

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, APRIL 3, 2006

The Lincoln County Board of County Commissioners and the Planning Board met in a joint session on April 3, 2006, at the Lincolnton City Hall, Council Chambers, 114 West Sycamore Street, Lincolnton, North Carolina, at 6:30 p.m..

Commissioners Present:

Thomas R. Anderson, PE, Chairman
James Buddy Funderburk, Vice Chairman
Carrol Mitchem
Marie Moore
Alex E. Patton

Planning Board Members Present:

Jerry Geymont
John Pagel
Clyde Brown
Larry Craig
Darrell Harkey
Harold Howard Jr.
Louis McConnell

Others Present:

Stan B. Kiser, County Manager
Jeffrey A. Taylor, County Attorney
Delores Alfaro, Assistant Clerk to the Board
Kelly Atkins, Director of Building and Land Development
Randy Hawkins, Zoning Administrator
Brad Dyer, Associate Planner
Candi Cornwell, Review Officer
Steve Gilbert, Director of Public Works
Madge Huffman, Director of Tax Department
Leon Harmon, Director of Finance

Call to Order: Chairman Anderson called the April 3, 2006, meeting of the Lincoln County Board of Commissioners to order.

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

AGENDA
LINCOLN COUNTY BOARD OF COMMISSIONERS
APRIL 3, 2006

	6:30 PM	Call to Order
1.	6:31 PM	Invocation – Commissioner Moore
2.	6:33 PM	Pledge of Allegiance
3.	6:35 PM	Adoption of Agenda
4.	6:37 PM	Consent Agenda <ul style="list-style-type: none">- Approval of Minutes<ul style="list-style-type: none">- March 20, 2006- Budget Adjustment No. 72- Budget Adjustment No. 73- Tax Requests for Refunds – More than \$100<ul style="list-style-type: none">- Mar 13 – Mar 26, 2006- Tax Requests for Releases – More than \$100<ul style="list-style-type: none">- Feb 16 – Mar 15, 2006- Proclamation for 2006 Business Appreciation Week- Proclamation for Child Abuse Prevention- Proclamation for The Week of the Young Child- 2006 July 4th Celebration Contribution (Denver)- Sponsored Group Fee<ul style="list-style-type: none">- Lincoln County Home Builders Association
5.	6:40 PM	Communities in Schools Request
6.	6:45 PM	Industrial Development Incentive Grant Public Hearing – Barry Matherly, LEDA
7.	6:50 PM	Zoning Public Hearings – Randy Hawkins

ZMA #524 Benjamin and Lidia Bora, applicants (Parcel ID# 31560) A request to rezone a 1.0-acre parcel from R-SF (Residential Single-Family) to B-N (Neighborhood Business). The property is located on the west side of Hwy. 16 about 600 feet south of Old Plank Road in Catawba Springs Township.

ZMA #525 Provincial Properties LLC, applicant (Parcel ID# 34163 and Parcel ID# 34139) A request to rezone 3.8 acres from R-SF (Residential Single-Family) to B-N (Neighborhood Business). The property is located

on the west side of Hwy. 16 about 300 feet south of Hickory Creek Drive in Catawba Springs Township.

ZMA # 526 Rick Cronland III, applicant (Parcel ID# 25463) A request to rezone 1.0 acre from R-S (Residential Suburban) to B-G (General Business). The property is located on the east side of Salem Church Road about 275 feet north of Freeman Road in Ironton Township.

PCUR # 131 Larry Griffin Jr., applicant (Parcel ID# 73988) A request to rezone a 4.0-acre parcel from CU P-MU (Conditional Use Planned Mixed Use) to CU B-G (Conditional Use General Business) to permit a complex with office/warehouse spaces and mini-warehouses. The property is located on Waterside Loop Road about 600 feet south of Waterside Crossing Boulevard in Catawba Springs Township.

