

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, SEPTEMBER 12, 2011

The Lincoln County Board of County Commissioners met September 12, 2011 at the Citizens Center, Commissioners' Room, 115 West Main Street, Lincolnton, North Carolina, at 6:30 P.M.

Commissioners Present:

Alex E. Patton, Chairman
George Arena, Vice Chair
James A. Klein
Carrol Mitchem
Carl E. Robinson, Jr.

Planning Board Members Present:

Jeff Frushtick, Chairman
John Anderson
Tom Campbell
Darrell Gettys
Keith Johnson
Shelly Johnston
Dr. Richard Pence

Others Present:

George A. Wood, County Manager
Martha W. Lide, Assistant County Manager
Wesley L. Deaton, County Attorney
Amy S. Atkins, Clerk to the Board
Kelly Atkins, Planning and Inspections Director
Randy Hawkins, Zoning Administrator
Burns Whittaker, Public Works Director

Call to Order: Chairman Patton called the September 12, 2011 meeting of the Lincoln County Board of Commissioners to order.

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

AGENDA

LINCOLN COUNTY BOARD OF COMMISSIONERS

SEPTEMBER 12, 2011

6:30 PM Call to Order

6:31 PM Invocation – Commissioner Robinson

6:32 PM Pledge of Allegiance

1. 6:33 PM Adoption of Agenda

2. 6:35 PM Consent Agenda

- Approval of Minutes
- August 15, 2011
- Fall Litter Sweep
- Tax Requests for Refunds - More than \$100
 - July 18 - 24, 2011
 - July 18 - 31, 2011
- Tax Requests for Releases - More than \$100
 - July 16 - August 15, 2011
- 2012 Holiday Schedule
- Sponsored Group Status
 - NC Symphony
- Resolution #2011-50: Resolution Honoring Eagle Scout Derek M. Hilgert
 - 2011 Industry Appreciation Month Proclamation
 - Surplus Property
 - Ratification of contract action, Carolina Tractor
 - National Long-Term Care Residents' Rights Month 2011 Proclamation

3. 6:40 PM Presentation to Derek M. Hilgert, Eagle Scout

4. 6:45 PM Zoning Public Hearings – Randy Hawkins

ZMA #589 Josh Kiser, applicant (Parcel ID# 71452) A request to rezone 0.92 acres from R-S (Residential Suburban) to B-G (General Business). The property is located on the south side of Hwy. 150 about 200 feet west of Quinlan Lane in Ironton Township.

PD#2011-2 The Village at Stonecastle LLC, applicant (Parcel ID# 32044 and 79143) A request to rezone 11.1 acres from R-SF (Residential Single-Family) to PD-R (Planned Development Residential) to permit a development with 12 “twin home” condominium units and seven lots for single-family houses. The property is located on the north side of Graham Road at Captains Way in Catawba Springs Township.

CZ #2011-3 Steven Pearman, applicant (Parcel ID# 87913) A request to rezone 10.2 acres from B-N (Neighborhood Business) to CZ B-G (Conditional Zoning General Business) to permit a golf driving range and associated facilities. The property is located about 400 feet west of N.C. 16 Business at the end of West Pointe Drive, about 600 feet south of Cherry Point Lane, in Catawba Springs Township.

- 5. 7:30 PM Public Hearing - Rural Operating Assistance Program (ROAP) Application - FY 2012 and motion to approve Certified Statement FY 2012 (pg 10)- Ron Rombs
- 6. 7:35 PM Oaklawn Building Lease Presentation - Ola Mae Foster
- 7. 8:00 PM Public Comments
- 8. 8:15 PM Public Hearing - Proposed Industrial Development Incentive Grant for New Industry and Motion to Adopt Resolution #2011-51: Resolution to Adopt Economic Incentive Grant Agreement - Crystal Gettys
- 9. 8:35 PM Appointment of Wesley Deaton as County Attorney
- 10. 8:45 PM Contract Award, NC 27 Widening and Waterline Relocation Project - Burns Whittaker
- 11. 8:55 PM Update on Drought Condition - Burns Whittaker
- 12. 9:00 PM Engineering Contract for Denver Pump Station - Burns Whittaker
- 13. 9:05 PM Proposed Engineering Contract - Forney Creek Wastewater Treatment Plant Closure Plan - Burns Whittaker
- 14. 9:10 PM Engineering Agreements, St. James Church Waterline - Burns Whittaker
- 15. 9:15 PM Proposed Engineering Contract, Water Treatment Plant Upgrade - Burns Whittaker
- 16. 9:20 PM Emergency Management Performance Grant -Martha Lide
- 17. 9:25 PM Discussion of Gaston County's Request to Support Senate Bill 729
- 18. 9:30 PM Voter ID Local Legislation - Commissioner Klein
- 19. 9:35 PM Installment Financing and Resolution #2011-52: Resolution Authorizing the Filing of an Application for Approval of a Financing Agreement Authorized by

North Carolina General Statute 160A-20 - Leon Harmon

20. 9:40 PM Recommendations from the Planning Board - Randy Hawkins
- ZMA #582 - Lincoln Charter School, applicant
- ZMA #289 - Josh Kiser, applicant
- PD #2011-2 - The Village at Stonecastle LLC, applicant
- CZ #2011-3 - Steven Pearman, applicant

21. 9:55 PM Motion to cancel September 19, 2011 Board of Commissioners meeting

22. 10:00 PM Other Business
- Information
- Information

Adjourn

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to adopt the agenda adding Ordinance 2011-13: An Ordinance Amending the FY 2012 Budget for the County of Lincoln, North Carolina.

