

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, OCTOBER 1, 2012

The Lincoln County Board of County Commissioners met October 1, 2012 at the Citizens Center, Commissioners' Room, 115 West Main Street, Lincolnton, North Carolina, at 6:30 P.M.

Commissioners Present:
Alex E. Patton, Chairman
George Arena, Vice Chair
James A. Klein
Carl E. Robinson, Jr.

Commissioner Absent:
Carrol D. Mitchem

Others Present:
George A. Wood, County Manager
Martha W. Lide, Assistant County Manager
Wesley L. Deaton, County Attorney
Amy S. Atkins, Clerk to the Board

Planning Board Members:
Christine Poinsette, Chair
Darrell Gettys, Vice-Chair
John Anderson
Keith Johnson
Dr. Crystal Mitchem
Dr. Richard Pence
Tom Campbell

Call to Order: Chairman Patton called the October 1, 2012 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, October 1, 2012
6:30 PM

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

Call to Order

Invocation - Commissioner Robinson

Pledge of Allegiance

1. Adoption of Agenda
2. Consent Agenda
 - Tax Requests for Releases - Over \$100
 - August 16 - September 15, 2012
 - Tax Requests for Refunds - Over \$100
 - August 27 - September 9, 2012
 - Surplus Property
 - Ordinance #2012-20: An Ordinance Amending the FY 2013 Budget for the County of Lincoln, North Carolina
 - Minutes for Approval: August 6, 2012; August 20, 2012
 - Resolutions #2012-:48, 49
 - Seniors' Health Insurance Information Program (SHIIP) Grant Approval for DSS
 - Adolescent Parenting Program (APP) Grant Approval for DSS
 - Residents Rights Proclamation
 - Resolution #2012-50
3. Presentation to Eagle Scouts
 - Jared Fulker
 - Benjamin Catoe
4. Zoning Public Hearings - Randy Hawkins

PCUR #105A Waterside Crossing Residential, LLC (Parcel ID# 33125) A request to amend the conditional use permit for the development of Phase 10 of The Gates at Waterside Crossing. The applicant is requesting the deletion of the following condition: that Brookdale Lane be barricaded at the connection to Phase 10 until 75 lots of the lots in the new section are built upon. The 50-acre parcel is located off Pinkney Place near Sifford Road in Catawba Springs Township.

CZ #2012-1 LandMark Self Storage, applicant (Parcel ID# 82515) A request to rezone 1.2 acres from B-N (Neighborhood Business) to CZ B-G (Conditional Zoning General Business) to permit a storage area for boats and recreational vehicles in conjunction with an existing self-storage facility. The property is located about 250 feet west of N.C. 150 just south of Quinlan Lane in Ironton Township.

CZ #2012-2 Caroline Brown, applicant (Parcel ID# 55000) A request to rezone a 0.25-acre lot from B-N (Neighborhood Business) to CZ B-N

(Conditional Zoning Neighborhood Business) to permit an amusement center with electronic gaming. The property is located at 1894 W. NC 150 Hwy., on the north side of N.C. 150 about 1,000 feet west of N.C. 150 Bypass, in Lincolnton Township.

UDO Proposed Amendments #2012-4 Lincoln County Planning and Inspections Department, applicant. A proposed to amend the Lincoln County Unified Development Ordinance as follows:

- 1) Amend Section 2.2.1 to permit office uses in the I-G district.
- 2) Amend Section 2.4.8.B to reduce the minimum lot size in the B-G and B-C districts to 32,500 square feet.
- 3) Amend Section 2.4.9.B.3 to reduce the buffer requirement for a Planned Development-Residential District to a Class B buffer when the width of the perimeter lots are less than the minimum lot width of the adjoining development or zoning district.
- 4) Amend Section 2.5.1.G.2 of the Eastern Lincoln Development District standards to allow corrugated metal and vinyl panels to be used on commercial buildings on facades that do not face a road, parking area or residential zoning district, and to allow nonconforming buildings to be enlarged by up to 25 percent without being subject to the façade standards.
- 5) Amend Section 2.5.1.G.6 of the Eastern Lincoln Development District standards to delete requirements for ventilation grates, emergency door exits and service entrances.
- 6) Amend Section 3.2 of the General Development Standards to relax building design standards for nonresidential and multi-family structures.
- 7) Amend Section 3.3.3.C to increase the open space credit for active recreation areas in planned developments and cluster subdivisions.
- 8) Amend Section 3.4.6.K to allow buffer requirements to be modified in the case of a public safety facility.
- 9) Amend Section 3.9.5.A.1 to delete a statement that wall signs include signage or letters affixed to a window.
- 10) Amend Section 3.10.2 to state that vending machines are not considered outdoor display.
- 11) Amend Sections 4.3.2.G and 4.6.5.J to allow a church day care center as a permitted use by right, amend Section 4.6.5.J to delete a provision that

limits the size of churches and church accessory uses in residential areas if access to an arterial road is lacking, and amend Section 4.6.5.J. to delete a provision that church accessory uses in excess of 3,000 square feet of gross floor area are subject to site plan review by the Board of Commissioners.