8. 7:30 PM GPS Contract – South Sales Communications
9. 8:15 PM Windshield Stickers for Solid Waste – Steve Gilbert
10. 8:25 PM COPS Financing Preliminary Resolution – Leon Harmon
11. 8:30 PM Vacancies and Appointments
12. 8:35 PM Other Business

Adjourn

UPON MOTION by *Commissioner Funderburk*, the Board voted unanimously to adopt the agenda.

Consent Agenda:

- Approval of Minutes
 - March 20, 2006
- Budget Adjustment No. 72
 - Re: Increase Historical Properties CIP for Trail Grant received
- Budget Adjustment No. 73
 - Re: Robert S. Segal fee for additional sales tax received
- Tax Requests for Refunds – More than \$100
 - Mar 13 – Mar 26, 2006

LINCOLN COUNTY TAX DEPARTMENT
ANNUALS

REQUEST FOR REFUNDS

PERIOD COVERED (March 13, 2006-March 26, 2006)

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

NAME	YEAR	DIST	A/C#	AMOUNT
Costner, Cynthia H.	2001-05	ELFD/ELSD	0133381	179.65
Richardson, Michael	2001-05	NBFD	00734	333.99
House, Sam G.	2001-05	SFFD	07160	448.09
			TOTAL	\$ 961.73

LINCOLN COUNTY TAX DEPARTMENT **REQUEST FOR REFUNDS**
MOTOR VEHICLES

PERIOD COVERED (March 13, 2006-March 26, 2006)

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

Campbell, Karen	2005	CITY	0186213	258.30
Fritzler, Dennis M.	2005	ELFD/ELSD	0161845	117.57
Northeast Metal Fabrication	2005	DFD	0163039	124.44
			TOTAL	\$500.31

- Tax Requests for Releases – More than \$100
- Feb 16 – Mar 15, 2006

NAME	YEAR	A/C NO	AMOUNT
Brooks, Jason Curtis	2005	0184742	\$ 138.45
Campbell, James David Jr.	2005	0190207	\$ 110.57
Carpenter, Antoinette Marie	2005	0188752	\$ 305.14
Carpenter, Ralph Glenn Jr.	2005	0184900	\$ 109.26
Hastings, Kenneth Lee	2005	0149062	\$ 102.64
Hawkins, Jonathan Ray	2004/05	0184079	\$ 390.79
Hubbard, John Kearney Jr.	2002	0145459	\$ 145.50
Kemp, Colin Hare	2005	0190849	\$ 241.73
Lattimore, Audra Hope	2005	0172534	\$ 155.70
Nunez, Maximo	2005	0164610	\$ 137.23
Saunders, Paula Howard	2004	0181623	\$ 311.95
		TOTAL	\$ 2,148.96

NAME	YEAR	A/C NO	AMOUNT
Anthony, Thurman & Anne	2006	0189790	\$ 4,277.69
Atlantic Coast Landscaping	2004	0170687	\$ 552.75
Austin, Todd Lindsey	2005	0185941	\$ 522.61
Black, Kevin	2005	0189013	\$ 170.49
Chapman, Jonathan Andrew	2005	0110379	\$ 6,702.55
Dean, Kenneth Jeffrey Jr.	2005	0129323	\$ 4,439.06
Dellinger, Sam S. (Madge)	2002-05	02811	\$ 587.40
Ferrendelli, Douglas Eugene	2002-05	0131066	\$ 508.41

Goodwin, Scott	2005	0163400	\$ 217.68
Grigg, Edmond A. Jr.	2005	04158	\$ 2,156.19
Harrison, Ailene & James H	2006	05666	\$ 272.03
Hovis, Jonathan Cline	2005	0144148	\$ 141.95
Hoyle & Johnson	2005	25178	\$ 2,534.54
Leatherman, Angela Joann	2005	0180620	\$ 363.00
Maddox, Bobby Jean	2002-05	07272	\$ 214.07
Marino, James	2000-05	0147976	\$ 721.34
My New Home Con & Realty	2004/05	0170200	\$ 1,277.26
Painter, Zachary Elliott	2005	0145238	\$ 113.26
Patterson, John D.	2005	0104137	\$ 172.99
Rose, John	2005	0177701	\$ 715.26
		TOTAL	\$ 26,660.53

- Proclamation for 2006 Business Appreciation Week
- Proclamation for Child Abuse Prevention
- Proclamation for The Week of the Young Child
- 2006 July 4th Celebration Contribution (Denver)
- Sponsored Group Fee
 - Lincoln County Home Builders Association

Commissioner Patton requested that the 2006 July 4th Celebration Contribution (Denver) be pulled for independent consideration.

