

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, MARCH 6, 2017

The Lincoln County Board of County Commissioners and the Planning Board met in a joint session on March 6, 2017, at the Citizens Center, Commissioners' Room, 115 West Main Street, Lincolnton, North Carolina, the regular place of meeting at 6:30 PM.

Commissioners Present:

Bill Beam, Chair
Martin Oakes, Vice Chair
Richard Permenter
Anita McCall

Commissioners Absent:

Carrol Mitchem

Planning Board Members Present:

Christine Poinsette, Chairman
Dr. Crystal Mitchem, Secretary
Jamie Houser
John Dancoff
Floyd Dean
Keith Johnson
Greg Smith
Andrew Robinson

Others Present:

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

Call to Order: Chairman Beam called the meeting to order. He led in a Moment of Silence and the Pledge of Allegiance.

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

AGENDA
Lincoln County Board of Commissioners Meeting
Monday, March 6, 2017
6:30 PM

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

Call to Order - Chairman Beam

Moment of Silence

Pledge of Allegiance

1. Adoption of Agenda
2. Approval of Minutes - February 20, 2017
3. Zoning Public Hearings - Randy Hawkins

CUP #363 Simon and Dana Martin, applicants (Parcel ID# 30442) A request for a conditional use permit to locate a detached garage in front of the front building line of a house on a lot that's adjacent to Lake Norman. The 0.8-acre lot is located at 4400 Pine Harbor Drive about 400 feet east of Windy Pine Circle in Catawba Springs Township.

ZMA #633 Teramore Development, LLC (Parcel ID# 90408) A request to rezone 0.88 acre from R-T (Transitional Residential) to B-N (Neighborhood Business). The property is part of a 2.4-acre parcel located on the northwest corner of N.C. 73 and Amity Church Road in Ironton Township.

SP# 2017-1 Teramore Development, LLC (Parcel ID# 90408) A request for site plan approval for a proposed 9,100-square-foot Dollar General store to have full access to N.C. 73. The 2.4-acre site is located on the northwest corner of N.C. 73 and Amity Church Road in Ironton Township.

4. Recommendation from the Planning Board - Randy Hawkins
- PD #2011-2-A - Jerry Reese, applicant
5. Report from Council on Aging
6. Memorandum of Understanding between Lincoln County Communications Center and Gaston County Communications Center for backup emergency communications - Bill Gibbs
7. Approval of Sole Source purchases - Jennifer Sackett:
 - 3 Lego Education Mindstorms EV3 Core Sets for a total of \$1,311.25
 - 8 Osmo Explorer Kits from Tangible Play, Inc. for the total amount of \$1,512.00
8. Approval of Surplus Property - John Henry
9. Appointment of Cathy Barnette, DVM, to fill the unexpired term (March 1, 2017 - August 31, 2017) for the Veterinarian position on the Board of Health
10. Public Comments (15 minutes allowed per Rules of Procedure – 3 minutes per person)
11. Other Business
- 11a. Official acceptance of property, 330 W. Church Street, from Lincoln County School Board - Josh Grant

Adjourn

UPON MOTION by Commissioner Oakes, the Board voted unanimously to adopt the agenda adding Item 11a - Official acceptance of property, 330 W. Church Street, from Lincoln County School Board and removing Item 5 – Council on Aging Report

Approval of Minutes: **UPON MOTION** by Commissioner Oakes, the Board voted unanimously to approve the February 20, 2017 minutes as presented.

New Business/Advertised Public Hearings: Mr. Wesley Deaton spoke concerning quasi judicial matters and gave information concerning the hearings. He confirmed that no board member has had any ex parte' communications or conflicts of interest.