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

- Approval of Minutes – August 15, 2011
- Fall Litter Sweep
- Tax Requests for Refunds – More than \$100
 - o July 18 – 24, 2011
 - o July 18 – 31, 2011
- Tax Requests for Releases – More than \$100
 - o July 16 – August 15, 2011
- 2012 Holiday Schedule
- Sponsored Group Status
 - o NC Symphony
- Resolution #2011-50: Resolution Honoring Eagle Scout Derek M. Hilgert
- 2011 Industry Appreciation Month Proclamation
- Surplus Property
- Ratification of contract action, Carolina Tractor
- National Long-term Care Residents' Rights Month 2011 Proclamation

- **FALL LITTER SWEEP 2011**

- **A PROCLAMATION**

- WHEREAS, the North Carolina Department of Transportation organizes an annual fall roadside cleanup campaign to ensure clean and beautiful roads throughout our State; and
- WHEREAS, the FALL LITTER SWEEP roadside cleanup will take place September 17th-October 1st, 2011; this effort encourages local communities, civic and professional groups, businesses, government agencies, churches, and individuals to participate and to take responsibility for cleaner roads in Lincoln County and North Carolina; and helps to educate the public about the harmful effects of litter on the environment;
- WHEREAS, Adopt-A-Highway volunteers, community and civic organizations, inmates, community service workers, local governments, and many concerned citizens conduct these cleanups and may receive a Certificate of Appreciation for their hard work; and
- WHEREAS, the natural beauty and a clean environment are sources of great pride for Lincoln County and North Carolina, attracting tourists and aiding in recruiting new industries; and
- WHEREAS, the 2011 fall cleanup will improve the quality of life for all of Lincoln County and North Carolina and will celebrate the 23rd anniversary of the North Carolina Adopt-A-Highway program and its 5,860 volunteer groups that donate their time and labor year round to keep our roadsides clean;
- Now, THEREFORE, the LINCOLN COUNTY BOARD OF COMMISSIONERS does hereby proclaim September 17th-October 1st, 2011, as "**FALL LITTER SWEEP**" in Lincoln County, and encourages all citizens to take an active role in making their communities cleaner.

LINCOLN COUNTY TAX DEPARTMENT
MOTOR VEHICLES

REQUEST FOR REFUNDS

PERIOD COVER (JULY 18, 2011-JULY 24, 2011)

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

NAME	YEAR	DIST	A/C#	AMOUNT	REASON
Bothe, William R.	2011	UFD	0215536	4.92	Pro-Rated Bill
Hamrick, Timothy B.	2010	AFD	0180013	8.23	Pro-Rated Bill
McCrary, Jacklen A.	2010	BCFD	0069365	2.54	Pro-Rated Bill
TOTAL				\$15.69	

LINCOLN COUNTY TAX DEPARTMENT
ANNUALS

REQUEST FOR REFUNDS

RECEIVED
LINCOLN COUNTY TAX DEPARTMENT

PERIOD COVERED (JULY 18, 2011-JULY 31, 2011)

AUG 12 2011

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

REFUNDS

NAME	YEAR	DIST	A/C#	AMOUNT	REASON
MATTHEWS BELK CO.	2011	CITY	35244	10,252.79	ADJ. VALUE PER BOARD OF E&R
			TOTAL	\$ 10,252.79	

LINCOLN COUNTY TAX DEPARTMENT
MOTOR VEHICLES

REQUEST FOR REFUNDS

PERIOD COVERED (JULY 18, 2011-JULY 31, 2011)

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

NAME	YEAR	DIST	A/C#	AMOUNT	REASON
HARBIN, ROBERT W.	2010	BCFD	0071349	126.25	PRO-RATED BILL
MARTIN, ROBERT C. JR.	2010	DFD	0134368	182.10	PRO-RATED BILL
			TOTAL	\$308.35	

LINCOLN COUNTY
TAX DEPARTMENT
G.S. #105-381 (B) ALL RELEASES MORE THAN \$100
AND #105-325 INCLUDING (A) (6)
REQUEST FOR RELEASES
PERIOD COVERED
(July 16, 2011 - Aug. 15, 2011)

NAME	YEAR	A/C NO	AMOUNT
Active Lifestyle Chiropractic	2011	0207286	\$375.15
American Land Corporation	2011	0119369	\$575.29
Aquesta Insurance Services LLC	2011	0231513	\$292.16
Avery, Phyllis F.	2011	0229128	\$479.44
Balsom Ridge LLC	2011	0195973	\$1,367.10
Balsom Ridge Business Park	2011	0209950	\$142.99
Baypointe LLC	2011	0208936	\$116.70
Beard, Taylor	2011	0224052	\$162.00
Benoit, Henry B III	2011	48266	\$125.60
Bonham, George Cake Jr.	2011	0206589	\$103.01
Boyles, Jacqueline Sue	2011	37618	\$109.69
Cache Night Club & Restaurant	2010-2011	0207338	\$503.36
Carolina Centers LLC	2011	0086894	\$254.75
Carolina Centers LLC	2011	0086894	\$102.16
Colonial Village of Linc. LLC	2011	0192632	\$9,182.49
Creekside Tavern Inc.	2011	0228946	\$191.46

Dudas, Donna L	2011	0204100	\$818.79
Ferrell, William Bryant	2010-2011	0063859	\$131.41
Flowers, Ambrose B	2011	0205773	\$15,878.04
Gantt, Dwight Jimmy	2011	31425	\$960.85
Geno, Richard Price Farm Eqpt.	2011	0232163	\$161.35
Go Green Construction LLC	2011	0229101	\$194.70
Graco Properties LLC	2011	0205791	\$562.21
Graska, Gina Lyn	2011	0064699	\$234.89
H & H Motorsports Inc.	2011	0183001	\$330.18
Hafley, Bruce A	2011	0118781	\$505.62
Hogberg, Linda G	2011	0131287	\$655.33
Jenner, Bruce C	2011	0184503	\$272.92
Kel-Kar Developers LLC	2011	0190017	\$2,112.67
Kennedy, Richard I & Susan	2011	0157296	\$1,264.88
Lee, Margaret M	2011	00228895	\$154.81
Lincar Holdings Inc.	2011	0201140	\$2,209.86
Lincolnton Shopping Center	2011	0062863	\$9,812.68
Lynch, Boyce A	2011	20045	\$1,281.45
Matuskey, Joel R	2011	0205151	\$179.07
McCall, Lloyd N & Gwendolyn	2011	21219	\$243.51
McMurray Fabrics Inc.	2011	0060825	\$7,959.18
Miller, Bradley E	2011	0187355	\$123.32
Moody, Von W III	2011	0184529	\$118.91
Moyer, William	2011	0162355	\$176.45
Nixon, Ellen J Heirs of	2011	0217584	\$411.38
Norman, Charles Group LLC	2011	0209949	\$952.63
Norman Pointe Development LLC	2011	0189706	\$1,401.45
Owens, Donald B	2011	19392	\$119.71
Penwarden, Walter K	2010-2011	0135959	\$2,033.81
Perry, Barbara Ann	2011	0202889	\$936.36
Queen, Joshua M	2011	0194413	\$258.46
RCB Development Group	2011	0229043	\$191.07
Robinson, Donna M	2011	0105767	\$216.70
Robinson Mark S 11	2011	0064708	\$271.63
Robinson, Mark S	2011	0064709	\$292.56
Rutkauskas, Michael D	2011	0205940	\$295.20
Shoreline Property Management	2011	0139396	\$1,096.60
Shreeji Hospitality of Charlotte	2011	0194407	\$1,786.22
Sigmon, Milton H	2011	16016	\$163.93
Sigmon, Milton H	2011	19953	\$156.42
Smith, Timothy M	2011	29681	\$192.20

