

**MINUTES**  
**LINCOLN COUNTY BOARD OF COMMISSIONERS**  
**MONDAY, APRIL 6, 2015**

The Lincoln County Board of County Commissioners and the Planning Board met in a joint session with the Planning Board on April 6, 2015, at the Citizens Center, Auditorium, 115 West Main Street, Lincolnton, North Carolina at 6:30 PM.

Commissioners Present:

Carrol Mitchem, Chairman  
Bill Beam, Vice Chairman  
Martin Oakes  
Cecelia Martin  
Alex Patton

Planning Board Members Present:

Christine Poinsette, Chairman  
Dr. Crystal Mitchem, Secretary  
Jeffrey Todd Burgin  
John Dancoff  
Floyd Dean  
Keith Johnson  
Brian Rabalais  
Gregory Smith

Others Present:

Kelly G. Atkins, County Manager  
Wesley Deaton, County Attorney  
Amy S. Atkins, Clerk to the Board

**Call to Order:** Chairman Mitchem called the meeting to order.

**Invocation:** Pastor JV Allen gave the Invocation and Chairman Mitchem led in the Pledge of Allegiance.

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

**AGENDA**  
**Lincoln County Board of Commissioners Meeting**  
**Monday, April 6, 2015**  
**6:30 PM**

**James W. Warren Citizens Center**

**115 West Main Street  
Lincolnton, North Carolina**

**\*Please note - this meeting will be held in the Auditorium\***

Call to Order

Invocation - Pastor J.V. Allen

Pledge of Allegiance

1. Adoption of Agenda
2. Consent Agenda
  - Tax Requests for Releases - Over \$100
    - February 16 - March 15, 2015
  - CDBG (Community Development Block Grant) Status Updates
  - Approval of stormwater structure, release of 75% construction bond
  - Budget Ordinance Amendment #9
  - Capital Project Ordinance Amendment #6
  - Surplus Property
  - Approval of Plan Extensions
  - Minutes for Approval
  - Child Abuse Prevention Month
  - Older Americans Month Proclamation
3. Recognition of Nick Henkle - Eagle Scout
4. Zoning Public Hearings - Randy Hawkins

ZMA #615 Joel Barker, applicant (Parcel ID# 33246, 30136 and 33170) A request to rezone 1.2 acres from CU B-N (Conditional Use Neighborhood Business) to R-SF (Residential Single-Family). The property is located on the south side of Grassy Creek Road about 750 feet east of N.C. 16 Business in Catawba Springs Township.

ZMA #616 Marcus Dellinger, applicant (Parcel ID# 91617) A request to rezone 5.5 acres from CU B-G (Conditional Use General Business) to R-SF (Residential Single-Family). The property is located at 6757 Teal Dr., at the end of Teal Drive about 800 feet west of Forest Manor Drive, in Catawba Springs Township.

ZMA #617 Patricia Fea, applicant (Parcel ID# 24095, 24094 and 24092) A request to rezone 1.75 acres from CU B-N (Conditional Use Neighborhood Business) to R-S (Residential Suburban). The property is located on the west side of N.C. 150 about 600 feet north of Ivey Church Road in Ironton Township.

UDO Proposed Amendments #2015-1 Lincolnton-Lincoln County Chamber of Commerce applicant A proposal to amend Article 3 (General Development Standards) of the Lincoln

County Unified Development.

CUP #342 Lakeside Paint and Body, LLC (Parcel ID# 53811) A request for a conditional use permit to sell vehicles in the I-G (General Industrial) district. The 1.85-acre parcel is located at 7831 S. Little Egypt Rd., on the north side of Little Egypt Road about 700 feet west of N.C. 16 Business, in Catawba Springs Township.

