

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, OCTOBER 15, 2012

The Lincoln County Board of County Commissioners met October 15, 2012 at the Citizens Center, Commissioners' Room, 115 West Main Street, Lincolnton, North Carolina, at 6:30 P.M.

Commissioners Present:

Alex E. Patton, Chairman
George Arena, Vice Chair
James A. Klein
Carl E. Robinson, Jr.
Carrol Mitchem

Others Present:

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

Call to Order: Chairman Patton called the October 15, 2012 meeting of the Lincoln County Board of Commissioners to order and gave the Invocation.

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

AGENDA
Lincoln County Board of Commissioners Meeting
Monday, October 15, 2012
6:30 PM

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

Call to Order

Invocation – Chairman Patton

Pledge of Allegiance

1. Adoption of Agenda
2. Consent Agenda

- Ordinance #2012-22: An Ordinance Amending the FY 2013 Budget for the County of Lincoln, North Carolina
- Ordinance #2012-23: An Ordinance Amending the FY 2013 Budget for the County of Lincoln, North Carolina

- Tax Requests for Refunds - More than \$100
 - September 17 - 30, 2012
 - Tax Requests for Releases - More than \$100
 - August 16 - September 15, 2012
 - Surplus Property
 - Resolution #2012-51
 - Duke Energy Grant Award Beatty's Ford Floating Dock
 - FY'13 North Carolina Department of Insurance, Division of SHIP Grant and Contract
 - Approval of Minutes
 - Approval of Tax-Exempt Loan to Boger City VFD by First Citizens Bank
3. Presentation to Spencer Cole Carpenter
 4. Planning Board Recommendations- Randy Hawkins

PCUR #105A Waterside Crossing Residential, LLC
 CZ #2012-1 LandMark Self Storage, applicant
 CZ #2012-2 Caroline Brown, applicant
 UDO Proposed Amendments #2012-4

Update on Woodcock Farms Small Area Plan - Randy Hawkins

5. 2012 Scattered Site Housing Program - Second Public Hearing - Andrew Bryant
 - Motion to Approve Community Involvement Plan
 - Motion to approve Resolution #2012-52: Resolution for the County of Lincoln Application for Community Development Block Grant Funding for Scattered Site Housing (2012) Project
6. Motion to Adopt Resolution #2012-53: Resolution Accepting Tax Settlement with Lincoln County Tax Administrator
7. Motion to Adopt Order to Collect Taxes
8. Motion to Approve Recommendation for Additional Incentives for Denver Global Products per the County's Incentive Policy– Crystal Gettys
9. Public Comments (15 minutes allowed per Rules of Procedure - 3 minutes per person)
10. Motion to Award Contract to WasteQuip for the purchase and installation of replacement compactors and receiving containers at the convenience sites located at the Airport, Webb's Chapel Road, and Northbrook at a total contract be for \$126,504
11. Motion to Award Bid for Library RFID Equipment to Bibliotheca for \$144,400.70 (Budgeted Item) - Jennifer Sackett
12. Finance Officer's Report (detailed report) - Deanna Rios
13. County Manager's Report
 - Property Tax Collection Report

14. County Commissioners' Report
 15. County Attorney's Report
 16. Vacancies/Appointments
 17. Calendar
 18. Other Business
 - Register of Deeds Report
- Adjourn

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

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

- Ordinance #2012-22: An Ordinance Amending the FY 2013 Budget for the County of Lincoln, North Carolina
- Ordinance #2012-23: An Ordinance Amending the FY 2013 Budget for the County of Lincoln, North Carolina
- Tax Requests for Refunds - More than \$100
- September 17 - 30, 2012
- Tax Requests for Releases - More than \$100
- August 16 - September 15, 2012
- Surplus Property
- Resolution #2012-51
- Duke Energy Grant Award Beatty's Ford Floating Dock
- FY' 13 North Carolina Department of Insurance, Division of SHIIP Grant and Contract
- Approval of Minutes - September 10, 2012; September 17, 2012
- Approval of Tax-Exempt Loan to Boger City VFD by First Citizens Bank

**ORDINANCE #2012-:22: 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 #2012-22, is hereby approved and adopted as an amendment 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 15th 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 5.

**ORDINANCE #2012-:23: 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 #2012-23, is hereby approved and adopted as an amendment 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 15th 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 4.