Smithers, Venice L	2011	10530	\$177.24
Sun Trust Bank	2011	0219952	\$129.76
Surface, Phillip David	2005- 2011	0164183	\$1,273.55
Swofford, Randy	2008- 2011	0213894	\$556.80
T & T Investments	2011	0074725	\$9,388.65
T & T Investments	2011	0095718	\$108.00
T & T Investments	2011	0095718	\$4,238.29
T & T Investments	2011	0132927	\$2,723.16
Timken Company The	2010	26149	\$22,149.09
Turner Baxter Inc.	2011	26187	\$162.00
Ward, Beverly Canipe	2011	0181330	\$836.85
Western Carolina Publishing Co.	2011	25489	\$657.12
		TOTAL	\$113,603.27

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

(July 16, 2011 - Aug 15, 2011)

NAME	YEAR	A/C NO	AMOUNT
Bullock Building Consultants Inc	2011	0142466	\$122.07
Cristina, Kimberly Susann	2011	0180070	\$108.72
David, Meghan Ann	2011	0207766	\$523.34
Embry, Richard Russell Jr	2011	0175838	\$113.62
Good Health Fitness & Coun.	2010	0227003	\$113.28
Hood, Teresia Medley	2010	0232706	\$153.68
Jordan, Marsha Hosey	2010	0116692	\$148.70
Lincoln Avenue Baptist Church	2011	33611	\$131.99
McCutchen, Samuel	2010	0206866	\$124.12
		TOTAL	\$1,539.52

Holiday	Day of Week	Observance Day
New Year's Day	Monday	January 2, 2012
Dr. Martin Luther King, Jr. Day	Monday	January 16, 2012
Good Friday	Friday	April 6, 2012

Memorial Day	Monday	May 28, 2012
Independence Day	Wednesday	July 4, 2012
Labor Day	Monday	September 3, 2012
Veteran's Day	Monday	November 12, 2012
Thanksgiving	Thursday and Friday	November 22 and 23, 2012
Christmas	Monday, Tuesday, Wednesday	December 24, 25, 26, 2012

Sponsored Group Status

- NC Symphony

Resolution #2011-50: Resolution Honoring Eagle Scout Derek M. Hilgert

**RESOLUTION
HONORING EAGLE SCOUT
Derek M. Hilgert**

WHEREAS, on behalf of all of the Citizens of Lincoln County we, the Board of Commissioners of Lincoln County, wish to recognize the attainment of high honor by young Citizens of Lincoln County and,

WHEREAS, Derek M. Hilgert has demonstrated strong leadership abilities and has exhibited a strong sense of duty, honor and patriotism making him a clear example of the best qualities of American youth and,

WHEREAS, Derek Hilgert has completed the arduous and demanding requirements necessary to be awarded the rank of **EAGLE SCOUT**, the highest honor given by the Boy Scouts of America,

BE IT RESOLVED, and it hereby is that the Lincoln County Board of Commissioners recognize and congratulate Shane Campbell upon his attainment of the rank of **EAGLE SCOUT**.

Adopted this 18th day of July 2011.

Alex E. Patton
Chairman

George Arena
Vice Chairman

Carrol D. Mitchem
Commissioner

Carl E. Robinson, Jr.
Commissioner

James A. Klein
Commissioner

Proclamation
2011 Lincoln Economic Development Association

Industry Appreciation Month

October 2011

WHEREAS, the County of Lincoln is pleased to have a thriving community of industries to support the local economy; and

WHEREAS, these industrial companies provide essential employment opportunities for the citizens of the County of Lincoln; and

WHEREAS, these industrial companies provide local revenues from which the entire citizenry benefit; and

WHEREAS, industrial businesses make considerable contributions to our families and communities, often improving the overall quality of life; and

WHEREAS, we recognize and appreciate these industrial businesses;

NOW, THEREFORE, we the Board of Commissioners of Lincoln County, do hereby recognize our existing industrial businesses and by virtue of this proclamation give notice to our citizens that the month of October 2011 is Industry Appreciation Month in the County of Lincoln.

ADOPTED this the ____ day of October 2011.

Alex Patton, Chairman,
Board of Commissioners

ATTEST:

Amy S. Atkins, Clerk
Board of Commissioners

Surplus / Obsolete Property
Ratification of contract action, Carolina Tractor (Caterpillar)

**National Long-Term Care
Residents' Rights Month 2011
Proclamation**

Welcome Home: Creating Connections Between

Residents and the Community

Whereas, there are more than 1.5 million individuals living in 16,000 nursing homes; and 1 million individuals living in 50,000 board and care/assisted living facilities in the U.S.; and

Whereas, the federal Nursing Home Reform Act of 1987 guarantees residents their individual rights in order to promote and maintain their dignity and autonomy; and

Whereas, all residents should be aware of their rights so they may be empowered to live with dignity and self-determination; and

Whereas, we wish to honor and celebrate these citizens, to recognize their rich individuality, and reaffirm their rights as community members and citizens, including the right to have a say in their care; and

Whereas, individuals and groups across the country will be celebrating Residents' Rights Month with the theme -Welcome Home: Creating Connections Between Residents and the Community- to emphasize the importance of affirming these rights through facility practices, public policy and resident-centered decision-making that impacts quality of care and quality of life.

Now, therefore, I, Alex E. Patton, Chairman, do hereby proclaim October 2011 as **National Long-Term Care Residents' Rights Month**, in the County of Lincoln, and encourage all citizens to join me in these important observances.

Signed this _____ day of _____ 2011

Alex E. Patton, Chairman

Presentation to Derek M. Hilgert, Eagle Scout: The Board presented Resolution #2011-50 to Derek M. Hilgert honoring him for attaining Eagle Scout.

New Business/Advertised Public Hearings: Chairman Patton announced that this was the date, Monday, September 12, 2011, and the time, 6:30 P.M., which was advertised in the Lincoln Times-News on September 2 and 9, 2011.