5. Public Hearing - Proposed Lincoln County Animal Services Ordinance
6. Recommendation from the Health Department concerning Home Health - Maggie Dollar
7. Public Comments (15 minutes allowed per Rules of Procedure – 3 minutes per person)
8. Helping Hands Request - Robert Spencer
9. Munis Utility Module - Deanna Rios
10. Other Business

Recess until April 7, 2015 at 6:30 p.m. in the Board of Commissioners room for a work session concerning courts and/or county office space and possible action on this matter

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

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

- Tax Requests for Releases - Over \$100
  - February 16 - March 15, 2015
- CDBG (Community Development Block Grant) Status Updates
- Approval of stormwater structure, release of 75% construction bond
- Budget Ordinance Amendment #9
- Capital Project Ordinance Amendment #6
- Surplus Property
- Approval of Plan Extensions
- Minutes for Approval
- Child Abuse Prevention Month
- Older Americans Month Proclamation

\*All items listed in the consent agenda are hereby incorporated by reference and are on file in the Clerk's office.

**Recognition of Nick Henkle – Eagle Scout:** The Board presented Nick Henkle with a Resolution Honoring him for attaining Eagle Scout.

**New Business/Advertised Public Hearings:**

**ZMA #615 Joel Barker, applicant:** Randy Hawkins presented the following information concerning ZMA #615 – Joel Barker, applicant.

The applicant is requesting the rezoning of 1.2 acres from CU B-N (Conditional Use Neighborhood Business) to R-SF (Residential Single-Family). This property was rezoned from R-SF and B-N to CU B-N in 2006 in a parallel conditional use rezoning (PCUR #136) to permit an office building, but the approved development plan has not been carried out.

Property in a conditional use district can only be developed according to the approved plan. The owner is requesting the rezoning and is planning to recombine the property into two lots in order for two houses to be built.

The property is located on the south side of Grassy Creek Road about 750 feet east of N.C. 16 Business. It is adjoined by property zoned CU PD-R (Conditional Use Planned Development-Residential) and R-S (Residential Suburban). Land uses in this area are primarily residential. County water is available at this location. This property is part of an area designated by the Lincoln County Land Use Plan as Suburban Residential, with projected densities of upwards of 1-2 homes per acre depending on the availability of utilities.

**Adjoining zoning and uses**

East: zoned CU PD-R, single-family homes.

South: zoned CU PD-R, single-family homes.

West: zoned CU PD-R, rear of residential lot.

North (opposite side of Grassy Creek

Chairman Mitchem opened the public hearing concerning ZMA #615 – Joel Barker, applicant.

Roderick Webb, 5727 Tipperary Drive, Denver, stated that this rezoning has a personal interest to him since it backs up to his home. He said he recently relocated to this home from the East Coast and when he looked at the property, he really enjoyed the culture and atmosphere. He opposed the rezoning due to safety concerns, traffic concerns, and home values.

Chairman Mitchem asked if Mr. Webb understood that the property is now zoned business and asked if he would rather have a business there. Mr. Webb responded that he would rather have a small residential or commercial business, since this would only be an 8 to 5 operation.

John Cunningham, 5747 Tipperary Drive, Denver, said he also lives adjacent to this property and fears development would be rental units, which there are already quite a few of in the area. He said they paid a lot of money for their homes and do not want their property devalued by what goes on this lot.

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

Commissioner Oakes asked Mr. Hawkins why there were 3 parcels shown, but the last page shows 1 parcel. Mr. Hawkins said the plan is to combine the 3 parcels into 2 parcels.

Commissioner Oakes asked what could be built on these lots. Mr. Hawkins responded that 2 single family houses can be built there, one on each parcel.

**ZMA #616 – Marcus Dellinger, applicant:**

The applicant is requesting the rezoning of 5.5 acres from CU B-G (Conditional Use General Business) to R-SF (Residential Single-Family). This property was rezoned from R-SF and BG to CU B-G in 2000 as part of a parallel conditional use rezoning (PCUR #66) requested by the then-owner, Denver Baptist Church, to permit a sanctuary capacity in excess of 1,000 seats, but the approved development plan has not been carried out. The new owner of the property is requesting the rezoning in order to enlarge an existing residence. Under the current zoning, the house is a nonconforming use and cannot be expanded.

The property is located at 6757 Teal Dr., at the end of Teal Drive about 800 feet west of Forest Manor Drive. It is adjoined by property zoned R-S (Residential Suburban), R-SF, BG, CU B-G and B-N (Neighborhood Business). Land uses in this area include residential, business and institutional. This property is part of areas designated by the Lincoln County Land Use Plan as Suburban Residential and Mixed Residential/Commercial.