UPON MOTION by *Commissioner Funderburk*, the Board voted unanimously to approve the Consent Agenda, as modified.

2006 July 4th Celebration Contribution (Denver):

UPON MOTION by *Commissioner Patton*, the Board voted 3-2 to leave the contribution at \$3,000, like last year.

AYES: Funderburk – Patton – Mitchem

NOES: Anderson – Moore

Communities in Schools Request: Commissioners deliberated over whether or not to allow the Communities in Schools Banquet to be held on the same night of the Board's regularly scheduled Public Hearing on June 5, 2006. *Commissioner Moore* stated that she was told reportedly that no other meetings were allowed on the night of a Board of Commissioners meeting. Ms. Moore proposed that, if this request was approved, and based on tonight's meeting being relocated, that the Board meet in all areas of the County.

UPON MOTION by *Commissioner Mitchem*, the Board voted unanimously to grant the request of Communities in Schools.

Industrial Development Incentive Grant Public Hearing – Barry Matherly, LEDA:

Barry Matherly stated that Big Dog Holdings, Inc., wants to move to Industrial Park Parcel No. 24, which consists of 36 acres. Mr. Matherly stated that no additional infrastructure is required, and that they plan and open on or before June, 2006.

Chairman Anderson opened the public hearing concerning the Industrial Development Incentive Grant.

Martin Oakes asked if the County was paid real estate taxes. Barry Matherly explained that it is a package deal, and that the County gets a portion back. Mr. Matherly stated that Lincoln County gets 25%, and the company gets 75%, and afterwards, the company gets 100%. He stated that it is a 17-year lease.

Being no additional speakers, *Chairman Anderson* closed the public hearing.

UPON MOTION by *Commissioner Patton*, the Board voted unanimously to accept the incentive grant for Big Dog Holdings, Inc.

Zoning Cases – Randy Hawkins:

Zoning Map Amendment #524 - Benjamin and Lidia Bora, applicants: A request to rezone a 1.0-acre parcel from R-SF (Residential Single-Family) to B-N (Neighborhood Business). The property is located on the west side of Hwy. 16 about 600 feet south of Old Plank Road in Catawba Springs Township.

Chairman Anderson opened the public hearing concerning Zoning Map Amendment #524.

Being no speakers, *Chairman Anderson* declared the public hearing closed.

Zoning Map Amendment #525 Provincial Properties LLC, applicant: A request to rezone 3.8 acres from R-SF (Residential Single-Family) to B-N (Neighborhood Business). The property is located on the west side of Hwy. 16 about 300 feet south of Hickory Creek Drive in Catawba Springs Township.

Chairman Anderson opened the public hearing for Zoning Map Amendment #525.

Being no speakers, *Chairman Anderson* declared the public hearing closed.

Zoning Map Amendment #526 Rick Cronland III, applicant: A request to rezone 1.0 acre from R-S (Residential Suburban) to B-G (General Business). The property is located on the east side of Salem Church Road about 275 feet north of Freeman Road in Ironton Township.

Chairman Anderson opened the public hearing concerning Zoning Map Amendment #526.

Rick Cronland, applicant, stated that he owns property on three sides of this property, and that he would like to use it as a business.

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

Parallel Conditional Use Rezoning #131 Larry Griffin Jr., applicant: A request to rezone a 4.0-acre parcel from CU P-MU (Conditional Use Planned Mixed Use) to CU B-G (Conditional Use General Business) to permit a complex with office/warehouse spaces and mini-warehouses. The property is located on Waterside Loop Road about 600 feet south of Waterside Crossing Boulevard in Catawba Springs Township.

