

**MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, APRIL 2, 2012**

The Lincoln County Board of County Commissioners met April 2, 2012 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
Carl E. Robinson, Jr.
Carrol Mitchem

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

Call to Order: Chairman Patton called the April 2, 2012 meeting of the Lincoln County Board of Commissioners to order.

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

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

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

**AGENDA
Lincoln County Board of Commissioners Meeting
Monday, April 2, 2012
6:30 PM**

**James W. Warren Citizens Center
115 West Main Street
Lincolnton, North Carolina**

Call to Order

Invocation - Commissioner Alex Patton

Pledge of Allegiance

1. Adoption of Agenda

2. Consent Agenda

- Tax Requests for Refunds - Over \$100

- February 20 – March 4, 2012

- Tax Requests for Releases - Over \$100

- February 16 – March 15, 2012

- Ordinance #2012-5: An Ordinance Amending the FY 2012 Budget for Lincoln County

- Lincoln County Adopt-A-Cop

- Spring Litter Sweep 2012

3. Public Hearings – Zoning Cases – Randy Hawkins

CUP #308 – Rose Gibson, applicant (Parcel ID: 12102, 12103, 12103, 74420 and 74421) A request for a conditional use permit to provide equine-assisted therapy in the R-R (Rural Residential) district. The proposed 53-acre site is located at 3525 Horseshoe Bend Trail, at the end of Horseshoe Bend Trail about a half mile south of Hwy. 182, in North Brook Township.

CUP #309 – Louis Amico and James Ryan, applicants (Parcel ID# 32037) A request for a conditional use permit to sell vehicles in the B-G (General Business) district. The 1.5-acre parcel is located at 1269 N. NC 16 Hwy., on the west side of N.C. 16 Business about 400 feet south of the Unity Church Road intersection, in Catawba Springs Township.

ZMA #594 – David and Lynn Mann, applicants (Parcel ID# 31489) A request to rezone a 0.74-acre parcel from CU B-N (Conditional Use Neighborhood Business) to R-SF (Residential Single Family). The property is located at 6589 Cedar St., on the northwest corner of Cedar Street and Campground Road, in Catawba Springs Township.

4. Motion to set a date, time and location for a Public Hearing on Lincoln County FY 2011 Community Development Program – The purpose of the public hearing is to explain the funding categories of the 2011 CDBG Program and to allow the citizens of the County an opportunity to express their views concerning community development needs and priorities – Martha Lide

5. Motion to set a date, time and location for a Public Hearing on Lincoln County FY 2011 Community Development Program – The purpose of the public hearing is to explain the proposed grant application to renovate the historic Oaklawn School located at 410 Linden Street, Lincolnton, NC and to allow the citizens of the County an opportunity to express their views

concerning the proposed project and other community development needs and priorities – Martha Lide

6. Resolution #2012-10: Resolution Revising and Approving the Lincoln County Council on Aging By-Laws – Martha Lide
7. Motion approving members of the Council on Aging – Martha Lide
8. Motion designating Lincoln County Senior Services as Lead Agency for development of the County Aging Funding Plan and also appointing the Council on Aging as the Advisory Committee to assist Senior Services as Lead Agency in the development of the plan – Martha Lide
9. Approval of Award for Refuse Vehicle with Roll-Off Hoist and Tarp – George Wood
10. Motion to approve a Study by Goodwyn, Mills and Cawood Inc. to Assist in Water Purchase Negotiations with the City of Lincolnton – George Wood
11. Resolution #2012-11: A Resolution to Establish A Green Building Construction Incentive – George Wood
12. Surplus Property Sale – George Wood
13. Public Comments (15 minutes allowed per Rules of Procedure – 3 minutes per person)
14. Vacancies/Appointments
15. Other Business

Adjourn

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

- Tax Requests for Refunds - Over \$100
 - February 20 – March 4, 2012
- Tax Requests for Releases - Over \$100
 - February 16 – March 15, 2012
- Ordinance #2012-5: An Ordinance Amending the FY 2012 Budget for Lincoln County
- Lincoln County Adopt-A-Cop
- Spring Litter Sweep 2012

LINCOLN COUNTY
TAX DEPARTMENT

REQUEST FOR RELEASES
MOTOR VEHICLE BILLS

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

PERIOD COVERED
(FEB 16, 2012 - MAR 15, 2012)

