

**MINUTES**  
**LINCOLN COUNTY BOARD OF COMMISSIONERS**  
**MONDAY, SEPTEMBER 10, 2012**

The Lincoln County Board of County Commissioners met September 10, 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

Planning Board Members:

Christine Poinsette, Chair  
Darrell Gettys, Vice-Chair  
John Anderson  
Keith Johnson  
Dr. Crystal Mitchem  
Dr. Richard Pence

**Call to Order:** Chairman Patton called the September 10, 2012 meeting of the Lincoln County Board of Commissioners to order and Commissioner Robinson gave the Invocation.

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

AGENDA  
Lincoln County Board of Commissioners Meeting  
Monday, September 10, 2012  
6:30 PM

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

Call to Order

Invocation - Commissioner Robinson

Pledge of Allegiance

1. Adoption of Agenda
2. Consent Agenda
  - Tax Requests for Releases - Over \$100
    - July 16 - August 15, 2012
  - Surplus Property
  - Ordinance #2012-15: An Ordinance Amending the FY 2013 Budget for the County of Lincoln, North Carolina
  - Ordinance #2012-16: An Ordinance Amending the FY 2013 Budget for the County of Lincoln, North Carolina
  - Minutes for Approval
  - Resolution #2012-40: Resolution Amending the Classification and Compensation Plan for Lincoln County, North Carolina (Senior Income Maintenance Caseworker - Quality Control)
  - Approval of Jail Health Plan
3. Zoning Public Hearings - Randy Hawkins

ZMA #599 Hugo Ramos, applicant (Parcel ID# 01673) A request to rezone a 0.73-acre parcel from I-G (General Industrial) to B-G (General Business). The property is located at 1667 S. Industrial Park Rd., on the east side of South Industrial Park Road about 2,000 feet south of Salem Church Road, in Ironton Township.

CUP #317 Super One, Inc., applicant (Parcel ID# 81797) A request for a conditional use permit to operate an amusement center with electronic gaming in the B-N (Neighborhood Business) district in the Eastern Lincoln Development District. The 2.2-acre parcel is located at 751 N. NC 16 Hwy., on the west side of N.C. 16 about 400 feet south of Cherry Point Drive, in Catawba Springs Township.

CUP #318 Troy Motz, applicant (Parcel# 56791) A request for a conditional use permit to operate an amusement center with electronic gaming in the B-N (Neighborhood Business) district. The 2.5-acre parcel is located at 3017 W. Old NC 150 Hwy., on the south side of Old N.C. 150 about 1,200 feet east of N.C. 150, in Howards Creek Township.

NC 16/Woodcock Farms Small Area Plan A proposed plan that would serve as a guide for the future development of approximately 500 acres located between Sifford Road and the Gaston County line along both sides of the N.C. 16 bypass. The proposed plan includes a business park, an industrial park, a commercial node, open space areas and a park.
4. Public Hearing - Anderson Woods Subdivision Leash Law - Ron Rombs
5. Presentation by Cleveland County Water District Manager Butch Smith regarding Proposed Reservoir
6. Public Hearing - Industrial Development Block Grant for New Industry and motion to adopt Resolution #2012-39: Resolution to Adopt Economic Incentive Grant Agreement - Crystal Gettys

7. Motion to Approve Request for Capital Purchase - Ron Rombs
  8. Motion to Approve Register of Deeds Software Vendor - Danny Hester
  9. Public Comments (15 minutes allowed per Rules of Procedure – 3 minutes per person)
  10. Other Business
- Adjourn

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

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

- Tax Requests for Releases - Over \$100
- July 16 - August 15, 2012
- Surplus Property
- Ordinance #2012-15: An Ordinance Amending the FY 2013 Budget for the County of Lincoln, North Carolina
- Ordinance #2012-16: An Ordinance Amending the FY 2013 Budget for the County of Lincoln, North Carolina
- Resolution #2012-40: Resolution Amending the Classification and Compensation Plan for Lincoln County, North Carolina (Senior Income Maintenance Caseworker - Quality Control)
- Approval of Jail Health Plan

