

**MINUTES**  
**LINCOLN COUNTY BOARD OF COMMISSIONERS**  
**MONDAY, FEBRUARY 4, 2008**

The Lincoln County Board of County Commissioners and the Planning Board met in a joint session on February 4, 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:

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:** Michael Talbert, Interim County Manager, called the February 4, 2008, meeting of the Lincoln County Board of Commissioners to order.

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

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

**UPON MOTION** by Commissioner Patton, the Board voted unanimously to adopt the agenda as presented.

## **AGENDA**

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

**FEBRUARY 4, 2008**

- |    |         |  |
|----|---------|--|
|    | 6:30 PM | Call to Order  |
|    | 6:31 PM | Invocation – Commissioner Moore  |
|    | 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"><li>- Approval of Minutes</li><li>- Tax Requests for Refunds – More than \$100<ul style="list-style-type: none"><li>- December 31, 2007 – January 13, 2008</li><li>- December 17, 2007 – January 13, 2008</li></ul></li><li>- Tax Requests for Releases – More than \$100<ul style="list-style-type: none"><li>- December 16, 2007 – January 15, 2008</li></ul></li><li>- Budget Adjustment No. 64 - 65</li><li>- Waived Fees<ul style="list-style-type: none"><li>- Rotary Auction</li></ul></li><li>- Resolution to Adopt Economic Incentive Grant Agreement Extension with Calico Technologies, Inc.</li></ul> |
| 3. | 6:36 PM | Report from the Planning Board – Jerry Geymont   |
| 4. | 6:50 PM | Public Hearing – Zoning Cases – Randy Hawkins <p><u>Conditional Use Permit No. 283 – Reed and Associates, applicant</u><br/>A request for a Conditional Use Permit to operate a boarding kennel in the B-G district as part of a veterinary hospital, which is under construction. The property is located at 2588 N. Hwy. 16 in the Catawba Springs Township.</p>   |
| 5. | 7:05 PM | Resolution Making Certain Findings Relating to the Authorization and Issuance of School Bonds of the County of Lincoln, North Carolina, and Authorizing Finance Director to File Application for Approval Thereof with Local Government Commission   |

6. 7:15 PM Public Hearing – Private Road Names – April Nunn
7. 7:25 PM Approval of 2008/2009 Goals
8. 7:35 PM Update on Animal Shelter – Dennis Williams
9. 7:45 PM Animal Control Committee
10. 7:55 PM Public Comments
11. 8:10 PM Lincoln County Industrial Park Sewer – Change Order 1
12. 8:20 PM Lincoln County Industrial Park Sewer – Engineering Contract Amendment No. 6
13. 8:25 PM Drought Update – Steve Gilbert
14. 8:30 PM Odor Control Update – Steve Gilbert
15. 8:40 PM Update on Sewer Plant – Steve Gilbert
16. 8:50 PM Other Business

Recess to February 8, 2008 at 8:30 a.m.

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

#### Consent Agenda

- Approval of Minutes
  - December 3, 2007
  - January 7, 2008
- Tax Requests for Refunds – More than \$100
  - December 31, 2007 – January 13, 2008

LINCOLN COUNTY TAX DEPARTMENT  
ANNUALS

#### REQUEST FOR REFUNDS

PERIOD COVERED (December 31, 2007-January 13, 2008)

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

NAME	YEAR	DIST	A/C#	AMOUNT
McFarlin, Jeffery R.	2007	N321	0098407	112.46
			<b>TOTAL</b>	<b>\$ 112.46</b>

LINCOLN COUNTY TAX DEPARTMENT  
MOTOR VEHICLES

December 17, 2007 – January 13, 2007  
**REQUEST FOR REFUNDS**

PERIOD COVERED (December 17, 2007-January 13, 2008)

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

NAME	YEAR	DIST	A/C#	AMOUNT
GMAC	2006	CITY	0129098	133.89
Peek, Denene M.	2007	ELFD/ELSD	0197277	227.16
Sanderson, Charlotte	2006-07	AFD	0166322	125.07

TOTAL \$486.12

- Tax Requests for Releases – More than \$100
- December 16, 2007 – January 15, 2008