CUP #363 – Simon and Dana Martin, applicants: Randy Hawkins presented the following information:

The applicant is requesting a conditional use permit to allow a detached garage/workshop to be located in front of the front building line of a house on a lot that's adjacent to Lake Norman. Under Section 4.6.2.C.2(a) of the Unified Development Ordinance, on lots less than one acre in size, an accessory structure cannot extend in front of the front line of the principal structure, except on lots that abut the lake where a conditional use permit is approved. At its meeting on November 28, 2016, the Lincoln County Board of Adjustment approved a variance to permit a side yard setback of five (5) feet for the proposed structure, contingent on the issuance of a conditional use permit. (The standard side yard setback is 10 feet).

SITE AREA AND DESCRIPTION

The 0.8-acre lot is located at 4400 Pine Harbor Drive, about 800 feet east of Windy Pine Circle. The lot is zoned R-SF (Residential Single-Family) and is adjoined by property zoned R-SF and by Lake Norman. Land uses in this area are largely residential. This property is part of an area designated by the Land Use Plan as Suburban Residential.

Chairman Beam opened the public hearing concerning CUP #363– Simon and Dana Martin, applicants.

Simon Martin said he would like to build a garage and placement on his lot is difficult. He testified that he prepared the findings of fact and verifies they are accurate.

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

ZMA #633 – Teramore Development, LLC, applicant:

The applicant is requesting the rezoning of 0.88 acre from R-T (Transitional Residential) to B-N (Neighborhood Business). The request involves a 0.84-acre parcel and a 0.037-acre portion of another parcel that were recently combined with a third

parcel to create a 2.4-acre parcel, the remainder of which is already zoned B-N.

Site Area & Description

The 2.4-acre tract is located on the northwest corner of N.C. 73 and Amity Church Road. The subject property is adjoined by property zoned R-T and B-N. County water is available at this location. Land uses in this area are primarily residential. This property is part of an area designated by the Lincoln County Land Use Plan as Neighborhood Business, appropriate for small-scale retail and service establishments.

Permitted uses

Under current R-T zoning: manufactured home, duplex, modular home, site-built house, church. Under proposed B-N zoning: retail sales, offices, personal services, etc., with a maximum gross floor area of 10,000 square feet.

Chairman Beam asked if a community involvement meeting was held. Mr. Hawkins stated that since this was a simple rezoning, it did not require a community meeting. Mr. Hawkins stated that about 1.5 acres of the corner lot is already zoned business and this would bring it up to 2.4 acres. He said they could possibly put the store on the lot without these approvals, but it would have to be redesigned.

Commissioner McCall pointed out that the property across the street is already zoned business, so if they wanted to locate there, it would not even be before the Board for approval.

Chairman Beam opened the public hearing concerning ZMA #633 – Teramore Development, applicant.

Robert Brown, with The Jonas Law Firm, spoke representing Teramore Development, LLC. He said there are 3 different parcels that were purchased by Teramore in January of this year, which have been combined. He said the primary property is already zoned business and this is where the store will be located. The additional sliver is needed for the setback and the parcel to the left is for a retention pond for stormwater drainage issues. This area is designated as a neighborhood business area in the Land Use Plan. This lot is in the Ironton Township and will be on septic, so no sewer allocation will be necessary.

Chairman Beam asked if the applicants have had much contact with the citizens. He said he and the other Commissioners have gotten an overwhelming amount of emails and phone calls. Everyone he has talked to has been extremely negative about a Dollar General store at this location.

Josh Hufstetler, Teramore Development, said they have not had any meetings with the community. He said the trade area of a Dollar General Store is about 5 miles in any direction. He said his intent to satisfy concerns of residents, since they will most likely be the customers of the store. He said the rezoning is not an absolute requirement to

complete this project, the requested rezoning to try and make site nicer. The site can be redesigned and the retention pond removed, but they believe in going above and beyond on their sites. The building will be all masonry and will not have metal sides. Mr. Hufstetler said they currently own the property. He said the lights will be downward directed and they can change the sign also. He said they will put in landscaping buffers and screening.

Commissioner McCall said she feels it would have been in the applicant's best interest to have a community meeting due to the amount of phone calls and emails the Commissioners have received.