NAME	YEAR	DIST	A/C NO	AMOUNT	REASON
Anderson, Jody Paul	2011	ELFD/ELSD	0097548	\$566.07	Assessment adjustment of vehicle.
B-D&D Company Inc	2011	City	0236456	\$147.81	Vehicle taxable in Catawba County.
Beal, Tracy Daren	2010	Union	0077946	\$109.04	Pro-rated bill.
Berry, Erika Nichole	2010	ALFD	0197921	\$382.71	Vehicle taxable in Gaston County.
Brooks Furniture Xpress Inc	2011	City	0236645	\$602.70	Vehicle taxable in Catawba County.
Chapman, Michael Donald	2011	SFFD	0236471	\$116.51	Pro-rated bill.
Elkins, Catherine Meadlock	2011	N-321	0196142	\$301.18	Vehicle sold prior to tag/tax year.
Hansford, Ogden Jr	2011	City	0211037	\$155.17	Vehicle taxable in Catawba County.
Heaney, Robert Anthony	2011	DFD/ELSD	0200387	\$184.06	Pro-rated bill.
Hillard, Alex Warren	2011	City	0214424	\$305.94	Vehicle taxable in Catawba County.
Holland, Erike Rankin	2010	ALFD	0229213	\$295.88	Vehicle taxable in Gaston County.
ICX Corp	2011	City	0191338	\$165.01	Total exempt property.

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

PERIOD COVERED
(FEB 16, 2012 - MAR 15, 2012)

NAME	YEAR	DIST	A/C NO	AMOUNT	REASON
Lugo, Karen	2011	ELFD/ELSD	0236937	\$204.98	Pro-rated bill.
Martin, Billy Paul	2011	City	0235463	\$195.70	Vehicle taxable in Catawba County.
Mellon, Carolyn C	2011	NBFD	0130624	\$119.92	Pro-rated bill.
National City Commercial Capital	2011	City	0199482	\$227.42	Total exempt property.
Rathgeber, Sara Marie	2011	City	0237049	\$272.94	Vehicle taxable in Gaston County.
Smallwood, Jimmy Dean	2011	HCFD	0106106	\$161.86	Pro-rated bill.
Smith, Kenneth David	2011	PCFD	0229812	\$140.01	Military exemption.
Smith, Megan Elaine	2010	City	0232016	\$116.96	Vehicle taxable in Gaston County.
Spaventa, Emily Maria	2011	ELFD/ELSD	0128979	\$182.25	Vehicle sold prior to tag/tax year.
Strawn, Johnny Lee	2011	City	0216738	\$156.68	Vehicle taxable in Gaston County.
Wilson, Debora Willis	2011	City	0234129	\$130.29	Vehicle taxable in Catawba County.
Younts, Richard Neil	2011	City	0237175	\$248.62	Vehicle taxable in Catawba County.
TOTAL				\$5,489.71	

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

PERIOD COVERED
(February 16, 2012 - March 15, 2012)

NAME	YEAR	DIST	A/C NO	AMOUNT	REASON
Faiella, Denise M	2005	DFD/ELSD	0174702	\$168.86	Did not own personal property as of 1/1/2005.
Ghoreishi, Moshen	2010-2011	ELFD/ELSD	0170895	\$176.13	Did not own personal property as of 1/1/2010.
Hudson, Donald James	2012	City	0206972	\$106.31	Did not own personal property as of 1/1/2012.
Jason Patison Racing	2011	ELFD/ELSD	0226153	\$1,508.98	Did not own business personal property as of 1/1/2011.
Stuckey, Chris	2011	ELFD/ELSD	0196092	\$154.98	Did not own personal property as of 1/1/2011.
Urban, Tanya Marie	2011	ELFD/ELSD	0214530	\$119.36	Did not own personal property as of 1/1/2011.
			TOTAL	\$2,234.62	

PERIOD COVERED (FEBRUARY 20, 2012-MARCH 4, 2012)

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

NAME	YEAR	DIST	A/C#	AMOUNT	REASON
FOLEY, PATRICK M.	2010	DFD/ELFD	0173776	246.72	PRO-RATED BILL
SILMAN, MICHAEL W.	2011	BCFD	0071752	122.11	PRO-RATED BILL
			TOTAL	\$368.83	

**ORDINANCE #2012-6: 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 #2012-6, 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 16th day of April, 2012.