NAME	YEAR	A/C NO	AMOUNT
Barefoot, Kristie Danielle	2006	0147047	\$223.21
Barlowe Brothers LLC	2007	0207897	\$233.18
Barton, Paul Robert	2007	0178163	\$110.39
Black, Augustus Melton	2007	0206855	\$206.63
Cochcroft, Roy Leicester III	2007	0142093	\$107.54
Congregation of Our Lady Help	2007	0081840	\$171.32
Cool Springs Enterprise Inc.	2007	0064013	\$420.09
Earl, Steven Dwayne	2007	0102363	\$201.15
Grant, Teddy Lee	2007	0104312	\$170.23
Hamel, Scott William	2007	0178001	\$116.23
Hopkins, Charles D	2007	0167611	\$180.06
Howard, Kathleen Susanne	2007	0207825	\$117.94
Kelley, Kathy Campa	2007	0166744	\$198.19
Kelley, Patrick Cecil	2006	0089129	\$100.50
Lemelin, Claude Junior	2007	0198688	\$108.35
McCombs, Joseph Arthur	2007	0153385	\$120.16
Mofrad, Pirooz Saboortinat	2007	00877285	\$146.42
Pellegrino, Joseph Michael	2007	0204804	\$186.03
Pierce, Raymond Hugh III	2007	0185407	\$130.09
Smith, Wayne Barry	2007	0102318	\$201.13

Surgeon, Emmalue Evans	2007	0129092	\$103.09
<b>TOTAL</b>			<b>\$3,551.93</b>

NAME	YEAR	A/C NO	AMOUNT
Cameron, Jonathan	2007	0204896	\$130.02
Dellinger Susie	2000	41073	\$111.14
Kolarczyk, Thomas M	2007	0169328	\$123.99
Luttrell, Steve M	2007	16641	\$127.73
Trinity Lawn Care	2007	0199130	\$149.60
Wright, James	2007	0189680	\$310.65
<b>TOTAL</b>			<b>\$953.13</b>

- Budget Adjustment No. 64 – 65

No. 64: Contracted w/Howell Group to audit Charter Cable payment of franchise taxes, audit resulted in \$23,810 of additional franchise fees, audit fee budgeted under central services

No. 65: Increasing expenditure & revenue line items for additional allocations of funds for Crisis Intervention Program (no county funds involved)

- Waived Fees
- Rotary Auction
- Resolution to Adopt Economic Incentive Grant Agreement Extension with Calico Technologies, Inc.

**Report from the Planning Board – Jerry Geymont:** : Jerry Geymont, Chairman of the Planning Board, gave a monthly report. He stated that the Planning Board's accomplishments in 2007 were the Land use Plan, Transportation Policy, revised flood maps, Adequate Public Facilities, buffer regulations and conditional zoning. He stated that their 2008 goals, which will start with their February planning retreat, are the Unified Development Ordinance, Tree Preservation Ordinance, NC 150 West Corridor Study, NC 16 Corridor Plan, NC 16 Small Area Plan (Triangle area), NC 16 East Corridor Plan (partnering with Catawba County.)

### **Public Hearing – Zoning Cases – Randy Hawkins:**

Chairman Anderson announced that this was the date, Monday, February 4, 2008, and the time, 6:30 PM, which was advertised in the *Lincoln Times-News* on January 25 and February 1, 2008.

### **NOTICE OF PUBLIC HEARINGS**

The Lincoln County Board of Commissioners and Planning Board will hold a joint meeting and public hearings on Monday, February 4, 2008, at 6:30 p.m. to consider the following matter:

*CUP #283 Reed and Associates LLC, applicant (Parcel ID# 30088) A request for a conditional use permit to operate a boarding kennel in the B-G (General Business) district as part of a veterinary hospital. The 1.5-acre parcel is located at 2588 N. Hwy. 16 in Catawba Springs Township.*

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: Jan. 25, Feb. 1, 2008

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

**Conditional Use Permit No. 283 – Reed and Associates LLC, applicant:** Randy Hawkins presented the following:

The applicant is requesting a Conditional Use Permit to operate a boarding kennel in the B-G (General Business) district as part of a veterinary hospital, which is under construction. A veterinary hospital is permitted by right in the B-G district, but a boarding kennel requires a Conditional Use Permit.

The 1.5-acre parcel is located at 2588 N. Hwy. 16. It is adjoined on the north by property zoned R-SF (Residential Single-Family) and on the opposite side of Hwy. 16 is zoned B-G. Land uses in this area are a mixture of commercial and residential. The Lincoln County Land Use Plan classifies this area as part of the N.C. 16 Corridor and calls for a redevelopment plan that promotes the further mixing of land uses while addressing issues such as architectural appearance, landscaping, parking standards that would prohibit all parking being placed in the front yard, and connectivity between adjacent land uses.