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

PERIOD COVERED  
(July 16, 2012 - August 15, 2012)

NAME	YEAR	A/C NO	AMOUNT
Barnett, Robin Allen	2011	0225272	\$179.48
Bender Custom Homes Inc	2012	0240051	\$113.10
Bilmanis, Andris John	2012	0203813	\$122.29
Davis, Joseph Daniel	2011	0206772	\$168.71
Dellinger Precast Inc	2012	0166020	\$170.66
Fellowship Baptist Church	2012	0067995	\$168.43
Geymont Construction Co Inc	2011	0089800	\$173.05
Hartsog, Michael David	2012	0240327	\$192.95

Johnson, Brian Daniel	2012	0239649	\$493.07
Jonas, William Bradley	2012	0143080	\$138.01
McMichen, Peter	2012	0128799	\$110.59
McQuarley, Deloris	2012	0239857	\$130.85
Miller, Greg Matthew	2012	0240778	\$649.06
Muse, Douglas Ervin	2012	43816	\$179.14
Nouri, Jennifer Kelly	2012	0233676	\$164.68
Reel, Jimmy Lee	2012	14366	\$149.04
Reynolds, Kimberly Renee	2012	0239945	\$132.62
Richard Davis Enterprises LLC	2011	0235454	\$234.76
Ross, Brandy Nicole Wilson	2011	0239050	\$103.87
Smith, Benjamin Franklin III	2012	0241019	\$133.40
Ted Birmingham Floor Sanding	2011	0208403	\$102.52
Whitehouse, David Alan	2012	0175559	\$142.42
Whitlock, Jeffrey William	2012	0133713	\$130.27
Winkles, Barbara Hamilton	2011	0090723	\$115.43
		<b>TOTAL</b>	<b>\$4,398.40</b>

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, 2012 - August 15, 2012)

NAME	YEAR	A/C NO	AMOUNT
Bizon, Michael Jr.	2012	0157951	\$1,211.30
Bolttech Mannings Inc.	2012	0221069	\$389.35
Buck Saver #3	2012	0224858	\$239.49
Caldwell, Kimberly A	2012	0173470	\$5,521.87
Caulder, Brent	2012	0234523	\$182.22
Counts, Jeannette Davenport	2012	0187780	\$121.22

Davis, Bobby Gene	2012	31520	\$162.00
Fritz, Jeremy	2012	0211765	\$169.64
Hawkins, Evelyn T	2012	05858	\$2,852.99
Houser, Dan M	2012	01215	\$336.72
Howell, Kevin Blake	2012	0228309	\$108.08
JM Aircraft Inc.	2012	0239514	\$4,671.35
Landmark DBA	2009-2011	0216499	\$431.86
Larry R Haas CPA PLLC	2012	0225670	\$170.79
Perkins-Peabody LLC	2012	0135354	\$442.11
Piedmont Pipe Construction Co.	2012	0183586	\$538.62
Putnam Acres LLC	2012	0209424	\$1,593.74
Ramsey, Donald Lawrence	2012	02504	\$309.95
Reynolds, Karen G	2012	0205105	\$518.13
Schreiner, Stephen M	2012	0171759	\$275.26
Seipel, Jerry Lee	2012	0070735	\$675.79
St. Lawrence Homes Inc.	2012	0191681	\$368.24
		<b>TOTAL</b>	<b>\$21,290.72</b>

**ORDINANCE #2012-:15: AN ORDINANCE AMENDING THE FY 2013 BUDGET  
FOR THE COUNTY OF LINCOLN, NORTH CAROLINA**

THAT WHEREAS, the Lincoln County Board of Commissioners adopted the FY 2013 Budget by approving Ordinance #2012-11 on June 28, 2012; 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 2013 Budget previously adopted is hereby amended as follows:

Section 1. That the Capital Project Ordinance Amendment attached hereto, and incorporated herein by reference as Exhibit A to Ordinance #2012-15, is hereby approved and adopted as amendments to the FY 2013 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 10th day of September, 2012.