BY: _____

Alex E. Patton, Chairman
Lincoln County Board of Commissioners

ATTEST:

Amy S. Atkins
Clerk to the Board

EXHIBIT A to Ordinance #2012-6

Budget Amendments numbered 116 through 117, inclusive.

SPRING LITTER SWEEP 2012

A PROCLAMATION

WHEREAS, the North Carolina Department of Transportation organizes an annual spring roadside cleanup campaign to ensure clean and beautiful roads throughout our State; and

WHEREAS, the SPRING LITTER SWEEP roadside cleanup will take place April 14th-28th 2012; 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 2012 Spring cleanup will improve the quality of life for all of Lincoln County and North Carolina, and it will celebrate the 24th 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 April 14th-28th 2012 as "**SPRING LITTER SWEEP**" in Lincoln County, and encourages all citizens to take an active role in making their communities cleaner.

Public Hearings:

Randy Hawkins presented the following information:

CUP #308 – Rose Gibson, applicant (Parcel ID: 12102, 12103, 12103, 74420 and 74421)

The applicant is requesting a conditional use permit to provide equine-assisted therapy in the R-R (Rural Residential) district. In equine assisted therapy, individuals interact with horses in a variety of activities, including grooming, feeding and walking, with the aim of improving psychological health. In regard to zoning, the proposed use has been classified as recreational. Under the Civic Uses section of the Unified Development Ordinance's Use Table, the operation of private recreational facilities is a conditional use

in the R-R district.

The proposed 53-acre site is located at 3525 Horseshoe Bend Trail, at the end of Horseshoe Bend Trail about a half mile south of Hwy. 182, in North Brook Township. The applicant resides on this property, which includes an existing horse farm. Horseshoe Bend Trail is a private road.

This property is adjoined by property zoned R-R and R-SF (Residential Single-Family). Land uses in this area are primarily residential and agricultural. The Lincoln County Land Use Plan designates this area as Rural Preservation, suitable for low-density residential uses and limited small-scale commercial uses that are suited for and blend in well with rural environments.

Chairman Patton opened the Public Hearing concerning CUP #308 – Rose Gibson, applicant.

Melvin Gales, 6127 Hwy 182, stated that he owns the property going down the road to there. He asked who would maintain and clean up the road. He said there is no way for two cars to pass on the road and asked if it would be widened.

Tooter Eaker, 3484 Horseshoe Bend Trail, said her land meets the applicant's land right where the go into their house. The road they use to get to their property is a one-lane dirt road. She said the applicant only has a tractor and does not maintain the road.

Randy Hawkins stated that he spoke to the applicant this morning and she was planning to be here. He said the Board may want to continue the public hearing.

CUP #309 – Louis Amico and James Ryan, applicants (Parcel ID# 32037)

The applicant is requesting a conditional use permit to sell vehicles in the B-G (General Business) district. An existing building and parking lot would be utilized as part of the proposal. Under the Use Table of the Unified Development Ordinance, a vehicle sales establishment is a conditional use in the B-G district. It's also a conditional use under the regulations for the Eastern Lincoln Development District (ELDD), in which the property is located.

The 1.5-acre parcel is located at 1269 N. NC 16 Hwy. on the west side of NC 16 Business about 400 feet south of the Unity Church Road intersection, and backs up to Triangle Circle. It is adjoined by property zoned B-G and R-S (Residential Suburban). Land uses in this area are primarily commercial, with some residential uses on the opposite side of Triangle Circle. This property is located in an area identified by the NC 16 Corridor Vision Plan as a commercial node.

The ELDD regulations require that all outdoor sales areas for vehicles be separated from the road right-of-way by a Class A buffer and a fence constructed of ornamental iron or other metal works, or masonry columns of brick, decorative block or similar materials.

The minimum requirement for a Class A buffer is a 10-foot-wide landscaping strip with two canopy trees, two understory trees and 12 shrubs per 100 feet of frontage.

In this case, the existing parking lot extends right up to the edge of the road right-of-way. To provide an area for the required fence and plantings, the applicants are proposing to remove five feet of the existing pavement. This would be half the width of the minimum requirement for a Class A buffer. Under the ELDD regulations, the Planning Board is authorized to approve a site plan that does not meet specific standards, provided that certain findings of fact are made.

The UDO's general development standards for landscaping call for trees and shrubs to be chosen from a list of recommended species. However, plants that are not on the list may be used with the approval of the Board of Commissioners. In this case, the landscaping plan calls for a non-listed tree, a sabal palm.