12) Amend Section 4.3.4 to reduce the minimum lot size for a place of worship to 32,500 square feet.

13) Amend Section 4.3.5 to reduce the minimum lot size for a public facility to 32,500 square feet.

14) Amend Sections 9.4.8, 9.4.9, 9.5.9 and 9.5.10 to mirror the state statute concerning the adoption of an explanatory statement in rezoning cases.

- 4a. Public Hearing - Closeout of 2009 Scattered Site Housing Grant - James Luster, Centralina
 - 4b. Public Hearing (1st of 2) - 2012 Scattered Site Housing Program - Andrew Bryant
 5. Motion to Adopt Ordinance #2012-21: An Ordinance Amending Chapter 152 of the Code of Ordinances Regarding Soil Erosion and Sedimentation Control - Henry Fogle
 6. Public Comments (15 minutes allowed per Rules of Procedure – 3 minutes per person)
 7. Other Business
- Adjourn

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

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

- Tax Requests for Releases - Over \$100
- August 16 - September 15, 2012
- Tax Requests for Refunds - Over \$100
- August 27 - September 9, 2012
- Surplus Property
- Ordinance #2012-20: An Ordinance Amending the FY 2013 Budget for the County of Lincoln, North Carolina
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- Seniors' Health Insurance Information Program (SHIIP) Grant Approval for DSS
- Adolescent Parenting Program (APP) Grant Approval for DSS
- Residents Rights Proclamation
- Resolution #2012-50

LINCOLN COUNTY
TAX DEPARTMENT

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

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

NAME	YEAR	A/C NO	AMOUNT
Active Concepts LLC	2012	0197822	\$3,637.19
Alvarez, Jorge L	2012	0137676	\$459.68
Bank of America NA	2012	0236863	\$438.35
Blanton, Arnold Tyrone	2012	0167015	\$2,557.86
Burns, Rachel Hoyle Heirs of	2012	0224327	\$250.62
Carolina Hood Cleaning & Fire	2011-2012	0216436	\$115.32
Hester, Henry W	2012	17930	\$107.86
Hilliard, Alex Warren	2012	0214424	\$183.81
LL'S Kitchen LLC dba	2012	0229106	\$255.97
T & T Investments	2012	0166229	\$816.16
Thompson, Scott	2008-2012	0181491	\$239.46
		TOTAL	\$9,062.28

MOTOR VEHICLES

NAME	YEAR	A/C NO	AMOUNT
Allen, Paul Monroe	2012	0231901	\$584.09
ARI Fleet LT	2011	0165662	\$212.84
Barnett, Leonard Earl Jr	2012	0224287	\$239.59
Best, Sheri Lynn	2011	0226943	\$238.08
Crawford, Danny Michael	2012	0193813	\$248.16
Dellinger Precast Inc	2012	0166020	\$685.57
Dixon, Andrew Jordan	2012	0241096	\$173.99
Gibson, Cassandra Kaye	2012	0204478	\$185.05
Gray, Johnny Clayton	2012	0238054	\$286.28
Hartford, Kathleen Marie	2012	0241300	\$104.86

Huss, Mebane Brent	2011	0235932	\$221.86
Little, Dana Davis	2012	0198138	\$330.84
Morton, Robert Eugene	2012	0241109	\$162.82
Parker, Powell Enalo	2012	0240900	\$139.76
Revis, Michael Dwayne	2012	0240882	\$245.04
Rice, Michelle Renee	2012	0240381	\$124.94
Skipper, Phillip Wayne	2012	0241021	\$118.29
Stott, Corrie Eugene	2012	0091779	\$221.21
Tevepaugh, Donnie Ray	2012	0240795	\$127.73
Todesco, Deborah Noel Elena	2012	0187983	\$104.16
Wager, David Clarence	2012	0241493	\$112.68
Watts, John Randel Jr	2011	0066183	\$420.70
		TOTAL	\$5,288.54