Christine Poinsette asked if the foundation plantings will run all along side of the building. Mr. Hufstetler said they will.

Christine Poinsette asked if they would be willing to make the façade where it looks like false windows to break up the solidness of the sides. Mr. Hufstetler said they will adapt and incorporate windows and he presented pictures of different Dollar General buildings they have built.

Robert Estrada, 305 Countrytyme Lane, Iron Station, spoke against the Dollar General voicing concerns about a septic tank contaminating well water and problems and crimes associated with Dollar General stores.

Lisa Estrada, 305 Countrytyme Lane, Iron Station, spoke against the Dollar General Store. She said they moved from Mecklenburg County, where they lived near a Dollar General store. She said they moved here for the rural location and does not want a business here.

Yvette Bernard, 276 Countrytyme Lane, spoke against the Dollar General and said she would not like the Dollar General since there are plenty of stores locally. She said based on the knowledge that the project can move forward without the rezoning she expressed concerns about the alignment of the drive with Countrytyme Lane.

Sammy Johnson, 384 Countrytyme Lane, spoke in opposition to the Dollar General. He said 76% of the people in the area do not want this store there. He said they do not want that type of traffic there.

Suzanne Myers, 375 Countrytyme Lane, voiced concerns about Dollar General's appearance. She presented pictures of some nearby Dollar General stores with maintenance issues and appearance issues.

Marcus Alexander, 396 Countrytyme Lane said he opposes the Dollar General store at this location. He spoke about the dangerous turn out of their neighborhood and said this will make it worse. Mr. Alexander voiced concerns about depreciated home values.

Kevin Sanders, 156 Countrytyme Lane, spoke against the Dollar General store. He said he is the closest proximity to the store. He spoke about the dangerous roads and the amount of wrecks at this location.

Charlotte Tallmadge, 440 Countrytyme Lane, spoke in opposition of the Dollar General Store due to the fact that it could lead to future growth. She said there is no benefit to adding this Dollar General at this location. She presented the Board with information concerning Dollar General stores in other areas that have been denied.

Chairman Beam asked Mr. Hawkins how long this property has been zoned business. Mr. Hawkins said the rezonings were approved from 2001 to 2014, on different parcels. He said any type of retail store could be built there by right. The rezonings were requested by the property owners.

Kenneth Tallmadge, 440 Countrytyme Lane, spoke in opposition of building a Dollar General due to traffic. He said there is only 75 yards with a visual right now at this intersection and putting a business there will make traffic much more dangerous.

Jimmy Pressley, 484 Countrytyme Lane, spoke in opposition to the Dollar General. He asked questions about store frontage and if there are any pictures of the proposed store. He asked about the detention pond and if there will be continuous water flow. Mr. Pressley also asked what will happen if the request is denied.

Amy Huddleson said she is very new to the area, they recently moved from Mecklenburg County. She said they knew it could be commercial but didn't think it would be a box store. She voiced concerns about runoff and traffic, saying she does not feel like it is a fit for their community. She spoke concerning their health, safety, and the value of their property.

Dean Stroupe said he owns property at the end of Countrytyme Lane and is concerned about the hazards of traffic. He said Lincoln County should demand a traffic signal and he would like to see no access to 73. He said they will not be able to get septic tank if this is not approved.

Commissioner Oakes stated that traffic lights cannot be required by the county, DOT has total control over that.

Commissioner McCall said that several residents contacted her via email and she let them know that DOT is the authority on roads. She said the county can create plans to present the GCLMPO to ask for changes to be made in bottlenecked areas.

Derrick Denman, 155 Amity Church Road, said DOT does need to do a study since this area is already dangerous. He said unfortunately, somebody will have to die for something to happen. He said he moved from Mooresville to get away from the traffic. He voiced his concerns about traffic, property values, and Dollar General's model of people walking to the business.

Paul Allen said Dollar General voiced concerns about students from the nearby middle school walking to the store. He said this is the wrong place for this store.