Chairman Patton opened the public hearing concerning CUP #309 – Louis Amico and James Ryan, applicants.

Rudy Bauer, 8252 Blades Trail, stated that he did a little research and found that there are 8 used car lots from Campground Road to Hwy. 73. There are gas stations and oil change places that put cars out front for sale. He said he doesn't think any more car lots are needed.

Jim McNamara said his company, Lake Norman Motors, will be going in the building. He said he has been in the car business his entire life. He said he ran Arnold Palmer Cadillac previously. He said it will be a nice building.

Gordon Hirshman, 8446 Pine Lane Road, spoke in opposition of the request. He said this will not provide a service that is not being met already and is not in compliance with the ELDD.

Louis Amico, owner of the building, said the building has been there empty for 3 1/2 years. He said the business is not there and this is a gentleman who wants to provide an attractive car sales place. He said it is an enhancement and may drive out some of the lower end used car lots. He said a vote against this would be a hardship to him and his business partner.

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

ZMA #594 – David and Lynn Mann, applicants (Parcel ID# 31489).

The applicants are requesting the rezoning of a 0.74-acre lot from CU B-N (Conditional Use Neighborhood Business) to R-SF (Residential Single-Family). This property was rezoned to CU B-N in 2006 in a parallel conditional use rezoning (PCUR #127) to permit a house to be used as a photography studio. If this request is approved, the property would be rezoned to its previous classification.

This property is located at 6589 Cedar St., on the northwest corner of Cedar Street and Campground Road, in Catawba Springs Township. It is adjoined by property zoned R-SF and B-N. Land uses in this area are primarily single-family dwellings, but also include a manufactured home park, an apartment complex and some commercial uses. This property is located in an area designated by the Lincoln County Land Use Plan as Mixed Residential/Commercial, envisioned to become a mixed-use village consisting of both single-family and small-scale office and retail uses.

Chairman Patton opened the Public Hearing concerning ZMA #594 – David and Lynn Mann, applicants.

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

Chairman Patton asked if the applicant was here for CUP #308. No one responded, so Chairman Patton declared the public hearing closed.

Chairman Patton announced that since there was not a quorum of the Planning Board present, no votes will be taken tonight. A special meeting will be held to deliberate the cases.

Motion to set a date, time and location for a Public Hearing on Lincoln County FY 2011 Community Development Program – The purpose of the public hearing is to explain the funding categories of the 2011 CDBG Program and to allow the citizens of the County an opportunity to express their views concerning community development needs and priorities – Martha Lide: Martha Lide asked the Board to set a Public Hearing on Lincoln County FY 2011 Community Development Program.

UPON MOTION by Commissioner Arena, the Board set the Public Hearing for April 16, 2012 at 6:30 p.m. in the Board of Commissioners Room for the Community Development Program.

Motion to set a date, time, and location for a Public Hearing on Lincoln County FY 2011 Community Development Program – The purpose of the public hearing is to explain the proposed grant application to renovate the historic Oaklawn School located at 410 Linden Street, Lincolnton, NC and to allow the citizens of the County an opportunity to express their views concerning the proposed project and other community development needs and priorities:

UPON MOTION by Commissioner Arena, the Board voted unanimously to set the Public hearing for April 16, 2012 at 6:30 p.m. in the Board of Commissioners Room for the Community Development Program.

Mr. Wood said the Committee's report will be presented at the April 16, 2012 meeting.

Resolution #2012-10: Resolution Revising and Approving the Lincoln County Council on Aging By-Laws – Martha Lide: Marti Hovis, Director of Lincoln County Senior Services, presented the revised bylaws for the Council on Aging.

UPON MOTION by Commissioner Robinson, the Board voted unanimously to approve Resolution #2012-10.

It is recommended that the Board approve the attached Resolution and bylaws to revise the roles and responsibilities of the Lincoln County Council on Aging. The Council on Aging Bylaws we last updated in 1999. The current Council on Aging has approved the revised bylaws. Also included on the agenda is a full slate of appointments to the Council.