LINCOLN COUNTY TAX DEPARTMENT
ANNUALS

REQUEST FOR REFUNDS

PERIOD COVERED (SEPTEMBER 17, 2012-SEPTEMBER 30, 2012)

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

<u>NAME</u>	<u>YEAR</u>	<u>DISTRICT</u>	<u>A/C #</u>	<u>AMOUNT</u>	<u>REASON</u>
BENNETT, GROVER A.	2012	SFFD	0152507	\$513.34	MANUFACTURED HOME REMOVED FOR 2012
			TOTAL	\$513.34	

LINCOLN COUNTY
TAX DEPARTMENT

REQUEST FOR RELEASES

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

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

<u>NAME</u>	<u>YEAR</u>	<u>DIST</u>	<u>A/C NO</u>	<u>AMOUNT</u>	<u>REASON</u>
Active Concepts LLC	2012	City	0197822	\$3,637.19	Assessment adjustment of business personal property.
Alvarez, Jorge L	2012	BCFD	0137676	\$459.68	Assessment adjustment of real property.
Bank of America NA	2012	NBFD	0236863	\$438.35	Assessment adjustment of real property.
Blanton, Arnold Tyrone	2012	NBFD	0167015	\$2,557.86	Land-use approved.
Burns, Rachel Hoyle Heirs of	2012	NBFD	0224327	\$250.62	Assessment adjustment of real property.
Carolina Hood Cleaning & Fire	2011-2012	ELFD/ELSD	0216436	\$115.32	US Bankruptcy Judge discharged personal property.
Hester, Henry W	2012	City	17930	\$107.86	Assessment adjustment of real property.
Hilliard, Alex Warren	2012	City	0214424	\$183.81	Did not own personal property as of 1/1/2012.
LL'S Kitchen LLC dba	2012	City	0229106	\$255.97	Did not own business personal property as of 1/1/2012.
T & T Investments	2012	City	0166229	\$816.16	Listed incorrect for business personal property.
Thompson, Scott	2008-2012	ELFD/ELSD	0181491	\$239.46	Did not own personal property as of 1/1/2008.
			TOTAL	\$9,062.28	

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

PERIOD COVERED
(AUG 16, 2012 - SEPT 15, 2012)

NAME	YEAR	DIST	A/C NO	AMOUNT	REASON
Allen, Paul Monroe	2012	City	0231901	\$584.09	Vehicle taxable in Catawba County.
ARI Fleet LT	2011	City	0165662	\$212.84	Vehicle taxable in Forsyth County.
Barnett, Leonard Earl Jr	2012	City	0224287	\$239.59	Vehicle taxable in Catawba County.
Best, Sheri Lynn	2011	ELFD/ELSD	0226943	\$238.08	Duplicate billing.
Crawford, Danny Michael	2012	City	0193813	\$248.16	Vehicle taxable in Catawba County.
Dellinger Precast Inc	2012	DFD	0166020	\$685.57	Pro-rated bill.
Dixon, Andrew Jordan	2012	City	0241096	\$173.99	Vehicle taxable in Catawba County.
Gibson, Cassandra Kaye	2012	City	0204478	\$185.05	Vehicle taxable in Cleveland County.
Gray, Johnny Clayton	2012	DFD/ELSD	0238054	\$286.28	Pro-rated bill.
Hartford, Kathleen Marie	2012	Union	0241300	\$104.86	Duplicate billing.
Huss, Mebane Brent	2011	City	0235932	\$221.86	Vehicle taxable in Catawba County.
Little, Dana Davis	2012	City	0198138	\$330.84	Vehicle taxable in Catawba County.

NAME	YEAR	DIST	A/C NO	AMOUNT	REASON
Morton, Robert Eugene	2012	City	0241109	\$162.82	Vehicle taxable in Catawba County.
Parker, Powell Enalo	2012	BCFD	0240900	\$139.76	Vehicle taxable in Catawba County.
Revis, Michael Dwayne	2012	City	0240882	\$245.04	Vehicle taxable in Catawba County.
Rice, Michelle Renee	2012	City	0240381	\$124.94	Vehicle taxable in Catawba County.
Skipper, Phillip Wayne	2012	DFD	0241021	\$118.29	Vehicle taxable in Gaston County.
Stott, Corrie Eugene	2012	DFD	0091779	\$221.21	Pro-rated bill.
Tevepaugh, Donnie Ray	2012	City	0240795	\$127.73	Vehicle taxable in Iredell County.
Todesco, Deborah Noel Elena	2012	ELFD/ELSD	0187983	\$104.16	Pro-rated bill.
Wager, David Clarence	2012	City	0241493	\$112.68	Vehicle taxable in Catawba County.
Watts, John Randel Jr	2011	City	0066183	\$420.70	Vehicle taxable in Catawba County.
			TOTAL	\$5,288.54	