Zoning Public Hearing – Randy Hawkins:

Zoning Map Amendment #589 - Josh Kiser, applicant:

Randy Hawkins presented the following information concerning ZMA #589.

The applicant is requesting the rezoning of 0.92 acres from R-S (Residential Suburban) to B-G (General Business). If this request is approved, any of the uses listed as permitted in

the B-G district in the Use Table of the Lincoln County Unified Development would be permitted.

This property is located on the south side of Hwy. 150 about 200 feet west of Quinlan Lane in Ironton Township. It is adjoined by property zoned R-S, B-N (Neighborhood Business) and CU B-G (Conditional Use General Business). This property is part of area designated by the Lincoln County Land Use Plan as Mixed Residential, suitable for single-family, multi-family and town home and patio home development.

Commissioner Arena asked how the mini storage units and dance studio were located across the street since they are the only two. Mr. Hawkins stated that the property was rezoned to Neighborhood Business in 2003.

Chairman Patton opened the public hearing concerning ZMA #589 – Josh Kiser, applicant.

Josh Kiser stated that three parcels at the eastern end are already zoned Neighborhood Business. He said one large parcel next to the fire department is an agriculture and timber. The three homes are owned by his family and are on one-acre tracts. The rest of the property bordering his family's homes and bordering North Lincoln High's property are owned by his family and are timber. In the general area, there are sixteen parcels from Lee Lawing to Ivey Church Road that are zoned business. Within one mile of this lot, there are 29 parcels on Hwy. 150 designated as Industrial or Business and all are bordered by Residential.

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

Planned District #2011-2 – The Village at Stonecastle LLC, applicant:

The applicant is requesting the rezoning of 11.1 acres from R-SF (Residential Single-Family) to PD-R (Planned Development Residential) to permit a development with 12 "twin home" condominium units and seven lots for single-family houses. PD-R is a zoning option provided under the Lincoln County Unified Development Ordinance to encourage a mix of housing types, allowing a density bonus in return for the provision of a higher quality development.

The property is located on the north side of Graham Road at Captains Way and borders Lake Norman. It is adjoined by property zoned R-SF and R-S (Residential Suburban). Land uses in this area include condominiums and single-family homes.

Public water and sewer are available at this location. The Lincoln County Land Use Plan designates this area as Suburban Residential, an area that's primarily single-family in character but suitable for a limited amount of town home or patio home development, with projected densities of upwards of 1-2 units per acre.

Chairman Patton opened the public hearing concerning PD #2011-2 – The Village at Stonecastle, LLC, applicant.

Commissioner Robinson said there seemed to be concerns from neighbors about drainage into the lake. He asked if their concerns have been addressed. Mr. Hawkins stated that the erosion control measures would have to be put in place and would be monitored by the county.

Jeff Frushtick asked about the width of the road going into the property. Mr. Hawkins stated that it has been reviewed by DOT and they are ok with the plan.

Chairman Patton opened the public hearing concerning ZMA #589 – Josh Kiser, applicant.

Jerry Reece stated that he bought this property ten years ago with the intent to live there and he still plans to. He said the site plan has been in preparation for over six years and they feel this is the highest and best use of the property. He said they have 19 living units on this site.

Commissioner Arena asked about erosion control and financial stability. Mr. Reece said dirt probably will not be turned until the lots are under contract. He said there is a large amount of open space and they will follow the sediment and erosion control plan.

Matt Langston gave details concerning the site plan, water and sewer, possible expansion to another phase and lake access.

Graham Wilson, 8671 Graham Road, stated that he is approximately 400 feet from this property asked if a flow test has been done on the water for the fire department and if not, needs to be. He said if the zoning is approved, he asked if it is tied to this plan. He said there is a lot of traffic on this road. He said there was some concern about runoff from the condo owners. He said he is not speaking for or against, but there are things the Board must consider.

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

Conditional Zoning No. 2011-3 – Steven Pearman, applicant:

The applicant is requesting the rezoning of 10.2 acres from B-N (Neighborhood Business) to CZ B-G (Conditional Zoning General Business) to permit a golf driving range and associated facilities. Outdoor recreation is a conditional use in the B-G district. If this request is approved, the development of this property would be subject to the approved site plan and any conditions mutually approved by the county and the applicant.

This property is located about 400 feet west of N.C. 16 Business at the end of West Pointe Drive, about 600 feet south of Cherry Point Lane. It is adjoined by property zoned B-N and R-SF (Residential Single-Family). A portion of this property lies in the Eastern

Lincoln Development District. Land uses in this area include business, industrial and residential. This property is part of an area identified in the NC 16 Corridor Vision Plan as the South Triangle Community Center, where activity for the surrounding area is recommended to be concentrated.

Jeff Frushtick asked what type of screening would be required. Randy Hawkins said the Ordinance would require a class c screen adjoining the R-SF district and a class a buffer adjoining the BN district. This would include trees and shrubs, a berm and wall.

Mr. Frushtick asked if there would be a fence. Mr. Hawkins stated that there are no plans for a fence.

Chairman Patton opened the public hearing concerning Conditional Zoning No. 2011-3 – Steven Pearman, applicant.

Charles Melton, spoke on behalf of Brenda Hunter whose property adjoins this. He asked if any Board members have lived beside a golf range. He said he has and lights are on all night long and golf balls hit your house and windows. He said the lights are annoying because they are on so late. He asked who would want to buy property adjoining a golf range.

Hal Lackey asked where the Hunter property is located. He said they will be driving toward the power lines.

Brenda Hunter said she owns a mobile home on Deer Borne and doesn't understand why they do not put a fence up. She said she has concerns that balls will hit her home or the renters that live there.

Steven Pearman stated that the balls will be going away from Mrs. Hunter's home. He said the lights will be until 9 on Monday through Thursday and until 10 on Friday through Sunday. He said maybe a little later so he can pick up the balls, but never after 11. He said he has a distance of 280 yards to the end of the property. He said there may be some netting on the back of the property. There are 200 yards on the property. He said their intent is to be good neighbors.

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

The Planning Board recessed their meeting and reconvened on the 2nd floor balcony. Chairman Patton said these may or may not be brought back to the Board tonight and may or may not be acted on by the Board tonight.

Public Hearing – Rural Operating Assistance Program (ROAP) Application – FY 2012 and Motion to Approve Certified Statement FY 2012: Ron Rombs presented the following information:

North Carolina Department of Transportation (NCDOT) administers all state and federal funds applicable to providing public transportation.