**Adjoining zoning and uses**

East: zoned CU B-G, church.

South: zoned B-G and B-N, businesses.

West: zoned B-G, business.

North: zoned R-S and R-SF, undeveloped land and residences.

Commissioner Oakes asked if the picture in the packet is what the house currently looks like. Mr. Hawkins responded that it is.

Chairman Mitchem opened the public hearing concerning ZMA #616 – Marcus Dellinger, applicant.

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

**ZMA #617 – Patricia Fea, applicant:**

The applicant is requesting the rezoning of 1.75 acres from CU B-N (Conditional Use Neighborhood Business) to R-S (Residential Suburban). This property was rezoned from RS to CU B-N in 2007 in a parallel conditional use rezoning (PCUR #155) to permit a catering hall and formal garden for hosting weddings, reunions and other events, but the approved development plan has not been carried out. The owner of the property is requesting the rezoning to return the property to a residential classification.

The property is located on the west side of N.C. 150 about 600 feet north of Ivey Church Road in Ironton Township. It is adjoined on all sides by property zoned R-S. Land uses in this area include residential, business and institutional. County water is available at this location. The Lincoln County Land Use designates the area within approximately 300 feet of the N.C. 150/Ivey Church Road intersection as Neighborhood Business and the surrounding area as Suburban Residential. This property is located approximately 600 feet from the intersection.

**Adjoining zoning and uses**

East (opposite side of N.C. 150): zoned R-S, church property.

South: zoned R-S, residence.

West: zoned R-S, residence.

North: zoned R-S, residence

Chairman Mitchem opened the public hearing concerning ZMA #617 – Patricia Fea, applicant.

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

**UDO Proposed Amendments 2015-1:**

This is a proposal to amend the Lincoln County Unified Development Ordinance as follows:

- 1) Amend Section 3.2 to delete façade requirements for side and rear walls of nonresidential and multi-family buildings, to allow non-corrugated metal as a primary material on a road yard façade, and to delete requirements for service bay orientation and screening.
- 2) Amend Section 3.4.5 to state that foundation plantings shall be provided along building walls facing a public road or a parking area in a side yard (but not a parking area in a rear yard).
- 3) Amend Section 3.4.10 to apply the interior landscaping requirement to parking lots with more than 40 spaces (up from 25), and to state that no parking space shall be located more than 75 feet (up from 50) from a planting island located in the same row of spaces.
- 4) Amend Section 3.5.9 to allow a developer of a commercial property to defer the construction of a driveway connection to adjacent property until the adjacent property is developed, and to allow the Director of the Planning and Inspections Department to

waive the connection requirement in cases where property uses are not complementary or conducive for connections.

### **Land Use Plan's recommendations**

These four sections of the ordinance are part of the UDO's General Development Standards, which apply countywide to nonresidential and multi-family development.

The UDO went into effect in 2009, replacing the old Zoning Ordinance, which contained no regulations regarding building facades, foundation plantings, parking lot landscaping, or driveway connections between existing lots.

The UDO implemented many of the goals of the Lincoln County Land Use Plan, which was adopted in 2007. Among the plan's recommendations:

Strategy 4.3.4 recommended applying building design standards to areas that currently are or are anticipated to be urban in nature (i.e., served by both public water and sewer), possibly through an overlay zoning district.

Strategy 4.3.3 recommended modifying parking standards to require landscaping to avoid the appearance of a "sea of asphalt" and to reduce stormwater runoff.

Strategy 2.4.1 called for updating connectivity standards for subdivisions and between individual uses along major roads.

### **Current requirements for facades**

The UDO currently includes the following façade requirements:

- 1) Building facades facing a road must be constructed of the following materials: masonry (including brick, stone, architectural concrete or stucco), any type of fiber cement siding such as HardiePlank, wood or glass (at least 10 percent of the façade must be glass). (Note: Masonry also includes masonry veneer, a nonstructural layer of masonry that's added to the structural framing, typically brick veneer, also known as thin brick.)
- 2) Any side or rear wall within 100 feet of a residential zoning district or public or semi-public area (i.e., a parking area) must consist of the same facing materials as the building front.
- 3) Corrugated metal may not be used on any façade that's visible from a public road.
- 4) Building facades facing a road may not have a blank wall area that extends more than 15 feet in the vertical direction or more than 40 feet in the vertical direction. In other words, facades facing a road must be accented by architectural features.

