

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, JANUARY 6, 2014

The Lincoln County Board of County Commissioners met January 6, 2014 at the Citizens Center, Commissioners' Room, 115 West Main Street, Lincolnton, North Carolina, at 6:30 P.M.

Commissioners Present:

Alex E. Patton, Chairman
Carl E. Robinson, Jr., Vice Chair
James A. Klein
Carrol D. Mitchem
Cecelia A. Martin

Others Present:

W. Tracy Jackson, 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
Todd Burgin
John Dancoff
Dr. Crystal Mitchem
Brian Rabalais

Call to Order: Chairman Patton called the January 6, 2014 meeting of the Lincoln County Board of Commissioners to order. Commissioner Robinson gave the Invocation and led in the Pledge of Allegiance.

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

AGENDA
Lincoln County Board of Commissioners Meeting
Monday, January 6, 2014
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

- November 16 - December 15, 2013

- Tax Requests for Refunds - Over \$100

- November 25 - December 8, 2013

- CDBG Monthly Status Update

- November Motor Vehicle Refunds Over \$100

- Approval of Memorandum of Agreement and Accept \$6,200 Grant from the North Carolina Department of Public Safety, Emergency Management for a Fire/Chemical Release Exercise

3. Zoning Public Hearings - Randy Hawkins

CUP #326 American Tower Corp., applicant (Parcel ID# 25789) A request for a conditional use permit to erect a 195-foot wireless telecommunications tower in the R-T (Transitional Residential) district. The proposed site is on an 11-acre tract located at 1875 Buffalo Shoals Road, on the west side of Buffalo Shoals Road at Sandy Park Road, in Ironton Township.

UDO Proposed Amendments #2014-1 Sean Hughes, applicant. A proposal to amend the Lincoln County Unified Development Ordinance as follows:

1) Amend Section 2.2.1 to make a telecommunications tower 101-325 feet in height a conditional use in the R-S and R-SF districts.

2) Amend Section 4.3.7 to add screening and fencing requirements for equipment compounds for telecommunications towers.

CZ #2014-1 Steven and Danielle Maggs, applicants (Parcel ID# 29690) A request to rezone 0.73 acre from B-N (Neighborhood Business) to CZ I-G (Conditional Zoning General Industrial) to permit an expansion of a self-storage facility. The property is located on the west side of N.C. 16 Business about 250 feet north of Galway Lane in Catawba Springs Township.

4. Public Hearing FY 15 NCDOT Community Transportation Grant Program (CTP) Grant Application – Ron Rombs

- Motion to Adopt Resolution #2014-1: Human Service Agency Transportation Resolution

- Motion to Adopt Resolution #2014-2: Community Transportation Program

Resolution

5. Audit Presentation - Erica Brown - Martin Starnes & Associates, CPA
6. Public Comments (15 minutes allowed per Rules of Procedure – 3 minutes per person)
7. Approval of One NC Fund Grant - Project No. 2012-8596 Local Government Grant Agreement and Company Performance Agreement between Lincoln County/Borghetti Turbos North America Inc. – Martha Lide and Crystal Gettys
8. Other Business
- 8a. Closed Session - (a) (5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease

Adjourn

****PLEASE NOTE****

The January 27, 2014 Board of Commissioner meeting has been changed to January 13, 2014 at 6:30 p.m.

The Board of Commissioners and Board of Education will meet jointly on January 21, 2014 at 6:30 p.m.

UPON MOTION by Commissioner Robinson, the Board voted unanimously to adopt the agenda as amended adding 8a – Closed Session.

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

- Tax Requests for Releases - Over \$100
 - November 16 - December 15, 2013
- Tax Requests for Refunds - Over \$100
 - November 25 - December 8, 2013
- CDBG Monthly Status Update
- November Motor Vehicle Refunds Over \$100
- Approval of Memorandum of Agreement and Accept \$6,200 Grant from the North Carolina Department of Public Safety, Emergency Management for a Fire/Chemical Release Exercise

Items listed in the Consent Agenda are on file in the office of the Clerk to the Board and are hereby made a part of these minutes as though fully set forth herein.