Randy Hawkins, stated that he received comments from Gary McCorkle, a neighboring property owner, who is okay with the plans for the veterinary hospital and boarding kennel and did not want the property to be sold in the future and outside cages or runs allowed.

Mr. Hawkins recommended the Board imposing the following conditions: no outside kennels and that the applicant provide connectivity.

Mr. Hawkins presented a letter from David Kinney, a neighboring property owner who had no objections as long as the animals are kept inside the hospital.

Chairman Anderson opened the public hearing concerning Conditional Use Permit No. 556 – Reed and Associates, applicant.

Lynn Reed, veterinarian, asked if the Board has any questions. There are times when people want to board their pet at a veterinary hospital and that is the reason for the request. He stated that he would not put pets outside in the heat or cold.

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

**Resolution Making Certain Findings Relating to the Authorization and Issuance of School Bonds of the County of Lincoln, North Carolina, and Authorizing Finance**

**Director to File Application for Approval Thereof with Local Government Commission:**

Commissioner Anderson introduced the following resolution, which was read by title and summarized by the Finance Director:

**RESOLUTION MAKING CERTAIN FINDINGS RELATING TO THE  
AUTHORIZATION AND ISSUANCE OF SCHOOL BONDS OF THE  
COUNTY OF LINCOLN, NORTH CAROLINA, AND AUTHORIZING  
FINANCE DIRECTOR TO FILE APPLICATION FOR APPROVAL  
THEREOF WITH LOCAL GOVERNMENT COMMISSION**

WHEREAS, the Board of Commissioners for the County of Lincoln, North Carolina (the "County") is considering the authorization of not exceeding \$44,600,000 School Bonds of the County (the "Bonds") 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, providing necessary utilities and acquiring necessary land, furnishings and equipment therefor in order to provide additional school facilities in the County, including paying expenses related thereto;

NOW, THEREFORE, BE IT DETERMINED AND RESOLVED by the Board of Commissioners for the County:

Section 1. The Board of Commissioners hereby finds and determines in connection with authorizing the issuance of the Bonds that (a) the proposed issuance of the Bonds is necessary or expedient for the County, (b) the proposed principal amount of the Bonds is adequate and not excessive for the proposed purpose of such issue, (c) the County's debt management procedures and policies are good and are managed in strict compliance with law, (d) the estimated increase in taxes necessary to service the Bonds (three cents per \$100 assessed valuation) will not be excessive and (e) under current economic conditions the Bonds can be marketed at reasonable rates of interest.

Section 2. The Finance Director is hereby designated as the representative of the County to file an application for approval of the Bonds with the Local Government Commission of North Carolina, and all actions heretofore taken by the Finance Director and any other officers of the County relating to such matter are hereby approved, ratified and confirmed.

Section 3. This resolution shall take effect immediately upon its passage.

Upon motion of Commissioner Klein, seconded by Commissioner Moore, the foregoing resolution entitled:

**"RESOLUTION MAKING CERTAIN FINDINGS RELATING TO THE  
AUTHORIZATION AND ISSUANCE OF SCHOOL BONDS OF THE**

COUNTY OF LINCOLN, NORTH CAROLINA, AND AUTHORIZING  
FINANCE DIRECTOR TO FILE APPLICATION FOR APPROVAL  
THEREOF WITH LOCAL GOVERNMENT COMMISSION”

was passed by the following vote:

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

Noes: none.

**Public Hearing – Private Road Names – April Nunn:** April Nunn presented information concerning three private road names. The first road is north off Asbury Church Road and requires naming due to the addition of a third home on the shared drive. The name proposed is Kinfolk Lane and was agreed to by all residents. The name is not a duplicate or sound-alike and has been approved by Communications.

The second road is west off Southside Road. There are no addressed structures on this road currently but a home is planned for Lot 3. Of the four property owners two agreed to the proposed Miracle Lane and a third suggested alternate names that are currently in use or sound alike. There was no response from the other owner. Communications has approved the proposed name.

The last road is north off Bailey-Baxter Road and is being named to properly address three homes not easily visible from the street. The name proposed is Kaye Carie Lane and was agreed to by all three residents. The name is not a duplicate or sound-alike and has been approved by Communications.

Chairman Anderson opened the public hearing concerning the private road names. Being no one wishing to speak, Chairman Anderson declared the public hearing closed.