LINCOLN COUNTY TAX DEPARTMENT
MOTOR VEHICLES

REQUEST FOR REFUNDS

PERIOD COVERED (AUGUST 27, 2012-SEPTEMBER 9, 2012)

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

NAME	YEAR	DIST	A/C#	AMOUNT	REASON
TOYOTA MOTOR CR. CORP.	2011	DFD/ELSD	0167767	180.56	PRO-RATED BILL
VFS LEASING CO.	2012	DFD	0186376	805.24	DUPLICATE BILLING

TOTAL \$985.80

LINCOLN COUNTY TAX DEPARTMENT
ANNUALS

REQUEST FOR REFUNDS

PERIOD COVERED (AUGUST 27, 2012-SEPTEMBER 9, 2012)

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

NAME	YEAR	DIST	A/C#	AMOUNT	REASON
GRAM, MARCIE	2012	ELFD/ELSD	0202785	122.07	BOAT BILLED IN ERROR.
		TOTAL		\$ 122.07	

ORDINANCE #2012-:20: AN ORDINANCE AMENDING THE FY 2013 BUDGET

FOR THE COUNTY OF LINCOLN, NORTH CAROLINA

THAT WHEREAS, the Lincoln County Board of Commissioners adopted the FY 2013 Budget by approving Ordinance #2012-11 on June 28, 2012; and

WHEREAS, the Finance Director and County Manager are recommending further amendments as shown on the attachments herein; and

WHEREAS, the Lincoln County Board of Commissioners wishes to approve these proposed budget amendments;

NOW THEREFORE BE IT ORDAINED AND ESTABLISHED by the Board of Commissioners of Lincoln County, North Carolina, that the FY 2013 Budget previously adopted is hereby amended as follows:

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

Section 2. That this amendment to the budget shall become effective immediately upon its adoption by the Board of Commissioners.

Passed and adopted this 1st day of October, 2012.

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

ATTEST:

Amy S. Atkins
Clerk to the Board

EXHIBIT A to Ordinance #2012-2

Capital Project Ordinance Amendment numbered 3.

**Resolution #2012-48:
RESOLUTION
HONORING EAGLE SCOUT
BENJAMIN CATOE**

WHEREAS, on behalf of all of the Citizens of Lincoln County we, the Board of Commissioners of Lincoln County, wish to recognize the attainment of high honor by young Citizens of Lincoln County and,

WHEREAS, Benjamin Catoe has demonstrated strong leadership abilities and has exhibited a strong sense of duty, honor and patriotism making him a clear example of the best qualities of American youth and,

WHEREAS, Benjamin Catoe has completed the arduous and demanding requirements necessary to be awarded the rank of **EAGLE SCOUT**, the highest honor given by the Boy Scouts of America,

BE IT RESOLVED, and it hereby is that the Lincoln County Board of Commissioners recognize and congratulate Benjamin Catoe upon his attainment of the rank of **EAGLE SCOUT**.

Adopted this 1st day of October, 2012.

**Resolution #2012-49:
RESOLUTION
HONORING EAGLE SCOUT
JARED FULKER**

WHEREAS, on behalf of all of the Citizens of Lincoln County we, the Board of Commissioners of Lincoln County, wish to recognize the attainment of high honor by young Citizens of Lincoln County and,

WHEREAS, Jared Fulker has demonstrated strong leadership abilities and has exhibited a strong sense of duty, honor and patriotism making him a clear example of the best qualities of American youth and,

WHEREAS, Jared Fulker has completed the arduous and demanding requirements necessary to be awarded the rank of **EAGLE SCOUT**, the highest honor given by the Boy Scouts of America,

BE IT RESOLVED, and it hereby is that the Lincoln County Board of Commissioners recognize and congratulate Jared Fulker upon his attainment of the rank of **EAGLE SCOUT**.

Adopted this 1st day of October 2012.

**NATIONAL LONG-TERM CARE RESIDENTS' RIGHTS MONTH 2012
PROCLAMATION
MY VOICE, MY VOTE, MY RIGHT**

Whereas, there are more than 1.6 million individuals living in 16,000 nursing homes; and 1 million individuals living in 50,000 board and care/assisted living facilities in the U.S.; and

Whereas, the federal Nursing Home Reform Act of 1987 guarantees residents their individual rights in order to promote and maintain their dignity and autonomy; and

Whereas, all residents should be aware of their rights so they may be empowered to live with dignity and self-determination; and

Whereas, we wish to honor and celebrate these citizens, to recognize their rich individuality, and to reaffirm their right to vote and participate politically, including the right to have a say in their care; and

Whereas, individuals and groups across the country will be celebrating Residents' Rights Month with the theme – "My Voice, My Vote, My Right" – to emphasize the importance of affirming these rights through facility practices, public policy and resident-centered decision-making.