Zoning Public Hearings: Randy Hawkins presented the following:

CUP #326 American Tower Corp., applicant (Parcel ID# 25789):

The first case tonight is Conditional Use Permit #326, American Tower Company is the applicant.

The applicant is requesting a conditional use permit to erect a 225-foot (amended) 195-foot telecommunications tower in the R-T (Transitional Residential) district. Under the Unified Development Ordinance, a telecommunications tower in excess of 60 feet and no greater than 325 feet is a conditional use in the R-T district, subject to certain standards.

The 11-acre parcel is located at 1875 Buffalo Shoals Road, on the west side of Buffalo Shoals Road at Sandy Park Road, in Ironton Township. It is adjoined by property zoned R-T and R-SF (Residential Single-Family). Land uses in this area are mainly residential.

The Lincoln County Land Use Plan designates this area as Suburban Residential.

You heard testimony in this case in October, the hearing has been continued twice since then. This is a continuation of that hearing. I believe Commissioner Martin was absent from that hearing and so the Counselor has some housekeeping regarding that.

Wesley Deaton, County Attorney, asked Commissioner Martin if she has had a chance to review the hearing in October and acquaint herself with it so she could participate tonight.

Commissioner Martin replied that yes, she has.

Chairman Patton opened the public hearing and called Pat Sarsfield.

Pat Sarsfield: Good evening everyone. Before we get started, if I may, I'd like to approach and handout, we had handed out a brochure or booklet previously, however, there were some question and requests for some additional information and so just out of an abundance of caution, I prepared another copy of it. Also, I'm not sure if y'all kept them. If I may approach, I have copies for the Commissioners and Planning Board.

Chairman Patton: While he is doing that, let me apologize to all of you on this case that sat last month for 6 hours and did not get your case heard. We had no idea that one was going to go that long and apologize for that.

Pat Sarsfield: As Randy had mentioned, we started this hearing back several months ago and since I don't know where we cut off specifically, I'd like to give a brief opening, Mr. Berkowitz will come up and give a brief synopsis of his findings and we have an RF Engineer who is available to answer questions if necessary. Also Caleb Schrum is here on behalf of the property owner who could not be here due to health reasons

As Randy noted, this is an application for a 195 foot monopole at the property located at 1875 Buffalo Shoals Road. Ms. Nanette Schrum is the owner of the property. The initial application, we were going to ask to build a lattice work, or a 4 post type of tower that would go up 225 feet. Due to some concerns of an adjacent neighbor, who I believe will be speaking here tonight, we went ahead and unilaterally decided to drop down the tower to 195 feet. That brings forth for 2 reasons, one typically the FAA when a tower is over 200 feet, they require lighting on it for safety purposes. Under 200 feet, they generally do not require any sort of lighting. Secondly, instead of having a more visible, what is a lattice-work tower with the four posts going up, this is just going to be a monopole tower. A copy, under tab 1, in the materials I gave you is the specifications for the tower and you can see under several pages in, it is what is the outline or the appearance of the tower, c3, 4 or 5 pages in. It's what is called a monopole, it's made of galvanized steel and has a location there for the AT&T transmitter on the top and it also has room for 3 other transmitters or co-locators, so any other cell providers or carriers that want to put a transmitter up there, there is space for them as well. This helps cut down on the amount of towers needed. In compliance with the Lincoln County Ordinance, we have that built for co-location capacities. There is a substantial need for this tower under Section 2 of the materials I gave to you, there is not only a letter from AT&T regarding the need for coverage, but also in response to some questions the Board had and the Commissioners, there are additional letters in here from AT&T certifying first of all, Randy Hawkins asked us to check a couple of specific co-location possibilities as possible alternatives to building a tower. One was a 815 Car Farm Road and another was 1584 Emory Wood Lane. AT&T looked at both of those and due to the height or location of those structures, they would not provide the coverage necessary, so we wanted to go ahead and put that in writing to explain that we had explored alternatives. Likewise, just for thoroughness, we also put a letter in there explaining that AT&T certifies that within 10,500 feet radius of the tower, there are no alternative structures that could be used to provide the coverage that is needed for AT&T's coverage footprint in this area. Now, under tab 3 your materials, is what's called an RF coverage map and this is the current coverage map, showing a number of different towers in the area that AT&T is on and the coverage that those transmitters provide. Towards the middle of it, you can see the markings of a tower, which is where the proposed tower would be constructed. As you can see in that area, you are getting mostly purple and light