Josh Hufstetler, Teramore Development, said he is honestly surprised at the opposition and would like to hold a community meeting before a vote on the issue. He reiterated that this site can be reconfigured for this store to be placed with no zoning changes. Mr. Hufstetler said this store will not pull in an additional customer base so if crime is not an issue now, it should not be with this store. He said the store frontage is currently up in the air, but he will adapt and add windows to a full masonry building. He said a retention pond is not required, but will satisfy some of the concerns of runoff and drainage. He said there will be no light intrusion onto other properties.

Justin Church, Project Engineer, said they currently have the septic system situated within the zoned parcel. He said the detention pond would be designed as dry detention so there would not be standing water.

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

Site Plan #2017-1: Teramore Development, LLC, applicant:

The applicant is requesting site plan approval for a proposed 9,100-square-foot retail store to have full access to N.C. 73. The proposed 2.4-acre site is located on the northwest corner of N.C. 73 and Amity Church Road in Ironton Township.

Section 3.5.2.A of the Unified Development Ordinance states: “Where a tract of land to be developed adjoins a principal or minor arterial or a major collector and any other public road, the road with the lower traffic volume shall be used for primary access and access to the road with the higher traffic volume shall be limited to right-in, right-out movements only, unless additional access is approved by the Board of Commissioners as part of a major site plan review.”

N.C. 73 is classified as a principal arterial. Amity Church Road is classified as a minor collector. The applicant is requesting full access to both roads.

The proposed driveway on N.C. 73 would line up with Countrytyme Lane, which serves a 30-lot subdivision on the opposite side of the highway.

The N.C. Department of Transportation has given preliminary approval for the proposed driveway to have full access to N.C. 73 and Amity Church Road.

Chairman Beam opened the public hearing concerning Site Plan #2017-1: Teramore Development, LLC, applicant.

Commissioner Oakes said just because DOT has approved this, does not mean the Commissioners have to approve.

Royal Henshaw, Licensed Professional Engineer in North Carolina, said he was asked by the applicant to do a traffic study even though none was required by DOT. The access points are proposed to be directly across from Countrytyme Lane and an entrance on Amity Church Road as far back as allowed. He said with site distance issues, there is better site distance on this side of curve (the outside) and based on 55 mph design speed (the speed limit is 50 mph), looking to the east there is approximately 1000 feet, and 510 feet of distance to the west. This is sufficient for a 50 mph speed. Their recommendation is that an advisory speed plaque of 45 mph be added to offset road warning sign. This did not meet the warrants for volume for a turn lane for DOT.

Commissioner Oakes said the developer could agree to a turn lane, even if not required from DOT. He stated that he travels this road very often and believes it is a serious problem not having turn lanes at the main entrance.

Randy Hawkins stated that this is an up or down vote and conditions cannot be added. He said on 73 it would be right in, right out only.

Charlotte Tallmadge said they do not have final approval from DOT based on what was available online. She said they would like to know the assumptions were for the traffic study.

Kevin Sanders asked Board to vote against the entry on Highway 73.

Kelly Atkins said they county is currently going through a new Land Use Plan Update. He encouraged the group of citizens to get involved with Planning Board and with the Land Use Plan.

Marcus Alexander, 396 Countrytyme Lane, said the solution is to not allow access on Highway 73. He said there will be problems there and taxpayers will have to fund it if is not done right first time.

Robert Estrata presented pictures of Dollar General stores and information on different storesaa. He said he would love to volunteer on Boards.

Amy Huddleston said they came to table late, but there are many in the area that are concerned about this request.

Amy Denman, 155 Amity Church Road said they have raised 5 children. She said she is not a consumer of the box type stores. She said it is shameful what has been done to the Iron Station community and she will boycott the store

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

Recommendation from the Planning Board:

PD #2011-2 – Jerry Reese, applicant:

The Planning Board voted on a recommendation in this zoning case following a public hearing that was held jointly with the Board of Commissioners on February 6. The applicant subsequently revised the plan. At its meeting on March 20, the Board of Commissioners voted to table this case until March 6.