In addition to metal siding, materials that are not permitted for road facades – and in some cases for side and rear facades – include EIFS (an Exterior Insulation and Finishing System, sometimes called synthetic stucco) and vinyl siding.

### **Effect of proposed changes**

Under the General Development Standards, the "front" of a building, or the side with the primary entrance, doesn't have to face the road or, in the case of corner lots, what's deemed the main road.

This proposal would apply façade requirements only to one side of a building, the

“road yard” façade, even if the building were located on a corner lot. Under the UDO, a corner lot has four distinctly named yards, or setback areas: road yard, side yard, side yard (road) and rear yard.

The required building setbacks for the road yard and side yard (road) are different, and a developer has a choice of which side to designate as the road yard, provided a building would fit inside either of the building envelopes formed by the different setbacks.

Under the proposed amendment, the longer side of a building, the side featuring the main entrance, could face the main road and not have to meet the façade requirements, while the shorter side facing a side road would have to comply.

In the case of a lot that’s not located on the corner of an intersection, a building may be placed with the longer side, possibly the side with the main entrance, facing a parking area rather than the road. In that case, only the shorter side of the building facing the road would have to meet the façade requirements.

This proposal would have the effect of relaxing standards in the Eastern Lincoln Development District. The ELDD regulations go beyond the rules set by the General Development Standards, addressing additional aspects of building design but not including all of the facade standards found in Section 3.2.

### **Staff’s recommendation**

Staff has no issues with proposed amendments No. 2 (foundation plantings) and No. 3 (parking lot landscaping), but we recommend revising the proposal for No. 1 (building design) and deleting Section 3.5.9 (access to adjacent development) entirely.

**1) Building design:** Why require building facades to be constructed of certain materials? Because certain materials are more attractive and more durable than others. The appearance of businesses is important to communities.

Applying façade standards to only the road yard side of a building would result in situations in which the standards don’t apply to the side of a building that functions as its front, the side where the public parks and enters.

Staff recommends that the standards apply to any side facing a public right-of-way or a parking area that’s located in a side yard.

For a small business that’s not located on a corner lot and that only requires a parking area in front of the building (and possibly employee parking behind the building), the façade standards would apply only to the road yard façade.

**4) Access to adjacent development:** Driveway connections between commercial developments can benefit businesses and the public by offering more convenient and safer access, allowing customers to drive from one store or office to another without going back out onto a main highway.

However, requiring a one-lot development to construct stubs or to show locations of future connections on a recorded survey, and then requiring connections to be completed if and when adjacent lots are developed, is problematic. Connections may not make sense



between some businesses. Topography can present major challenges in constructing connections. Adjacent property may never be developed commercially.

To ensure access, connections require that two property owners enter into a cross easement agreement, which typically provides for shared maintenance costs. Future owners may not want driveway connections and refuse to sign an agreement. Deleting the connection requirement from the General Development Standards won't leave the county without effective means of accomplishing the same goal in many cases. Connectivity requirements are part of the UDO's subdivision standards. Connections can also be achieved with Planned Development and conditional rezonings.

Commissioner Oakes asked if this impacts what is going in East Lincoln. Mr. Hawkins said it does not some extent – the East Lincoln Development District has some building design requirements, but in some cases they build on what is in the general development standards which apply county-wide. He gave some examples of situations in which changes would occur.

He asked if staff considered having a West Lincoln Overlay District, where the rules could be somewhat different. Mr. Hawkins said they have heard suggestions of creating a West Lincoln Overlay District, where there would be relaxed restrictions, but in general they do not think that is a good idea. He commented that overlay districts typically include additional regulations. Mr. Hawkins said overlay districts require that notification be sent to everyone who owns property in the proposed overlay district and to anybody who owns property within 660 feet of an overlay district. He said this is a lot of letters to send out and a lot of people to stir up.

