern portion of the fire district is being still being reviewed to see how coverage can be improved in that area. The Department of Insurance will be conducting their inspection and making class determinations for the Northbrook Fire District in November.



**UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to approve the boundary lines for the North Brook Fire District.

**Resolution #2010-59: Resolution to Approve Award for Relocation of Water and Sewer Lines on Finger Mill Road – Burns Whittaker:** Burns Whittaker presented the following information.

Lincoln County has the need for and intends to relocate the water and sewer lines on Finger Mill Road. The project was bid on September 28, 2010. Twelve bids were received ranging from \$130,035.25 to \$229,438.00.

Mr. Whittaker recommended granting the award to the low bidder, Huffman Gracing Company in the amount of \$130,035.25.

**RESOLUTION TO APPROVE  
RECOMMENDATION OF AWARD  
FOR THE RELOCATION OF THE WATER AND SEWER LINES  
FOR FINGER MILL ROAD**

**WHEREAS**, on September 28, 2010, Lincoln County held an open bid forum to receive bid proposals for the relocation of the water and the sewer lines on Finger Mill Road; and

**WHEREAS**, W.K. Dickson, Engineering Consultants for Lincoln County, has reviewed and performed the tabulation for the bid results; and

**WHEREAS**, Huffman Grading Company, Inc. is the apparent lowest bidder from the September 28, 2010 bid opening.

**NOW, THEREFORE, IT IS HEREBY RESOLVED:**

1. That it is in the best interest of Lincoln County for the Board of Commissioners to approve this resolution to award the Finger Mill Road project to the lowest bidder.
2. That the Board of Commissioners hereby awards to Huffman Grading Company, Inc., as the lowest bidder for the Finger Mill Road project in the amount of \$130,035.25.

**Adopted this the \_\_\_\_\_ day of November, 2010.**

**LINCOLN COUNTY**

**By: \_\_\_\_\_  
Alex Patton,  
Chairman, Board of Commissioners**

**ATTEST:**

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

**UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to adopt Resolution #2010-59: Resolution to Approve Award for Relocation of Water and Sewer Lines on Finger Mill Road.

**Contract for Services – Owls Den Landfill Correction Actions – Phase III – Burns Whittaker:** Burns Whittaker presented the following information.

1. The Owl's Den Landfill was closed in 1988 by placing a 24" earthen cover over the waste area. Under then current State regulations, the County was required to monitor the landfill for surface water run-off and levels of methane gas which is a by-product of all landfills.
2. Over the course of the years and ever increasing regulations, the County has made improvements to the monitoring systems including groundwater monitoring wells and acquisition of "buffers" adjacent to the landfill.
3. During our semi-annual report to the State in January of 2010, it became apparent that the groundwater contamination and methane migration had reached a level such that additional assessment and corrective action was required. This Department began immediately to initiate actions in order to meet the stringent requirements placed upon us by the State. Due to the unknown extent of the situation, a phased approach has been used which allows us to test and identify the problem, then to move forward with the most appropriate corrective actions. To date, we have accomplished the first two phases of the work at a total cost of \$134,560, which includes development of a Methane Monitoring Plan, Corrective Action Plan, and Groundwater Assessment Plan. These plans have been submitted to the State and approved.
4. We are now moving to Phase III which will include the design and construction of the approved plans. We recommend approval of the attached contract to S&ME in the amount of \$41,915.50.
5. We estimate an additional \$200,000 in construction cost will follow the design.

**UPON MOTION** by Commissioner Mitchem, the Board voted unanimously to adopt the Contract for Services for Owls Den Landfill Correction Actions – Phase III.

**Resolution #2010-60: Resolution Authorizing County Manager to File Grant Application with the North Carolina Industrial Development Fund and Approving Sewer Improvement Budget – Martha Lide:** Martha Lide presented the following information on Resolution #2010-60.

Ms. Lide recommended that the Board approve the Resolution which authorizes the County Manager to execute and file an application on behalf of Lincoln County with the NC Industrial Development Fund for a sewer line at the proposed Airlie Business Park. It is also recommended that the Board approve the \$814,500 budget for the project which includes a \$580,000 Rural Economic Development Center Grant, a \$205,500 grant from the NC Industrial Development Fund, and a \$29,000 County match from the Lincoln County Water and Sewer Fund.

**RESOLUTION #2010-\_\_\_\_\_**  
**RESOLUTION AUTHORIZING THE LINCOLN COUNTY MANAGER TO FILE**  
**A FORMAL APPLICATION FOR A \$205,500 GRANT FROM THE NC**  
**INDUSTRIAL DEVELOPMENT FUND FOR SEWER IMPROVEMENTS AT**  
**AIRLIE BUSINESS PARK AND APPROVING THE TOTAL PROJECT BUDGET**

WHEREAS, Lincoln County has filed a Pre-Application for \$191,000 to fund sewer improvements at the Airlie Business Park in East Lincoln County,

WHEREAS, Lincoln County was notified on July 14, 2010, that the requested funds had been set aside in the Industrial Development Fund for this project pending receipt of a full application, and that Lincoln County needed to proceed with a full application,

WHEREAS, An Environmental Study which will cost \$14,500 is required for this grant and has been verbally approved to be added to the grant request, making our total request \$205,500;

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

1. That a grant from the Department of Commerce through the County of Lincoln be requested to assist the construction of sewer improvements for the Airlie Business Park project.
2. That Lincoln County will administer this grant in accordance with the rules and regulations of the Department of Commerce.
3. That the County will administer this grant through the County Finance Office.
4. That the grant will be monitored quarterly to assure compliance with this proposal and the Department of Commerce regulations.
5. That the amount of the grant application will be \$205,500.