According to the 2010 census, almost 20% of the Lincoln County population is over 60 years of age (15,403 citizens). The percentage of older adults in our community will be increasing as the “baby boomers” age. This is a diverse group of citizens which are served by various County services. Some other interesting facts, according to the 2010 Census, about the over 65 populations in Lincoln County are:

- 2,161 are Veterans
- 5,665 are homeowners
- 3,543 are living alone
- 1,354 are still in the labor force
- Approximately one third do not have a high school diploma, one third do have a high school diploma or GED, and one third have some form of post high school education
- 944 are living below the poverty level, and 2,762 are living below the 200% of poverty level which would qualify them for services such as food stamps and Medicaid,

The overall purpose of the Council on Aging will be to coordinate and plan for senior services in Lincoln County and to make recommendations to the Board of County Commissioners concerning plans and recommended service changes. They will serve as an “umbrella” planning and coordinating group to improve services for older adults in Lincoln County.

Responsibilities of the Council include:

1. To develop regularly update and recommend to the County Commission, a comprehensive plan, for serving seniors in Lincoln County, which includes an annual 4 year plan for services.
2. To advise the Lincoln County Board of Commissioners of the needs, existing resources, and programs for senior citizens by submitting the comprehensive plan, and an annual report of activities and unmet needs.
3. To serve as a collaborative organization to coordinate various programs and services for seniors. This will be accomplished by involving all agencies, organizations, and individuals serving senior citizens in Lincoln County in developing and executing the comprehensive plan.
4. To identify, recommend and administer implementation of special projects to improve services to seniors in Lincoln County.
5. To advocate for senior citizens by creating community and legislative awareness of the identified unmet needs and problems of senior citizens and promoting community understanding and awareness of senior citizens, the aging process, and the potential of senior citizens.
6. To make annual recommendations for Home and Community Care Block Grant funding that addresses the needs of Lincoln County.
7. To recommend ways to promote environmental service access and recommend ways to promote Livable Communities

The Senior Services Department staff will provide support to the Council. County staff from the Department of Social Services, Cooperative Extension Services, Lincoln County (TLC) and Emergency Medical Services (EMS), Lincoln County Health Department will also serve on the Council as they work with senior adults on a daily basis and understand the needs in the community and gaps in service that may need to be addressed. The Council also includes representatives from local nonprofit agencies, business that serve the aging population, members of the faith community and senior citizen representatives.

RESOLUTION #2012-10

**RESOLUTION REVISING AND APPROVING
THE LINCOLN COUNTY COUNCIL ON AGING BY-LAWS**

WHEREAS, the modifying and broadening the responsibilities of the Council on Aging is in the best interest of Lincoln County to ensure comprehensive, coordinated planning for seniors in Lincoln County and to improve service coordination, and

WHEREAS, it is important to bring individuals who are involved in providing services to seniors together to incorporate their input into plans and service,

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED,

The Lincoln County Council on Aging bylaws in the attached document are approved

That this Resolution shall become effective on April 3, 2012.

Adopted the 2nd day of April, 2012.

LINCOLN COUNTY

By: _____
Alex Patton, Chairman
Board of Commissioners

ATTEST:

Delores Alfaro, Assistant Clerk to the
Board of Commissioners

LINCOLN COUNTY COUNCIL ON AGING

BY-LAWS

ARTICLE I - NAME AND AUTHORITY

The name of this organization shall be the Lincoln County Council on Aging, herein referred to as (COA). The COA is a recommending body to, and is administered by the Lincoln County Board of Commissioners.

ARTICLE II - PURPOSE

The purpose of the Lincoln County Council on Aging is to conduct comprehensive planning for senior citizens and to ensure collaboration among various aging programs and services in Lincoln County, to serve as an advocate for the aging and to advise the Lincoln County Board of Commissioners on issues involving the aging population.

ARTICLE III - OBJECTIVES

The objectives of the Council are:

- 1) To develop regularly update and recommend to the County Commission, a comprehensive plan, for serving seniors in Lincoln County, which includes an annual 4 year plan for services.
- 2) To advise the Lincoln County Board of Commissioners of the needs, existing resources, and programs for senior citizens by submitting the comprehensive plan, and an annual report of activities and unmet needs.
- 3) To serve as a collaborative organization to coordinate various programs and services for seniors. This will be accomplished by involving all agencies, organizations, and individuals serving senior citizens in Lincoln County in developing and executing the comprehensive plan.
- 4) To identify, recommend and administer implementation of special projects to improve services to seniors in Lincoln County.
- 5) To advocate for senior citizens by creating community and legislative awareness of the identified unmet needs and problems of senior citizens and promoting community understanding and awareness of senior citizens, the aging process, and the potential of senior citizens.
- 6) To make annual recommendations for Home and Community Care Block Grant funding that address the needs of Lincoln County.
- 7) To recommend ways to promote environmental service access and recommend ways to promote Livable Communities