John Pagel, Planning Board, asked if the County had ever rezoned part of a planned district before.

Randy Hawkins stated that we had not, that this would be the first time.

Chairman Anderson opened the public hearing concerning Parallel Conditional Use Rezoning #131.

Dr. Richard Pence commended Mr. Griffin on Waterside Crossing. Dr. Pence mentioned several reasons he felt a warehouse was inappropriate for the area, including the fact that he had invested a lot of money to build an office there, and that the community is preparing to have “Business After Hours” events there. Dr. Pence asked that the Board not approve the request.

Martin Oakes stated that he agreed with Dr. Pence. Mr. Oakes stated that it set a bad precedent for zoning (spot zoning), and that something better should be built there.

Steve Pirotte stated that he recently purchased a townhouse nearby, and agreed with the others. Mr. Pirotte stated that he appeared previously to speak against a similar request.

Ron Rajcok stated that he was opposed to the request, that it was not fair, and that it wasn’t wanted or needed. Mr. Rajcok stated that there were already too many warehouses, and that they are empty.

Connie Zmijewski stated that the population wants recreation. Ms. Zmijewski stated that this is a unique community. She stated that Mr. Griffin lives, not in Denver, but in Cornelius. Ms. Zmijewski stated that the warehouses were an eyesore that didn’t need to happen.

Maeneen Klein, Vice President of the Homeowners Association Board of The Gates at Waterside Crossing, distributed copies of a request, along with petitions consisting of 106 signatures, in opposition to the rezoning. Ms. Klein noted traffic on Hwy. 16, the safety

of children in the neighborhood, and the warehouses being detrimental to existing businesses as reasons not to approve the request for rezoning. She stated that they don't want the character of the neighborhood to change.

Bill Piersol referred to the word "character" that Ms. Klein used. Mr. Piersol stated that this rezoning would fundamentally change the character of the community.

Jim Klein commended Mr. Griffin on the community, but stated that he felt the warehouses were just inappropriate for the area. Mr. Klein stated that he wanted the character of what he originally saw to stay.

Jason Saine, Secretary of the Homeowners Association for the Bluffs, stated that they were the most impacted if this were to be approved. Mr. Saine commended Mr. Griffin on the community, noting that Mr. Griffin is a great corporate citizen. Mr. Saine stated that he agreed with Dr. Pence, and that he was against the rezoning.

Brian Moates deferred.

Joe Brandano stated that he was distancing himself. Mr. Brandano stated that he was taking this personally. He stated that he moved in under an ordinance subject to change. Mr. Brandano stated that, if this were approved, it would be adjacent to him, in addition to the East Lincoln Fire Department eventually being in his back yard. He stated that this would benefit no one other than Mr. Griffin himself, and that he considered it an insult. Mr. Brandano stated that mixed use is mixed use.

Larry Griffin Jr., applicant, stated that he appreciated that everyone liked the development, and that he understood their concerns. Mr. Griffin stated that, in January, 1998, he appeared with the concept of mixed use (Waterside Crossing), the first of its kind in Lincoln County. He stated that he disagreed with some of the comments, in that there is a need for high quality storage. Mr. Griffin stated that it is not uncommon in planned mixed use in surrounding counties. He stated that he met and/or talked to all business owners in the area prior to submitting his request. Mr. Griffin stated that this would only enhance the community, that it would be buffered and would have a privacy fence. He stated he disagreed with some of the previous comments regarding lighting, noise and traffic. Mr. Griffin proposed that this request was less intrusive than current uses, and that research showed there was a need for it. He stated that the site is not big enough to building additional living quarters. Mr. Griffin stated that it was imperative to continue high standards.

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

GPS Contract – South Sales Communications: *Tim Rock*, assisted by *Deron Bone*, *South Sales Communications, Inc.*, presented a PowerPoint on the GPS Tracking System. Mr. Rock proposed a Pilot Program consisting of 40 vehicles for a 90-day period in the amount of \$42,000, refundable in full if the County is not satisfied with the results.