blue coloring, which are the very weakest signal that there is out there. If you turn to tab 4, you can see it's the same coverage map except where the proposed tower is, this shows what coverage will be provided if the permit is granted and we can construct the tower. And you can see that there will be significant coverage where there previously had not been any sort of sufficient coverage. The proposed tower complies with all safety requirements, complies with the North Carolina Building Code, the tower and transmitter comply with the federal limitations on emissions, which the government sets and the federal government determines what they are. The transmitters do comply with that as is indicated in the letters under tab 2. Given that is in compliance, we think that all safety and code requirements that are necessary have been met. There is insurance coverage as is required by the ordinance, a copy of the policy limits is under section 10. Once the tower is constructed, there will be almost no traffic that this will generate in the area. We go out there approximately one to two times per month to check on things and do routine maintenance. In addition to that, American Tower maintains a facility in Raleigh where they monitor all their towers basically 24 hours per day with monitoring cameras and screens so that they can make sure nothing is going on there and if they discover something, they can quickly have that addressed. As far as the safety issues, we've found that more and more emergency calls to 911 have been made on cell phones. A lot of people are getting rid of land lines altogether and are going only to cell phones and in what we've found, I actually called Rick Ellis, 911 Administrator here in Lincoln County, and he provided some information to me, which is under exhibit 5 of the materials I gave to you. Based on the materials he provided, but for January 1, 2013 – October 1, 2013, according to Lincoln County's records, 73%, almost 3 out of every 4 calls made to 911 in Lincoln County were made on cell phones. Obviously, if $\frac{3}{4}$ of emergency calls are being made on cell phones, and you have an area where there is very weak cell coverage, there obviously is a safety issue there. If somebody needs to make a call on a cell phone and they don't have coverage, it doesn't do them much good. We've found that improving cell coverage is actually a public safety enhancement in Lincoln County and across the state as well. There will be no negative impacts on any property values if this cell tower is constructed. Mr. Michael Berkowitz, who began testifying at the last hearing, has done an analysis that is contained in tab 6 of the materials that I have submitted that shows that there is no negative impact. The actual standard for a permit is there is no substantial negative impact but in fact our study shows there is no negative impact whatsoever. And we've also found that as time has gone on and as I've mentioned more and more people are using cell phones and more importantly, smart phones, ipads and other types of tablets, they are depending more and more on wireless coverage just to gather their information just to communicate not only with family and friends, but to conduct business. Wireless coverage is becoming more and more of an infrastructure that people expect, just like good utilities, not having good coverage can have a negative impact on development. Areas that have good

coverage will enhance that area. At the last hearing, there were some people who opposed the tower, brought up some issues about increased crime and birds nesting and other things that I am prepared to address if we need to, but we certainly don't think these are any sorts of issues and in fact I've never had them raised before. Certainly if those are issues, I can address them. In summary, the proposed use will not materially endanger public health or safety and in fact the evidence shows that it will actually improve public safety with increased coverage and ability to access 911. The proposed tower meets all the ordinance specifications under section 4.3.7 of Lincoln County's Ordinance. There are about 10 or 12 of them. I think the materials we've submitted and the testimony previously given can be restated today, shows all of those have been met. Certainly if there are any questions, we will be happy to address those. At the end of this, we would be happy if the Board approved the tower and let us start providing better coverage in this area. At this time, I would like to introduce exhibit 1 from today's hearing into the record.

Michael Berkowitz thanked the Board for understanding and continuing the public hearing due to his son's injury. He said he conducted an impact study in which he looked at comparable cell towers with similar surrounding development in the Lincoln County area, three of which are identified under tab 6. He found 73 sales in which he performed a multiple regression analysis to try and figure out what the proximity or view of the cell tower would impact the values of properties surrounding them. What he found is there is no empirical evidence to support a diminution in value for the proximity at the cell tower. Secondly, with respect to the proposed site, there is a vegetative buffer between that and the adjacent property also there are other significant utility infrastructures in the area, and if he was to be appraising properties in that area, he would not adjust for a cell tower as proposed.