Chairman Mitchem asked Mr. Hawkins where this recommendation came from. Mr. Hawkins said it started with the West Lincoln Area Council and East Lincoln Area Council came up with the recommendations and the Chamber then approved it.

Commissioner Patton said using Ingles in Boger City as an example, if Ingles was built in the County and not inside the City, what would be different with these proposed changes.

Mr. Hawkins said the side of the building facing NC 27/150 would have to be constructed of the materials that are listed in the ordinance. He said the side that faces the parking lot could be corrugated metal.

Chairman Mitchem opened the public hearing concerning UDO Proposed Amendments 2015-1.

Christine Poinsette, as a citizen, not as Chair of the Planning Board, read the following statement:

I would like to thank the East & West Lincoln Area Councils for tackling a difficult document and making recommendations. The UDO is a living document and should be reviewed and updated as counties grow and change. The one problem I see in the suggested changes is - when

two sides with different points of view start to compromise both sides feel they need to reach consensus and I don't think we should be compromising with our zoning ordinance.

There are tools in place right now that specifically address their concerns and would accomplish what these two groups have tried to do. For example the Hwy 16 Corridor Plan lead to the development of the East Lincoln Development District which is an overlay that has design criteria in place so that new businesses locating on Hwy 16 would improve the appearance of the highway as they replace the older unchecked development. This was done with an overlay district.

An overlay district is the tool that can be used anywhere to add or remove or loosen zoning as an area sees fit. But, just to remove most design criteria that was placed in our UDO because of past bad development, opens up more areas that will again have the opportunity to look like old Hwy 16 as they develop. That is why 3.2.4 and 3.2.5 were originally so stringent. For example: the changes to 3.2.4 Facades and 3.2.5 blank Wall Areas. These changes remove important design criteria when a building has more than one main entrance or it sits on a corner and has two walls facing different streets. It also loosens the material that can be used on buildings.

Here are 2 examples of what could happen in our County if these two changes are made:  
1) Lets use a convenience store. The proposed changes presented remove design criteria from all but the front facade and also allow material such as non-corrugated metal to be used. So, you could get a convenience store with a so-so front façade and three other sides that are metal plopped down in the middle of a flat lot of parking. 2) Picture the Wal-Mart or Ingles here in Lincolnton. The front of these two buildings does not face Generals Blvd. or Main Street. The way our UDO is written right now these big box developments would have to have design criteria for both sides. But the proposed changes say you only have to address the façade facing the highway so the other three sides on these big box stores could actually be made of non-corrugated metal.

I understand that these changes were suggested to give a break to the little guy just starting a small business or getting into business for the first time who has a small budget.

I suggest a solution to that. I checked with Laura Simmons, the Director of Planning for the City of Lincolnton and their design criteria is triggered by size. So if you are a person wanting to start a small business you would not have as many restrictions, but if it is a larger development such as Wal-Mart, Kmart, Big Lots, Dollar General, Ingles ext. it only makes sense that these larger developments should trigger more design criteria. I agree with the staff recommendation in our packets that building design apply to any side facing a public right-of-way or parking area located in a side yard.

I agree with the recommended changes in Section 3.4.10 Parking Lot Landscaping Requirements. I agree that we need to look at Section 3.5.9 Nonresidential Access to Adjacent Development. I agree with changes to Section 3.4.5. Foundation Planting Requirements and I agree with the changes to 3.2.6 Service Bay Orientation.

I again thank the Eastern and the Western Area Councils for bringing us ideas for change in our UDO, I agree with most, but the changes to facades takes too much out, doesn't put enough in and has the potential of creating other Hwy 16s before we even know it is happening.

George Barr, President of ELBA, spoke on their behalf saying there is broad support for the UDO in East Lincoln. He said the UDO is a tool to keep a focus on key long term growth objectives and county image, an image that will help attract new business. He said it is more important than ever to use the UDO as is currently written, especially in the East Lincoln Development District, which relies on the UDO for minimum requirements.

Cynthia Jones spoke representing the Lincoln Natural Resources Committee saying they support the UDO as it currently exists.

Patty Korn spoke in favor of the UDO as it is currently written.

Jim Patterson spoke in support of the UDO.

Ben Benoit, member of LNRC and lakekeeper, spoke in favor of current UDO and against the proposed changes.