RESOLUTION HONORING EAGLE SCOUT SPENCER COLE CARPENTER

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, Spencer Cole Carpenter 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, Spencer Cole Carpenter 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 Spencer Cole Carpenter upon his attainment of the rank of **EAGLE SCOUT**.

Adopted this 15th day of October, 2012.

Alex E. Patton
Chairman

George Arena
Vice Chairman

Carrol D. Mitchem
Commissioner

Carl E. Robinson, Jr.
Commissioner

James A. Klein
Commissioner

Presentation to Spencer Cole Carpenter: The Board presented Spencer Carpenter with a Resolution Honoring him for attaining Eagle Scout.

Recommendations from Planning Board:

Randy Hawkins presented the following recommendations:

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. ***The Planning Board voted 7-0 to recommend approval.***

UPON MOTION by Commissioner Arena, the Board voted unanimously to approve PCUR #105A along with the Findings of Fact submitted by the Planning Board.

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.

The applicant has withdrawn the case.

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.

The Planning Board voted 7-0 to recommend the request be denied.

Caroline Brown said the building is only 800 square feet and the parking lot measures 110 feet. They can only have 14 terminals.

Commissioner Arena asked if the applicant would be ok with 15 terminals, 10 parking spaces and 11 p.m. weekday hours, 12 a.m. on Friday and Saturday nights. The applicant agreed with these conditions.

UPON MOTION by Commissioner Arena, the Board voted 3-2 (Patton, Klein against) to adopt the Statement of Consistency and Reasonableness:

This proposed amendment **is not consistent** with the Lincoln County Comprehensive Land Use Plan and other adopted plans in that: **This area is designated by the Land Use Plan as residential.**

This proposed amendment **is reasonable and is in the public interest** in that: **This is an existing commercial property that is zoned business. The proposed use is not a high-traffic use.**

UPON MOTION by Commissioner Arena, the Board voted 3 – 2 (Klein, Patton) to approve the request with the conditions:

- 1 No more than 15 terminals
- 2 No more than 10 parking spaces
- 3 Weekday hours until 11 p.m. and week

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.

The Planning Board voted 7-0 to recommend approval with a revision to No. 5 as follows: Instead of deleting requirements for service entrances in the Eastern Lincoln Development, amend Section 2.5.1.G.6(c) to add the underlined text: “Service entrances primarily used for shipping, receiving and similar distribution shall not front the road unless no other access is feasible as determined by the Director.”

UPON MOTION by Commissioner Arena, the Board voted unanimously to approve the Statement of Consistency and Reasonableness as presented by the Planning Board.

UPON MOTION by Commissioner Arena, the Board voted unanimously to approve UDO Proposed Amendments #2012-4 with the revision to No. 5 as presented.

Update on Woodcock Farms Small Area Plan: Randy Hawkins stated that staff was asked to meet with the property owners on the Woodcock Farms Small Area Plan. He said these meetings were held and the outcome was the landowners on the west side of the new 16 liked the plan and would like their property included. The landowners on the east side of 16 do not like the plan at all and would not like to be included at all.

Commissioner Arena thanked staff for these meetings. He said the only people included at this point are those that wanted to be included in the plan.

A MOTION by Commissioner Mitchem to schedule another public hearing on the Woodcock Farms Small Area Plan.

Commissioner Robinson said if there is someone here tonight wishing to speak, he is willing to listen.

Commissioner Klein asked what lessons have been learned going forward.

Randy Hawkins said they have learned to meet with the affected property owners. Kelly Atkins said they have learned to meet earlier in the process, they waited until the end at the direction of some, but have learned you have to meet with the affected property owners sooner.

VOTE: 2 – 3 AYES: Klein, Mitchem

NOES: Robinson, Patton, Arena

UPON MOTION by Commissioner Robinson, the Board voted 4 – 1 (Klein against) to let those present tonight time to speak.