Mr. Rombs asked the Board to approve the ROAP Application in the sum of \$175,014. NCDOT has allocated Lincoln County a total of \$123,718 for EDTAP, Work First, and RGP. There is also an additional allocation of \$51,296 in “additional” funds that were left over from last years program.

There are no county matching funds for Elderly and Disabled Transportation Assistance Program (EDTAP) or the Employment Transportation Assistance Program (Work First). There is however, a Lincoln County match of 10% for the Rural General Public Transportation Program (RGP) that has already been figured into the TLC budget for FY 2011-2012.

Chairman Patton opened the Public Hearing. Being no speakers, Chairman Patton declared the Public Hearing closed.

UPON MOTION by Commissioner Arena, the Board voted unanimously to approve the application as presented.

CERTIFIED STATEMENT
FY 2012
RURAL OPERATING ASSISTANCE PROGRAM
County of Lincoln

WHEREAS, the state-funded, formula-based Rural Operating Assistance Program (ROAP) administered by the North Carolina Department of Transportation, Public Transportation Division provides funding for the operating cost of passenger trips and for other transportation services for counties within the state;

WHEREAS, the county uses the most recent transportation plans (i.e. CTSP, CTIP, LCP) available and other public involvement strategies to learn about the transportation needs of agencies and individuals in the county before determining the sub-allocation of these ROAP funds;

WHEREAS, the county government or regional public transportation authorities created pursuant to Article 25 or Article 26 of Chapter 160A of the General Statutes (upon written agreement with the municipalities or counties served) are the only eligible recipient of Rural Operating Assistance Program funds which are allocated to the counties based on a formula as described in the Program Guidelines included in the ROAP application. NCDOT will disburse the ROAP funds only to counties and eligible transportation authorities and not to any sub-recipients selected by the county;

WHEREAS, the county finance officer will be considered the county official accountable for the administration of the Rural Operating Assistance Program in the county, unless otherwise designated by the Board of County Commissioners;

WHEREAS, the passenger trips and transportation services provided with ROAP funds must be accessible to individuals with disabilities and be provided without discrimination on the basis of national origin, creed, age, race or gender (FTA C 4702.1A, FTA C 4704.1, Americans with Disabilities Act 1990); and

WHEREAS, the period of performance for these funds will be July 1, 2011 to June 30, 2012 regardless of the date on which ROAP funds are disbursed to the county.

NOW, THEREFORE, by signing below, the duly authorized representatives of the County of Lincoln North Carolina certify that the following statements are true and accurate:

- The county employed a documented methodology for sub-allocating ROAP funds that involved the participation of eligible agencies and citizens. Outreach efforts to include the participation of the elderly and individuals with disabilities, persons with limited English proficiency, minorities and low income persons in the county's sub-allocation decision have been documented.
- The county will advise any sub-recipients about the source of the ROAP funds, specific program requirements and restrictions, eligible program expenses and reporting requirements. The county will be responsible for invoicing any sub-recipients for unexpended ROAP funds as needed.
- The county will monitor ROAP funded services routinely to verify that ROAP funds are being spent on allowable activities and that the eligibility of service recipients is being properly documented. The county will maintain records of trips and services for five years that prove that an eligible citizen was provided an eligible service or trip on the billed date, by whatever conveyance at the specified cost.
- The county will be responsible for monitoring the safety, quality and cost of ROAP funded services and assures that any procurements by subrecipients for contracted services will follow state guidelines.
- The county will conduct regular evaluations of ROAP funded passenger trips and transportation services provided throughout the period of performance.

- The county will only use the ROAP funds to provide trips and other transportation services when other funding sources are not available for the same purpose or the other funding sources for the same purpose have been completely exhausted.
- The county assures that the required matching funds for the FY2012 ROAP can be generated from fares and/or provided from local funds.
- The county will notify the Mobility Development Specialist assigned to the county if any ROAP funded services are discontinued before the end of the period of performance due to the lack of funding. No additional ROAP funds will be available.
- The county manager will provide written assurance to the Public Transportation Division that the employment transportation needs in the county have been met prior to transferring any Employment Transportation Program (EMPL) funds. The letter will describe the process used to make this determination. Transfer of EMPL funds is prohibited if there are any unmet needs or service strategies in the Coordinated Public Transit – Human Services Transportation Plan that have not been addressed.
- The county will provide an accounting of trips, services and expenditures in semi-annual reports to NCDOT – Public Transportation Division or its designee.
- Any interest earned on the ROAP funds will be expended for eligible program uses as specified in the ROAP application. The County will include ROAP funds received and expended in its annual independent audit on the schedule of federal and state financial assistance. Funds passed through to other agencies will be identified as such.
- The county is applying for the following amounts of FY 2012 Rural Operating Assistance Program funds:

State-Funded Rural Operating Assistance Program	Allocated	Requested
Elderly & Disabled Transportation Assistance Program (EDTAP)	74,120	74,120
Employment Transportation Assistance Program (EMPL)	23,846	23,846
Rural General Public Program (RGP)	77,048	77,048
TOTAL	175,014	175,014

WITNESS my hand and county seal, this _____ day of _____, 20_____.

Signature of Board of County Manager/Administrator
George Wood, County Manager
 Printed Name of County Manager/Administrator

State of North Carolina County of
County Seal Here

Signature of Board of County Commissioners Chairperson
Alex Patton, Chairman
 Printed Name of Chairperson

Signature of County Finance Officer
Leon Harmon, Finance Officer
 Printed Name of County Finance Officer

Oaklawn Building Lease Presentation:

Ola Mae Foster introduced George Creed and Robert Hamilton.

George Creed said he is a member of the Coalition of Churches, NAACP and Friends of Oaklawn. He said Oaklawn was built in segregated times to educate black students. He

said thousands were educated there and gave these kids a chance to better themselves. He said this school is the final historic black school in Lincoln County. Mr. Creed said the Coalition of Churches and Friends of Oaklawn want to renovate the building to keep it viable in the community. The community has changed greatly. At one time it was predominantly black, but is now very diverse and you cannot pick one predominate race. He said they envision a multi-purpose community resource center to talk about crime prevention, teen pregnancy, adult education, life skills, and health fairs. He said that when you live in a level below poverty, you feel disenfranchised and this would be nice to have in their own community. The Coalition has had this building since 1991 and it is in various stages of repair. He said some of the facility has been fixed really nice, but the old school building has not.