Caleb Schrum, grandson of Gerald and Nanette Schrum, said after his grandfather's death, his nana has had increasing financial difficulties as well as health issues. When AT&T approached them about a cell phone tower, it gave his nana hope about the financial situation.

Commissioner Mitchem said the Board had a handout and then there was another handout tonight. He asked for a brief update on the difference in the two documents.

Mr. Sarsfield said the second one had virtually everything that the first one does, but there is additional information from AT&T regarding some issues that have been raised previously about the search ring and coverage area.

Commissioner Mitchem asked Randy Hawkins when he received this. Randy Hawkins stated that he had not received this until tonight.

Commissioner Mitchem said in the future, we probably need to tell people to present their information before the night of the hearing.

Wesley Deaton brought some issues to the Board for making the decision. There are some Statutes in play that limit what the Board can take into account with wireless telecommunication facilities. The Board cannot, according to the Federal Telecommunications Act of 1996, take into account alleged health and safety decisions based on the effect of radiofrequency emissions. There is a set of State Statutes that states the Board can't base a decision on whether a tower is needed based on pure demand.

Randy Hawkins said the Attorney did email him one letter concerning the two locations.

Wendy Southers, 1217 Ronald Broome Lane, said this is the property adjacent to the cell tower site and she does not want a cell tower in her back yard. She said the tower will be closer to her home than Mrs. Schrums. She said she put a swimming pool in her yard last year. She expressed concerns about the diesel fuel for the backup generators. She stated that towers should have monitors on them. She asked the Board to put themselves in their shoes as homeowners and decide this is not the right place for this cell tower.

Whitney Southers, daughter of Mike Southers, spoke concerning the EPA study performed in Concord from leaking benzene tanks.

Attorney Sarsfield registered an objection.

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to hear what she has to say.

Whitney Southers continued speaking about leaking fuel tanks.

Michael Southers, Ronald Broome Lane, asked about the study provided and if the applicants have visited the site. He presented pictures and said this tower is in the middle or a residential neighborhood and the tower sits right beside their house. He presented an appraisal for his property with the effect of the tower on his property value.

Attorney Sarsfield said this is the first time he has heard of this information and has not seen it.

Mr. Southers said they are fighting a corporation and are up against a wall. He said if they had given this to the Board ahead of time, the applicant could have prepared a defense.

Attorney Sarsfield objected and said that the applicant withheld this evidence and objected to the admissibility of the information on that basis.

Mr. Deaton said there are no rules that give a timeline ahead of time for quasi-judicial proceedings, when they have to be submitted. He said that due to hear-say and the fact that the person cannot be cross-examined, it should not be considered in the cross examination. He said this cannot be admitted to since it has been objected to by the applicant. The applicant has the right if something is being offered for testimony, the applicant on the other side has the right to cross examine whoever is given that testimony. That cannot be done here. The applicant has raised the objection and Mr. Deaton advised the Board that the objection should be sustained.

A MOTION by Commissioner Robinson, the Board voted 4 – 1 (Mitchem against) to accept Counsel's advice and not let this information be entered into evidence.

Floyd Dean asked Mr. Southers to show on the map where is home is. Mr. Southers pointed this out.

Mr. Dean asked Mr. Southers if his house has been appraised in the past year. Mr. Southers stated that he did, but cannot remember the amount.

Don Broome stated that he is not against towers, telecommunications or technology, but the place are proposing for this tower is uncalled for. He said this is a long standing community. He said it is rare and unusual for a tower to be in a residential neighborhood. He said this is not a wooded area, but it residential and surrounded by houses. He spoke about contamination from diesel tanks leaking. He spoke about vandalism and criminal activity at tower sites. Mr. Broom spoke about how good the signal is on his Verizon phone is in this area. He said they could use this same tower instead of building a new one. Mr. Broome asked if he could show a video he shot of cell coverage in the area.

Mr. Deaton said that he doesn't think this is something the county could consider according to the Telecommunications Facility Statute, you can't evaluate the applicant's customer demand or quality of service.

Mr. Broome said his background is in the telecommunication industry. He asked the Board to vote to deny this tower site and preserve the community and the county ordinance.