Cathy Howie, 7350 Sifford Road, said her husband has the flu and could not be there. She said this property has been residential and making this a gateway is not good.

Frank Henkle, 6973 Sifford Road, said there was no hearing ever held. He said he was concerned about the traffic on Sifford Road.

Commissioner Arena said this is a Small Area Plan and there will be development there eventually. He said this is strictly a vision plan as to what could go there.

A MOTION by Commissioner Arena to approve the plan presented tonight as has been revised by the Planning Board.

Commissioner Mitchem said another public hearing should be held and he cannot vote for it.

VOTE: 3 – 2 **AYES: Patton, Arena, Robinson**

NOES: Klein, Mitchem

Commissioner Patton said this is Kelly Atkins last meeting as Director of Planning and Inspections. He said during his 8 years as Commissioner, it has been a pleasure working with him. He said Mr. Atkins has done an admirable job in spite of it all. There have been tough issues, like tonight, but he appreciates the approach Kelly has taken and the job he has done. He said he hates to see Mr. Atkins leave, but wishes him well in future endeavors. He said it has been a privilege and if he or the Board can do anything for him to let them know. He said he has enjoyed the last 8 years, through the good times and bad and wished him luck in his new job.

2012 Scattered Site Housing Program – Second Public Hearing: Andrew Bryant presented the following information:

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. The first of two public hearings was held on October 1, 2012. The second hearing will be this evening.

The second item for consideration is the adoption of the Community Involvement Plan which demonstrates how the local government plans to involve citizens in the planning, implementation and assessment of the Community Development Block Grant (GDBG) program.

The final item is a Resolution to make application to the North Carolina Department of Commerce for approval of a Community Development Block Grant for the Scattered Site Housing Program to benefit low-income households. Endorsement of this resolution allows staff to formally complete the application process and submit it for consideration.

Action Item #1: Second Public Hearing

Action Item #2: Community Involvement Plan Adoption

Action Item #3: Resolution to make application to the North Carolina Department of Commerce for approval of a Community Development Block Grant for the Scattered Site Housing Program to benefit low-income households. County

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

UPON MOTION by Commissioner Arena, the Board voted unanimously to adopt the Community Involvement Plan.

Citizen Participation Plan

This plan describes how the *County of Lincoln* will involve citizens in the planning, implementation and assessment of the Community Development Block Grant (GDBG) program. The funds must be used for projects which benefit low and moderate-income persons and aids in the elimination and prevention of slums and blight. The program is intended to assist governments in understanding neighborhood improvement programs. The regulations give ultimate responsibility for the design and implementation of the program to local elected officials and also require that citizens be given an opportunity to serve in a key advisory role to these elected officials.

SCOPE OF CITIZEN PARTICIPATION

Citizens will be involved in all stages of the CDBG program, including program implementation, assessment of performance and design of changes in the Citizen Participation Plan. There will be three (3) general mechanisms for their involvement:

1. To serve as an advisory committee to the project;
2. To attend or hold public hearings or community meetings; and
3. To provide individual citizen efforts in the form of comments, complaints or inquiries submitted directly to the Program Administrators or designated Town official.

PROGRAM IMPLEMENTATION

Citizen participation in program implementation will occur primarily through consultation with the *County*. The *County* will be asked to review and comment on specific guidelines for approved projects. They will also meet to review any program amendments, budget revisions and program modifications. All such changes will be discussed with the *County* and their comments considered prior to taking action. If program amendments require approval from the North Carolina Department of Commerce, a public hearing shall be held specifically on the amendment. Citizens may also be involved in implementation of projects specifically requiring citizen participation, such as self-help projects. Their roles will be defined as the project develops. Technical assistance will be available as needed.

PROGRAM ASSESSMENT

Program assessment activities by citizens will occur in a variety of ways. A performance hearing will be held thirty to sixty (30 to 60) days prior to the start of planning for the next program year. The Program Amendment will be asked to provide citizen commentary for the Grantee Performance Report.

As a part of the orientation to the program offered at the public hearing, citizens will be invited to submit comments on all aspects of program performance through the program year. Comments should be submitted in writing to *Andrew C. Bryant*. He will respond in writing within ten (10) days. If the response is unsatisfactory, the complainant should write directly to *Chairman of the Lincoln County Board of Commissioners*. He or She shall respond within ten (10) days.