BY: \_\_\_\_\_  
Alex E. Patton, Chairman  
Lincoln County Board of Commissioners

ATTEST:

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

**EXHIBIT A to Ordinance #2012-2**

Capital Project Ordinance Amendment numbered 2.

**ORDINANCE #2012-:16: AN ORDINANCE AMENDING THE FY 2013 BUDGET  
FOR THE COUNTY OF LINCOLN, NORTH CAROLINA**

THAT WHEREAS, the Lincoln County Board of Commissioners adopted the FY 2013 Budget by approving Ordinance #2012-11 on June 28, 2012; 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 2013 Budget previously adopted is hereby amended as follows:

Section 1. That the Capital Project Ordinance Amendment attached hereto, and incorporated herein by reference as Exhibit A to Ordinance #2012-15, is hereby approved and adopted as amendments to the FY 2013 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 10th day of September, 2012.

BY: \_\_\_\_\_  
Alex E. Patton, Chairman  
Lincoln County Board of Commissioners

ATTEST:

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

**EXHIBIT A to Ordinance #2012-2**

Capital Project Ordinance Amendment numbered 1.

**RESOLUTION #2012-40  
RESOLUTION AMENDING THE CLASSIFICATION AND COMPENSATION PLAN  
FOR LINCOLN COUNTY, NORTH CAROLINA**

**WHEREAS**, the Board of County Commissioners previously has adopted a Classification and Compensation Plan for Lincoln County, North Carolina, which was prepared by Condrey and Associates, Inc; and

**WHEREAS**, the County Manager is charged with assuring the Plan remains current and up to date; and,

**WHEREAS**, we have developed the attached job description for a Senior Income Maintenance Caseworker Quality Control position;

**WHEREAS**, the County Manager and the Human Resources Director have reviewed the request and have recommended the classification change;

**NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED**, that the Position Classification and Compensation Plan for Lincoln County North Carolina is hereby amended as follows:

Adopt a new Senior Income Maintenance Caseworker Quality Control job description as attached.

That this amendment shall become effective on September 10, 2012

Adopted this 10<sup>th</sup> day of September, 2012.

LINCOLN COUNTY

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

ATTEST:

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Amy S. Atkins, Clerk to the  
Board of Commissioners

**Zoning Public Hearings:** Randy Hawkins presented the following:

**ZMA #597 Hugo Ramos, applicant:**

The applicant is requesting the rezoning of a 0.73-acre parcel from I-G (General Industrial) to B-G (General Business). This property contains a building that is proposed to be converted into a church. A place of worship is not a permitted use in the I-G district.

The property is located about at 1667 South Industrial Park Rd., on the east side of South Industrial Park Road about 2,000 feet south of Salem Church Road, in Ironton Township. It is adjoined by property zoned I-G and R-SF (Residential Single-Family). Land uses in this area include residential, industrial and agricultural. This property is part of an area designated by the Lincoln County Land Use Plan as industrial.

Twist and Tuck, a gymnastics studio, is currently located in the building.

**Permitted uses**

Under current zoning: manufacturing, warehousing, wholesale trade, machine shop, auto body shop, etc. Under requested zoning: place of worship, retail sales, offices, dance studio, upholstery shop, etc.

**Adjoining zoning and uses**

East: Zoned I-G, undeveloped tract.

South: Zoned I-G, undeveloped tract.

West: Zoned R-SF and I-G, undeveloped lots.

North: Zoned I-G, residence.

Planning Staff's Recommendation

Staff recommends approval of the rezoning request. This property is currently being used for a commercial purpose rather than an industrial purpose. It has limited potential for industrial use. It is located adjacent to properties that are zoned or used residentially. This is a downzoning to a more restrictive district.

Chairman Patton opened the public hearing.

Hugo Ramos, 1327 32<sup>nd</sup> Street Court NE, Conover, NC said they requested this zoning change for a church due to the need for a bigger place to congregate. He said they currently rent space in the Cultural Center, but need a bigger building to facilitate Sunday School.