UPON MOTION by Commissioner Permenter, the Board voted unanimously to deny the Statement of Consistency and Reasonableness based on the following:

This proposed amendment **is not consistent** with the Lincoln County Comprehensive Land Use Plan and other adopted plans in that:

This property is part of an area designated by the Lincoln County Land Use Plan as Suburban Residential, primarily single-character in character but suitable for a limited amount of town home or patio home development, with projected densities of upwards of 1-2 units per acre depending on the provision of utilities. This proposed development would largely consist of zero-line-lot homes (another name for patio homes). Excluding the area for single-family detached homes, the proposed plan calls for 25 zero-lot-homes on 3.8 acres, or 6.6 homes per acre, far upwards of 1-2 units and not a limited amount relative to the overall development.

This proposed amendment **is not reasonable and in the public interest** in that:

The proposed development's density, particularly the density of the zero-lot-line homes, is not in character with the predominant development pattern in the surrounding area. The condos on the adjacent property were developed prior to the enactment of zoning in this area and are not representative of the area.

UPON MOTION by Commissioner Permenter, the Board voted unanimously to deny PD #2011-2-a as presented.

Density discussion: Andrew Bryant and Randy Hawkins presented information concerning density as previously requested by the Commissioners.

Randy Hawkins

**Density options for Planned Development-Residential
and areas designated by the Land Use Plan as
Suburban Residential**

Scenarios for a 100-acre tract with 70 buildable acres

	Under regular zoning PD-R option 1 PD-R option 2		
Maximum # units	*110 homes	200 homes	144 homes

Overall density 1.1 homes/acre 2.0 homes/acre 1.5 homes/acre

* estimated number, taking into account road ROW and lot configuration

Regular zoning – minimum lot size of 22,500 square feet in R-SF and R-S districts with public water and public sewer

Option 1 – Total acres x 2.0

Option 2 – (Buildable acres – 12.5% open space) x 2.5

Attached are draft texts for amending the Land Use Plan and the Unified Development Ordinance to implement Options 1 and 2, along with a table showing the density of approved developments based on the total acreage.

Both drafts would establish a minimum area of 50 acres for a PD-R rezoning. Currently, there is no minimum.

In addition, the drafts would require a PD-R rezoning for any subdivision of 100 lots or more.

Currently, subdivisions of 50 lots or more are subject to a PD-R rezoning.

LUP/PDR Option 1

Suburban Residential

These planning areas are primarily single family in character, with options for a limited amount of town home or patio home development. ~~Such areas largely do not have public water or sewer utilities at present but are projected to have one such utility by 2023. Projected densities, accordingly, will vary to upwards of 1-2 units per acre, depending on the provision of utilities. In areas with public water and public sewer, densities of up to 2.0 dwelling units per acre are appropriate. Future residential development in such areas is likely and encouraged, especially once public utilities are extended. In areas with one or no public utility, densities of up to 1.3 dwelling units per acre are appropriate.~~

Four such areas are found on the FLUP. Three of the areas immediately adjoin Lincolnton's planning jurisdiction to the north, south, and southwest. A fourth area lies southeast of the City along the NC 27 corridor southeast of Iron Station. All four areas largely do not have public water and sewer (some areas closest to Lincolnton may have public water and/or sewer provided by the City). The County's Capital Improvement Plan indicates that only one utility will be provided in these areas in the future, ~~thereby limiting densities to no greater than 1-2 units per acre.~~

§2.4.9 Planned Development District Standards

A. Planned Development-Residential (PD-R) District

1. Minimum Requirements

The Planned Development-Residential District is an option provided to ~~encourage a mix of housing options within a comprehensively planned development, allowing a density bonus in return for the provision of a higher quality development.~~ allow for flexibility not available in general zoning districts. All subdivisions with 100 or more dwelling units shall be reviewed as a planned development. PD-R districts are subject to the following provisions:

(a) The minimum area for a PD-R district is 50 acres.