Robert Hamilton said Oaklawn has a rich history in the black community. He said the facility is being utilized at the present time with the headstart program. He said there are plans to do further renovations and utilize the facility. He said right now the building is a meeting and gathering place. This building came into being in 1925 and was a Rosenwald School. It has great meaning in the fabric of the black community. Mr. Hamilton asked the Board to take this into consideration during deliberation and said he hopes the Board will consider favorably and let the lease continue on.

Ola Mae Foster said the Coalition of Churches is now in a position to get grants for the Oaklawn Center. She said she recently had meetings with Shawn Newton from DSS concerning a Boys and Girls Club. She said she understands they have been slow moving, but have paid for things as they went. She said they are moving and doing something all the time. She asked for the Board's support and said by this time next year there will be a difference in the building. She said they now have a grant writer and accountant. She asked for the Board to continue the lease.

Frankie Rhinehardt said she graduated from 8th grade at Oaklawn and went onto Newbold High School, then Gaston College. She said they do a lot of different fundraisers through the Coalition and there are potential things they want to do for the community. She said they want to involve whole community, not just the black community. She said the building means a lot to the community.

Dean Bethea said she believes the Coalition will put forth every effort to make Oaklawn representative of Lincoln County and it will serve as a safe haven for children. She said they are very well on their way and have joined forces with the NAACP. She asked the Board for a new 10 year lease.

Steve Wingate said he concurs with all that have spoken so far.

Earline Smith concurred with everything said and appealed for funds from City of Lincolnton. She said it is part of their heritage and she would hate to see it destroyed. She appealed for the renewal of the lease

Delphine Moore, Pastor of Tabernacle Blessing, said the Lord woke her up one night and told her to come before the Board of Commissioners concerning the Oaklawn Building. She said her vision is to reform the Oaklawn building and surrounding area. She said she would like to use this as an enlightenment center, an endowment center and a workforce center. She said different organizations can operate under the same umbrella.

Kevin Herndon said the problem is there is only one set of keys at Oaklawn. He said there is a property management problem at Oaklawn. He said a grassroots movement is willing to reshape the lives of children, elderly and homeless in Oaklawn. He said this can become an asset and no longer a place for vandalism and grown bushes and trees. He said it's time for the Commissioners to make a responsible decision. He said a new coalition of citizens are crying out for the opportunity to take the helm of a sinking ship and renew the vitality and potential growth of a historical institution called Oaklawn School.

Vincent Ross said he represents the Gaston Community Action Head Start. He said they have been in partnership with the Coalition of Churches and have served more than 40 families in the last 15 years. He said with their partnership they have done many renovations to the building, even investing \$30,000 in grant funds for a new playground last year. He said they have painted the renovated building and have refinished the floors. He said he can see them expanding with early Head Start

Ola Mae Foster said Dennis Williams is pulling the paperwork to tell them how to proceed. She said Steve Leonhardt and Mr. Gurley have been to the building. She said they are moving and ready to go. They are willing to partner with anybody who has interest.

Chairman Patton said there is not an easy answer to this. He said he feels there needs to be a small committee put together to see what is in the best interest of the Oaklawn Community and the County. He said George Wood will serve along with Commissioners Klein and Arena. They will bring a recommendation back to the Board with what needs to be done with Oaklawn School.

Mr. Wood stated that they are talking about 2 distinct buildings and Gaston Community Action Agency has done an excellent job with building. He said he thinks it would be good to put their minds at ease early on, because he has no intention of trying to relocate that program. He said our intent all along is a viable building with some programming in there that will benefit community. He said they want to work together with the committee with the different stakeholders to see what they can come up with.

Mr. Wood said this will basically be a month to month lease from here forward until action is taken.

Public Comments: Chairman Patton opened the floor for Public Comments.

Larry Turbyfill spoke concerning backflow prevention.

Robert Avery spoke concerning the taxpayer survey and allowing taxpayers to carpool.

Mike Davis spoke concerning emails that not all Commissioners received and water lines to the Airport.

Being no additional speakers, Chairman Patton declared the Public Comments section closed.

Public Hearing – Proposed Industrial Development Incentive Grant for New Industry and Motion to Adopt Resolution 2011-51: Resolution to Adopt Economic Incentive Grant Agreement: Crystal Gettys presented the following information concerning an Incentive Grant for Main Filter US Inc.

**RESOLUTION TO ADOPT ECONOMIC INCENTIVE
GRANT AGREEMENT WITH MAIN FILTER USA INC.**

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, MAIN FILTER USA INC., have developed plans to renovate an existing facility and install manufacturing equipment 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 MAIN FILTER USA INC.).

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 12th day of September, 2011.

Alex Patton, Chairman

Lincoln County Board of Commissioners

ATTEST:

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 12 day of September, by and between LINCOLN COUNTY, a body corporate and politic (hereinafter referred to as "the County"), and MAIN FILTER US INC., a North Carolina corporation (hereinafter referred to as "**Main Filter**");

WITNESSETH:

WHEREAS, **Main Filter** has developed plans for the construction of upgrades to an existing facility and install manufacturing equipment in, Lincoln County, North Carolina and

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

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

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

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

WHEREAS, the Board of Commissioners believes that it is appropriate and reasonable to expect Main Filter 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 January, 2012, **Main Filter** shall begin construction/installation of an existing facility on such site.

2. Within two years of the date of this agreement, Main Filter shall make an investment upon such site in building and equipment of **\$2,000,000.**, of which **\$1,400,000.** will qualify for incentives under the Lincoln County Industrial Incentive Grant Policy.
3. Within two years of the date of this agreement, **Main Filter** shall provide at such site at least **20** new jobs paying average weekly wages of **\$600** per week.
4. In consideration of the performance of the aforesaid obligations by **Main Filter**, the County will provide cash grants to **Main Filter** of **\$5,442.** per year for a five-year period. One full year after the project's completion, such cash grants will be paid to **Main Filter** 30 days after their tax payment for the then current year has been received by Lincoln County and after the company has notified Lincoln Economic Development Association their taxes have been paid. 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 **Main Filter** 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. **Main Filter** 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, **Main Filter** 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 received by **Main Filter**.

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

COMPANY

By: _____
President

ATTEST:

Secretary

(Corporate seal)

LINCOLN COUNTY

By: _____
Alex Patton, Chairman
Board of Commissioners

ATTEST:

Amy S. Atkins
Clerk to the Board of Commissioners

Chairman Patton opened the Public Hearing. Being no speakers, Chairman Patton declared the Public Hearing closed.