Jim Hallman, 435 Olde Kings Trail, spoke in favor of the proposed amendments due to the tremendous amount of work that has gone into the changes. He said he would appreciate favorable consideration.

Sam Houser, 1680 Peeler Road, Vale, Chair of the West Lincoln Area Council said they and the East Lincoln Area Council have worked together to bring these common sense changes to the UDO. He said these are simple changes that will help promote business.

Keith Gaskill 465 Timber Rd, Iron Station, past Chair of the East Lincoln Area Council said they looked at the UDO to make it less restrictive for business to be created. He said the UDO is like a baseline and standard, from there you can do an overlay to expand or enhance the standards.

Chairman Mitchem asked how many changes have been made since the UDO was implemented. Mr. Hawkins said he would guess more than 100 individual changes over the last 5 years.

Chairman Mitchem asked how many trees will not be in a parking lot with 50 spaces if this amendment is approved. Mr. Hawkins said it may eliminate 3 or 4 trees, the Ordinance would still require landscaped islands at both ends of each row of spaces. Mr. Hawkins said the road buffer requirements will be the same.

Chairman Mitchem asked Mr. Hawkins what people are talking about when they talk about something not looking good. Mr. Hawkins said people typically do not like corrugated metal, that was one issue that was left out of the general development standards in the ELDD.

**CUP #342 – Lakeside Paint and Body, applicant:** Randy Hawkins presented the following:

The applicant is requesting a conditional use permit to sell vehicles in the I-G (General Industrial) district. Under the Unified Development Ordinance, vehicle sales is a conditional use in the I-G district.

The proposed site is a 1.85-acre parcel located at 7831 S. Little Egypt Rd., on the north side of South Little Egypt Road about 700 feet west of N.C. 16 Business. The property is adjoined by property zoned I-G, B-G (General Business) and PD-MU (Planned Development Mixed Use). Land uses in this area include business and residential. This property is part of an area designated by the Lincoln County Land Use Plan as Regional Business.

Chairman Mitchem opened the public hearing on CUP #342 – Lakeside Paint and Body, applicant. Being no speakers, Chairman Mitchem closed the public hearing.

The Planning Board reconvened to the 3<sup>rd</sup> floor, Commissioners Room to deliberate the cases.

**Public Hearing - Proposed Lincoln County Animal Services Ordinance:** Ron Rombs requested that the Board hold the public hearing tonight, but not take any action based on recent legislative changes. He gave a brief update on the proposed Ordinance and how the changes came to be.

David Workman, Animal Services Manager, presented the list of the changes from the current Ordinance to the proposed Ordinance:

- The elimination of the subdivision “Leash Law” by requiring all pet owners to keep animals on that individual's real property and from creating a nuisance to other property owners.
- The sales of dogs and cats for a commercial purpose on any roadside, public right-of-way, park, playground, county-owned property, flea market, or retail parking lot that is generally accessible by the public.
- Creates a new safety standard for transporting an animal in a pickup or open vehicle that requires the animal to be either fully enclosed within the vehicle or protected by a device or cage that will prevent the animal from falling, jumping, or being thrown from the vehicle.
- Removal of “Pig Pen” paragraph that conflicted with current state laws

- Removal of “Domestic fowls running at large after notice” paragraph that was nothing more than a direct quote from current state law
- Removal of the “Animal Services Advisory Board” section that was never implemented or utilized
- Updated several definitions to align with the language used in state statutes.
- Updated the language in the “Interference or Concealment” section.
- Added a section authorizing Animal Services to set and remove traps on public and private property.
- Added a section to clarify the ordinance is not intended to interfere hunting dogs
- Added a section to clarify the ordinance is not intended to conflict or supplant any federal, state or municipal laws, rules or regulations especially those concerning the licensing of kennels, shelters, or pet shop or conflict with any state, local, or municipal laws regarding land use
- Deleted the section authorizing the sale of euthanized animals for research and training

Chairman Mitchem and Commissioner Beam both asked numerous questions concerning the proposed leash law including dogs riding in pickup trucks, if this is a “leash” law, and how this affects cats.

Chairman Mitchem opened the public hearing.