If the citizen is still dissatisfied, he/she should write to the NC Department of Commerce, Community Investment, 4313 Mail Service Center, Raleigh, NC 27699-4313, Attention: Citizen Participation Matter. Program staff will also be available during normal business hours to respond to any citizen inquiries or complaints at 919-571-4900.

The Citizen Participation Plan will be subject to annual review and proposed revision, to occur in the period between the performance hearing and the public hearing on the subsequent year's application.

TECHNICAL ASSISTANCE

Technical Assistance will be provided to citizen organizations and groups of low/moderate income persons or target area residents upon request to *County of Lincoln*. Such assistance will support citizen efforts to develop proposals, define policy and organize for the implementation of the program. It is expected that such assistance will be provided directly to the *County* in

response to their request. Assistance could be provided in the form of local presentations, informational handouts, research of a specific issue or other short-term efforts.

PUBLIC INFORMATION

The *County of Lincoln* will also undertake public information efforts to promote citizen participation. These efforts will include the following:

1. Public Notice of all Public Hearings will be published in the non-legal section of the local newspaper at least ten (10) days before the scheduled hearing. These notices will indicate the date, time, location and topics to be considered. These notices will also be made available in the form of press releases, as a public service announcement to local radio stations and will be provided to churches within the target area of distribution.

2. Orientation Information will be provided at the first public hearing. The Program Administrator(s) will make a presentation which covers: (a) the total amount of CDBG funds available and the competitive basis for award; (b) the range of eligible activities; (c) the planning process and the schedule of meetings and hearings; (d) the role of citizens in the program and (e) a summary of other program requirements, such as the environmental policies, fair housing provisions and contracting procedures.

3. A Public File containing program documentation will be available for review at the *County Office* during normal business hours. Included will be copies of the Application, Environmental Review Record, the Citizen Participation Plan and the Annual Performance Report. Other program documents are also available for citizen review on request at the *County Office* consistent with applicable State and local laws regarding personal privacy and obligations of confidentiality.

4. Public Hearings an interpreter will be provided for all non-English speaking individuals and/or deaf individuals.

ADOPTED, this the 15 day of October , 20 12 .

ULG Chief Elected Official

ULG authorized signor

Town/County Lincoln

Town/County Lincoln

UPON MOTION by Commissioner Robinson, the Board voted unanimously to adopt Resolution #2012-52: Resolution for the County of Lincoln Application for Community Development Block Grant Funding for the Scattered Site Housing (2012) Project.

**Resolution #2012-52:
RESOLUTION FOR THE COUNTY OF LINCOLN
APPLICATION FOR
COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING
FOR THE SCATTERED SITE HOUSING (2012) PROJECT**

WHEREAS, the Lincoln County Board of Commissioners has previously indicated its desire to assist in economic development efforts for small businesses/entrepreneurs within the County; and,

WHEREAS, the Board of Commissioners has held two public hearings concerning the proposed application for Community Development Block Grant funding to benefit Lincoln County; and,

WHEREAS, the Board of Commissioners wishes the County of Lincoln to pursue a formal application for Community Development Block Grant funding to benefit low income households; and will invest monies in the amount of \$0.00 into the project as committed to in the application.

WHEREAS, the Board of Commissioners certifies it will meet all federal regulatory and statutory requirements of the State of North Carolina Community Development Block Grant Program,

NOW, THEREFORE BE IT RESOLVED, by the Lincoln County Board of Commissioners that the County of Lincoln is authorized to submit a formal application to the North Carolina Department of Commerce for approval of a Community Development Block Grant for the *Scattered Site Housing Program* to benefit low-income households.

Adopted this the 15 day of October , 20 12 in Lincolnton , North Carolina.

Chairman

ATTEST:

Clerk to the Board

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 Resolution #2012-53: Resolution Accepting Tax Settlement with Lincoln County Tax Administrator: UPON MOTION by Commissioner Klein, the Board voted unanimously to adopt Resolution #2012-53: Resolution Accepting Tax Settlement with Lincoln County Tax Administrator.