Adopted this the \_\_\_\_\_ day of October, 2010, in Lincoln County, North Carolina.

\_\_\_\_\_  
(Signature of Chief Executive Officer)

\_\_\_\_\_  
(Title)

**ATTEST:**

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
(Seal)

**Airlie Business Park Sewer Improvements Budget**

<b>Sewer Improvements</b>	<b>Rural Center</b>	<b>Industrial Development Fund</b>	<b>Local</b>	<b>Total Cost Amount</b>
<b>Cost Description</b>				
8" Gravit Sewer Main PVC 3100 LF		\$155,000.00		\$155,000.00
8" Gravit Sewer, DI 200 LF		\$15,000.00		\$15,000.00
Manholes 12	\$9,000.00	\$21,000.00		\$30,000.00
Lift Station	\$350,000.00			\$350,000.00
Force Main 3000 LF	\$75,000.00			\$75,000.00
Electrical	\$25,000.00			\$25,000.00
Pavement Patch	\$5,000.00			\$5,000.00
Rock	\$10,000.00			\$10,000.00
Air/Vacuum Valves 2	\$4,000.00			\$4,000.00
Construction Sub - Total	\$478,000.00	\$191,000.00	\$0.00	\$669,000.00
Contingency				\$0.00
Engineering Design	\$71,350.00		\$29,000.00	\$100,350.00
Permitting	\$30,650.00			\$30,650.00
Other - Environmental Assessment		\$14,500.00		\$14,500.00
Administration Sub - Total	\$102,000.00	\$14,500.00	\$29,000.00	\$145,500.00
<b>TOTAL PROJECT COST</b>	<b>\$580,000.00</b>	<b>\$205,500.00</b>	<b>\$29,000.00</b>	<b>\$814,500.00</b>



**RESOLUTION #2010-\_\_\_\_\_**

**RESOLUTION AUTHORIZING THE LINCOLN COUNTY MANAGER TO FILE  
A FORMAL APPLICATION FOR THE ECONOMIC INFRASTRUCTURE  
GRANTS PROGRAM FOR \$580,000 FOR SEWER IMPROVEMENTS AT  
AIRLIE BUSINESS PARK, AND APPROVING THE TOTAL PROJECT  
BUDGET, INCLUDING \$29,000 IN MATCHING FUNDS FROM THE LINCOLN  
COUNTY WATER AND SEWER FUND**

**WHEREAS**, The North Carolina General Assembly passed House Bill 1352 authorizing the making of grants to aid eligible units of government in financing the cost of construction of wastewater treatment works, wastewater collection systems, and water supply systems, that will result in job creation, and

**WHEREAS**, Lincoln County is an eligible unit of government and has need for and intends to construct a publicly-owned sewer line in the proposed Airlie Business Park located in East Lincoln County;

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

1. That Mr. George Wood, County Manager, and successors so titled, is hereby authorized to execute and file an application on behalf of Lincoln County for a grant in the amount of \$580,000 from the N. C. Rural and Economic Development Center's Economic Infrastructure Grants Program to assist in the construction of the project described above.
2. That Lincoln County approves the attached project budget including a commitment for \$29,000 in matching funds to the project from the Lincoln County Water and Sewer Fund.
3. That Lincoln County will arrange financing for all remaining costs of the project, if approved for a grant.
4. That Lincoln County will provide for efficient operation and maintenance of the project on completion of construction thereof.
5. That Mr. George Wood, County Manager, and successors so titled, is hereby authorized and directed to furnish such information as the Rural Center 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.

6. 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 the grants pertaining thereto.

Adopted this the \_\_\_\_\_ day of October, 2010, in Lincoln County, North Carolina.

\_\_\_\_\_  
(Signature of Chief Executive Officer)

\_\_\_\_\_  
(Title)

**ATTEST:**

Clerk \_\_\_\_\_ (Seal)

**UPON MOTION** by Commissioner Arena, the Board voted 4-1 (Carlton against) to adopt Resolution #2010-60: Resolution Authorizing County Manager to File Grant Application with the North Carolina Industrial Development Fund and Approving Sewer Improvement Budget and Resolution #2010-61: Resolution Authorizing County Manager to File Grant Application with the North Carolina Rural Center and Approving Sewer Improvement Budget

**Approval of Performance Agreement Required by the Rural Development Center and Legally Binding Agreement Required by the Industrial Development Fund in Connection with Grant Agreements:** **UPON MOTION** by Commissioner Arena, the Board voted 4-1 (Carlton opposed) to approve the Performance Agreement Required by the Rural Development Center and Legally Binding Agreement Required by the Industrial Development Fund in Connection with Grant Agreements Carlton opposed.

**Other Business:** George Wood, County Manager, thanked Martha Lide, Burns Whittaker, Crystal Gettys, Barry Matherly and others who worked on the grant.

George Wood commended Martha Lide on her role as Emergency Management Director. Martha Lide presented a slideshow with pictures from the tornado on October 26 and gave a report.

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

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Amy S. Atkins, Clerk  
Board of Commissioners

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Alex E. Patton, Chairman  
Board of Commissioners