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to approve the Resolution to Adopt Economic Incentive Grant Agreement with Main Filter USA, Inc. as presented.

Appointment of Wesley Deaton as County Attorney: **UPON MOTION** by Commissioner Arena, the Board voted unanimously to appoint Mr. Wesley Deaton as County Attorney with Mr. Wood working out the contract.

Contract Award, NC 27 Widening and Waterline Relocation Project – Burns Whittaker: Burns Whittaker presented the following information:

On Tuesday, July 26, bids were opened in the Lincoln County BOC room. There were seven bidders, however five were considered “Non-Responsive” and rejected.

The bids included installing 1060 feet of 12” Ductile Iron Pipe Waterline and 1571 feet of 6” Ductile Iron Pipe, along with valves, fire hydrants and relocating services there. This relocation is due to NC DOT widening NC 27.

Pease Engineering and Architecture is recommending award of the contract to Monroe Roadways. We agree with their recommendation and request your approval for the award of this contract for \$218,185.46.

UPON MOTION by Commissioner , the Board voted unanimously to award the contract to Monroe Roadways in the amount of \$218,185.46 as recommended.

Update on Drought Condition: Burns Whittaker stated that in July the Drought Management Group recommended lowering the drought from stage 1 to stage 0. We have now slipped back into stage 1. He recommended going back to Stage 1 water restrictions.

Engineering Contract for Denver Pump Station: Burns Whittaker presented the following information:

As part of the previously approved project to install the water line and tank along Highway 73, the Board approved the engagement of WK Dickson to provide engineering for the various elements. The Water Line on Highway 73 from Highway 27 to the East Lincoln Middle School is installed and in service. The next phase of the project is to

upgrade the existing Pump Station in Denver. This work is in this year's budget.

We recommend approval of the Engineering Contract in the amount of \$45,900 which includes design, permitting and bidding. Construction Administration will be paid for on an hourly basis not to exceed \$26,800.

UPON MOTION by Commissioner Robinson, the Board voted unanimously to approve the contract with WK Dickson in the amount of \$45,900 with construction administration on an hourly basis, not to exceed \$26,800.

Proposed Engineering Contract – Forney Creek Wastewater Treatment Plant Closure Plan: Burns Whittaker presented the following information:

The Board recently approved the Selection Board's recommendation to engage the firm of WK Dickson, Inc. to perform the engineering for the proposed closure of the Forney Creek WWTP.

The contract amount is \$28,700 which is to provide the study of alternatives and to coordinate with DENR as to the requirements to close or upgrade the plant. A second agreement will be necessary to provide construction documents once the alternative is selected.

We request the Board's approval of the Engineering Contract.

UPON MOTION by Commissioner Klein, the Board voted unanimously to approve the contract with WK Dickson in the amount of \$28,700 to provide a study of alternatives and to coordinate with DENR as to the requirements to close or upgrade the plant.

Engineering Agreements, St. James Church Waterline:

The Board recently approved the Selection Board's recommendation to engage the firm of CES, Inc. to perform the engineering for the proposed water line along St James Church and Kidwell Roads.

The contract amount is \$49,800. Additionally, CES will perform construction administration work on an on call basis at the rate of \$95/hr. We anticipate doing this work in house for the most part and estimate that this portion of the work will not exceed \$5000.

We request the Board's approval of the Engineering Contract.

UPON MOTION by Commissioner Arena, the Board voted unanimously to approve the contract in the amount of \$49,800 with CES as recommended.

Proposed Engineering Contract, Water Treatment Plant Upgrade:

The Board recently approved the Selection Board's recommendation to engage the firm of Goodwyn, Mills and Cawood, Inc. to perform the budgeted work for the upgrade to the Water Treatment Plant.

The Scope of Work has been firmed up and the needs have been estimated at a total of \$4,000,000. Of this, \$750,000 has been budgeted for this year with another \$1,000,000 identified for next year's budget. The needs will be prioritized and scheduled to work within the budgets over the next few years. In order to best coordinate the various items of work identified, Mr. Whittaker recommended entering into the Engineering Contract which will allow us to move forward with the most immediate needs this year and to better budget the requirements for the out years.

The contract amount is \$279,000 which includes preliminary design for the entire scope with final design, permitting and construction documents for the immediate needs and budget for this year and next year. The fee also includes construction inspection which cannot be done in house due to the specialized nature of the construction. In the out years, the contract can be amended to bring the identified items to full design and permitting. Additional items listed in the contract will be on an as needed basis or hourly basis and could result in an additional \$50-75,000 to the final fee.

A MOTION BY Commissioner Arena to approve the contract with Goodwyn, Mills, and Cawood, Inc. to perform the budgeted work for the upgrade to the Water Treatment Plant.

VOTE: 3 – 2 **YES: Arena, Robinson, Patton**
NO: Klein, Mitchem

Emergency Management Performance Grant: Martha Lide presented the following information:

It is recommended that the Board approve the acceptance of the Emergency Management Performance grant for \$20,625 from the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management. The County has received Emergency Management Performance grants for over 20 years. A local match of \$20,625 is required. These funds were anticipated and are already included as part of the 2011-12 Budget.

The purpose of these funds is to assist State and local governments with enhancing and sustaining all-hazards emergency management capabilities. To be eligible for receiving these funds, Lincoln County must meet certain "universal" standards and must complete up to 6 additional "optional work activities."

UPON MOTION by Commissioner Arena, the Board voted 4 – 1 (Klein against) to approve the Emergency Management Performance Grant.

Discussion of Gaston County's Request to Support Senate Bill 729: Chairman Patton stated that he spoke to Sheriff Carpenter and he is in full support of this request.

UPON MOTION by Commissioner Klein, the Board voted unanimously to support Senate Bill 729.

Voter ID Local Legislation: **UPON MOTION** by Commissioner Klein, the Board voted unanimously to authorize the County Manager to draft a letter for the Chairman to sign to formally request Senator Forrester to put in a Bill on Lincoln County's behalf that mirrors Senate Bill 595.

Installment Financing and Resolution #2011-52: Resolution Authorizing the Filing of an Application for Approval of a Financing Agreement Authorized by North Carolina General Statute 160A-20: **UPON MOTION** by Commissioner Arena, the Board voted unanimously to adopt Resolution #2011-52.