(b) The maximum density in a PD-R district is 2.0 dwelling units per acre, with density calculated on the basis of total acreage.

LUP/PDR Option 2

Suburban Residential

These planning areas are primarily single family in character, with options for a limited amount of town home or patio home development. ~~Such areas largely do not have public water or sewer utilities at present but are projected to have one such utility by 2023. Projected densities, accordingly, will vary to upwards of 1-2 units per acre, depending on the provision of utilities.~~ In areas with public water and public sewer, densities of up to 2.5 units per acre are appropriate, with density calculated on the basis of buildable land area. ~~Future residential development in such areas is likely and encouraged, especially once public utilities are extended.~~ In areas with one or no public utility, densities of up to 1.5 dwelling units per acre are appropriate.

Four such areas are found on the FLUP. Three of the areas immediately adjoin Lincolnton's planning jurisdiction to the north, south, and southwest. A fourth area lies southeast of the City along the NC 27 corridor southeast of Iron Station. All four areas largely do not have public water and sewer (some areas closest to Lincolnton may have public water and/or sewer provided by the City). The County's Capital Improvement Plan indicates that only one utility will be provided in these areas in the future, ~~thereby limiting densities to no greater than 1-2 units per acre.~~

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- (a) The minimum area for a PD-R district is 50 acres.
- (b) A minimum of 12.5 percent of the total area shall be reserved within the buildable area (see subsection c below) as recreation and open space.
- (c) The maximum density in a PD-R district is 2.5 dwelling units per acre, with density calculated by the following formula:
[Buildable area (excluding land in the 100-year floodplain, streamside buffers, utility rights-of-way, slopes above 25 percent of at least 20,000 acres of contiguous area) minus recreation and open space within the buildable area] x 2.5.

There was a discussion about density and the different options and buildable/non-buildable acreage.

Christine Poinsette respectfully asked for an additional meeting with the Planning Board and County Commissioners instead of the Planning Board making a recommendation and then the Commissioners making one as well. Chairman Beam asked the Planning Board to take this under consideration and make a recommendation. A joint meeting could be scheduled to have some discussion on the recommendation .

The Planning Board recessed their meeting to the 2nd floor balcony.
Chairman Beam called for a brief recess and then called the meeting back to order.

Memorandum of Understanding between Lincoln County Communications Center and Gaston County Communications Center for backup emergency

communications: Bill Gibbs requested approval of the Memorandum of Understanding with Gaston County for backup emergency communications. This MOU applies to Enhanced 911 telephone calls that are not answered by the PSAP (Public Service Answering Point) and therefore routed to the Interim PSAP (Gaston).

MEMORANDUM OF UNDERSTANDING BETWEEN LINCOLN COUNTY COMMUNICATIONS CENTER AND GASTON COUNTY FOR BACKUP EMERGENCY COMMUNICATIONS

This MOU is entered into by Lincoln County, on behalf of the Lincoln County Communications Center and Gaston County, on behalf of the Gaston County Communications Center, for the purposes stated herein.

Whereas, the Lincoln County Communications Center provides emergency communications and dispatching services for the Lincoln County Sheriff's Department, Lincoln County EMS, Lincoln County Fire Departments, as well as serving those within the City of Lincoln Police jurisdiction; and

Whereas, the Gaston County Communications Center provides emergency communications and dispatching services for the Gaston County Police, Gaston County Fire and Medical Services, and other town agencies; and

Whereas, the Lincoln County Communications Center and the Gaston County Communications Center are each Public Safety Answering Points for the purposes of the E-911 system, which requires that each PSAP have a backup plan to provide emergency communications and dispatch services in the event of a disruption in the PSAP's abilities to provide those services at its own primary facility; and

Whereas, in order to ensure continuity of emergency communications and dispatch services in the event that the Lincoln County Communications Center is unable to provide services due to an emergency such as fire, flood, earthquake, equipment malfunction or any other such cause, Gaston County has agreed that the Gaston County Communications Center shall serve as the interim PSAP for Lincoln County until service can be restored; and

Whereas, the Lincoln County Communications Center and the Gaston County Communications Center wish to set forth their Memorandum of Understanding (the "MOU") in writing.