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



### **CUP #317 Super One, Inc, applicant**

The applicant is requesting a conditional use permit to operate an amusement center with electronic gaming in the B-N (Neighborhood Business) district in the Eastern Lincoln Development District. The center would be located in an existing multi-tenant commercial development. Under the zoning regulations in effect at the time of the application, an amusement center is a conditional use in the B-N district and in the Eastern Lincoln Development District, with no special standards that must be met.

The 2.2-acre parcel is located at 751 N. NC 16 Hwy., on the west side of N.C. 16 about 400 feet south of Cherry Point Drive, in Catawba Springs Township. This property is adjoined by property zoned B-N, CZ B-G (Conditional Zoning General Business) and RCR (Residential and Commercial Recreational). Land uses in this area include commercial 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.

This application was submitted before the new standards were adopted so it needs to be considered under the regulations in effect at the time. At that time, there were no special standards for a CUP.

Commissioner Robinson asked if the applicant has committed to meeting the criteria in the standards, although he does not have to. He said in the information submitted, he said he is willing to abide by the hours and is not near a church or school.

Randy Hawkins said under the new standards, an electronic gaming operation is not a CUP in the neighborhood business district so that would be a standard he does not meet.

Commissioner Arena asked if there is a restriction on age for this facility since it says it is for adults. Randy Hawkins said he has not been able to find in state regulations an age limit for cash prizes.

Commissioner Klein says he struggles with this primarily because the CUP is in the neighborhood business district.

Chairman Patton opened the public hearing.

Rudy Bauer stated the he is against gambling and it is a sin. He said the zoning sign says 751, but there are a half dozen openings in that development. He asked which unit it is. (Randy Hawkins said it is 751e). He asked the Planning Board and Commissioners to reject this so they can come back under the new rules.

Robert Willard, applicant, 17111 Kenton Drive, Cornelius, GM for Bravo Management, said it is suite D. He said that in 1980 when you went into a shopping center, you would hear something that sounded like ducks quacking. He said Pac Man came to America then. He said over the years, these have evolved into different games. He said the internet sweepstakes may be perceived as noisy, rowdy, and attracting undesirables. He said it is quite opposite of that, almost like a Library when you walk in. He said the

people engaged on these games are intent on being successful. He said it is not like the Educational Lottery, and requires concentration and skill. Mr. Willard said they have stipulations in the lease concerning their conduct. He pointed out that the Educational Sweepstakes is where you walk in, pay money and take your chances. He said a recent jackpot of \$320 million made people swarm to buy those tickets which had odds of 172 million to 1. He said with the internet sweepstakes, it is a controlled situation, with no drinking or loud noise. He asked the Board's consent for the special use permit.

Commissioner Robinson asked the odds of winning this game.

Mr. Willard said that he doesn't know there is one. He said it is an individual game that is operated at a console. Whatever the game dictates, they have to manipulate that in a way to come out the winner. He said he does not know the payout per person.

Commissioner Arena asked which suite this is for.

Mr. Willard said it is for Suite D.

Commissioner Arena asked if the applicant is willing to allow a condition that this will be for adults only. Mr. Willard said he has no problem with this.

Chairman Patton asked if anyone regulates payout to make sure the software is not manipulated. Mr. Willard said the operator does not have control of that. This entire operation is an internet-generated program. He said he has no way of tracking, but there are regulations regarding it.

Mr. Willard said he is not the applicant, but is speaking on behalf of the proposed tenant.

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

### **CUP #318 Troy Motz, applicant**

The applicant is requesting a conditional use permit to operate an amusement center with electronic gaming in the B-N (Neighborhood Business) district. The center would be located in an existing commercial building, the smaller of two buildings that are located on this parcel (see aerial photo). Under the zoning regulations in effect at the time of the application, an amusement center is a conditional use in the B-N district, with no special standards that must be met.

The 2.5-acre parcel is located at 3017 W. Old NC 150 Hwy., on the south side of Old N.C. 150 about 1,200 feet east of N.C. 150, in Howards Creek Township. This property is adjoined by property zoned B-N and R-S (Residential Suburban). Land uses in this area include commercial, residential and agricultural. This property is part of an area classified by the Lincoln County Land Use Plan as community business

Christine Poinsette, Planning Board Chair, asked about screening required due to the adjoining residential property.