Keith Johnson asked who Mr. Broome currently works for and Mr. Broome refused to disclose this information. Mr. Broome said in works in the telecommunications field in operations.

Pat Sarsfield said that the previous speaker did not mention that it was not AT&T coverage he was speaking of until he was asked. He said the 150 foot tower that has been spoken of is also in a residential neighborhood. He said several people testified about the generators with diesel fuel in them. He said diesel generators are all over the place and hold fuel. He said that evidence doesn't speak at anything to this generator. He said there is a station in Raleigh that monitors all the tower sites and they do not want anything to happen with the generator. He said he does not believe that testimony bears

any relevance given that it was so vague and lacked much of any foundation. He said there has not been any evidence put up that this would cause any harm to any property values. He said this was covered adequately and Mr. Berkowitz testified at the last hearing his report was introduced. He said there was no substantial harm to adjacent or adjoining properties, but in fact, there is no harm at all. He said Don Broome talked about some things about the ordinance that were inaccurate. Mr. Sarsfield said the generators kick on about twice per week for fifteen to twenty minutes. The noise level is about 70 decibels, which is typically the sound of a radio playing. They are set to kick on during working hours, during the day so they don't bother anyone. Mr. Sarsfield said people come about twice per month to do an inspection of the property.

Commissioner Klein asked if there is any spill containment.

Mr. Sarsfield said it is a single cylinder containment tank and he doesn't know if there are specific provisions on it. He said this is the first hearing he's ever heard of contamination from the generator tanks.

Commissioner Mitchem asked if they have put towers this close to homes before.

Mr. Sarsfield answered that, yes he believes they have.

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

UDO Proposed Amendments #2014-1 Sean Hughes, applicant:

The applicant is proposing amendments to the Lincoln County Unified Development Ordinance as follows:

- 1) Amend Section 2.2.1 (Use Table) to make a telecommunications tower 101-325 feet in height a conditional use in the R-S and R-SF districts.
- 2) Amend Section 4.3.7 (Standards for Wireless Telecommunications Facility) to add screening and fencing requirements for equipment compounds.

The full text of the proposal follows this report.

BACKGROUND

A telecommunication tower 101-325 feet in height is a conditional use in the R-R and R-T districts but is currently not permitted in the R-S and R-SF districts. This proposal would allow taller towers in all four of the county's main residential districts subject to certain standards and the issuance of a conditional use permit by the Board of Commissioners.

The R-SF district is the second largest district in the county in total land area, trailing only the R-T district. Several large areas in the western part of the county are zoned RSF (see map in packet).

STAFF'S RECOMMENDATION

Staff recommends approval of the proposal. Currently, there are large areas of the county where taller telecommunications towers are not permitted. This proposal will allow for increased wireless coverage and enhanced service. It also adds a screening requirement for equipment compounds at towers.

Commissioner Mitchem asked about screening, if it was screening for the whole tower. Mr. Hawkins stated that he is speaking about screening for the equipment compound.

Commissioner Klein stated that he is supportive of tower installations in most any residential district provided it is undeveloped. He said it is a different standard if it is developed. He said if it is zoned as residential and undeveloped, he doesn't see a problem with it. He said it is more complex if the area is already developed. He said he will support this if we can differentiate between the two.

Mr. Hawkins stated that for a 300 foot tall tower, you have to have a fairly large tract of land to meet the fall zone requirements.

Chairman Patton opened the public hearing concerning UDO # 2014-1 – Sean Hughes, applicant.

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

CZ #2014-1- Steve and Danielle Maggs, applicants

The following information is for use by the Lincoln County Board of Commissioners and the Planning Board at their joint meeting/public hearing on January 6, 2014.

The applicants are requesting the rezoning of 0.73 acre from B-N (Neighborhood Business) to CZ I-G (Conditional Zoning General Industrial) to permit an expansion of a self-storage facility. A self-storage facility is a conditional use in the I-G district and in the Eastern Lincoln Development District. The applicants are proposing a 7,200-squarefoot, multi-story building that would accessed by the driveway that serves the existing facility. A site plan and front elevation have been submitted with the application. If this rezoning request is approved, the use of the property would be subject to the approved plan and any conditions mutually approved by the county and the applicants.