Now, therefore, in consideration of the benefits to be derived under this MOU the parties agree as follows:

I. PURPOSE

The parties incorporate the recitals above into this statement of purpose for the MOU.

II. DEFINITIONS

As used herein, the following capitalized terms shall have the definitions ascribed thereto:

- A. PSAP – Public Safety Answering Point
- B. Backup PSAP – Another PSAP designated to take calls on a backup basis and process them in accordance with mutually agreed upon call handling procedures.
- C. ANI/ALI – Automatic Number Identification/Automatic Location Identification
- D. CAD – Computer Aided Dispatch

III. CONDITIONS

- A. The services provided as a result of this MOU are considered services to the general public and this MOU shall not be construed to create an employer-employee, principal-agent or co-partnership relationship between the parties.
- B. The cost of operating each PSAP and the costs of providing the services and fulfilling the terms of this MOU shall remain the responsibilities of the respective parties.
- C. Any and all equipment provided by each party remains the property of the respective parties. Each party is responsible for the upkeep of their own equipment.
- D. This MOU applies to Enhanced 9-1-1 telephone calls that are not answered by the PSAP and therefore routed to the Interim PSAP.

IV. PROCEDURES

In the event an emergency occurs that results in the inability of the Lincoln County Communications PSAP (the initiating PSAP) to provide emergency communications

and response to 9-1-1 calls at its own facility, backup communications service shall be provided by Gaston County's PSAP (the "interim PSAP") as follows:

- A. The initiating PSAP will contact the interim PSAP to advise the interim PSAP of the need for services. The interim PSAP shall, to the extent of its abilities and resources, temporarily provide emergency communications services consisting of the following:
 - 1. Receiving 9-1-1 calls and routine calls for police, fire and medical services agencies served by the initiating PSAP;
 - 2. Document call related information such as location, nature of the call in the CAD System.
- B. In the event that the initiating PSAP's E911 system goes down, 9-1-1 calls not answered by the initiating PSAP will automatically be routed to the interim PSAP. Information on the ANI/ALI screen such as location or emergency response agency(s) listed will alert the call taker that the call originated from the other PSAP.
- C. Upon restoration of normal emergency communications services at the initiating PSAP's primary facility or backup PSAP, communications shall be switched back to the primary facility or the backup PSAP and the use of the interim PSAP will cease.
- D. It is understood that each party to this MOU has finite resources and may not be able to provide backup service at the same level as the initiating party during the temporary service period. Neither party makes any guarantees or warranties of any kind to the other regarding the level of service.
- E. Each county's PSAP will continually maintain and provide to the other county's PSAP a list of resources (i.e. primary contact telephone numbers, other information as agreed upon) to assist the PSAP serving as interim if needed. As changes arise, updated information shall be forwarded as soon as possible.
- F. If it is determined at a later date that it is necessary to provide other communications equipment or procedures so as to be able to accomplish the purpose of this MOU, amendments to this MOU may be executed identifying the cost obligations of each party for such additional equipment.

V. NOTICES

Notice of the need for interim services under Section IV of this MOU will be by telephone or by other means as may be reasonably used to apprise the interim PSAP of the initiating PSAP's need for services. All other notices under this MOU, with the exception of equipment testing, shall be given in writing.

VI. TERM

This MOU shall take effect and be in full force upon signature by both parties. This MOU shall remain in effect for five years from the signature date, unless earlier terminated as provided herein. Either party may terminate this MOU upon ninety (90) days' written notice to the other party.