Laurie Beal said she appreciates Animal Control Officers. She asked if the Board was willing to hire more officers to enforce this leash law. She said more animals will be surrendered because of these regulations.

Robert Maxwell said it has been said it’s not a leash law, but it is a leash law. He said it will cost money and time. Mr. Maxwell said there will need to be more Officers due to these regulations, because there are not enough officers or shelter space to handle all the animals that will come in. He said the document needs to be revised to put some teeth in it.

James Hallman said he is opposed to the Animal Services Ordinance and that Animal Control needs to take control of health issues like rabies and bad dogs. He said there is a subdivision leash law that can be obtained by petition for individual neighborhoods.

Stacy Pattison said she would like to support the Animal Ordinance due to the fact that there is a large dalmation running through her neighborhood and her yard while her kids are outside. She said they have been chased in their neighborhood while walking and has dog waste in her yard even though she has no dogs of her own. She said if dog owners would act more responsibly, this would not be necessary.

Robert Avery said a great deal of taxpayer time and money have been spent on this. He said this is going to cost the county a lot of money to enforce.

Jena Healy said that seventeen months ago, the County adopted a no kill philosophy to become a no kill shelter. Since then, their organization HATS, has helped save over a thousand dogs and cats in their first year, however 1188 dogs and cats either died or were euthanized. Intake from 2013 to 2014 is down 11%. HATS was formed as a non profit to augment the responsibilities of LCAS to help them achieve their goal of a 90% or more live release rate. With the help of 130 HATS volunteers, all unpaid, and thousands of supporters, LCAS has increased their live release rate. Helping Animals to Survive and supporters have a vested interest in the Ordinance in being fully aligned with the no kill philosophy to give LCAS the best chance of achieving their goal of being a no kill shelter. She said LCAS reached out to HATs for input on the Ordinance and HATS submitted 15 changes along with the ordinance from Polk County, the only no kill county in North Carolina, to serve as a model for the alignment with no kill. Of the 15 changes, five were included in the ordinance presented tonight. She strongly urged the exclusion of cats, both domestic and feral, from Section 92.06 and asked the Board to accept the Ordinance with the changes recommended by HATS.

Mike Beal asked about exotic animals in Lincoln County and said a list of animals should be included.

Frank Henkle said people have come into his yard and stolen a dog that was tied up, another was tied under a tree on his property and Animal Control was called, and someone else came on his property to put a blanket in his dog's house. He said people need to stay off his property and mind their own business.

Jeff Fowler said there is a goat that has terrorized their road. He said education is not being put out to citizens and that is where the money should be directed.

Kenny Henkle asked what control means as far as containing dogs. He asked if an Invisible fence would work. Mr. Henkle asked what area of the county this started in.

Ryan Lawing asked who is going to pay him for his livestock when coyote or other animal kills it.

Dana Surrett said she is an animal lover and hog farmer in the county. She said her main concern is this is more about people control than animal control. She said it needs to be more specific.

Joyce Lingerfelt stated that there is good and bad on both sides of the issue and everyone needs to meet in the middle. She said everyone needs to work together. She asked if her dog would be picked up if it was going to her daughter's house.

Robert Maxwell said this is about the animals and the people. He said no kill is not possible, because there is no no-kill shelter.

Robin Johnson said she has 3 cats that were dumped in her neighborhood. She said when you start chasing after cats, the county will have a lot of money in it. She asked if it is more dangerous for a dog to be in the back of a truck or on a person's lap while they are driving.

Clara Mayo said the county needs something, but not this. She said she hopes the Board will think about this and try to do what is right for the county.

Ruth Beal said that if a stray dog comes on her property, it is not her priority to call animal services. She said when she was young, a starved female dog came onto their property and they fed it and nursed it back to health.

Carrie Taylor said in the Ordinance, it says it is unlawful to own a dog that has been trained in dog fighting. She asked how that applies to animals that have been rescued, rehabilitated and adopted out.

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

Ron Rombs addressed some of the questions asked during the public hearing.

Commissioner Beam asked if there have ever been reports of dogs being injured after falling out of the back of a truck. David Workman responded that he had never received a call concerning this.