Ronnie Matthews stated that he thought the Board would see substantial savings in fuel and liability.

UPON MOTION by *Commissioner Mitchem*, the Board voted unanimously to accept the Pilot Program as proposed.

Windshield Stickers for Solid Waste – Steve Gilbert: *Steve Gilbert* presented information regarding the implementation of windshield stickers to discourage out-of-county residents' use of County landfills. The Board authorized, by consensus, that Public Works proceed with the program as proposed regarding stickers and signage, but with the exception that the position for a Code Enforcement Officer be a topic for budget discussion.

COPS Financing Preliminary Resolution – Leon Harmon: *Leon Harmon* presented the "Resolution Calling A Public Hearing Concerning The Financing Of A New Middle School Pursuant To An Installment Financing Agreement" to the Board for adoption.

A regular meeting of the Board of Commissioners for the County of Lincoln, North Carolina, was held at the City of Lincolnton Council Chambers, Lincolnton City Hall, 114 West Sycamore Street, Lincolnton, North Carolina, a different place of meeting, on April 3, 2006, at 6:30 P.M.

Present: Chairman Thomas R. Anderson, presiding, and Commissioners James Funderburk, Carrol D. Mitchem, Marie Moore and Alex E. Patton.

Absent: none.

* * * * *

Chairman Anderson introduced the following resolution, a copy of which had been provided to each Commissioner, which was read by title and summarized by the Finance Director:

**RESOLUTION CALLING A PUBLIC HEARING
CONCERNING THE FINANCING OF A NEW MIDDLE SCHOOL
PURSUANT TO AN INSTALLMENT FINANCING AGREEMENT**

WHEREAS, the Board of Commissioners for the County of Lincoln, North Carolina (the "County") is considering the financing of the construction and equipping of

a new middle school, including the acquisition of land therefore (the “Project”), pursuant to an Installment Financing Agreement, to be dated as of June 1, 2006 or such other date as the parties thereto shall mutually agree upon (the “Installment Financing Agreement”), between Lincoln County Public Facilities Corporation, a North Carolina non-profit corporation (the “Corporation”) and the County; and

WHEREAS, pursuant to the Installment Financing Agreement, the Corporation will finance the Project, and the County will make Installment Payments (as defined in the Installment Financing Agreement) in amounts sufficient to pay the principal and interest with respect to Certificates of Participation (Lincoln County Middle School Project), Series 2006 (the “2006 Certificates”), to be executed and delivered by the Corporation for the purpose of financing the Project, it being the express intention of the Board of Commissioners that only the principal amount of 2006 Certificates necessary to accomplish the purposes stated in the Installment Financing Agreement will be executed and delivered (estimated not to exceed \$20,000,000 principal amount); and the County’s obligations under the Installment Financing Agreement will be secured by, among other things, a deed of trust on the site of the new middle school, including all buildings, improvements and fixtures thereon; and

WHEREAS, the Installment Financing Agreement, if entered into, will comply in all respects with Section 160A-20 and Chapter 159, Article 8, of the General Statutes of North Carolina and the guidelines of the Local Government Commission of North Carolina for all financings undertaken pursuant to said Section and Article; and

WHEREAS, said Section 160A-20 requires that, before entering into an installment financing agreement involving real property, the County shall hold a public hearing on such agreement; now, therefore,

BE IT RESOLVED by the Board of Commissioners for the County of Lincoln:

Section 1. A public hearing with respect to the Installment Financing Agreement is hereby directed to be held on Monday, April 17, 2006, at 6:30 P.M., in the Commissioners' Meeting Room at the Lincoln County Citizens Center, 115 West Main Street, Lincolnton, North Carolina.