**A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR
APPROVAL OF A FINANCING AGREEMENT AUTHORIZED BY NORTH
CAROLINA GENERAL STATUTE 160A-20**

WHEREAS, the County of Lincoln, North Carolina desires to finance the construction of a new wastewater treatment plant, construction of an industrial park, and make improvements to our water and wastewater systems (the "Project") to better serve the citizens of Lincoln County; and

WHEREAS, The County of Lincoln desires to finance the Project by the use of an installment contract authorized under North Carolina General Statute 160A, Article 3, Section 20; and

WHEREAS, findings of fact by this governing body must be presented to enable the North Carolina Local Government Commission to make its findings of fact set forth in North Carolina General Statute 159, Article 8, Section 151 prior to approval of the proposed contract;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Lincoln County, North Carolina, meeting in regular session on the 12th day of September, 2011, make the following findings of fact:

1. The proposed contract for \$3,806,000 is necessary or expedient because construction and improvements to our wastewater and water system is necessary to provide adequate wastewater treatment capacity and improved water distribution capacity to our citizens. The construction of infrastructure for the Airlie Business Park is necessary for the recruitment of new business and industry to the County, increase tax base, and increase jobs in the County.
2. The proposed contract is preferable to a bond issue for the same purpose for the following reasons. The financing is preferred over general obligation bonds because of the comparable interest rate and lower issuance cost associated with private placement. This is also preferable to two-thirds debt issuance because currently there is no two-thirds debt authorization available. Furthermore, this form of financing is faster than general obligation bonds and needs to be completed within the next few months since reasonable bids should be available. The proposed financing is also preferable because there are not adequate funds in the current budget to finance the total cost of this project. Lincoln County has endeavored to improve its fund balance to an amount acceptable to the NCLGC and consistent with sound financial management.
3. The sums to fall due under the contract are adequate and not excessive for the proposed purpose because they are reasonable for the proposed project.
4. The County of Lincoln's debt management procedures and policies are good because such practices have been carried out in strict compliance with the law as evidenced by the additional general obligation debt that has been issued over the past several years for school projects and debt refunding.
5. There will be no need to increase taxes to meet the sums to fall due under the proposed contract. Funds have been budgeted in the current budget to make these payments.
6. The County of Lincoln is not in default in any of its debt service obligations.

7. The attorney for the County of Lincoln has rendered an opinion that the proposed Project is authorized by law and is a purpose for which public funds may be expended pursuant to the Constitution and laws of North Carolina.
8. The probable net revenues of the project to be financed will be sufficient to meet the sums to fall due under the proposed contract.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the County Manager and/or the Finance Director is hereby authorized to act on behalf of the County of Lincoln in filing an application with the North Carolina Local Government Commission for approval of the Project and the proposed financing contract and other actions not inconsistent with this resolution.

This resolution is effective upon its adoption this 12th day of September, 2011.

The motion to adopt this resolution was made by Commissioner _____, seconded by Commissioner _____, and passed by a vote of _____ to _____.

Alex E. Patton, Chairman
Board of Commissioners

ATTEST:

Amy S. Atkins
Clerk to the Board of Commissioners

This is to certify that this is a true and accurate copy of Resolution No. _____ Adopted by the Lincoln County Board of Commissioners on the 12th day of September, 2011.

Amy S. Atkins
Clerk to the Board of Commissioners

Date

Ordinance 2011-13: An Ordinance Amending the FY 2012 Budget for the County of Lincoln, North Carolina: UPON MOTION by Commissioner Klein, the Board voted unanimously to approve Ordinance 2011-13: An Ordinance Amending the FY 2012 Budget for the County of Lincoln, North Carolina.

**ORDINANCE #2011-13: AN ORDINANCE AMENDING THE FY 2012 BUDGET
FOR THE COUNTY OF LINCOLN, NORTH CAROLINA**

THAT WHEREAS, the Lincoln County Board of Commissioners adopted the FY 2012 Budget by approving Ordinance #2011-11 on June 20, 2011; 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 2012 Budget previously adopted is hereby amended as follows:

Section 1. That the budget amendments attached hereto, and incorporated herein by reference as Exhibit A to Ordinance #2011-13, are hereby approved and adopted as amendments to the FY 2012 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 12th day of September, 2011.

BY:

Alex E. Patton, Chairman
Lincoln County Board of Commissioners

ATTEST:

Amy S. Atkins
Clerk to the Board

Recommendations from the Planning Board: Randy Hawkins presented the following recommendations:

ZMA #582 - Lincoln Charter School, applicant

Andrew Bryant reviewed the driveway permit and other information for the Charter School.

UPON MOTION by Commissioner Robinson, the Board voted unanimously to approve ZMA #582- Lincoln Charter School, applicant along with the Statement of Consistency of Reasonableness.

ZMA #289 - Josh Kiser, applicant

The Planning Board voted 4 – 3 to deny the request.

A MOTION by Commissioner Mitchem to deny the Planning Board's recommendation and to approve the rezoning of ZMA #589 with the 2nd Statement of Consistency and Reasonableness.

A SUBSTITUTE MOTION by Commissioner Arena to send this back to the Planning Board to look at the Land Use Plan for the area.

VOTE: 3 – 2 **YES: Arena, Klein, Robinson**
NO: Patton Mitchem

PD #2011-2 - The Village at Stonecastle LLC, applicant

The Planning Board voted 7 – 0 to recommend approval with no conditions.

UPON MOTION by Commissioner Klein, the Board voted unanimously to approve the request and the Statement of Reasonableness and Consistency.

CZ #2011-3 - Steven Pearman, applicant

The Planning Board voted 7 – 0 to recommend approval with three conditions:

1. Lights shall be out by 10:30 all nights.
2. P.A. speakers shall be allowed only inside clubhouse, in artificial tees and at natural tees no more than 8 ft. in height and oriented away from property line.
3. Light poles shall be limited to 25 feet in height and lighting shall be oriented away from property line.

UPON MOTION by Commissioner Robinson, the Board voted unanimously to approve CZ#2011-3 – Steven Pearman, applicant, based on the Statement of Consistency and Reasonableness with the three conditions as recommended.

Motion to Cancel September 19, 2011 Board of Commissioners Meeting: UPON MOTION by Commissioner Robinson, the Board voted unanimously to cancel the September 19, 2011 Board of Commissioners Meeting.

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

Amy S. Atkins, Clerk
Board of Commissioners

Alex E. Patton, Chairman
Board of Commissioners