RESOLUTION #2012-___ : A RESOLUTION ACCEPTING THE TAX
SETTLEMENT WITH THE LINCOLN COUNTY TAX ADMINISTRATOR

THAT WHEREAS, the Lincoln County Tax Administrator is charged with the collection of all real and personal property taxes for Lincoln County, the East Lincoln County Water and Sewer District, the Fire Districts, and the City of Lincoln; and

WHEREAS, NCGS 105-373 sets out a process whereby the Tax Administrator is to settle with the Board of Commissioners on an annual basis for all taxes charged for collection and those collected and remaining uncollected at year-end; and

WHEREAS, NCGS 105-373 also sets out a process whereby the Tax Administrator is to settle with the Board of Commissioners if she leaves at any time prior to the end of her appointed term; and

WHEREAS, such settlement is to take place before the Interim Tax Administrator can be charged with the collection of the next year's tax collections for the remainder of the fiscal year; and

WHEREAS, the former Tax Administrator has prepared the required Settlement and submitted it to the Finance Officer for review; and

WHEREAS, the former Tax Administrator has forwarded the required Settlement for approval by the Board of Commissioners;

NOW THEREFORE BE IT RESOLVED, that the Lincoln County Board of Commissioners hereby accepts and approves the Interim Settlement of Taxes prepared by the Tax Administrator's Office as of September 21, 2012, which is attached hereto and incorporated by reference into this Resolution.

Adopted this 15th day of October, 2012.

Alex E. Patton, Chairman
Lincoln County Board of Commissioners

Motion to Adopt Order to Collect Taxes: UPON MOTION by Commissioner Arena, the Board voted unanimously to adopt the Order to Collect Taxes.

**Order Directing the Tax Collector
To Collect the Taxes Charged in the Tax Records and Receipts**

State of North Carolina
County of Lincoln
To the Interim Tax Collector of the County of Lincoln:

You are hereby authorized, empowered, and commanded to collect the taxes set forth in the tax records filed in the office of the Tax Administrator and in the tax receipts herewith delivered to you, in the amounts and from the taxpayers likewise therein set forth, as set out in the Settlement with the former Tax Administrator dated September 21, 2012. Such taxes are hereby declared to continue to be a first lien upon all real property of the respective taxpayers in the County of Lincoln, and this order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell any real or personal property of such taxpayers, for and on account thereof, in accordance with law.

Witness my hand and official seal, this 15th day of October, 2012.

Alex E. Patton, Chairman

ATTEST:

Amy S. Atkins, Clerk to the Board

Motion to Approve Recommendation for Additional Incentives for Denver Global Products per the County's Incentive Policy: Crystal Gettys presented the following:

As per the approved Industrial Incentive Grant Policy, the Level 4 Incentive Grant Committee consisting of the following LEDA's Executive Board and Director, Lincoln County Commission Chairman, the Commissioner's LEDA Board member and the County Manager met and would like to make a recommendation to the Board of Commissioners to approve the following items be included as part of the Level 4 Incentive Grant for Denver Global Products.

Level IV Grant – for qualifying new capital investment by new or expanding industries in an amount of \$25,000,000 or more and will be performance based.

Additional Recommended incentives:

- Waiver of Water and Sewer Capacity Development Fees

- Waiver of Water and Sewer Tap Fees
- Waiver of Building Inspection Fees/Permits
- Reduction of Land Price (if applicable)

UPON MOTION by Commissioner Klein, the Board voted unanimously to approve the recommendation for Additional Incentives for Denver Global Products per the County's Incentive Policy.

Public Comments: Chairman Patton opened public comments.

Martin Oakes said that when the Board subsidizes sewer and water, it uses funds from sewer and water customers. He said they better be crossing money from the general fund to the water and sewer fun.

Mr. Wood stated that there was a policy a few years ago that takes care of this.

Robert Avery presented the Board with a letter from the Department of Justice from July 28, 1982 which concerns the farm program and removing right of way. He asked the Board to look into this.

Being no additional speakers, Chairman Patton closed public comments.

Motion to Award Contract to WasteQuip for the purchase and installation of replacement compactors and receiving containers at the convenience sites located at the Airport, Webb's Chapel Road, and Northbrook at a total contract be for \$126,504: Don Chamblee presented the following:

It is recommended that the Board approve the contract with WasteQuip for the purchase and installation of replacement compactors and receiving containers at the convenience sites located at the Airport, Webb's Chapel Road, and Northbrook. The total contract will be for \$126,504.