Now, therefore, we, the Lincoln County Board of Commissioners, do hereby proclaim October 2012 as National Long-Term Care Residents' Rights Month, in the County of Lincoln and encourage all citizens to join me in these important observances.

Adopted this 1st day of October, 2012.

**RESOLUTION #2012-50: A RESOLUTION HONORING THE
SERVICE OF MRS. MADGALENE H. HUFFMAN
TO LINCOLN COUNTY, NORTH CAROLINA**

THAT WHEREAS, Mrs. Madgalene (Madge) Huffman has served the citizens of Lincoln County with distinction for the past twenty-eight years, serving the last thirteen of those years as the Tax Administrator; and

WHEREAS, prior to that time Mrs. Huffman served as an employee in the Tax Department before being promoted to the Assistant Tax Administrator position for seven years; and

WHEREAS, Mrs. Huffman consistently demonstrated a high level of loyalty, integrity and technical knowledge in the administration of the tax appraisal and collection processes; and

WHEREAS, Mrs. Huffman maintained a very high percentage of tax collections compared to billings, which allowed the County to levy a lower tax rate to generate the necessary revenue;

NOW, THEREFORE, BE IT RESOLVED by the Lincoln County, North Carolina Board of Commissioners that the Board hereby expresses its sincere appreciation to Mrs. Huffman for her diligent and faithful service to the citizens of Lincoln County, and extends its best wishes to her and her family for a long, healthy, and enjoyable retirement.

Adopted this 1st day of October, 2012.

By: _____
Alex E. Patton, Chairman
Lincoln County Board of Commissioners

Zoning Public Hearings: Randy Hawkins presented the following:

PCUR #105A – Waterside Crossing Residential LLC:

The applicant is requesting an amendment to the conditional use percent for the development of Phase 10 of The Gates @ Waterside Crossing. The plan for Phase 10 was approved in a parallel conditional use rezoning (PCUR# 105) in 2004. It calls for 98 lots for single-family homes. The applicant is requesting the deletion of the following condition of approval: that Brookdale Lane be barricaded at the connection to the new section (Phase 10) until 75 of the lots in the new section are built upon.

The 50-acre parcel is located off Pinkney Place near Sifford Road in Catawba Springs Township. It is adjoined by property zoned CU PD-MU (Conditional Use Planned Development Mixed Use) and R-T (Transitional Residential). Land uses in this area are

predominately residential. The Lincoln County Land Use Plan classifies this property as mixed residential, suitable for higher density residential development.

Mr. Hawkins presented a letter from the President of The Gates at Waterside Crossing Phase 2, in support of this request and said he has spoken with East Lincoln Fire Chief Tim Tench, who is also in support of the request.

Chairman Patton opened the public hearing.

Larry Griffin, Jr. stated that this was always going to be an additional phase to The Gates and this barricade really makes no sense.

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

Presentation to Jared Fulker and Benjamin Catoe:

The Board presented Resolutions to Jared Fulker and Benjamin Catoe honoring them for attaining Eagle Scout.

CZ #2012-1: Landmark Self Storage applicant

The applicant is requesting the rezoning of 1.2 acres from B-N (Neighborhood Business) to CZ B-G (Conditional Zoning General Business) to permit a storage area for boats and recreational vehicles as part of an existing self-storage facility. This property is the rear portion of a 2.2-acre parcel (the front of which contains a building used as a dance studio) and would be combined with an adjoining 2.8-acre parcel that contains the self storage facility.

The property is located about 250 feet west of N.C. 150 just south of Quinlan Lane in Ironton Township. It is adjoined by property zoned R-S (Residential Suburban), B-N and CU B-G (Conditional Use General Business for the existing self-storage facility). Land uses in this area include residential and commercial. This property is part of an area designated by the Lincoln County Land Use Plan as Suburban Residential.

Chairman Patton opened the public hearing.

Mark Robinson, applicant, pointed out on a map the location of the site. He said they have agreed to purchase the property from Kelly Barker to accommodate boats and recreational vehicles as part of the self-storage facility. He said they agree to landscaping as needed.