**A MOTION** by Commissioner Patton to table until the state clarifies their rules.

**VOTE: 4 – 1                    AYES: Patton, Mitchem, Oakes, Martin**  
**NOES: Beam**

Chairman Mitchem called for a 5 minute recess and called the meeting back to order.

**Recommendation from Board of Health:** Maggie Dollar gave an update on the critical staffing shortage at Home Health and the recommendation of the Board of Health as follows:

After much discussion, the Board of Health reluctantly but realistically approved Chairman Dr. Cordell Scott's suggestion that a motion be made to recommend to the Commissioners that the county begin shutting down/dismantling home health due to the critical staffing level and lack of qualified applicants to fill these positions. The motion was made by Kathy Caudle, seconded by Ginger Lusk, and approved by all. (Note: The board did not specifically make a separate motion to recommend selling the agency/CON because that is the decision of the Commissioners, but it is apparent to the board that selling would be preferable to just closing down in which case the CON for Lincoln County would be simply lost; no new CON's are being issued for home health in NC, so this is a valuable asset to the county.)

A public hearing will be held at the next meeting concerning the closure and dismantling of Home Health.

**Public Comments:** Chairman Mitchem opened public comments.

Jeff Fowler said he got a citation recently for having utility trailers on his property. He said the county needs to educate the people on what the rules are. He asked the Board to look into the situation.

Chairman Mitchem asked Mr. Atkins to get with Code Enforcement and get a copy of the citation.

Being no additional speakers, Chairman Mitchem closed public comments.

**Helping Hands Request** – Robert Spencer presented a request to the Board for consideration of Lincoln County Government owned land use for the purpose of constructing a new Helping Hands clinic facility.

The Helping Hands Clinic operates as a satellite of Gaston Family Health Services which is recognized as a Federally Qualified Health Center (FQHC). A federal grant opportunity has recently been released specific to capital construction and associated equipment needs for existing FQHC's. If awarded, this grant would fund up to \$1 million in expenses (construction and equipment), without any requirement for match. Restrictions on these funds preclude the purchase of land or existing buildings.

In consideration of potential projects across GFHS' 5 county service area, they have determined that new construction for Helping Hands should be their highest priority. Mr. Spencer requested that Lincoln County Government work with GFHS to identify a plot of land that would accommodate this new construction, and make that land available, through a 20 year lease, at a nominal expense.



Mr. Spencer said he would expect to construct a 6-7,000 sq. ft. facility and would need land for associated parking unless that would be available on the existing parking pads.

The first stage of the application process has an April 21 deadline, which must be met with a budget, and letters of commitment from any leaseholder.

The Board tabled the item until the meeting tomorrow night to get additional information, which will be recessed from this meeting.

**Munis Utility Module:** Deanna Rios presented the following information:

It is recommended that the Board approve the agreement with Tyler Technologies for the purchase and installation of the Utilities module of their “Munis” software. This is the second phase of a multi-year project, with partial funding already in place, and the remainder tentatively budgeted for FY 16. Total cost for purchase and installation of the Utility Module is \$108,720. \$60,000 has already been budgeted in FY 15 for this purchase, with the remaining funds to be budgeted in FY 16.

**UPON MOTION** by Commissioner Oakes, the Board voted unanimously to approve the Agreement with Tyler Technologies for the purchase and installation of the Utilities module of the “Munis” software.

**Other Business:** Kelly Atkins, County Manager, stated that he has completed budget request meetings with the fire departments and he is compiling that information. He asked the Board to consider a workshop to discuss water, sewer and the landfill.

Mr. Atkins said that at the next meeting, staff will be presenting health insurance costs for county employees. He said there is no increase proposed for the county or employees.

Commissioner Oakes said the Commissioners will need to ratify the officers voted on by the Board of Equalization and Review, which are Steve Banner as Chair and Rich Permenter as Vice Chair. The Board asked him to bring this back to the next meeting for a vote.

**Recess:** **UPON MOTION** by Commissioner Beam, the Board voted unanimously to recess until April 7, 2015 at 6:30 p.m. in the Board of Commissioners Room.

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Amy S. Atkins, Clerk  
Board of Commissioners

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Carrol Mitchem, Chairman  
Board of Commissioners