ARTICLE IV - MEMBERSHIP

Section 1: MEMBERSHIP

Part A: VOTING MEMBERS

The voting membership of the Council on Aging shall consist of eighteen (18) members recommended by the Council Nominating Committee and appointed by the County Commissioners. At least 33% of the members shall be over the age of 60. Members shall be in the following categories:

*Six (6) members shall be general appointments of persons interested in aging issues and over the age of 60.

*Five (5) members shall be representatives from staff active in administering aging programs within the county. These members shall be exempt from term limits as long as in that position.

*Two (2) members shall be representatives of the private sector interest(ed) in aging.

*One (1) member shall be from the faith community and representing the involvement of local churches in addressing the needs of the older adults.

*Three (3) appointments (shall) include a member at large, a minority representative, and over the age of 60.

Part B: NON-VOTING EX-OFFICIO MEMBERSHIP

The County Manager or his designee and a Lincoln County Commissioner will serve as non-voting ex-officio members of the Council. The County Manager may appoint non-voting ex-officio members to serve as support staff to the Council as the need arises.

The regional representative from Centralina Council of Governments shall serve in an advisory capacity, and as a non-voting, ex-officio member. The Area Aging Advisory Committee members and Senior Tarheel Representatives and Alternates (if not Council members) will serve as non-voting, ex-officio members.

Section 2: TERM OF OFFICE

Members shall serve 2-year terms in staggered classes so that no more than 1/3 of the membership is new each year. Terms shall be from July 1st thru June 30th. No member shall serve more than two consecutive terms; however, a person is eligible for reappointment after they have been off the Council for one full year.

Section 3: REGULAR MEETINGS AND ATTENDANCE

Regular meetings of the Council shall be held at least ten months of each fiscal year. Regular attendance is encouraged. Members are asked to notify the Senior Services office if unable to attend. Members must be in attendance for at least 50% of the annual meetings.

Section 4: MEMBERSHIP REMOVAL

Attendance shall be taken at all meetings and records kept. Membership shall be terminated after two consecutive absences from regular meetings without prior notification to a member of the Executive Committee. Any Council member may be removed for cause other than attendance by a recommendation to the Board of the County Commissioners. A removal would need a two-thirds vote of the Council and must be approved by the County Commissioners for final action.

Section 5: QUORUM

A quorum shall consist of a simple majority of the Council in attendance at the meeting in order to conduct business. A minimum of 8 members must be present.

Section 6: PARLIAMENTARY PROCEDURE

The latest edition of Roberts Rules of Order shall govern the procedure at all meetings of this Council.

ARTICLE V - OFFICERS

Section 1. ELECTION

The officers of the Council on Aging shall be a Chairman, a Chairman-Elect, and a Secretary. The Chairman and Chairman-Elect shall be elected by a majority vote of the Council at the regular Meeting during the month of July. A maximum term limit of 2 years shall apply. The newly Elected officers shall assume their duties at the completion of the July meeting. Senior Services staff shall serve as Secretary to the Council.

Section 2. CHAIRMAN DUTIES

The Chairman of the Council shall prepare the agenda, preside at the meetings of the Council, participate in the orientation of all new members, assist all committee chairmen in establishing and carrying out the duties of their committees and report to the County Commissioners appropriate Council recommendations.

Section 3: CHAIRMAN-ELECT DUTIES

The Chairman-Elect shall preside in the absence of the Chairman and shall perform such duties as are assigned by the Chairman. The Chairman-Elect succeeds the incumbent Chairman. Should the Office of Chairman be vacated before the term has expired, the Chairman-Elect shall fill the unexpired term of office, and a new Chairman-Elect shall be elected by the Council.

ARTICLE VI - EXECUTIVE COMMITTEE

An Executive Committee consisting of the Chairman, Chairman-Elect, and other members selected by an annual vote of the Council may be called in action to meet the needs of the Council of Aging between regular meetings.

The calling of the Executive Committee into action may be at the discretion of the Chairman, the Director of Senior Services or two-thirds membership of the Executive Committee.