**UPON MOTION** by Commissioner Carlton, the Board voted unanimously to approve the road names.

**Approval of 2008/2009 Goals:** Michael Talbert presented the list of goals for 2008/2009.

**Lincoln County  
Board of Commissioners  
Goals 2008/2009**

1. Prepare with the 2008/2009 Annual Budget a 5 Year Capital Improvement Plan that includes General Capital Projects, Education Capital Projects, Water & Sewer Capital Projects, and is in compliance with the County’s APFP.
2. Establish a County Property Tax Rate that is stable and meets the needs of Lincoln County for the next four-year Revaluation Cycle.

3. Investigate all options and consider a plan to move Animal Control from the Sheriff's Department and establish as a new County Department by July 1, 2008.
4. Include in the County's 2008/2009 Recommended Budget a Development Budget for Industrial Development.
5. Include in the County's 2008/2009 Budget Departmental Goals and Outcomes for all Departments as justification for their Budget(s).
6. Review all County Rates and Fees as part of the 2008/2009 Budget process and recommend increases as necessary to match expenditures.
7. Identify all Federal & State mandates (funded and unfunded) included in the 2008/2009 Budget.
8. Provide the Board of Commissioners with a timeline of significant planning and development activities for 2008/2009; including but not limited to (UDO, Highway 73 Corridor Plan, and Highway 16 Overlay District) identifying priority and dates of outcomes.
9. Implementation and funding for the second year of the County-Wide Job Classification and Compensation Plan.

**UPON MOTION** by Commissioner Carlton, the Board voted unanimously to approve the 2008/2009 Goals.

**Update on Animal Shelter – Dennis Williams:** Dennis Williams presented plans for expanding the Lincoln County Animal Shelter, which included the site plan, floor plan and elevation. Mr. Williams stated that they are currently working on a timeline and cost estimates. He said the rough estimates are above \$900,000, maybe around 1 million dollars.

**Animal Control Committee:** Michael Talbert presented the following concerning the Animal Control Advisory Board:

#### Animal Control Advisory Board

##### A. Composition of the Lincoln County Animal Control Advisory Board

There is hereby created an Animal Control Advisory Board to advise the County Commissioners on the organization and operation of the Lincoln County Animal Control Department. The Advisory Board is to be composed of seven (7) members appointed by the Lincoln County Board of Commissioners, and shall serve terms as established by the Board of Commissioners. This Board should include membership from the following categories:

- (1) Rural Area Member
- (1) Veterinarian
- (1) Public Health
- (1) Law Enforcement
- (1) Hunter
- (1) Urban Area Member
- (1) Member at Large

The Animal Control Supervisor will serve as an Ex-Officio member of the board.

#### B. Mission of the Lincoln County Animal Control Advisory Board

1. Explore all options regarding the possible structure of Lincoln County Animal Control and recommend to the County Commissioners a structure by **April 1, 2008**.
2. Review Lincoln County's Animal Control Ordinance and recommend changes to the County Commissioners by **July 1, 2008**.
3. Devine the permanent role of the Lincoln County Animal Control Advisory Board and make a recommendation to the County Commissioners by October 1, 2008.

**UPON MOTION** by Commissioner Patton, the Board voted 4 – 1 (Klein against) to accept the recommendation from the interim manager and instruct him to bring the names of the people he recommends to serve in these categories.

**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.

Michael Cooney gave an update on Tri-County Animal Rescue. He stated that January started out slow, but they are averaging getting rid of more than one dog per day. He stated that they have expanded their foster program and are taking no new dogs. He said that there are substantially less dogs at Tri-County than when this began. Mr. Cooney expressed his desire to serve on the Animal control Advisory Board.

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

**Lincoln County Industrial Park Sewer – Change Order 1:** Steve Gilbert presented the following information concerning Change Order 1.

This Change Order addresses the additional work being done by Ronny Turner Construction as well as additional time that will be required to complete the project. Justification for the additional time and money is outlined in the body of the document.

The change order adds \$124,274.00 to the cost of the work, bringing the total cost of the project to \$1,489,469.30, and it adds 60 days to the construction time, resulting in a project completion date of March 26, 2008.

The Public Works Department recommends approval of Change Order No. 1.

**UPON MOTION** by Commissioner Carlton, the Board voted unanimously to approve Change Order No. 1.

**Lincoln County Industrial Park Sewer – Engineering Contract Amendment No. 6:** Steve Gilbert presented the following information concerning Contract Amendment No. 6.