Randy Hawkins stated that as an existing commercial development, he will have to look back to see what screening was required. He said if it was built today, there would be screening required.

Commissioner Arena asked about the operating hours given that this is adjacent to residential property. Mr. Hawkins said the operating hours proposed are 8 a.m. to 12 p.m. Monday through Saturday and closed on Sunday.

Chairman Patton opened the public hearing.

Oscar Sappenfield said his wife's father owned this property on both sides of Highway 150. He said after his death, his wife and her sisters developed this property for residential and there are 10 homes with families with children. He said they sold the property on the other side for a nursery, which would not be high traffic. He said a restriction was put on the property that there would be no high traffic business. Mr. Sappenfield said Mr. Motz came to him with a gentleman wanting to use the business for a used car lot, which was against the restrictions. He gentleman did open the used car business, but kept the cars inside and brought customers inside to see them. He said they are against the business going there now. He said they do not want gaming machines and do not feel this will be conducive to the neighborhood or the homes there now.

Kevin Hastings, 2991 W Old Hwy 150, said he lives next door to the property. He pointed out on the map where the property comes near his fence and driveway. He said this is a gambling establishment. He said he has an 8 month old son, is Executive Editor for What's Up Shopper and his kids will go to West Lincoln when they grow up. He said they moved to Crouse to raise a family. He said this is a neighborhood not a business.

Herbert Laurange, 3636 Crouse School Road, said he came here because it was a peaceful quiet neighborhood. He said he doesn't think this is the appropriate site for something like this. He said the people attending are going to be younger and it will create traffic. He said at 9 p.m., they like to go to bed. He said he moved there to finish out his years and he would like to sleep at night.

Teresa Hastings, 122 Harbor Point Drive, Cherryville said she owns the property her son was talking about. She said they are asking that this request be denied. She said a business such as this not only has an effect on families, but also has an adverse effect on market value of their property. She said everyone in the area has had an adverse effect due to the economy and do not need another with this. She said if she decided to sell, the first thing people would say is they do not want to be beside an internet gaming property. She said the area is all residential, except for this property. She said she has no problem with a business there, but does have a problem with a business open until 11 p.m. at night and on weekends, especially since her family lives there. She said there will be more lighting, traffic, noise, and littering. Ms. Hastings said they would like to keep it quiet there like it always has been.

Troy Motz stated that hearing Mr. Sappenfield and Mr. Hastings talk, he said he doesn't know what people think this will be – a topless bar or nightclub. He said it will be 5 to 10 people sitting around a computer screen. He said he doesn't understand how they are talking about trash, not being able to sleep or it being a nuisance.

Keith Johnson, Planning Board member, asked the use of the larger building. Mr. Motz said it is textile, they do refurbishing. The other part is his storage. He said the other lot Mr. Hastings was speaking of is a residential lot that he owns.

Commissioner Robinson asked if he lives on the site. Mr. Motz said he does not live on the site, but has owned the property for about 12 years. Commissioner Robinson asked if Mr. Motz lives in Lincoln County. Mr. Motz answered that he was raised in Lincoln County and went to West Lincoln High School.

Commissioner Arena said since this is a Conditional Use Permit, the Board will have to go through the findings of fact.

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

#### **NC 16/Woodcock Farms Small Area Plan**

Randy Williams, Principle Planner, gave a presentation concerning the Woodcock Farms/NC 16 Small Area Plan.

In 2007, the Lincoln County Future Land Use Plan was adopted and cited the need for additional studies to be completed along the NC 16 corridors. The NC 16 Corridor Vision Plan was one such study. The Corridor Plan was adopted in 2009 and recommended the need for detailed small area plans to be completed at key locations along the corridor. As those plans are in process at this time, the Board of Commissioners directed staff to add the NC 16/Woodcock Farm Small Area Plan to the Planning Department's work program, the results of which are now before the Board for discussion and adoption.