Actions of the Executive Committee must be reported at the following meeting of the Council on Aging, and are subject to revision by the Council.

(The) Executive Committee is responsible for new board member orientation and periodic update of by-laws, membership and other information to all members.

ARTICLE VII

COMMITTEES

The Council or the Executive Committee may, by majority vote, establish permanent committees, and may also establish special committees as the need arises. The Chairman, with concurrence of the Council on Aging, shall appoint committee chairmen and members of each committee. Vacancies on committees shall be filled by appointment by the Chairman of the Council on Aging. The Chairman of the Council on Aging shall be ex-officio member of all committees, and, as such, notified of all meetings.

There will be standing committees: Assessment/Evaluation, Nominations, Legislative, Long-Range Planning and Publicity. The purpose of each is as follows:

The Assessment/Evaluation Committee shall consist of 3 members, and shall be responsible for keeping the Council abreast of current services and programs available for the elderly, with strengths and weaknesses of each. Included in information to be gathered will be demographic data of (the) elderly of Lincoln County.

The Nominations Committee shall consist of 3 members. This committee will submit a proposed slate of incoming new members to the county Commissioners for approval no less than thirty (30) days prior to the end of the outgoing members' term(s). Candidates nominated should qualify for (the) position to be vacated per membership guidelines. An additional duty would be to submit names to the County Commission for Area Aging Advisory Committee and Senior Tar Heel Representative.

The Legislative Committee shall consist of 3 members. This committee shall make suggestions for changes in the by-laws as may be necessary. In addition, this Committee shall report to the Council any amended or new state or federal laws directly or indirectly concerning the elderly.

The Comprehensive Planning Committee shall consist of 3 members. This committee will continually plan the future needs of the community for modified or additional services (programs for the elderly), and make recommendations to the Council regarding their implementation.

The Advocacy/Publicity Committee shall consist of 3 members. This committee should use all available avenues to communicate the work of the Council to the public, and gather the community's input for the work of the Council.

From time to time, the Chairman may appoint additional no voting, ex-officio members of the senior community or members of organizations serving the senior community, to serve on standing committees.

ARTICLE VIII

AMENDMENTS

The By-Laws of the Council on Aging may be amended by a recommendation, which has a two-thirds vote of the Council's filled membership. The amendment must be presented at a regular meeting and voted on at the next regular meeting. The recommendation for amendments to the By-Laws must be approved by the County Commissioners.

Amended 12/14/2011 – Lincoln County Council on Aging

Board of Commissioners April 2012

Motion approving members of the Council on Aging – Martha Lide:

UPON MOTION by Commissioner Robinson, the Board voted unanimously to appoint the following members to the Council on Aging:

Wanda Cates
Karen Gregory
Melinda Houser
Marti Hovis
Jan Jones
Martha Lide
Cecelia Martin
Douglas McClain
Susan McCracken
Libby Mize
Rick Olson
Rom Rombs
Beth Saine
Angela Schlottman
Sue Jane Sides
Mitzi Williams

Motion designating Lincoln County Senior Services as Lead Agency for development of the County Aging Funding Plan and also appointing the Council on Aging as the Advisory Committee to assist Senior Services as Lead Agency in the development of the plan – Martha Lide:

UPON MOTION by Commissioner Robinson, the Board voted unanimously to designate Lincoln County Senior Services as Lead Agency for development of the County Aging Funding Plan and also appointing the Council on Aging as the Advisory Committee to assist Senior Services as Lead Agency in the development of the plan.

Approval of Award for Refuse Vehicle with Roll-Off Hoist and Tarp – George

Wood: Mr. Wood stated that Lincoln County Solid Waste has the need for a Refuse Vehicle with Roll-Off Hoist and Tarp. The project was bid on March 22, 2012. Seven bids were received ranging from \$150,249.34 to \$163,716.00.

The lowest bidder is Advantage Truck Center with a bid of \$150,249.34. Mr. Wood recommended that Bid #2012-0322 be awarded to Advantage Truck Center.

UPON MOTION by Commissioner Klein, the Board voted unanimously to award the bid to Advantage Truck Center with a bid of \$150,249.34.