The process for selecting this contractor was as follows:

- On July 27, 2012, Lincoln County issued Request for Proposals (RFP) 2013-0830 – for six (6) compactors and receiving containers at three (3) Solid Waste convenience sites located in the county
- A mandatory pre-proposal meeting was held on August 8, 2012. Only two (2) vendors attended this meeting. A second non-mandatory pre-proposal meeting was scheduled on August 28 in hopes of increasing vendor interest in participating in the bid. Two (2) different vendors attended the meeting.
- On September 20, 2012, proposals were received and opened from five (5) vendors (see attached bid tabulation sheet).
- One of the responses was non-responsive for failure to include the required bid bond and one vendor submitted a letter saying they decided not to submit a proposal.

It is recommended that the Board accept the lowest base bid and award the contract to WasteQuip of Statesville, NC. Funds for these replacement compactors are included in the capital budget. In the 2011-12 budget, \$100,000.00 was budgeted for the replacement of four (4) units at two (2) of the convenience sites, and in the 2012-13 budget, an additional \$50,000.00 for the replacement of two (2) units at one additional convenience site.

UPON MOTION by Commissioner Klein, the Board voted unanimously to accept the lowest base bid and award the contract to WasteQuip of Statesville, NC.

Motion to Award Bid for Library RFID Equipment to Bibliotheca for \$144,400.70 (Budgeted Item) - Jennifer Sackett:

It is recommended that the Board award the contract to Bibliotheca for the purchase and installation of a Radio Frequency Identification (RFID) system including inventory, security and self-check technology for the Lincoln County Public Library. The contract will be for \$144,400.70

The process for selecting this vendor was as follows:

- On August 8, 2012, Lincoln County issued a Request for Proposals (RFP) 2013-0911 – for RFID tags, tagging equipment, patron self-check stations with e-commerce options, staff workstations, security gates, inventory readers, payment consoles, management software, and training.
- Vendors were given a deadline of September 12, 2012 to demonstrate their products. Four (4) vendors choose to do product demonstrations, three (3) onsite and one (1) via the web.
- On September 27, 2012, proposals were received and opened from six (6) vendors (see attached bid tabulation sheet).
- One of the responses was non-responsive for failure to bid on the project as outlined in the RFP.

Library and Information Technology staff evaluated the proposals. Each proposal was scored according to predetermined criteria with some of these factors weighted more heavily than others. These criteria included:

1. Component's ability to perform required tasks and meet specifications
2. Quality of vendor's references, viability and past performance
3. Ease of use for both patrons and staff
4. Ease of integration among various components and with Polaris ILS
5. Least total cost over a five-year period – maintenance and upgrade costs must be factored into the total cost
6. Vendor ability to offer quality support and product maintenance

7. Expandability and growth potential

After reviewing the proposals, it is recommended that the Board award the contract to Bibliotheca. This recommendation is based on the quality of their equipment, a more equal cost comparison, their long-term support, similar installations, a five-year cost analysis, and compatibility with our existing ILS and computer management systems. Bibliotheca had the highest overall rating in the evaluation process.

Funds for the RFID system come from the capital budget and a grant received from the Institute of Museum and Library Services (IMLS) under the provisions of the Library Services and Technology Act (LSTA) as administered by the State Library of North Carolina. The LSTA grant will cover \$100,000.00 of the cost with the remaining amount coming from the 2012-13 capital budget.

UPON MOTION by Commissioner Mitchem, the Board voted unanimously to award the contract to Bibliotheca.

Finance Officer's Report: Deanna Rios presented the Finance Officer's Report.

County Manager's Report: Mr. Wood gave an update on the US Tire Recycling that was mentioned in public comments at an earlier meeting.

Mr. Wood said he has appointed Andrew Bryant Interim Director at Planning and Inspections starting October 24, which is Kelly Atkins' last day.

Mr. Wood reported on grants Assistant Manager Martha Lide worked on and received for the RATO project.

Commissioner Mitchem asked about the Committee for Tax Administrator. Chairman Patton said it has been established and the following will serve: Commissioner Robinson, Commissioner Klein, George Wood, Martha Lide, Audrey Setzer and Floyd Dean.

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

Amy S. Atkins, Clerk
Board of Commissioners

Alex E. Patton, Chairman
Board of Commissioners