This Contract Amendment addresses the additional work to be done by Dickson for contract administration services resulting in the 60-day time extension discussed in the previous agenda item. The proposed amount of the amendment will add \$7,300.00 to the contract item for Contract Administration, which includes ongoing coordination with the contractor, review and approval of contractor pay requests.

The Public Works Department recommends approval of Contract Amendment No. 6 to the design services contract with WK Dickson.

**UPON MOTION** by Commissioner Patton, the Board voted 4 – 1 (Klein against) to approve Contract Amendment No. 6.

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

**Odor Control Update – Steve Gilbert:** Steve Gilbert gave an update on the odor control situation. It was the consensus of the Board to remove this agenda item from future meetings.

**Update on Sewer Plant – Steve Gilbert:** Steve Gilbert and Bob Froneberger, Project Manager with WK Dickson, gave an update on the sewer plant.

Chairman Anderson asked the Board to get a formalized schedule with the anticipated dates.

**Other Business:** Commissioner Moore presented a Firearms Ordinance, drafted by Jeff Taylor, County Attorney, for the Board's consideration.

#### **LINCOLN COUNTY FIREARM SAFETY ORDINANCE**

**WHEREAS**, the increased population of Lincoln County has resulted in a higher density of population with people living in closer proximity to each other; and

**WHEREAS**, the shooting of personal firearms poses a greater danger than in the past due to the greater population density and concentration; and

**WHEREAS**, the Lincoln County Board of Commissioners has become aware of a number of incidents in which firearms have been discharged within dangerously close distances of homes, businesses, day care centers, and other such places where people are likely to be; and

**WHEREAS**, the Board recognizes the historical support among the citizenry for the free use of firearms but believes that steps must be taken in order to ensure the safety of nearby persons when firearms are being discharged within the County; and

**WHEREAS**, the Board believes it is reasonable to regulate the shooting of firearms near places where people live, work, shop, or are otherwise likely to be present;

**NOW, THEREFORE**, pursuant to Sections 153A-121 and 153A-129 of the North Carolina General Statutes, the Lincoln County Board of Commissioners hereby enacts the following ordinance for the purposes of promoting, safeguarding and maintaining the health, safety and welfare of the citizens and the peace and dignity of Lincoln County.

Section 1. **AUTHORITY.** This Ordinance is adopted pursuant to the authority granted to the Lincoln County Board of Commissioners in Section 153A-129 of the North Carolina General Statutes and for the purpose of regulating the discharging of firearms in a fashion that is likely to endanger the citizens of Lincoln County.

Section 2. **DISCHARGE OF FIREARM GENERALLY.** Except as otherwise provided herein, it shall be unlawful for any person to discharge a firearm without reasonable regard for the safety of persons or property or for the purpose of terrorizing or annoying other persons.

Section 3. **SPECIFIC RESTRICTIONS ON DISCHARGE OF FIREARMS.** Except as otherwise provided herein, it shall be unlawful for any person to discharge a firearm within 500 feet of a dwelling or other building or structure that is designed to be occupied by human beings.

Section 4. **EXCEPTIONS.** This Ordinance shall not apply to the discharge of a firearm when it is used in the following situations:

- (1) in defense of persons or property;
- (2) use by law enforcement officers in their official duties;
- (3) pursuant to lawful directions of law enforcement officers;
- (4) when used to take birds or animals pursuant to Chapter 113, Subchapter IV, of the North Carolina General Statutes;
- (5) by persons lawfully engaged in pest control or the taking of dangerous animals;
- (6) at shooting ranges or other such facilities that are operated pursuant to a permit issued by Lincoln County;
- (7) by members of the armed forces acting in the line of duty;
- (8) at historical, holiday, or ceremonial functions or organized or community events held for historical, holiday, or charitable purposes;
- (9) shooting within 500 feet of a dwelling or other building or structure designed to be occupied by human beings if such dwelling or other building or structure is located on the shooter's own property or if the shooter has the written permission of the owner;
- (10) shooting on a person's own property for the purpose of protecting the premises or its occupants from dangerous or destructive animals, fowl, birds, or reptiles that are a menace to public health and have become a nuisance upon the person's premises.