Motion to approve a Study by Goodwyn, Mills and Cawood Inc. to Assist in Water

Purchase Negotiations with the City of Lincolnton – George Wood: Mr. Wood presented the following:

We have had ongoing discussions with the City about the possibility of buying water from them as opposed to expanding the Lake Norman Water Treatment Plant. We currently buy some water from them, usually in the summer, when we near our peak capacity of 3.99 million gallons per day (mgd). The plant could be expanded by 4.0 mgd, or we could enter into a long-term agreement to purchase water from the City. They have

excess capacity, and need to try to use that capacity to keep their system financially viable.

We cannot talk intelligently about which option is best, or what price we would be willing to pay, until we know what an expansion might cost. Then, we can convert that into a cost per 1,000 gallons. That would then be compared to the price we might be able to buy it for.

The proposal from Goodwyn, Mills, and Cawood, Inc. is for \$7,500 and will provide the needed information.

UPON MOTION by Commissioner Arena, the Board voted 4 – 1 (Mitchem against) to approve the proposal from Goodwyn, Mills and Cawood not to exceed \$7500.

Resolution #2012-11: A Resolution to Establish A Green Building Construction Incentive – George Wood: UPON MOTION by Commissioner Arena, the Board voted unanimously to approve Resolution #2012-11: A Resolution to Establish a Green Building Construction Incentive.

RESOLUTION #2012-11:

A Resolution To Establish a Green Building Construction Incentive

Whereas, environmentally-friendly “green” buildings offer advantages to the public and the County, including, but not limited to, reduced usage of water and energy; and

Whereas, green buildings create higher appraisable tax values than other similarly-constructed buildings, and sell or rent for more per square foot and retain a higher value than other similarly-constructed buildings; and

Whereas, LEED rating systems and standards, created by the U.S. Green Building Council, provide building owners and operators with a framework for identifying and implementing practical and measurable green building design, construction, operations and maintenance solutions; and

Whereas, buildings which meet or exceed LEED standards provide long-term savings to owners and occupants in operational, maintenance, water and energy costs; and

Whereas, LEED-certified buildings have proven to deliver real and quantifiable savings for developers, citizens and governments alike, the benefits of which extend far beyond the building footprint and deep into the community; and

Whereas, LEED-certified buildings create jobs, reduce strain on public infrastructure and resources, create and maintain a healthier environment, and inspire growth and innovation in the local economy; and

Whereas, LEED-certified buildings come with costs that are higher than those of standard construction; and

Whereas the State of North Carolina, recognizing the benefits to be obtained by LEED-certified construction, and, further understanding the increased cost of said construction, has, by and through N.C.G.S. §160A-381(f) authorized local governments to offer incentives to encourage LEED-certified construction; and

Whereas, the State of North Carolina has further provided to local governments, by and through N.C.G.S. §158-7.1, the authority to provide certain incentives to industry, as an incentive to attract industry to local jurisdictions from other states and countries; and

Whereas, the Lincoln County Board of Commissioners also recognizes the benefits of LEED-certified construction, and desires to provide state-specified incentives to help encourage the construction of LEED-certified buildings in Lincoln County; and

Whereas, the Lincoln County Board of Commissioners desires to utilize the power provided in both of the above-referenced statutes to attract new business and industry, and further to create an incentive for such new business to construct LEED-certified buildings.

Now, Therefore Be It Resolved that the Lincoln County Board of Commissioners does hereby adopt and approve that series of incentives for LEED-certified construction as shown in Exhibit "A," attached hereto, and incorporated herein by reference thereto.

This the 2nd day of April, 2012.

BY: _____

Alex E. Patton, Chairman,

Lincoln County Board of Commissioners

ATTEST:

Delores Alfaro,
Assistant Clerk to the Board

Public Comments (15 minutes allowed per Rules of Procedure – 3 minutes per person):

Rudy Bauer, 8252 Blades Trail, said when the hailstorm occurred a few weeks ago, the water was as muddy as it used to be. He asked if 5/3 could be made to do something. He said with the school house (Oaklawn), the recommendation was made to tear it down and the Board should tear it down.

Other Business: Mr. Wood presented a letter sent by Gaston County withdrawing from the Mountain Island Marine Commission. He said he will review this with Wesley Deaton.

Mr. Wood announced the hiring of the New Public Works Director, Don Chamblee, who will start April 30.

Adjourn:

UPON MOTION by Commissioner Klein, the Board voted unanimously to recess to March 12, 2012 at 6:00 p.m.

Amy S. Atkins, Clerk
Board of Commissioners

Alex E. Patton, Chairman
Board of Commissioners