Dr. Jason Glass, 3274 Quinlan Lane, and Dr. Scott Nisheck spoke on behalf of the Quinlan Homeowners Association and Board of Directors. Dr. Glass read a letter from Dr. Curtis objecting to the request. Dr. Glass spoke against the request.

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

CZ #2012-2 – Caroline Brown, applicant

The applicant is requesting the rezoning of a 0.25-acre lot from B-N (Neighborhood Business) to CZ B-N (Conditional Zoning Neighborhood Business) to permit an amusement center with electronic gaming. Under the zoning regulations in effect at the time the application was submitted, an amusement center with electronic gaming is a conditional use in the B-N district with no special standards that must be met. This is a conditional rezoning request, with no findings of fact required. If the request is approved, the use of the property would be subject to any conditions mutually approved by the county and the applicant.

The property is located at 1894 W. NC 150 Hwy., on the north side of N.C. 150 about 1,000 feet west of N.C. 150 Bypass, in Lincolnton Township. It contains an existing commercial building. This property is zoned B-N. It is adjoined on all sides by property zoned R-S (Residential Suburban), but it is located within about 100 feet of property zoned I-G (General Industrial). Land uses in the immediate vicinity are mainly residential, but the wider area includes a number of business uses. This property is part of an area designated by the Lincoln County Land Use Plan as Suburban Residential.

Chairman Patton opened the public hearing.

Diana Humphries, 1917 W. Hwy. 150, said her I-G property is in the area. She said her concern is that this will have increased nighttime traffic and people will turn around in her driveway. She said she does not feel like this is a suitable location.

Caroline Brown stated that there have been businesses there in the past and she has called the neighbors about the request. She said this will be a very small site, with only twelve to fourteen terminals. She said the most cars at any given time would be 12. She said she cannot see her patrons needing to use a driveway to turn around.

Roger Brown stated that unless someone wants to back out in the street, they will not be using anyone's driveway. He said they do have ample parking. Mr. Brown spoke concerning the software and server they use.

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

UDO Proposed Amendments #2012-4 – Lincoln County Planning and Inspections Department, applicant:

The planning staff, on behalf of the Planning Board, is proposing amendments to various sections of the Lincoln County Unified Development, largely aimed at relaxing regulations. These proposed amendments are the result of a review of the ordinance by the Planning Board and staff.

The UDO has been in effect for three years now. Last year, the Eastern Lincoln Development District was established and additional standards were approved for areas where commercial and multi-family development is most likely to occur. With the district

in place, the Board of Commissioners asked the Planning Board to re-examine the UDO for possible revisions.

- 1) Amend Section 2.2.1 to permit office uses in the I-G district.
- 2) Amend Section 2.4.8.B to reduce the minimum lot size in the B-G and B-C districts to 32,500 square feet.
- 3) Amend Section 2.4.9.B.3 to reduce the buffer requirement for a Planned Development-Residential District to a Class B buffer when the width of the perimeter lots are less than the minimum lot width of the adjoining development or zoning district.
- 4) Amend Section 2.5.1.G.2 of the Eastern Lincoln Development District standards to allow corrugated metal and vinyl panels to be used on commercial buildings on facades that do not face a road, parking area or residential zoning district, and to allow nonconforming buildings to be enlarged by up to 25 percent without being subject to the façade standards.
- 5) Amend Section 2.5.1.G.6 of the Eastern Lincoln Development District standards to delete requirements for ventilation grates, emergency door exits and service entrances.
- 6) Amend Section 3.2 of the General Development Standards to relax building design standards for nonresidential and multi-family structures.
- 7) Amend Section 3.3.3.C to increase the open space credit for active recreation areas in planned developments and cluster subdivisions.
- 8) Amend Section 3.4.6.K to allow buffer requirements to be modified in the case of a public safety facility.
- 9) Amend Section 3.9.5.A.1 to delete a statement that wall signs include signage or letters affixed to a window.
- 10) Amend Section 3.10.2 to state that vending machines are not considered outdoor display.
- 11) Amend Sections 4.3.2.G and 4.6.5.J to allow a church day care center as a permitted use by right, amend Section 4.6.5.J to delete a provision that limits the size of churches and church accessory uses in residential areas if access to an arterial road is lacking, and amend Section 4.6.5.J. to delete a provision that church accessory uses in excess of 3,000 square feet of gross floor area are subject to site plan review by the Board of Commissioners.
- 12) Amend Section 4.3.4 to reduce the minimum lot size for a place of worship to 32,500 square feet.
- 13) Amend Section 4.3.5 to reduce the minimum lot size for a public facility to 32,500 square feet.
- 14) Amend Sections 9.4.8, 9.4.9, 9.5.9 and 9.5.10 to mirror the state statute concerning the adoption of an explanatory statement in rezoning cases.