The purpose of this plan is to identify and guide development through a well thought-out development plan and growth scenario for the vacant lands. The plan relates land uses, access and development concepts seen to fit the land based on existing conditions, driveway cuts, traffic flow, streams and topography.

The new NC 16 was constructed through the study area as part of a new bypass and includes a proposed future interchange/intersection on the site. The location of the study area is at the southeastern end of Lincoln County with direct access to Charlotte, making it a location for new businesses wanting to be close to the city and an international airport, but outside of the urban traffic congestion and higher land costs. The location, access and present conditions make the land desirable for a Class A office/business campus and industrial park. This small area plan location was selected due to the availability of a large vacant tract, proximity in the region to workforce and access, and the lack of similar development in the county.

The study area for the plan is bounded by the county line to the south, CSX railroad to the east, the developed parcels along NC 16 Business on the west and existing residential development (south of Sifford Road) to the north.

A development plan was created in 2008 by a private firm; however, due to economic conditions and a change in housing needs, that plan was abandoned. That plan included 117 acres of commercial/office land use, 51 acres of retail land use, 71 acres of medium density housing, and open space of approximately 65 acres. With this amount of land, the planning area includes approximately 304 acres that are primarily vacant that were previously planned. Additionally, there are eight vacant parcels to the north which are included in the principal focus of this area plan, bringing the total amount of land in the study area to 518 acres (which excludes NC 16 right-of-way).

**Class A Office Park** - The primary development emphasis of this area is to establish a desirable location for corporate and service offices and represent the overall quality of the Class A Office Park development combined with employment opportunities for Lincoln County residents. Encompassing approximately 130 acres, this section is designed to allow integrated multiparcel campus style and individual site development. The office park is located between NC 16 and NC 16 Business for ease of accessibility to existing development and to those traveling from outside the county.

**Commercial Services** - The area along the west side of the proposed interchange/intersection with NC 16 will be primarily developed as a 7-acre commercial node offering service and retail commercial to support the office and employment center areas. Developing as a service area, this site will be a destination point for restaurants, convenience and similar support services, including such uses as a copy center, for example. Additionally, being a highly visible location at the proposed interchange/intersection, businesses can also attract regional traffic as well.

**Employment Center** - On the east side of NC16, a new industrial park consisting of 117 acres is recommended as employment center/industrial land. This area abuts new NC 16, providing excellent visibility and direct access to NC 16 for larger vehicles and employees. The location was selected to eliminate the need for trucks and deliveries to travel on NC 16 Business or other local streets.

**Open Space** – Approximately 38% (or 223 acres) of the land in the study area is recommended to remain as open space and includes a 15-acre park. The majority of the 206 acres of recommended open space are along stream corridors, floodplains and steep slopes not suitable for development. The proposed park comes through the recommendation of the 2006 Comprehensive Parks and Recreation Plan for such a resource in the southeastern part of Lincoln County.

## **PUBLIC INPUT**

During the planning process, staff reached out to gain comments from Crescent Resources (the primary property owner) and the Lincoln Economic Development Association (LEDA). Both were favorable. For public input, the small area plan was presented in two public open house/drop-in forums and 180 letters were sent to adjoining property owners. Comments were received and are included as part of this packet. Meetings and presentations were also given to the

Mountain Island Lake Marine Commission and Gaston County Planning Staff.

Both entities gave positive feedback to the draft plan.

The NC 16/Woodcock Farm Small Area Plan is published on the Planning section of the Lincoln County website and can be accessed by the link below:

<http://www.lincolncounty.org/index.aspx?NID=1401>

Mr. Williams said there is a change in the map from the public input meetings. He said because of comments and concerns at these meetings, there was a residential area with access points off Lowesville Lane and Sifford Road. He said those have been taken off the maps due to the citizen's concerns.

Commissioner Arena pointed out that in the original drawings, there were no changes to the residential areas, to zoning or streets. He said it resulted in confusion and concern, so it was taken out.

Chairman Patton opened the public hearing.