This property is located on the west side of N.C. 16 Business about 250 feet north of Galway Lane. It is adjoined by property zoned CU B-G (Conditional Use General Business) and B-N. Land uses in this area include business, residential, industrial and institutional. The NC 16 Corridor Vision Plan recommends concentrating commercial development in three identified community centers and in nodes around main intersections. This property is not located in one of those areas.

Chairman Patton opened the public hearing.

Danielle Maggs said she and her husband own Sure Safe Self Storage, which has been in existence 8 years and they are looking to expand.

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

The Planning Board moved to the 2nd floor balcony.

Chairman Patton declared a five minute recess and then called the meeting back to order.

Public Hearing FY 15 NCDOT Community Transportation Grant Program (CTP)

Grant Application – Ron Rombs: Ron Rombs presented the following:

- Motion to Adopt Resolution #2014-1: Human Service Agency Transportation Resolution
- Motion to Adopt Resolution #2014-2: Community Transportation Program Resolution

Ron Rombs presented the following:

This is the annual grant process which funds the majority of the administrative and the capital rolling stock for Transportation Lincoln County (TLC). Once approved by the NC Transportation Board, funds are reimbursed to the county on a monthly basis to cover daily administrative cost including admin staff salaries and benefits, utilities, and rent. The Certificate and Assurances documents will be submitted at a later date after they are released by the Federal Transit Administration.

Chairman Patton opened the public hearing.

Being no speakers, Chairman Patton closed the public hearing.

HUMAN SERVICE AGENCY TRANSPORTATION RESOLUTION

State Funds

FY 2015 RESOLUTION

Applicant seeking permission to apply for Human Service Transportation funding, enter into agreement with the North Carolina Department of Transportation, provide the necessary assurances, and the required local match.

A motion was made by (*Board Member's Name*) Robinson and seconded by (*Board Member's Name or N/A, if not required*) n/a for the adoption of the following resolution, and upon being put to a vote was duly adopted.

WHEREAS, Article 2B of Chapter 136 of the North Carolina General Statutes and the Governor of North Carolina have designated the North Carolina Department of Transportation (NCDOT) as the agency responsible for administering federal and state public transportation funds; and

WHEREAS, the North Carolina Department of Transportation receives funds from the North Carolina General Assembly to provide assistance for rural public transportation projects; and

WHEREAS, the purpose of these transportation funds is to provide grant monies to local agencies for the provision of rural public transportation services; and

WHEREAS, (*Legal Name of Applicant*) Lincoln County hereby assures and certifies that it will provide the required local matching funds; that its staff has the technical capacity to implement and manage the project, prepare required reports, obtain required training, attend meetings and conferences; and agrees to comply with the federal and state statutes, regulations, executive orders, and all administrative requirements related to the applications made to and grants received from the North Carolina Department of Transportation;

NOW, THEREFORE, be it resolved that the (*Authorized Official's Title*)* Chairman of (*Name of Applicant's Governing Body*) Board of Commissioners is hereby authorized to submit a grant application for state funding, make the necessary assurances and certifications and be empowered to enter into an agreement with the NCDOT to provide rural public transportation services.

I (*Certifying Official's Name*)* Amy S. Atkins (*Certifying Official's Title*) Clerk to the Board do hereby certify that the above is a true and correct copy of an excerpt from the minutes of a meeting of the (*Name of Applicant's Governing Board*) Lincoln County Board of Commissioners duly held on the 6th day of January, 2014.

Signature of Certifying Official

***Note that the authorized official, certifying official, and notary public should be three separate individuals.**

Seal Subscribed and sworn to me
(date) _____

Affix Notary Seal Here

*Notary Public **

Printed Name and Address

My commission expires
(date) _____

COMMUNITY TRANSPORTATION PROGRAM RESOLUTION

Section 5311

FY 2015 RESOLUTION

Applicant seeking permission to apply for Community Transportation Program funding, enter into agreement with the North Carolina Department of Transportation, provide the necessary assurances and the required local match.

A motion was made by *(Board Member's Name)* Martin and seconded by *(Board Member's Name or N/A, if not required)* n/a for the adoption of the following resolution, and upon being put to a vote was duly adopted.