Commissioner Klein asked for clarification on some of the amendments.

Chairman Patton opened the public hearing.

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

Public Hearing - Closeout of 2009 Scattered Site Housing Grant - James Luster, Centralina COG:

James Luster with Centralina COG asked the Board to hold a public hearing to close out the 2009 Scattered Site Housing Grant. He said there were five housing units addressed during this project and those are complete. Mr. Luster said there is a balance left on the grant, but he is unsure of the amount due to the fact that there are still invoices being sent in.

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

Public Hearing (1st of 2) - 2012 Scattered Site Housing Program - Andrew Bryant:

Andrew Bryant, Planner, presented the following:

Scattered Site Housing (SSH) grants enable local governments to address the most critical housing needs of very low income families (incomes at or below 50% of the area median income) throughout the county including participating municipalities. Grants are made to approximately 33 county governments on a non-competitive rotating basis. Lincoln County is concluding their 2009 grant program and the 2012 application process has begun. In the past the County has been able to rehabilitate approximately 17 homes with 1.2 million dollars in investment.

These grants are made available to applicants as loans from the county. The loan is paid in full by simple occupancy over an eight year period. Vacancy of the property would result in an amortized amount having to be paid back to the county and in turn the CDBG program.

This is the first of two public hearings that need to be held. The next hearing will be scheduled on October 15, 2012.

Chairman Patton opened the Public Hearing on the 2012 Scattered Site Housing Program. Being no speakers, Chairman Patton declared the Public Hearing closed.

Motion to Adopt Ordinance #2012-21: An Ordinance Amending Chapter 152 of the Code of Ordinances Regarding Soil Erosion and Sedimentation Control:

Rick McSwain presented the following:

**ORDINANCE #2012-21 : AN ORDINANCE AMENDING CHAPTER 152 OF
THE CODE OF ORDINANCES REGARDING SOIL EROSION AND
SEDIMENTATION CONTROL**

THAT WHEREAS, the Board of Commissioners previously has adopted an ordinance dealing with soil erosion and sedimentation control; and

WHEREAS, the Environmental Review Board has recommended some changes to this ordinance; and

WHEREAS, the Board of Commissioners have reviewed the proposed changes and wish to adopt the proposed Ordinance;

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

Section 1. That Chapter 152 of the Lincoln County, NC Code of Ordinances is hereby amended as follows:

- a) In Section 152.05 (B) change the current (2) to (3).
- b) Insert in Section 152.05 (B) as new (2) "Any non-residential land disturbance of 20,000 square feet or greater requiring a building permit."
- c) In Section 152.07 (B) change the last sentence to read: "Minimum width of the buffer zone is 50 feet measured from the top of stream bank."
- d) Change Section 152.07 (C) by deleting the phrase "...21 calendar days..." and inserting in its place the phrase "...the required stabilization timeframes..."; and then adding a second sentence that reads: "See Appendix C, New Stabilization Timeframes."
- e) Change Section 152.07 (D) in both the second sentence and the third sentence by deleting the phrase "...15 working days or 21 calendar days..." and inserting in its place the phrase "...the required stabilization timeframes..."; and adding a fourth sentence that reads: "See Appendix C, New Stabilization Timeframes."
- f) Change Section 152.08 (I) (5) by deleting the phrase "...15 working days or 21 calendar days..." and inserting in its place the phrase "...the required stabilization timeframes..."; and then adding the sentence: "See Appendix C, New Stabilization Timeframes."
- g) Add Appendices B and C, which are attached hereto and incorporated by reference.

Section 2. The provisions of this ordinance shall become effective immediately upon its adoption.

Adopted this 1st day of October, 2012.

UPON MOTION by Commissioner Robinson, the Board voted unanimously to adopt Ordinance 2012-21: An Ordinance Amending Chapter 152 of the Code of Ordinances Regarding Soil Erosion and Sedimentation Control.

Public Comments: Chairman Patton opened public comments.

Robert Avery spoke concerning districting for County Commissioner seats.
Frank Henkle spoke concerning a situation concerning tires at the landfill.

Being no additional speakers, Chairman Patton closed public comments.

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

Amy S. Atkins, Clerk
Board of Commissioners

Alex E. Patton, Chairman
Board of Commissioners