Section 2. The Clerk to the Board of Commissioners is hereby directed to publish notice of said public hearing, in substantially the following form, once at least ten (10) days prior to the date of the public hearing as required by Section 160A-20(g) of the General Statutes of North Carolina:

NOTICE OF PUBLIC HEARING BY
THE BOARD OF COMMISSIONERS FOR THE COUNTY
OF LINCOLN, NORTH CAROLINA, CONCERNING THE
FINANCING OF A NEW MIDDLE SCHOOL PURSUANT
TO AN INSTALLMENT FINANCING AGREEMENT

NOTICE IS HEREBY GIVEN to all interested persons that the Board of Commissioners for the County of Lincoln, North Carolina (the "County") is considering the financing of the construction and equipping of a new middle school, including the acquisition of land therefor (collectively, the "Project"), pursuant to an Installment Financing Agreement, to be dated as of June 1, 2006 or such other date as the parties thereto shall mutually agree upon (the "Installment Financing Agreement"), between Lincoln County Public Facilities Corporation, a North Carolina non-profit corporation (the "Corporation"), and the County. It is expected that the Corporation will execute and

deliver Certificates of Participation, evidencing proportionate and undivided interests in the installment payments to be made by the County under the Installment Financing Agreement, in an aggregate principal amount not exceeding \$20,000,000 for the purpose of financing the Project.

NOTICE IS HEREBY FURTHER GIVEN that the Board of Commissioners will hold a public hearing in the Commissioners' Meeting Room at the Lincoln County Citizens Center, 115 West Main Street, Lincolnton, North Carolina, on April 17, 2006, at 6:30 P.M., or an adjournment thereof, at which time any person may be heard regarding the proposed Installment Financing Agreement.

COUNTY OF LINCOLN, NORTH CAROLINA

By: Amy S. Atkins
Clerk to the Board of Commissioners

Section 3. This resolution shall take effect immediately upon its passage.

Upon motion of Commissioner Patton, seconded by Commissioner Mitchem, the foregoing resolution entitled: "RESOLUTION CALLING A PUBLIC HEARING CONCERNING THE FINANCING OF A NEW MIDDLE SCHOOL PURSUANT TO AN INSTALLMENT FINANCING AGREEMENT" was passed by the following vote:

Ayes: Commissioners Anderson, Funderburk, Mitchem, Moore and Patton.

Noes: None.

* * * *

I, Delores Alfaro, Assistant Clerk to the Board of Commissioners for the County of Lincoln, North Carolina, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of said Board at a regular meeting held on April 3, 2006 as relates in any way to the passage of a resolution calling a public hearing concerning the financing of a new middle school pursuant to an installment financing agreement and that said proceedings are recorded in the official minutes of said Board.

I HEREBY FURTHER CERTIFY that a schedule of regular meetings of said Board, stating that regular meetings of said Board are held in the Commissioners' Meeting Room at the Lincoln County Citizens Center, 115 West Main Street, Lincolnton, North Carolina, on the first and third Mondays of each month at 6:30 P.M., except that the meeting on April 3, 2006 was held at the City of Lincolnton Council Chambers due to the unavailability of the Commissioners' Meeting Room, has been on file in my office as of a date not less than seven days before the date of said meeting in accordance with G.S. §143-318.12.

WITNESS my hand and the official seal of said County, this ____ day of April, 2006.

Assistant Clerk to the Board of Commissioners

[SEAL]

Commissioner Patton made a motion to adopt the Resolution.
Commissioner Mitchem seconded the motion.

Vacancies and Appointments:

Vacancies:

Council on Aging *1
Historic Properties Commission *1

Appointments:

Council on Aging:

- Wanda R. Cates

Gaston-Lincoln Boundary Committee:

- James (Buddy) Funderburk
- George L. Dellinger
- Madgalene (Madge) Huffman
- Jeffrey A. Taylor

UPON MOTION by *Commissioner Funderburk*, the Board voted unanimously to approve the appointments.

Other Business: There was no other business.

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

Delores Alfaro, Assistant Clerk
Board of Commissioners

Thomas R. Anderson, PE, Chairman
Board of Commissioners