WHEREAS, Article 2B of Chapter 136 of the North Carolina General Statutes and the Governor of North Carolina have designated the North Carolina Department of Transportation (NCDOT) as the agency responsible for administering federal and state public transportation funds; and

WHEREAS, the North Carolina Department of Transportation will apply for a grant from the US Department of Transportation, Federal Transit Administration and receives funds from the North Carolina General Assembly to provide assistance for rural public transportation projects; and

WHEREAS, the purpose of these transportation funds is to provide grant monies to local agencies for the provision of rural public transportation services consistent with the policy requirements for planning, community and agency involvement, service design, service alternatives, training and conference participation, reporting and other requirements (drug and alcohol testing policy and program, disadvantaged business enterprise program, and fully allocated costs analysis); and

WHEREAS, *(Legal Name of Applicant)* Lincoln County hereby assures and certifies that it will provide the required local matching funds; that its staff has the technical capacity to implement and manage the project, prepare required reports,

obtain required training, attend meetings and conferences; and agrees to comply with the federal and state statutes, regulations, executive orders, Section 5333 (b) Warranty, and all administrative requirements related to the applications made to and grants received from the Federal Transit Administration, as well as the provisions of Section 1001 of Title 18, U. S. C.

NOW, THEREFORE, be it resolved that the (*Authorized Official's Title*)* Chairman of (*Name of Applicant's Governing Body*) Lincoln County Board of Commissioners is hereby authorized to submit a grant application for federal and state funding, make the necessary assurances and certifications and be empowered to enter into an agreement with the NCDOT to provide rural public transportation services.

I (*Certifying Official's Name*)* Amy S. Atkins (*Certifying Official's Title*) Clerk to the Board do hereby certify that the above is a true and correct copy of an excerpt from the minutes of a meeting of the (*Name of Applicant's Governing Board*) Lincoln County Board of Commissioners duly held on the 6th day of January, 2014.

Signature of Certifying Official

***Note that the authorized official, certifying official, and notary public should be three separate individuals.**

Seal Subscribed and sworn to me
(date) _____

Affix Notary Seal Here

Printed Name and Address

My commission expires
(date) _____

Audit Presentation - Erica Brown - Martin Starnes & Associates, CPA: Erica Brown, with Martin Starnes & Associates, CPA presented the audit to the Board. She said they issued an unmodified audit opinion, which in layman's terms that is a clean opinion, the best opinion you can get.

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

person): Chairman Patton opened public comments.

Being none, Chairman Patton declared public comments closed.

Approval of One NC Fund Grant - Project No. 2012-8596 Local Government Grant Agreement and Company Performance Agreement between Lincoln County/Borghetti Turbos North America Inc. – Martha Lide presented the following:

It is recommended that the Board approve the Local Government Grant Agreement (Attachment 1) and Company Performance Agreement (Attachment 2) between Lincoln County and Borghetti Turbos North America Inc. The agreements are required for a \$99,000 One NC Fund Grant through the Department of Commerce that is being given to Borghetti Turbos North America Inc. that will go directly to Borghetti for such things as Equipment, machinery and other facility improvements. LEDA and Crystal Gettys worked with Borghetti to submit this application back in October of 2012. The application must come from government, but the grant goes directly to Borghetti. As part of this grant, we are required to do a local match, which has been fulfilled in May 2013, when the ground lease was approved for the value of the local incentives. As part of this agreement, the company will build their new facility with 86 new full time jobs, average wage of over \$572, to provide health insurance for their employees and to invest at least 3.42 million dollars within 3 years.

UPON MOTION by Commissioner Robinson, the Board voted unanimously to approve One NC Fund Grant – Project No. 2012-8596 Local Government Grant Agreement and Company Performance Agreement between Lincoln County/Borghetti Turbos North America, Inc.

Other Business:

Closed Session: **UPON MOTION** by Commissioner Mitchem, the Board entered Closed Session pursuant to NCGS (a) (5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease.

The Board returned to Open Session and Chairman Patton announced no action was taken in Closed Session.

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

Amy S. Atkins, Clerk
Board of Commissioners

Alex E. Patton, Chairman
Board of Commissioners