VII. INDEMNITY

Each party shall indemnify, defend, and hold the other harmless from any and all costs, expenses, liability, losses, claims, suits, and proceedings of any nature brought against the other by reason of the indemnifying party's acts or omissions, provided the same does not arise out of any negligence, breach of warranty or other breach of duty by the indemnified party.

IN WITNESS WHEREOF, this Memorandum of Understanding has been executed by each party on the date set forth below.

Lincoln County

Gaston County

BY: _____

BY: _____

Attest:

Attest:

Notary Public (Seal)

Notary Public (Seal)

UPON MOTION by Commissioner Permenter, the Board voted unanimously to approve the Memorandum of Understanding as presented.

Sole Source Purchases: Jennifer Sackett presented the following:

Lego Education Mindstorms EV3 core sets (3) - The Lincoln County Public Library is requesting permission to make a sole source purchase of three Lego Education Mindstorms EV3 Core Sets with funds awarded from a Bosch Community Fund Grant. The purpose of this grant is to purchase technology and supplies that support STEAM (Science, Technology, Engineering, Arts and Math) education.

UPON MOTION by Commissioner Oakes, the Board voted unanimously to approve the Sole Source Purchase of 3 Lego Education Mindstorms EV3 core sets.

Osmo Explorer Kits from Tangible Play, Inc – The Lincoln County Public Library is requesting permission to make a sole source purchase of eight Osmo Explorer Kits from Tangible Play, Inc. with funds awarded from a Bosch Community Fund Grant. The purpose of this grant is to purchase technology and supplies that support STEAM (Science, Technology, Engineering, Arts, and Math) education.

UPON MOTION by Commissioner McCall, the Board voted unanimously to approve the Sole Source Purchase of 8 Osmo Explorer kits from Tangible Play, Inc. for the total amount of \$1,512.00.

Approval of Surplus Property: John Henry asked for approval of the following surplus property:

Asset ID	Description
1601	2010 Dodge Charger Base
1607	2010 Dodge Charger SXT
1608	office equipment
1611	2003 Chevrolet Cavalier Sedan
1612	Paper Shredder
1614	2010 Dodge Charger SXT
1615	2007 Ford Crown Victoria Police Interceptor
1618	Office equipment
1619	office phones
1620	Microwave
1621	Lot of wireless headsets
1622	2010 Dodge Charger SXT
1623	Printer
1624	Office Equipment
1625	2010 Dodge Charger Base
1626	Light bars for police cars

UPON MOTION by Commissioner McCall, the Board voted unanimously to approve the Surplus Property as presented.

Appointment of Cathy Barnette, DVM, to fill the unexpired term (March 1, 2017 - August 31, 2017) for the Veterinarian position on the Board of Health: **UPON MOTION** by Commissioner Oakes, the Board voted unanimously to appoint Cathy Barnette, DVM, to fill the unexpired term for the Veterinarian position on the Board of Health.

Public Comments: Chairman Beam opened Public Comments.

Rudy Bauer, 8252 Blades Trail, thanked the County Manager and Commissioners for fixing holes in the silt fence and the patrol has come twice to the end of the cul de sac and has slowed traffic down. If they would come once per month or so, it would slow traffic

down more. He said the silt fence along Blades Trail is still down in places and asked for someone to look into it.

Being no additional speakers, Chairman Beam closed Public Comments.

Other Business: Commissioner McCall said she placed some “Swat a Litterbug” cards outside the Commissioners Room. If you see someone throw something out, you can send it in or do it online. Litter Sweep is April 15 – 29th in North Carolina and posters will be

Official acceptance of property, 330 W. Church Street, from Lincoln County School Board: Josh Grant presented the following:

At the February joint meeting of the Lincoln County School Board and the Lincoln County Board of Commissioners, it was agreed upon and voted by the School Board to sell the property to the County for \$1. Action is needed to gain control of property for asbestos abatement and demolition of structures on site.

UPON MOTION by Commissioner Permenter, the Board voted unanimously to accept the property.

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