Kathy Howie, 7350 Sifford Road, said their concern is the development period. She said with the park proposed, half of the property is Howie/Dellinger/Jones land. She said they want the County's protection. She said there are ¼ full strip malls, and an industrial park that is 1/3 full. She said it took her an hour to get from Beattys Ford Road to Highway 16. She said it is a gateway from Charlotte, but they are full. She said the concerns of a large development in that area, scares them to death especially if her property is included on the map.

Terri McLean, 6770 Lowesville Lane, expressed concerns about the residential area and the roads in the neighborhood.

Frank Henkle, 6973 Sifford Road, stated that Woodcock does not adjoin him, but he is on Sifford Road. He said the traffic is bad. He said they were told there would be no connection to Sifford Road with this. He said he knows how politics works. He asked why the county is worrying about 20 years down the road.

Commissioner Mitchem asked when this property may be developed.

Mr. Williams estimated ten to fifteen years before it would be developed.

Commissioner Mitchem asked the purpose of creating this plan.

Mr. Williams said change is inevitable and it's better to be proactive and address the change, directing the way the county and citizens want it to, instead of letting it just happen and run over you. He said it is a starting point with the property that would work well with the property. Things could change with this plan.

Commissioner Robinson said what has caused the confusion was including the piece that was not supposed to be included. He said this was supposed to be a small area plan for Crescent. He said if this is still spilling onto the Howie property, this has still not happened.

Randy Williams stated that as they went through the planning process with the Planning Board, it was noticed that the area north of this had some developable land that could work as part of the office park. It also showed land that could be transitional to protect the residents. The Planning Board and staff thought it was important to show this area. This has been misunderstood and misconstrued and was taken out of the plan.

Commissioner Arena said there are five new interchanges on Highway 16 through the county. This one was started and Crescent was willing to work with this. He said when the others are addressed, they will probably also include land outside the plan. He said the process has to be clarified since this is a vision, kind of like the Land Use Plan. His suggestion was to scale this back to the Crescent Plan.

Commissioner Mitchem said the people who own this land may never sell so the plan is useless.

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

### **Public Comments:**

Chairman Patton opened public comments.

Rudy Bauer said the election is over and it is time to take down the political signs.

Craig Wyant said he is a representative of Lincoln County on the Mountain Island Marine Commission. He invited the Board to a BBQ this Saturday from 10 a.m. to 2 p.m. at Latta Plantation.

Robert Avery said he feels the Commissioners seats should be districted like the schools have done.

Edwin McFaddin spoke concern roadside signs and the need for these for small businesses. He presented the Board with some suggested regulations.

Being no additional speakers, Chairman Patton closed public comments.

### **Public Hearing – Anderson Woods Subdivision Leash Law:**

Ron Rombs presented information concerning the request for a leash law for Anderson Woods Subdivision.

According to the plot map PIN# 3675-09-7508, there are 31 partials within the Anderson Woods Subdivision. One petition has 22 entries, which have all been confirmed. With the 22 respondents represented, the petitioners have been successful to obtain the required 50% acceptance of the residents within Anderson Woods Subdivision in the Lincoln County Animal Control Ordinance Leash Law.

ORDINANCE # 2012-17: AN ORDINANCE AMENDING CHAPTER 92.08 OF THE  
LINCOLN COUNTY CODE OF ORDINANCES CONCERNING LEASH LAWS

THAT WHEREAS, the Board of Commissioners previously has adopted an ordinance concerning Animal Control including leash laws for subdivisions, specifically Section 92.08 of the Lincoln County Code of Ordinances; and

WHEREAS, certain residents of Anderson Woods Subdivision have submitted a request to be added to the Lincoln County Leash Law; and

WHEREAS, Anderson Woods Subdivision is a subdivision platted and recorded with the Lincoln County Register of Deeds; and

WHEREAS, according to a plat of survey recorded in Plat Book 12 at Page 30 in the Lincoln County Public Registry, there are a total of 31 parcels within the Anderson Woods Subdivision; and

WHEREAS, the petition contains a total of 22 entries, 22 of which have been confirmed; and

WHEREAS, the petitioners have succeeded in obtaining the required 50% acceptance of the residents in Anderson Woods Subdivision to include this subdivision in the Lincoln County Animal Control Ordinance Leash Law.