Section 5. **ENFORCEMENT.** Subject to the provisions of Section 6 hereinafter, violations of this Ordinance may be enforced by any one or more of the remedies authorized by Section 153A-123 of the North Carolina General Statutes, including, but not limited to, the following:

(A) The Lincoln County Sheriff's Department may issue a citation which subjects the offender to a civil penalty of the greater of \$500 or the maximum allowed by state law, to be recovered by

the County in a civil action in the nature of debt if the offender does not pay the penalty within twenty (20) days after being cited for a violation.

(B) A civil action seeking an injunction and order of abatement may be directed toward any person who violates this Ordinance.

(C) A misdemeanor warrant may be issued either immediately or upon the issuance of a citation and the violator's failure to pay the same. A violation of this Ordinance upon the issuance of a misdemeanor warrant shall be punishable as a Class 3 misdemeanor under Section 14-4 of the North Carolina General Statutes by a maximum sentence of thirty (30) days and/or a maximum fine of \$500 or the maximum allowed by state law.

Section 6. **COOPERATION OF COMPLAINANTS.** Before initiating a civil or criminal proceeding pursuant to this Ordinance, Lincoln County, its officers and staff members, and/or the Lincoln County Sheriff shall have the option of requesting the complaining party to sign a sworn statement of the alleged offense and to require the cooperation of the complaining party in court appearances arising from said complaint. Nothing contained in this Ordinance shall obligate Lincoln County, its officers and staff members, and/or the Lincoln County Sheriff to pursue civil or criminal proceedings hereunder where the complaining party is unwilling to sign such sworn statement and cooperate in court appearances arising therefrom.

Section 7. **EFFECTIVE DATE.** This Ordinance shall become effective upon adoption.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

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Thomas R. Anderson  
Chairman Board of Commissioners  
Lincoln County

ATTEST:

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Amy S. Atkins  
Clerk to the Board

The Board scheduled a public hearing for the first meeting in March and would like to have the Sheriff's comments back by then. This will be put on the agenda for action subsequent to the public hearing.

Commissioner Klein informed the Board of a town hall meeting he has scheduled for Monday, February 11.

**Resolution in Support of Establishment of Mountain Island Educational State Forest and State Funding Thereof:** Chairman Anderson presented the following resolution.

**RESOLUTION IN SUPPORT OF ESTABLISHMENT OF  
MOUNTAIN ISLAND EDUCATIONAL STATE FOREST  
AND STATE FUNDING THEREOF**

**WHEREAS**, funds are needed to establish the Mountain Island Educational State Forest; and

**WHEREAS**, the purpose of the Educational State Forest is to support the school districts in a multi-county region by providing science opportunities to children in the State's most urbanized metropolitan area; and

**WHEREAS**, students will participate in educational projects promoting scientific management of water quality, soil conservation, and wildlife resource management practices; and

**WHEREAS**, the Mountain Island Educational State Forest will ensure continued protection of water quality in Mountain Island Lake, the reservoir serving nearly one million citizens of North Carolina; and

**WHEREAS**, the funds will be allocated to the Division of Forest Resources, and specifically designated for the development and infrastructure of the Mountain Island Educational State Forest; and

**WHEREAS**, the Mountain Island Educational State Forest can expect yearly general public attendance to exceed 54,000 citizens, and will greatly benefit school children; and

**WHEREAS**, the citizens of this region have been waiting for 10 years for the Mountain Island Educational State Forest to become a reality;

**NOW, THEREFORE, BE IT RESOLVED** that the Lincoln County Board of Commissioners hereby publicly expresses its support for the Mountain Island Educational Forest \$2.78M Senate Bill S829 and House Bill H856 and encourages the legislature to vote in support of these bills.

**BE IT FURTHER RESOLVED** that the County Manager shall transmit copies of this resolution to the legislators representing the counties to be served by the Mountain Island Lake Educational State Forest.

This 4<sup>th</sup> day of February, 2008.

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Thomas R. Anderson, Chairman  
Lincoln County Board of Commissioners

ATTEST:

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Amy S. Atkins, Clerk to the Board

**UPON MOTION** by Commissioner Carlton, the Board voted unanimously to approve the Resolution in Support of Establishment of Mountain Island Educational State Forest and State Funding Thereof.

**Recess:** **UPON MOTION** by Commissioner Carlton, the Board voted unanimously to recess to February 8, 2008 at 8:30 a.m. at the School Administration Building, 353 North Generals Boulevard, Lincolnton.

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Amy S. Atkins, Clerk  
Board of Commissioners

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Thomas R. Anderson, PE, Chairman  
Board of Commissioners