NOW, THEREFORE, BE IT ORDAINED by the Lincoln County Board of Commissioners as follows:

That Chapter 92.08 (a) of the Lincoln County Code of Ordinances is hereby amended to add Anderson Woods to the list of subdivisions approved for leash law.

That the provisions of this ordinance shall become effective immediately upon its adoption.

Adopted this the 10<sup>th</sup> day of September 2012.

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Alex E. Patton, Chairman

ATTEST:

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Amy S. Atkins, Clerk to the Board

**UPON MOTION** by Commissioner Arena, the Board voted unanimously to approve Ordinance #2012-17: An Ordinance Amending Chapter 92.08 of the Lincoln County Code of Ordinances Concerning Leash Laws.



**Presentation by Cleveland County Water District Manager Butch Smith regarding Proposed Reservoir:** Butch Smith presented a request for the Board to join forces and have an Inter-Agreement concerning a proposed reservoir.

Chairman Patton said the County Manager and Attorney will look this over and bring it back for the Board's approval at the next meeting.

**Public Hearing – Industrial Development Block Grant for New Industry and Motion to Adopt Resolution #2012-39: Resolution to Adopt Economic Incentive Grant Agreement – Crystal Gettys:**

Chairman Patton opened the Public Hearing concerning Denver Global Products. Being no speakers, Chairman Patton closed the Public Hearing.

**UPON MOTION** by Commissioner Arena, the Board voted unanimously to adopt Resolution #2012-39: Resolution to Adopt Economic Incentive Grant Agreement subject to approval of language by the County Attorney.

**RESOLUTION #2012-39:  
RESOLUTION TO ADOPT ECONOMIC INCENTIVE  
GRANT AGREEMENT WITH DENVER GLOBAL PRODUCTS, 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, Denver Global Products Inc., have developed plans for the construction of their manufacturing facility in Lincoln County; and

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

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

1. The Lincoln County Board of Commissioners hereby approves the Lincoln County Incentive Grant Agreement (attached hereto as Exhibit A and incorporated herein by reference) among Lincoln County, and Denver Global Products 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 10 day of September, 2012.

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Alex Patton, Chairman  
Lincoln County Board of Commissioners

ATTEST:

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Amy S. Atkins, Clerk to the Board

**Motion to Approve Request for Capital Purchase – Ron Rombs:**

Ron Rombs presented the following:

Lincoln County Emergency Medical Services was approved for an AFG Grant for \$81,142 from the Department of Homeland Security.

The grant was approved for the purchase of Masimo RAD57 Pulse CO-Oximetry devices.

Carboxyhemoglobin (SpCO®) is a breakthrough measurement that allows clinicians to noninvasively and immediately detect elevated levels of carbon monoxide in the blood—facilitating earlier diagnosis and treatment for patients poisoned by carbon monoxide.

We have been given permission from DHS to mix and match the devices to meet the needs of Lincoln County.

I would request that we be allowed to combine our approved capital purchase money (line 44-4370-5530-0000) and the grant money to purchase 8 Physio-Control LifePak 15 Defibrillators (\$288,124.42) and 10 RAD57 CO-Oximetry devices (\$55,030.00) for a total purchase price of \$343,154.42.

This purchase shall be two sole-source purchases based upon standardization of devices throughout the service and that this technology is only available from this vender with exclusive sales rights in North Carolina.

The Public Hearing notices were advertised in the Lincoln Times News on August 10, 2012.

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

**UPON MOTION** by Commissioner Arena, the Board voted 4 – 1 (Klein against) to approve the purchase as presented.

**Motion to Approve Register of Deeds Software Vendor:** Danny Hester presented a request to purchase Register of Deeds software.

After discussion on the matter, the Board asked for more information.

**UPON MOTION** by Commissioner Klein, the Board voted unanimously to table the request.

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

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Amy S. Atkins, Clerk  
Board of Commissioners

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Alex E. Patton, Chairman  
Board of Commissioners